



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

**Minutes
Of the
Metropolitan Planning Commission**

December 14, 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
Victor Tyler
James McLean
Councilmember J.B. Loring
Eileen Beehan, representing Mayor Bill Purcell

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant 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
Carrie Logan, Planner I
Dennis Corrieri, Planning Tech I
Jennifer Carlat, Planning Mgr. II
Cynthia Wood, Planner III
Hilary Kahnle, Planning Mgr. II
Joni Priest, Planner I
Scott Adams, Planner I
Brenda Bernards, Planner II

Commission Members Absent:

Judy Cummings

I. CALL TO ORDER

The meeting was called to order at 4:00 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)

Mr. Clifton arrived 4:02 p.m.

III. APPROVAL OF NOVEMBER 14, 2006, MINUTES

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve the November 14, 2006 minutes as presented. (8-0)

Ms. Nielson arrived 4:04 p.m.

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember White thanked the Commission members for their service to the Community. He then spoke in favor of Item #33, 155-74-G-14, Larchwood Commercial.

Councilmember Toler noted that Item #6, 2006SP-061G-12, Shane Point Final SP was on the deferral agenda. He then spoke in favor of Item #10, 2006SP-112G-12, Carter Property SP which was on the consent agenda for approval with conditions.

Councilmember Ryman stated he did not have any comments regarding his items that were on the agenda. He wished the Commissioners a happy holiday!

Councilmember Forkum, spoke in favor of Item 17, 2006Z-189G-04 which was on the consent agenda for approval.

Councilmember Tygard spoke regarding, Item #2, 2006SP-174G-06. He spoke in opposition to staff's recommendation and requested approval of RM6 for the parcel. He gave a brief explanation of the issues associated with the proposal.

Councilmember Williams spoke in favor of Item #21, 2006Z-193G-10, Oman Drive & High Valley Drive, which was on the consent agenda for approval.

Councilmember Hunt spoke in favor of Item #2006S-352G-02, Quail Ridge which was on the consent agenda for approval. He then spoke on Item #20, 2006Z-192G-01 which he stated had some issues associated with the request. He requested this proposal be deferred to allow additional time to work with the community as well as the developer.

Councilmember Shulman spoke in favor of Items #8 and #9, 2006SP-090U-10, 138-82-U-10 which were on the consent agenda for approval. He mentioned there were neighbors present at the meeting to discuss the density of Item #14, 2006SP-177U-10. He then spoke on Item #22, 2006Z-194U-10, which he explained there was some concern expressed by his constituents regarding this request that will probably address the Commission. He explained that he held a neighborhood meeting regarding Item #27, 2006S-343U-10, Plan of Noelton, and there were some members of this community who had expressed opposition regarding this proposal and too would address there concerns to the Commission. He then spoke on Item #40, 2006IN-001U-10 which was on the consent agenda for approval with conditions.

Councilmember Gilmore spoke in favor of Item #15, 2006Z-187G-01 which was on the agenda for disapproval. She spoke of the reasons for the requested approval and stated that if it could not be approved then she would prefer the proposal be deferred to allow additional time to continue to work with the community on the issues associated with the development.

Councilmember Jameson spoke in favor of approving the draft plan of Item #VIII, the Downtown Community Plan: 2006 Update, including Detailed Neighborhood Design Plans for all Seventeen Neighborhoods. He spoke of the many community meetings and focus groups put into place for this proposal and requested its approval. He then spoke in favor of Item #12, 2006SP-161U-09, The Crown SP which was on the consent agenda for approval with conditions. He then asked some questions about Item #43, Review of the Westin SP rezoning conditions.

Mr. Bernhardt explained that the purpose of Item #43, was for the Commission to examine the conditions and determine that if any conditions were altered would result in a disapproval by the Commission.

Councilmember Craddock spoke in favor of Item #18, 2006Z-190T, Mobile Vendor Bill. He stated that approving this proposal would assist in cleaning up the City's thoroughfares. He spoke of the unintended consequences that could be addressed by Council as the bill moves forward.

Councilmember Gotto also spoke in favor of Item #18, 2006Z-190T, Mobile Vendor Bill. He suggested that if the bill could not be approved that the Commission defer in order to allow additional time for further examination.

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

- 6. 2006SP-061G-12 Shane Point Final SP - A request for final site plan approval to construct 25 multi-family units at Nolensville Pike (unnumbered) – deferred to January 11, 2007, at the request of the applicant.
- 7. 2006SP-075U-08 Taylor Place SP - Request to change from R6 to SP zoning to permit 5 single-family homes on property located at 1329 7th Avenue North – deferred to January 25, 2006 at the request of the applicant.
- 31. 189-73-G-14 Central Pike Medical Office Building - Request to amend a portion of a residential Planned Unit Development located on the south side of Central Pike, to allow for the development of 35,200 Sq. Ft. of medical office, replacing 31,920 Sq. Ft. of office and retail space – deferred to January 25, 2007 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. **(9-0)**

Mr. Kleinfelter explained that as information for the audience, if you are not satisfied with a decision made by the Planning Commission, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. The appeal must be filed within 60 days of the date of the entry of the Planning Commission’s decision. To ensure that your appeal is filed in a timely manner and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.

VI. PUBLIC HEARING: CONSENT AGENDA

PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

VII. REQUEST TO AMEND LAND USE POLICY APPLICATION TO ADD THREE STRUCTURE PLAN CATEGORIES AND MODIFY ANOTHER FOR THE DOWNTOWN COMMUNITY PLAN - Approve

IX. REQUEST TO AMEND THE BELLEVUE COMMUNITY PLAN: 2003 UPDATE FOR THE INTERSECTION OF MCCRORY LANE AND CHARLOTTE PIKE - Approve

3. 2006S-324U-12 Locustwood Subdivision Sect. 1, Revision Lot 134 - Request for final plat approval to create 2 lots on property located at 3900 East Ridge Drive - Approve w/conditions

ZONING MAP AMENDMENTS

5. 2005SP-165G-13 Del Lago Final SP - Request for approval of the final site plan for property located at 3694 Hamilton Church Road, to permit the development of 129 single-family units - Approve w/conditions

8. 2006SP-090U-10 Richard Jones Road SP - Request to change from OR20 to SP zoning, property located at 2002 Richard Jones Road - Approve w/conditions

9. 138-82-U-10 Green Hills Office Park - Request to cancel a Commercial Planned Unit Development located at 2002 Richard Jones - Approve

10. 2006SP-112G-12 Carter Property SP (Re-Referral) - Request to change from AR2a to SP zoning, property located at 6419 Pettus Road, to permit 69 single-family lots and 64 multi-family units (replacing 61 single-family and 45 multi-family) - Approve w/conditions

11. 2006SP-135U-08 Clifton Avenue Townhomes SP - Request to change from RS5 to SP zoning property located at 711 and 713 40th Avenue North, to permit the development of 2 duplexes (4 units) and 6 detached units - Approve w/conditions

- | | | | |
|-----|----------------|--|-----------------------|
| 12. | 2006SP-161U-09 | A request to change from CF to SP zoning properties located at 141, 147, 149, 151, 161, 163 and 165 2nd Avenue South and 140, 150 3rd Avenue South, and 3rd Avenue South (unnumbered) at the northeast corner of 3rd Avenue and Demonbreun Street (1.59 acres), to permit the development of 28-Story office/retail building | -Approve w/conditions |
| 16. | 2006Z-188U-14 | Request to change from R8 to RM6 zoning property located at Bell Road (unnumbered) | - Approve |
| 17. | 2006Z-189G-04 | Request to change from OG to RS10 zoning a portion of properties located at 107, 109 and 111 Sanitarium Road | - Approve |
| 19. | 2006Z-191T | A request to amend Chapter 17.08 of the Metro Zoning Code by deleting "rehabilitation services" as a permitted use in the AG and AR2a zoning districts | - Disapprove |
| 21. | 2006Z-193G-10 | Oman Drive & High Valley Drive - Request to change from R40 to RS40 zoning properties located at 5600, 5606, 5610, 5614, 5616, and 5620 Granny White Pike and various properties | - Approve |

CONCEPT PLANS

- | | | | |
|-----|---------------|---|------------------------|
| 24. | 2005S-187G-04 | Spring Branch Subdivision - Request for concept plan approval to create 19 single family cluster lots and 5 duplex lots located at the northern terminus of Spring Branch Drive | - Approve w/conditions |
| 26. | 2006S-375G-06 | Natchez Pointe - Request for concept plat approval to create 40 lots on a portion of properties located at 8779 McCrory Lane and McCrory Lane (unnumbered) | - Approve w/conditions |

PLANNED UNIT DEVELOPMENTS AND SPECIFIC PLANS

- | | | | |
|-----|-------------|--|-------------------------|
| 33. | 155-74-G-14 | Larchwood Commercial (Thornton's) - 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 3,729 square foot fuel station with 20 pumps | - Approve w/ conditions |
| 34. | 6-82-U-07 | Westmeade Nursing Home - Request to revise the preliminary plan for a portion of a Residential Planned Unit Development, located on the south side of Harding Pike (unnumbered), to permit a 8,200 square foot addition to a 15,000 square foot nursing home | - Approve w/conditions |
| 35. | 24-85-P-13 | Weatherly Ridge Apartments (Formerly Forest View North, Phase 1) - Request for final approval of the Residential Planned Unit Development district located on the south side of Anderson Road, to permit the development of 240 garden apartments | - Approve w/conditions |
| 36. | 94-85-P-13 | Tree Top (Formerly Chinquapin, Phase II) - Request for final approval for a Residential Planned Unit Development located at 2246 Una-Antioch Pike, to permit the development of 19 multifamily units | - Approve w/conditions |
| 37. | 27-87-P-03 | Creekside Trails, Phase 7 - Request for final approval for phase 7 of the Planned Unit Development located along the north side of Cato Road, to develop 64 single-family lots | - Approve w/conditions |

38. 2005P-008G-06 Harpeth Village PUD, Phase I (Commercial) - Request to amend the approved preliminary plan for a portion of a Planned Unit Development district located at 7727, 7739, 7745 Old Harding Pike, 8020, 8024, 8036 Highway 100, Old Harding Pike (unnumbered), and Highway 100 (unnumbered), previously approved for 74 townhomes, 26,700 square feet of office/library, 87,900 square feet of retail/restaurant/bank uses, and to amend by allowing for 101,677 square feet of retail/restaurant/bank uses, 20,000 square feet of office, and to allow for a new ingress along Highway 100 - Approve w/conditions, but disapprove new access on Hwy 100
39. 2005P-008G-06 Harpeth Village, Phase II (Residential) - Request to revise the approved preliminary plan for a portion of a Planned Unit Development district located at 7727, 7739, 7745 Old Harding Pike, 8020, 8024, 8036 Highway 100, Old Harding Pike (unnumbered), and Highway 100 (unnumbered), previously approved for 74 townhomes to allow the development of 59 townhomes - Approve w/conditions
40. 2006IN-001U-10 David Lipscomb University - Request to amend portions of the preliminary master plan for the Institutional Overlay district located between Granny White Pike and Belmont Boulevard, approved for 1,621,300 square feet of various institutional uses to add an additional 27,085 square feet for a total of 1,648,386 square feet and add conference center, performing arts center, academic building, art department buildings, add an additional 293 parking spaces and a request to revise residence halls from dormitories to apartments and change layout - Approve w/conditions

OTHER BUSINESS

44. Employee contract renewals for David Kleinfelter and John Broome, and amended employee contracts for Jennifer Carlat and Brenda Bernards. - Approve
45. Contract renewal for the temporary Professional Planning Services of Melissa Stevens. - Approve

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

Mr. Clifton recused himself from voting on Item IX – Request to Amend the Bellevue Community Plan: 2003 Update for the intersection of McCrory Lane and Charlotte Pike

VII. REQUEST TO AMEND LAND USE POLICY APPLICATION TO ADD THREE STRUCTURE PLAN CATEGORIES AND MODIFY ANOTHER FOR THE DOWNTOWN COMMUNITY PLAN

RECOMMENDATION - Adoption of the amendments to Land Use Policy Application.

New and Revised Structure Plan Categories - Three new Structure Plan categories have been created for use in the Downtown Community Plan: 2006 Update. One Structure Plan category has been revised.

Civic District (CV): The Civic District contains numerous civic facilities from the State Capitol and Metro City Hall to courts, museums, and theatres. It also includes various government offices in buildings ranging from historic structures to modern skyscrapers. While civic structures are predominant in the Civic

District, the district also includes retail, service, and residential uses along with associated structured and surface parking.

The intent for this area is to recognize its role as the civic center of the state, region, and city, celebrate its civic function and heritage, and encourage a vibrant mixture of supporting uses. Strong relationships to surrounding open space networks and neighborhoods are critical to the success of future development.

Downtown Neighborhood (DN): Downtown Neighborhood applies to those parts of Downtown where intense mixed use development with significant residential development is desired. It is intended that this development will occur at a less intense scale than the Downtown Core, where the tallest, most intense buildings will be found. On the Structure Plan, the DN district is comprised of several distinct neighborhoods, each with its own unique character and intended development pattern. Despite the diversity of urban neighborhoods the plan envisions, all fit within the general pattern of the vibrant, 24/7 Downtown community.

Second and Broadway (SB):

This category applies to the two corridors that form the historical and cultural identity of Nashville at the local, regional, and even international levels: Broadway and Second Avenue. Second and Broadway contains many historic low- to mid-rise buildings that range in height from two to eight stories, a height range that should be maintained. The function of these buildings ranges from the famous honky-tonks of lower Broadway to the dignified buildings of upper Broadway such as the Frist Center for the Visual Arts, Union Station, and the Customs House. An important goal for this area is the preservation and adaptive reuse of these historic buildings. They form a distinctive corridor that cannot be replicated and must retain its prized authentic qualities of use and urban design.

Downtown Core: Finally, the existing structure plan category for Downtown, “Downtown Core,” has been revised to refine the intent of the category, particularly with regard to design.

PUBLIC PARTICIPATION- Staff conducted four community meetings between September and December of 2006, which included discussion of the proposed new Structure Plan categories and revised Downtown Core category. Attendance at the community meetings ranged from 55-90 people. In addition, staff conducted a series of focus groups over a three-day period in August to gather information to shape the plan update process.

RECOMMENDATION - Adopt the amendments to Land Use Policy Application.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-384

“BE IT RESOLVED by The Metropolitan Planning Commission that the REQUEST TO AMEND LAND USE POLICY APPLICATION TO ADD THREE STRUCTURE PLAN CATEGORIES AND MODIFY ANOTHER FOR THE DOWNTOWN COMMUNITY PLAN is **APPROVED. (9-0)**”

VIII. REQUEST TO ADOPT THE DOWNTOWN COMMUNITY PLAN: 2006 UPDATE, INCLUDING DETAILED NEIGHBORHOOD DESIGN PLANS FOR ALL SEVENTEEN NEIGHBORHOODS

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

Mr. Jonathan Harwell, 315 Deadrick Street, expressed issues with the community plan update.

Mr. Frank May, 228 Ensworth Place, expressed issues with the community plan update.

Mr. Phil Ryan, MDHA, spoke in favor of the draft community plan update.

Mr. Wayne Warner expressed issues with the community plan update.

Ms. Beehan spoke of the growth in the Subarea 9 community. She stated the plan reflects the growth as well as ties all the neighborhoods within the community together. She spoke of all the positive impacts the plan will have on this area.

Mr. Clifton questioned the height calculations slated for Upper Broad.

Ms. Carlat explained this concept to the Commission.

Mr. Clifton then questioned the development transfer rights explained in the community plan update.

Ms. Carlat explained this concept to the Commission.

Mr. Clifton questioned the existing historic zoning in relation to development transfer rights.

Ms. Carlat explained this concept to the Commission.

Mr. McLean spoke of the excitement associated with the plan update. He spoke of the importance of the placement of the proposed new convention center site.

Ms. Nielson commended the staff for their work on the community plan update. She mentioned the draft was comprehensive as well as flexible.

Mr. Ponder commended the staff for their work on the plan update. He acknowledged there was additional work to be completed on the plan but it was headed in the right direction.

Ms. Jones stated that the timing of approving the plan is important due to fact that there are numerous projects underway for the downtown area and the plan contains the needed guidelines.

Mr. Loring spoke in favor of the plan and the amount of work put into the plan. He spoke of restrictions that were included in the plan that may need to be altered at a later date.

Mr. Lawson expressed he was not in favor approving a draft plan of the proposal. He was more in favor of approving a thoroughly reviewed and examined community plan. He offered that the Commissioners possibly keep the Public Hearing open and defer the plan until the second meeting in February, 2007. This would allow additional time for further study and examination of the proposal.

Ms. Nielson questioned whether the public would be allowed to continue sending their concerns and issues regarding the plan to be considered by staff.

Mr. Lawson stated that the community could continue sending in their concerns regarding the plan.

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously to continue the public hearing and to defer action to February 22, 2007, on the Downtown Community Plan: 2006 Update, including detailed neighborhood design plans for all seventeen neighborhoods, to allow additional time for continued review and examination.

Mr. Clifton mentioned alternative options that the Commission could take on the proposal.

Mr. Tyler questioned whether there were particular items that need to be examined by staff or was the Commission looking for additional comments from the community.

Mr. Lawson offered that the Commission is looking for additional comments from the community as well as information pertaining technical issues including in the community plan update.

Mr. McLean questioned whether the Crown SP would be affected if the plan were approved as presented.

Mr. Ponder questioned whether there was be another work session for the Commission prior to February.

Mr. Bernhardt explained there would be an additional work session and that there was an additional community meeting held as recent as yesterday.

Mr. Loring questioned whether there was any written documentation of those who were opposed to the plan and what their issues and concerns were.

Mr. Lawson spoke of the importance of the Commissioners attendance at the information work sessions.

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously to continue the public hearing and to defer action to February 22, 2007, on the Downtown Community Plan: 2006 Update, including detailed neighborhood design plans for all seventeen neighborhoods, to allow additional time for continued review and examination. **(9-0)**

Mr. Clifton stated he was in favor of deferring.

Resolution No. RS2006-385

“BE IT RESOLVED by The Metropolitan Planning Commission that REQUEST TO ADOPT THE DOWNTOWN COMMUNITY PLAN: 2006 UPDATE, INCLUDING DETAILED NEIGHBORHOOD DESIGN PLANS FOR ALL SEVENTEEN NEIGHBORHOODS is **DEFERRED to the February 22, 2007 Planning Commission Meeting. (9-0)**”

The Commission recessed at 6:00 p.m.

Ms. Nielson left the meeting at 6:00 p.m.

The meeting resumed at 6:10 p.m.

Councilmember Wilhoite requested that the Commission rescind their vote on Item #35, 24-85-P-13, Weatherly Ridge Apartments which was approved with conditions on the consent agenda. She said that Mr. Bernhardt met with Mrs. Robin Johnson and Ms. Betty Sue McDaniel on December 13 and was aware that the Councilmember as well as these constituents were in opposition of this proposal moving forward. Ms. Wilhoite further said she and the constituents were led to believe that due to the lengthy agenda, the item would not be heard prior to 5:00 p.m. thus leading everyone to believe it was not necessary to be present at the meeting until after 5:00 p.m. As a result, Item #35 was approved on the consent agenda due to the fact there was no one present to request that the item be pulled and heard.

Mr. Lawson acknowledged the unfortunate situation of this issue due to the fact that the applicant has already left the meeting. He noted that the Commission has granted the application to move forward.

Mr. Clifton questioned the particulars regarding the application and whether the application would need to move to the Council level. He then questioned whether the applicant was present.

Mr. Tom White, applicant representative, stated that the applicant was no longer at the meeting due to the fact he resides out of the state and only flew in for the meeting.

Ms. Wilhoite further explained the unfortunate situation for the reason her constituents did not arrive at an earlier time for the meeting.

Mr. Lawson requested if there were any other comments from the Commissioners. There were none and as a result, no action was taken by the Commission on this request.

**IX. REQUEST TO AMEND THE BELLEVUE COMMUNITY PLAN: 2003
UPDATE FOR THE INTERSECTION OF MCCRORY LANE AND
CHARLOTTE PIKE**

Staff Recommendation - *Approve with Special Policy*

CURRENT POLICIES

Impact (I) - Impact is a Structure Plan area classification for one of several types of special districts. Impact areas are dominated by one or more activities that have, or can have, a significant adverse impact on the surrounding area. Large Impact areas are elements of the community's structural framework; smaller ones are elements of planning neighborhoods.

Residential Low-Medium Density (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.

PROPOSED POLICIES

Neighborhood Center (NC) - Neighborhood Center is the Structure Plan classification 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.

Natural Conservation (NCO) - NCO is a category designed for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

ANALYSIS - The timing of this amendment is due to an applicant request for an SP to build 180 townhomes within the amendment area, but staff had as part of its work program already intended to submit a minor amendment to place Neighborhood Center policy on the three quadrants of this intersection not owned by the State. Much of the area in question is already zoned or used for uses that are in keeping with Neighborhood Center policy, with the applicant's property and the northwest quadrant remaining to be rezoned. A small store is in operation within the CS zoning in the northeast quadrant, and RM15 zoning was placed in 2004 on the property immediately to the east of the store. When the Bellevue Community Plan was adopted in 1993, only the store and CS zoning were in place and the quarry had not changed hands, and staff did not see the location as such a strong candidate for a Neighborhood Center. Nevertheless, the site is centrally located at a focal intersection in a growing area of the greater Bellevue community, and is thus an appropriate candidate for Neighborhood Center policy.

The applicant's property, if developed as proposed in keeping with the intent of Neighborhood Center policy, would be a good complement to the as-yet undeveloped RM15 across the street and would help the proposed Neighborhood Center to develop as more of a fully functional focal point for the surrounding area, especially given the strong open space component that is in place with the Veterans' Cemetery and State Park that are in the southwest quadrant of the interchange. Placing Natural Conservation policy on the remainder of the quarry property would protect this fragile land as well as the Harpeth River watershed and would add to that strong open space component.

Staff does believe that a Special Policy is needed to protect both the quarry and people who might venture too close to it. The quarry and its immediate surroundings are a fragile environment that is in very close proximity to the Harpeth River, which would be negatively affected by such things as pollution due to illegal dumping. In addition, the quarry is a steep pit that is dangerous to people venturing near it. Therefore, staff recommends that the following Special Policy be adopted along with the amendment:

Special Policy Area 9

This Special Policy applies to the old quarry site on McCrory Lane near its intersection with Charlotte Pike. Because of both the environmental sensitivity of this site that is so close to the Harpeth River and its

potential danger to the public, the following measures should be taken to secure the former quarry site:

- The existing vegetative cover is to be maintained from the southern boundary of the Neighborhood Center policy that covers the northern part of the property through the remainder of the property under Natural Conservation policy;
- The quarry, itself, is to remain undisturbed and unfilled.
- Steps should be taken to ensure that unauthorized access to the former quarry is prevented.
- These measures shall be incorporated into a PUD or SP plan for the entire property on which the old quarry is sited, so they will remain in place in perpetuity regardless of future resubdivision or property ownership.

Approved, (8-0-1) *Consent Agenda*, Clifton abstained from voting

Resolution No. RS2006-386

“BE IT RESOLVED by The Metropolitan Planning Commission that the REQUEST TO AMEND THE BELLEVUE COMMUNITY PLAN: 2003 UPDATE FOR THE INTERSECTION OF MCCRORY LANE AND CHARLOTTE PIKE is APPROVED. (8-0-1)”

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

1. **2006Z-130G-06**
Map 155-00, Parcel 267
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request to change from AR2a to RS7.5 zoning property located at 8291 Collins Road, approximately 275 feet west of Collinswood Drive (2.5 acres), requested by A.W. Chaffin, applicant, for A.W. Chaffin, Edna L. Chaffin, R.S. Chaffin, Melissa L. Chaffin, Don Einwag, and Sherrill D. Einwag, owners.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - Request to change approximately 2.50 acres from Agricultural/residential (AR2a) to Single-Family Residential (RS7.5) on property located at 8921 Collins Road.

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 non-urban land use policies of the general plan.

Proposed 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

BELLEVUE 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? - No. The requested RS7.5 is not consistent with the area’s RLM policy because it allows over 4 dwelling units per acre dwelling units per acre.

Staff Recommendation - Because the requested RS7.5 district is not consistent with the area’s RLM policy, staff recommends that the request be disapproved.

PUBLIC WORKS RECOMMENDATION - A TIS is required at development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	2.5	0.5	1	10	1	2

Typical Uses in Proposed Zoning District: RS7.5

Land Use (ITE Code)	Acres	Density	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family Detached (210)	2.5	5.8	15	144	12	16

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
--			+14	134	11	14

METRO SCHOOL BOARD REPORT

Projected student generation* 1Elementary 1Middle 1High

Schools Over/Under Capacity - Students would attend Harpeth Valley Elementary School, Bellevue Middle School, and Hillwood High School. All three schools have been identified as having capacity. This information is based upon data from the school board last updated July 2006.

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

Mr. Ponder agreed with staff recommendation.

Ms. Jones agreed with staff recommendation.

Mr. Loring stated he agreed with the Councilmember’s request.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove RS7.5 for Zone Change 2006Z-130G-06, but would approve RS10. **(8-0)**

Resolution No. RS2006-387

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-130G-06 is **DISAPPROVED**. **(8-0)**

The proposed RS7.5 district is not consistent with the Bellevue Community Plan’s Residential Low Medium policy, which calls for residential developments with a density between 2 and 4 dwelling units per acre. The RS10 district is consistent with RLM policy.”

2. **2006SP-174G-06**
 Newsom Station Townhomes SP
 Map 126-00, Part of Parcel 064
 Subarea 6 (2003)
 Council District 35 - Charlie Tygard

A request to change from AR2a to SP zoning a portion of property located at 7848 McCrory Lane, adjacent to the CSX Railroad and south of Highway 70 (30 acres), to permit 180 townhomes, requested by McCrory Lane Partners LLC, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST

Preliminary SP - A request to change from Agricultural/residential (AR2a) to Specific Plan (SP) zoning a portion of property located at 7848 McCrory Lane, adjacent to the CSX Railroad and south of Highway 70 (30 acres), to permit 180 townhomes.

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 non-urban land use policies of the general plan.

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 new 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.

BELLEVUE COMMUNITY PLAN Current Policy

Impact (I) - Impact areas are intended for areas with existing areas that are dominated by one or more activities that have, or can have, a significant adverse impact on the surrounding area. Appropriate uses include hazardous industrial operations, airports, correctional facilities, and other large institutions that are a safety risk, as well as large amusement and entertainment complexes. 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.

Proposed Policies

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

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. If approved with staff conditions, including addition of the quarry property to the SP, then the development will meet both the Neighborhood Center and Natural Conservation

policies. Of particular importance with this development is the future protection of the Harpeth River, and if approved, this plan should provide a means for protecting the river from the potential negative impact of development on this property.

Site Plan - The plan calls for 180 units on approximately 30 acres with a density of approximately 6 units per acre and includes a pool, a pool house, a playground, and an outdoor recreational area. All units will front private drives and will be accessed from McCrory Lane. A total of 300 parking spaces are proposed.

Sidewalks - Interior sidewalks are identified on the plan and will allow for residents to move within the development. A sidewalk connection is not shown to McCrory Lane but should be provided. Also, a sidewalk should be provided along McCrory Lane, which will allow for pedestrian access to the State park on the west side of McCrory Lane and the proposed Neighborhood Center policy area.

Buffer Yard - To ensure that this development will not have a significant negative impact on McCrory Lane, a Standard "D" Landscape Buffer Yard should be provided along McCrory Lane.

Environmental Constraints. This development will be on land that was once used for mining rock and is part of a larger property which includes an open pit directly to the south of this site. The open pit that was once used for the mining of rock is massive in scale and could pose significant health and safety issues for future residents of this development. To ensure that the health, safety, and welfare of future residents are served, the plan should adequately identify the appropriate barriers that will keep residents from the abandoned quarry.

Other issues regarding the quarry pertain to its future use. The Harpeth River runs adjacent the east property boundary, and any activity in the quarry could have a negative impact on water quality. A previous idea for the quarry was to fill it in with construction materials, which received a lot of community concern. Because of the proximity of the river, any fill materials could leach into the river and negatively impact the water quality of the Harpeth River. To ensure that the water quality of the Harpeth River is not impacted, the entire property should be included in this SP, and the quarry should be maintained. No fill should be placed in the quarry, and activity should be limited to protective measures that will ensure the integrity of the site and protect people and the Harpeth River.

PUBLIC WORKS RECOMMENDATION - Approve with the following conditions:

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Show and dimension right of way along McCrory Lane at property corners. Label and dedicate right of way 30 feet from centerline. Label and show reserve strip for future right of way, 50 feet from centerline to property boundary, consistent with the approved major street plan (S4 - 100' ROW).
3. Show and dimension right of way along Highway 70 at property corners.
4. Show and label the proposed right-of-way for the realignment of McCrory Lane with Highway 70, as indicated in the Tennessee Department of Transportation's advance planning report.
5. A traffic impact study is required for this development.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	30	0.5	15	144	12	16

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	30	6	180	1,058	83	98

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
--			+165	914	71	82

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 Buffer Note (if there is a drain buffer): (The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations).
3. 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.)
4. Add Access Note: (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site).
5. 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).

METRO SCHOOL BOARD REPORT

Projected student generation* 10 Elementary 7 Middle 7 High

Schools Over/Under Capacity - Students would attend Gower Elementary School, Hill Middle School, and Hillwood High School. All three schools have been identified as having capacity. This information is based upon data from the school board last updated July 2006.

CONDITIONS

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. The site plan shall adequately identify the appropriate barriers to be installed by the developer that will keep residents from the abandon quarry to the south of this development.
3. The entire property (Map 126-00, Parcel 064-00) shall be included in the SP. The quarry shall be maintained, and no fill shall be placed in the quarry. Activity shall be limited to only protective measures that will ensure the integrity of the site, and protect residents and natural resources. Since the Bill for this application has been introduced to Council, the Bill must be amended.

4. Sidewalk shall be provided along property line and McCrory Lane. A sidewalk connection shall be provided from the development to McCrory Lane.
5. All Public Works and Stormwater conditions shall be addressed and a revised copy of the preliminary SP shall be submitted to the Planning Commission within 30 days of the Planning Commission' action.
6. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
7. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
8. 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 overlay district must be submitted, complete with owner's signatures, to the Planning Commission staff for review.
9. Signage shall be limited to one monument type sign 20 square feet or less, and not exceed 4 feet in height.
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. 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.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district at the effective date of this ordinance, which must be shown on the plan.
12. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Mr. Swaggart presented and stated that staff is recommending approval with conditions. He further stated that if the Commission was not wanting to apply all of the conditions proposed by staff for the development, staff would be recommending disapproval.

Mr. Lawson asked whether staff would approve RM6 for this proposal.

Mr. Swaggart stated that the plan would not support the RM6.

Mr. Tom White spoke in favor of the proposal.

Ms. Jennifer Smith, 8236 Canoe Ct., spoke in favor of the proposed zone change request.

Ms. Pam Davee, 565 Ploughman's Bend, spoke in favor of the zone change request.

Mr. Loring acknowledged the confusion associated with the bill. He stated he would support disapproving to allow Council to settle the issues.

Mr. Ponder questioned the ownership of the quarry in question. He then spoke of the issues of the proximity of the quarry and whether there would be additional boundaries included in the proposal.

Mr. Swaggart further explained this to the Commission.

Mr. McLean questioned the actions required of the Commission regarding this proposal.

Mr. Bernhardt explained that if they were to approve the staff recommendation with the conditions incorporated into the SP, then it would become an approved bill. If not, it would be a disapproved bill. The Commission would also have to make a motion to disapprove the RM6. The other option was to simply disapprove the SP as the applicant has submitted as well disapprove the RM6.

Mr. McLean moved, and Mr. Loring seconded the motion, to disapprove Zone Change 2006SP-174G-06, as well as disapprove the request for RM6. **(7-0-1) Clifton abstained.**

Resolution No. RS2006-388

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-174G-06 is **DISAPPROVED SP ZONING AS SUBMITTED, AND DISAPPROVED RM6. (7-0-1).**

The proposed SP district is not consistent with the Bellevue Community Plan's Neighborhood General policy, which calls for mixed use areas that act as a local center. Also the original requested RM6 district, without any site plan, is not consistent with the area's Neighborhood General policy."

FINAL PLATS

- 3. 2006S-324U-12**
Locustwood Subdivision Sect. 1, Revision Lot 134
Map 148-10, Parcel 066
Subarea 12 (2004)
Council District 30 - Jim Hodge

A request for final plat approval to create 2 lots on property located at 3900 East Ridge Drive, at the southeast corner of Haywood Lane and East Ridge Drive (0.84 acres), zoned R10, requested by David Mingle, owner, Tony Reasons, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final Plat

Request for final plat approval to create 2 lots on property located at 3900 East Ridge Drive (.84 acres).

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.

SUBDIVISION DETAILS

Site Plan - As proposed the request will take one existing lot and create two new lots. The proposed lots will have the following areas and frontages:

1. 13,142 sq. ft. (.3 ac), 75 ft. along East Ridge Dr.;
2. 20,983 sq. ft. (.48 ac), 95 ft. along East Ridge Dr., and 104 ft. along Haywood Lane.

Lot Comparability - Although both lots meet the R10 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 the following results:

	Area	Frontage
Haywood Lane	21,375	113
East Ridge Drive	13,721	78

Both lots fail for area and frontage on both respective streets. The land use policy for the area is Residential Low-Medium (RLM). The Land Use Policy Application (LUPA) recommends a density of two to four homes per acre for RLM policy. If both lots are to be for single-family only, then the overall density is approximately 2.4 dwelling units per acre and is consistent with RLM policy.

Since the proposed lots are only slightly below minimum requirements for lot comparability and the request is consistent with the area’s RLM policy, staff recommends that an exception to lot comparability be approved. Staff’s recommendation to approve an exception to lot comparability is based on both lots being only for single-family residential use.

Site Constraints - Due to required setbacks (40 feet along Haywood Lane, and approximately 45 feet along East Ridge Drive) and the buffer required for the stream that crosses the property, building area is limited for lot 2. While staff is recommending approval of an exception to comparability, and ultimately approval of this request, staff does not recommend that the stream buffer be disturbed. Any proposed single-family structure that may be constructed on lot 2 should be placed outside of the stream buffer, and staff recommends that a note be placed on the face of lot 2 that no structure shall encroach into the stream buffer, nor shall there be any disturbance of the stream buffer.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

CONDITIONS

1. The purpose note shall state that both lots are for single-family residential only.
2. A note shall be placed on the face of lot 2 stating that no structure shall be placed within the stream buffer, nor shall there be any disturbance of any land within the stream buffer.

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

Resolution No. RS2006-389

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-324U-12 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. The purpose note shall state that both lots are for single-family residential only.
2. A note shall be placed on the face of lot 2 stating that no structure shall be placed within the stream buffer, nor shall there be any disturbance of any land within the stream buffer.”

PLANNED UNIT DEVELOPMENTS

4. 28-81-G-06

Hickory Hills Village Park
Map 142, Parcel 345
Subarea 6 (2003)
Council District 22 - Eric Crafton

A request to cancel a portion of a Commercial Planned Unit Development district located at 247 Old Hickory Boulevard, along the west side of Old Hickory Boulevard, 450 feet north of Belle Forest Circle, zoned SCC, (0.97 acres), approved for a 2,603 square foot convenience market and a 615 square foot car wash, requested by Civil and Environmental Consultants, Inc, for Goodwill Industries of Middle Tennessee, owner.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - Cancel PUD

A request to cancel a portion of a Commercial Planned Unit Development district located at 247 Old Hickory Boulevard, along the west side of Old Hickory Boulevard, 450 feet north of Belle Forest Circle, zoned SCC, (0.97 acres), approved for a 2,603 square foot convenience market and a 615 square foot car wash, requested by Civil and Environmental Consultants, Inc, for Goodwill Industries of Middle Tennessee, owner.

Deferred from 11/14 Meeting due to Commission Concerns about a Joint Access Easement - The 25' Joint Access Easement between Lot 5 and Lot 6 is on the last recorded plat for Hickory Hills Village Park PUD, Lot 5. The plat, recorded in 1997, changed the easement from 40' to 25'. The applicant also submitted the Amended and Restated Easement and Restrictive Covenant Agreement that has been recorded with the Davidson County Register of Deeds. The recorded easement will still exist even if the PUD is cancelled since the recorded plat of record is separate from the PUD plan. The PUD plan is a zoning overlay, which describes the allowable uses and the design of the buildings on the site, while the recorded plat runs with the land and describes easements, ownership and property dimensions.

EXISTING ZONING

Shopping Center Community (SCC) - Shopping Center Community is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

Commercial PUD - Hickory Hills Village Park PUD, Lot 5 received final PUD approval by the Planning Commission in 1997. The plan included a 2,600 square foot convenience store, a separate carwash, six fuel pumps under a canopy, and one access point to Old Hickory Boulevard. This site has been vacant for over two years.

BELLEVUE COMMUNITY PLAN

Retail Concentration Community (RCC) - RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

Consistent with policy? - Yes. If the PUD is cancelled, the existing zoning is SCC, which is consistent with RCC policy. The PUD is being cancelled in order to allow a Goodwill donation drop-off center. In SCC, Donation centers/drop-off are permitted with conditions that govern hours of operation, set limits on types of items that can be accepted and storage of those items, and where the centers can locate.

PUBLIC WORKS RECOMMENDATION - No Exception Taken

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

Mr. Tom Martin, 405 Duke Drive, spoke in favor of the proposal.

Mr. Steve Sexton, 150 4th Avenue North, spoke in opposition to the proposal.

Mr. McLean stepped out of the meeting 6:45 p.m.

Mr. Ponder spoke in favor of approving the proposal.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Planned Unit Development 28-81-G-06. (7-0)

McLean was not present for vote.

Resolution No. RS2006-390

“BE IT RESOLVED by The Metropolitan Planning Commission that 28-81-G-06 is **APPROVED. (7-0)**

If the PUD overlay district is canceled, the underlying SCC base zoning district is consistent with the Bellevue Community Plan’s Retail Community Concentration policy, which is intended to accommodate concentrations of community scale retail.”

XI. PUBLIC HEARING: ZONING MAP AMENDMENTS

5. **2005SP-165G-13**
Del Lago Final SP
Map 164-00, Parcel 056
Subarea 13 (2003)
Council District 33 - Robert Duvall

A request for approval of the final site plan for property located at 3694 Hamilton Church Road, approximately 2,000 feet south of Hobson Pike (23.6 acres), to permit the development of 129 single-family units, requested by Dale and Associates, applicant for Umbrella Investments, owner
STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final Site Plan Approval

A request for approval of the final site plan for property located at 3694 Hamilton Church Road, to permit the development of 129 single-family units.

PLAN DETAILS -The plan calls for a total of 129 new residential units (14 single-family detached, and 115 single-family attached) on approximately 23.98 acres, with an over all density of approximately 5.3 dwelling units per acre. A majority of the units will be rear loaded by alleys with only 3 lots being front loaded.

Preliminary SP- The preliminary SP was approved by the Planning Commission on November 10, 2005, and by Council on January 18, 2006. Because of several large sink holes on the property, approvals were conditioned that the plan could be altered, including a reduction in the number of lots if it was determined that the sink holes were larger. The investigation verified that the sink holes were larger than originally thought, and the final plan has been modified in an attempt to keep the total number of approved units by altering the street and unit layout.

Staff has determined that while the plan has been altered from the original approved preliminary, that the changes do not alter the basic concept of the approved preliminary plan, and are within the scope of the approved condition. While staff feels that the changes are within the scope of the approved conditions, staff does feel that it is appropriate for the alley located on the north side of the plan near the sinkhole, serving units 43-50, to loop back around to the street.

PUBLIC WORKS RECOMMENDATION - All Public Works’ design standards shall be met prior to any final approvals and permits issuance. Any approval is subject to Public Works’ approval of the construction plans. Final design and improvements may vary based on field conditions.

STORMWATER RECOMMEDATION - Approved with the following comment:

1. Provide NPDES NOC letter.
2. Provide correct datum on plans. NGVD '83 is not a correct vertical datum.
3. Provide sediment basin calculation and provide temporary sediment outlet structure per TDEC Erosion and Sediment Control Handbook.
4. Provide check dams in temporary swales.
5. Provide note stating that all erosion control features to be maintained until site is stabilized and construction complete.
6. Place note on Erosion Control Plan requiring contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during pre-construction meeting.
7. Provide construction phasing schedule if project is to last longer than 12 months.
8. Provide 100-Year WSEL for each sinkhole in which project discharges based on inflow to each with assumed "0" discharge or "no throat" conditions. Check against predicted 100-Year WSEL that was computed for the whole 81 acre drainage basin. Outflow from detention ponds may require design as outlet control.
9. Provide spillway location on plans for each pond.
10. State what coefficient was used in pond orifice sizing. Coefficient must be 0.8 if material (box) thickness is greater than orifice size. Thickness of box is 6".
11. In pond outlet design, provide wrapped riser pipe in gravel bed to protect orifice from clogging.
12. Provide approval from US Corp of Engineers for placing erosion control features on their property. Also provide approval for discharging directly onto their property with direct pipe discharges with no level spreaders.
13. Text in sinkhole report states that 2 sinkholes south of Bayshore will be connected at elevation just below 518. Explain/detail on plans how they will be connected.
14. Provide TDEC approval for discharge to/alteration to sinkholes.
15. Determine from TDEC if sinkhole areas is considered waters of the state. If so, they will require buffer and variance for disturbance of buffer.
16. Ponds must be designed to have a 3:1 length: width ratio to prevent short-circuiting. Must re-design or provide baffling in Ponds A and B.

CONDITIONS

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance in the issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. Plans must be approved by Planning Staff for compliance with all approved conditions that pertain to building types and elevations prior to the issuance of any building permits.
3. The revised alley on the north side of the site near the sinkhole, serving lots 43-50 shall loop back around to the street so that it is not a dead-end alley. Revised site plan must be approved by Planning Staff prior to the issuance of any building permits.
4. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
5. 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.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building

permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
9. Within 120 days of Planning Commission approval of this final SP site plan, and in any event prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the final SP site plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the final SP site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
10. 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. RS2006-391

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-165G-13 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance in the issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. Plans must be approved by Planning Staff for compliance with all approved conditions that pertain to building types and elevations prior to the issuance of any building permits.
3. The revised alley on the north side of the site near the sinkhole, serving lots 43-50 shall loop back around to the street so that it is not a dead-end alley. Revised site plan must be approved by Planning Staff prior to the issuance of any building permits.
4. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
5. 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.

6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
9. Within 120 days of Planning Commission approval of this final SP site plan, and in any event prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the final SP site plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the final SP site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
10. 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."

6. **2006SP-061G-12**
Shane Point Final SP
Map 172-00, Parcel 157
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for final site plan approval to construct 25 multi-family units at Nolensville Pike (unnumbered), approximately 917 feet of Bienville Drive (2.94 acres), zoned SP, requested by McGowan Family Limited Partnership, owner, and Anderson, Delk, Epps & Associates, Inc., applicant.

STAFF RECOMMENDATION: Defer until the final plat for Brookview Forest, Phase 5 has been recorded as conditioned with the preliminary approval and the Zone Change Bill.

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-061G-12 to January 11, 2007, at the request of the applicant. (9-0)

7. **2006SP-075U-08**
Taylor Place SP
Map 081-12, Parcel 441
Subarea 8 (2002)
Council District 19 - Ludy N. Wallace

A request to change from R6 to SP zoning to permit 5 single-family homes on property located at 1329 7th Avenue North, southwest corner of 7th Avenue North and Taylor Street (.18 acres), requested by Ed Swinger, owner.

STAFF RECOMMENDATION: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2006SP-075U-08 to January 25, 2007, at the request of the applicant. (9-0)

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8. **2006SP-090U-10**
Richard Jones Road SP
Map 117-15, Parcel 153
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to change from OR20 to SP zoning, property located at 2002 Richard Jones Road, approximately 575 feet east of Hillsboro Pike (3.93 acres) and located within a Planned Unit Development district, requested by David P. Crabtree of Waters Edge Limited Partnership, applicant and owner. (See also PUD Cancellation No. 138-82-U).

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST-A request to change 3.93 acres from Office/Residential (OR20) to Specific Plan (SP) zoning for property located within a Planned Unit Development at 2002 Richard Jones Road to allow for various commercial, office and retail uses within the existing buildings as described on the SP site plan.
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

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 new 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.

GREENHILLS/MIDTOWN COMMUNITY PLAN

Regional Activity Center (RAC)- RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. 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.

Consistent with Policy? - Yes. The proposed uses and limitations outlined in the SP site plan are consistent with the intent of the Regional Activity Center policy.

PLAN DETAILS

History - This request was originally submitted as a zone change. The request was for MUL. While the MUL district would allow for uses that are compatible with the intent of the RAC policy, it also allows for uses that are not consistent with the plan; therefore, the Planning Commission recommended that the request be disapproved at its meeting on May 25, 2006. The area’s Councilmember referred the request back to the Commission as an SP to address Planning Staff’s concern.

Site Plan - The plan identifies the existing buildings totaling 93,233 square feet in area. The request does not call for any additional construction on the site, but is intended to limit the type and intensity of allowed uses on the property.

Uses and Intensity - The plan will limit the site to the following uses:

Educational Uses	Commercial Uses	Communication Uses
Business School	ATM	Audio/Video Tape Transfers
College/University	Bar or Night Club	Multi-Media Production
Personal Instruction	Business Services	Printing and Publishing
Vocational School	Carpet Cleaning	Radio/TV Studio
Office Uses	Custom Assembly	Telephone Services
Financial Institutions	Furniture Store	Recreation and Entertainment Uses
General Office	Home Improvement Sales	Commercial Amusement (indoors)
Leasing/Sales Office	Hotel/Motel	
Medical Uses	Inventory Stock	
Medical Appliance Sales	Liquor Sales	
Medical Office	Personal Care Service	
Medical or Scientific Lab	Fast Food Restaurant	
Nonresidential Drug	Take Out Restaurant	
Treatment Facility	Full Service Restaurant	
Outpatient Clinic	Retail	
Rehabilitation Services		
Veterinarian		

Commercial uses will be limited to the first floor only, with any individual commercial use being limited to 40,000 square feet. Hours of operation will be restricted from the hours of 1 A.M. to 6 A.M. The site plan lists numerous uses that will not be allowed within the SP district (See site plan for list of uses). The plan also sets a noise limit by limiting noise in excess of 65 decibels.

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

PUBLIC WORKS RECOMMENDATION - All Public Works' design standards shall be met prior to any approvals and permits issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

Maximum Uses in Existing Zoning District: OR20/ Commercial PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	3.93	N/A	88,212	1,212	170	178

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Quality Restaurant(931)	3.93	N/A	29,404	2,645	24	221

Maximum Uses in Proposed Zoning District:

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	3.93	N/A	58,808	887	123	145

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2,320	-23	188

STORMWATER RECOMMENDATION - No Exceptions Taken

CONDITIONS

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department 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. Prior to the issuance of any occupancy permits a sign plan/policy consistent with the adopted Green Hills Urban Design Overlay shall be submitted for review and approval by Planning Staff.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.
8. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2006-392

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-090U-10 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department 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. Prior to the issuance of any occupancy permits a sign plan/policy consistent with the adopted Green Hills Urban Design Overlay shall be submitted for review and approval by Planning Staff.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.
8. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

The proposed SP district is consistent with the Green Hills/Midtown Community Plan’s Regional Activity Center policy, which is intended for concentrated mixed-use areas anchored by a regional mall.”

9. **138-82-U-10**
Green Hills Office Park
Map 117-150, Parcel 153
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to cancel a Commercial Planned Unit Development located at 2002 Richard Jones, classified OR20 and proposed for SP (3.93 acres), requested by Water's Edge Limited Partnership, applicant and property owner.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - Cancel PUD

A request to cancel a Commercial Planned Unit Development, and rezone from (Office/Residential) OR20 to Specific Plan (SP) (See Zone Change 2006SP-090U-10), property located at 2002 Richard Jones Road.

PLAN DETAILS

History - This request was originally submitted with an associated zone change for MUL. While the MUL district will allow for uses that are consistent with the intent of the RAC policy, it also allows for uses that are not consistent with the policy; therefore, the Planning Commission recommended that both the zone change and the PUD cancellation be disapproved at its meeting on May 25, 2006. The area's Councilmember referred the zone change back to the Commission as an SP to address the concerns.

Original Plan - The original preliminary PUD overlay district plan was approved for a total of 101,097 square feet of general commercial (office use) in 1982, and consisted of four separate buildings. The final PUD overlay district plan was approved for a total of 106,041 square feet of general commercial (office use) in 1983. While the overall square footage of the final was slightly higher than what was approved on the preliminary, the layout and number of buildings was consistent with the preliminary plan. In 1987 the PUD was revised to include a child care center.

Staff Recommendation- Since a SP plan has been submitted for this property and will ensure that the intent of the policy is achieved staff recommends that the request be approved.

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

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-393

“BE IT RESOLVED by The Metropolitan Planning Commission that 138-82-U-10 is **APPROVED. (9-0)**

Since the proposed SP district (See Item 8) is consistent with the area's policy, the request to cancel the Planned Unit Development overlay district will not have any negative impact on the Green Hills/Midtown Community.”

10. **2006SP-112G-12**
Carter Property SP (Re-Referral)
Map 181-00, Part of Parcel 052
Subarea 12 (2004)
Council District 31 - Parker Toler

A request to change from AR2a to SP zoning, property located at 6419 Pettus Road, at the end of Autumn Crossing Way (28.99 acres), to permit 69 single-family lots and 64 multi-family units (replacing 61 single-family and 45 multi-family), requested by Centex Homes, applicant, for William Robert Carter and James Phillip Carter, owners.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request to change 28.99 acres from Agricultural/residential (AR2a) to Specific Plan (SP) zoning to permit 69 single-family homes and 64 multi-family units, property located at 6419 Pettus Road, at the end of Autumn Crossing Way.

This item was re-referred to the Planning Commission for the consideration of additional lots. The Commission approved 61 single-family homes and 45 multi-family units on July 13, 2006.

Existing Zoning

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

Proposed Zoning

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.

SOUTHEAST 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.

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Policy Conflict - No. The proposed SP district is consistent with the area’s RLM and RM policies. The proposed development is also consistent with the surrounding development pattern.

Plan Details - The plan proposes 61 single-family lots from an existing stub street in the adjacent Autumn Oaks subdivision (Autumn Crossing Way). Forty-five multi-family units are proposed off of an existing driveway approved in the Hills of Concord Place development. There are four phases proposed with this development.

Although an SP, the plan is consistent with the cluster lot provisions of the Zoning Code for the single-family portion. These lots are consistent with the RS15 zoning district and are clustered down two base zoning districts. The lots range in size from 7,700 square feet to 16,300 square feet. There is 26.4% open space provided, which exceeds the typical open space requirement of 15%. Useable open space is also provided within the subdivision. The multi-family units section of the plan is proposed at approximately 9 dwelling units per acre.

There were 3 critical lots proposed, however, those lots have been adjusted to remove any 20% or greater slope areas.

Landscape buffer yards are proposed around the perimeter of the site and between the single-family and multi-family units. The existing trees will be used for the landscape buffer yard requirement.

Design Standards - Staff recommends that several design standards be included as conditions to help this new development blend with the existing development in the area:

1. Minimum raised foundation of 1.5 ft.
2. Building walls shall be finished in brick, stone, fiber cement siding, shingles, stucco or vinyl siding. Vinyl siding may not be used on the front façade of any building.

Building elevations are included within the plan.

Infrastructure Deficiency Area - This property is located within an infrastructure deficiency area for transportation established by the Planning Commission in the Southeast Community Plan. Therefore, staff recommends approval with the condition that the infrastructure deficiency area requirements be applied at this stage. Metro Public Works is to make the determination of the location of the improvements prior to final SP approval.

This property is located within the RLM policy and would require 13 linear feet per acre of roadway improvements. There is also RM policy, which would require 27 linear feet per acre of roadway improvements. There is approximately 24.30 acres within RLM policy and approximately 4.69 acres in RM policy. A total of 443 linear feet of roadway improvements is required.

RECENT REZONINGS -The Mill Creek Towne Center (formerly Legg Development) PUD/zone change (parcels to the south) to RM9 and SCC were approved by Metro Council in July 2004. The Commission approved the PUD/zone change in May 2004.

FIRE MARSHAL RECOMMENDATION -Fire Hydrants shall be in-service and tested before any combustible material is brought on site.

STORMWATER RECOMMENDATION - Approve.

PUBLIC WORKS RECOMMENDATION

Following are review comments for the submitted Carter Property Specific Plan (2006SP-112G-12), received November 30, 2006. Public Works' comments are as follows:

The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

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. Conduit for street lighting is required in the GSD.

Private streets to be constructed to Public Works standards. If sidewalks are required, construct 4' grass strip between sidewalk and curb.

All roadways to accommodate SU-30 design vehicle turning movements.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family and two family (210)	28.99	1.85	54	590	48	62

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/ Townhome (230)	4.69	9	45	326	28	32

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family and two family (210)	24.3	2.47	61	660	53	69

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
--			+48	396	33	39

CONDITIONS

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
3. A total of 443 linear feet of roadway improvements is required for the infrastructure deficiency policy, as the location is determined by Metro Public Works prior to final SP approval.
4. All buildings shall have a minimum raised foundation of 1.5 ft. from the top of curb measured at the mid point of the lot.
5. Building walls shall be finished in brick, stone, fiber cement siding, shingles, stucco or vinyl siding. Vinyl siding may not be used on the front façade of any building.
6. 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.
7. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Conduit for street lighting is required in the GSD.
8. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district for the single family portion and RM9 district for the multi-family portion, which must be shown on the plan.
10. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
11. 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.
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. 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.
13. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
14. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2006-394

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-112G-12 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
3. A total of 443 linear feet of roadway improvements is required for the infrastructure deficiency policy, as the location is determined by Metro Public Works prior to final SP approval.

4. All buildings shall have a minimum raised foundation of 1.5 ft. from the top of curb measured at the mid point of the lot.
5. Building walls shall be finished in brick, stone, fiber cement siding, shingles, stucco or vinyl siding. Vinyl siding may not be used on the front façade of any building.
6. 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.
7. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Conduit for street lighting is required in the GSD.
8. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district for the single family portion and RM9 district for the multi-family portion, which must be shown on the plan.
10. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
11. 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.
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. 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.
13. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
14. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

The proposed SP district is consistent with the Southeast Community area's Residential Low Medium and Residential Medium policies, which are collectively intended to accommodate residential developments with a density between 2 and 9 dwelling units per acre."

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- 11. 2006SP-135U-08**
Clifton Avenue Townhomes SP
Map 091-12, Parcel 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 2 duplexes (4 units) and 6 detached units, requested by Marcus Buckner, applicant, for Southeast Real Estate Development, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST

Preliminary SP - A request to change from Single-Family Residential (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 (.54 acres), to permit the development of 2 duplexes (4 units) and 6 detached units.

This item was re-referred to the Planning Commission from Metro Council for the consideration of a change in the layout of the units. The Commission approved 10 townhouses on August 24, 2006. To meet community desires for a more single family character, the plan has been revised plan to shows 2 duplexes and 6 detached units.

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.

PLAN DETAILS - This project is located across the street from M.D.H.A.’s Preston Taylor Homes development. This proposal mimics Preston Taylor’s architectural theme and materials. The main exterior building material will be fiber cement siding (commercially know as Hardi-Plank).

For standards not specifically varied by the associated plan, the requirements of the RM20 zoning district shall apply.

The revised layout provides a “face” on both Clifton Avenue and 40th Avenue North. This revision also addresses the design concerns staff had with the previous submittal.

PUBLIC WORKS RECOMMENDATION - Following are review comments for the submitted Clifton Avenue Townhomes specific plan (2006SP-135U-08), received November 30, 2006. Public Works' comments are as follows:

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Construct Alley to the Department of Public Works standards and specifications.
- Identify plans for recycling collection and solid waste disposal.

FIRE MARSHALL RECOMMENDATION

- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. *Metro Ordinance 095-1541 Sec: 1568.020 B*
- Fire hydrants should flow a minimum of 1250 GPM's at 40 psi residual flow.
- Metro Water Department records do not show enough water flow and pressure to build this project. A Fire Sprinkler System may be installed inlie of the low water flow and pressure.

* A written letter from the project developer/owner will be required stating they are installing a Fire Sprinkler System before approval is granted.

STORMWATER RECOMMENDATION -Revised plan received. Preliminary SP approved.

CONDITIONS

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
3. Before submission of the final site plan, the applicant must address the requirements of the Stormwater Division listed above. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
4. Fire Marshall comments must be addressed before submittal of the final site plan. In addition, 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. 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.
6. 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.
7. 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.
8. 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.

9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district at the effective date of this ordinance, which must be shown on the plan.
11. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Resolution No. RS2006-395

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-135U-08 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
3. Before submission of the final site plan, the applicant must address the requirements of the Stormwater Division listed above. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
4. Fire Marshall comments must be addressed before submittal of the final site plan. In addition, 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. 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.
6. 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.

7. 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.
8. 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.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district at the effective date of this ordinance, which must be shown on the plan.
11. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

The proposed modifications to the SP district for 2 duplexes (4 units) and 6 detached units is consistent with the North Nashville Community Plan's Mixed Use in Neighborhood Center policy, which is intended to contain mixed uses that create a local center."

12. 2006SP-161U-09

The Crown SP

Map 093-064, Parcels 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, and 075

Subarea 9 (1997)

Council District 6 - Mike Jameson

A request to change from CF to SP zoning properties located at 141, 147, 149, 151, 161, 163 and 165 2nd Avenue South and 140, 150 3rd Avenue South, and 3rd Avenue South (unnumbered) at the northeast corner of 3rd Avenue and Demonbreun Street (1.59 acres), to permit the development of 28-Story office/retail building, requested by Everton Oglesby Architects and Jimmy Barry, applicant, for Carrell Family LLC, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from Core Frame (CF) to Specific Plan (SP) zoning property located 141, 147, 149, 151, 161, 163 and 165 2nd Avenue South and 140, 150 3rd Avenue South, and 3rd Avenue South (unnumbered), (1.59 acres) to permit a 28 story office building with 574,484 square feet of floor area, including 554,941 square feet of office space, 15,258 square feet of retail, and 4,285 square feet of restaurant uses.

Existing Zoning

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

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.
- The SP must follow the goals and objectives of the General Plan.

PLAN DETAILS

Principal Use - The principal use within this building is “general office,” while the supporting uses are retail and restaurant uses. The plan proposes a 28 story building with height of 380 feet and a 7.95 Floor Area Ratio (FAR). The FAR is the total floor area of all structures on a lot, divided by the total lot area. The plan proposes three floors of underground parking and five stories of above ground parking, with retail, restaurant and parking at the ground floor and lobby level (because of a grade change, the lobby is the street level along 3rd Avenue South and the ground floor level retail is along 2nd Avenue South).

The plan includes a 4,285 square foot restaurant use on the ground floor facing the Shelby Street Pedestrian Bridge. The plan provides 15,258 square feet of retail tenant space along 2nd and 3rd Avenues South and along Demonbreun on the ground floor, and the plan shows “potential” retail space along 2nd Avenue South and Demonbreun on the second level. Staff recommends that the word “potential” be removed from the plan prior to third reading at Metro Council, or a condition should be included in the Council bill that requires the second level retail use to be mandatory to ensure that the building has active uses facing the pedestrian heavy thoroughfares of 2nd Avenue South and Demonbreun.

Proposed Uses	Proposed Floor Area
General Office	554,941 sq. ft.
General Retail	15,258 sq. ft.
Restaurant	4,285 sq. ft.
Total	574,484 sq. ft.

Design Objectives - Although this plan was originally submitted by the applicant to be considered under the previous Subarea Plan policy (Central Business District in the Subarea 9 Update: 1997), it was deferred to allow staff to finalize the updated Community Plan for Downtown.

The Downtown Community Plan Update: 2006 recognizes Demonbreun Street’s role as a primary pedestrian corridor within the SoBro neighborhood – essentially, SoBro’s “Main Street.” Demonbreun serves as the connection between Music Row, the Country Music Hall of Fame and Schermerhorn Symphony Center, and the Cumberland River with the proposed Sounds ballpark and related mixed-use development. The applicant has worked diligently to redesign the plan to move the parking garage access points from Demonbreun to 3rd Avenue South to be consistent with the intent of the Downtown Plan. The applicant has also worked extensively with staff to redesign the plan to add more retail space along the first floor(s) on Demonbreun to help create a more active streetscape necessary for a street that will have the level of pedestrian activity envisioned for Demonbreun.

Leadership in Energy and Environmental

Design (LEED) - The plan includes a green roof and proposes to be at least a “Certified” LEED building

(the basic level of achievement of LEED) and could possibly fall within the “Silver” certification category. LEED is a new building design element that is likely to be more common in proposed structures in the future. The following is a brief description of LEED from their Web site:

What is LEED?

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings’ performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. LEED provides a roadmap for measuring and documenting success for every building type and phase of a building lifecycle.

What is LEED Certification?

The first step to LEED certification is to register the project. To earn certification, a building project must meet certain prerequisites and performance benchmarks ("credits") within each category. Projects are awarded Certified, Silver, Gold, or Platinum certification depending on the number of credits they achieve. This comprehensive approach is the reason LEED-certified buildings have reduced operating costs, healthier and more productive occupants, and conserve our natural resources.

The proposed Crown building earns LEED points for reducing the heat island effect, green roof, access to public transportation, site selection, water efficient landscaping, water use reduction, optimized energy performance, recycled content, outdoor air delivery monitoring, construction indoor air quality plan, and thermal comfort design, among many other factors it proposes to comply

DOWNTOWN COMMUNITY PLAN POLICY

SoBro Neighborhood, Mixed Use Subdistrict

Mixed Use (MU) Policy - Given the complexity and diversity of neighborhoods and development within Downtown, the Downtown Community Plan Update: 2006 proposes several guiding principles to direct future growth and development decisions. The Downtown Plan considers Downtown as seventeen neighborhoods. Within each neighborhood, there are several subdistricts, each with their own goals and objectives to implement the guiding principles.

The proposed Crown building is within the SoBro neighborhood, in its Mixed Use subdistrict. The MU policy for the subdistrict is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses in MU 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.

The MU policy calls for development proposals in the policy area to include an Urban Design or Planned Unit Development overlay district or other specific site plan. This ensures appropriate design and that the type of development conforms to the intent of the policy.

Overview and General Intent

The SoBro Neighborhood is intended to be a high-intensity, mixed use neighborhood emphasizing cultural, entertainment, and residential components while accommodating office uses. Development in SoBro should create a comfortable and lively pedestrian environment for residents of, and visitors to, SoBro. Development in SoBro should create a distinctive, eclectic identity that allows tall buildings with some sheer walls along certain streets, as well as some “stepped back” buildings to create a variety of view sheds and allow for light and air circulation throughout the neighborhood. Growth in SoBro offers an opportunity for Nashville to join other American cities in creating environmentally sustainable and energy efficient design of structures through the recognized LEED certification program.

The SoBro Neighborhood encompasses the proposed Sounds baseball stadium, which will be the neighborhood focus for associated mixed use development. The current built pattern of First and Second Avenues is an extension of the historically and culturally significant Second and Broadway Neighborhood

to the north. South of Broadway, First and Second Avenues include a collection of low-scaled notable historic brick buildings that add to the fabric of the neighborhood. These should be preserved and their massing should be utilized as a contextual basis for new and adaptive reuse development in the area.

By recognizing and maintaining the link between the portion of Second Avenue north of Broadway to the portion of Second Avenue to the south of Broadway, development can create an extension of a key tourist and local entertainment corridor. Residents and visitors will be able to easily and comfortably walk between upper Second Avenue into the Sounds neighborhood to take advantage of the diverse activity. A pedestrian scale, mixed-use character is key to maintaining the extension of Second Avenue south from Broadway.

The Cumberland River Greenway is planned to continue through the eastern boundary of the SoBro neighborhood. Connections to the greenway will be important to provide residents and visitors with access to open space.

The Shelby Street Pedestrian Bridge is a highlight of the First and Second Avenues neighborhood. Special care should be taken to ensure that development and redevelopment surrounding the Shelby Street Bridge complements, in scale and massing, the bridge so as not to detract from its landmark status.

The proposed Crown SP plan meets the goals and objectives of the updated Community Plan, as outlined below.

Goal 3 SoBro Mixed Use Subdistrict: To develop a balanced, mixed-use neighborhood within SoBro Subdistrict 3 that will:

- contribute to the economic vitality of Downtown Nashville by emphasizing residential and entertainment uses;
- include a mixture of uses within each block and within structures;
- create a pedestrian-friendly streetscape by using urban design practices that complement the neighboring cultural and entertainment and open space subdistricts;
- maintain, along both sides of First and Second Avenues, the building height range that exists in the portion of the First and Second Avenues corridor north of Broadway;
- preserve and encourage adaptive reuse of existing historic structures within the subdistrict including Cummins Station, the First Lutheran Church at 109 8th Avenue South, Methodist Publishing House and structures at 304 and 306 10th Ave. S. as shown on Historic Structures map in this document; and
- encourage environmentally sustainable, energy efficient development.

Objectives:

- 3.1 Two faces of the building may rise sheer from the street, except on First and Second Avenues, where no sheer faces should be permitted. In order to achieve a pedestrian-friendly streetscape, buildings with sheer faces are encouraged to design a base, a tower, and a top utilizing various methods of architectural articulation.
- 3.2 On building faces that are not sheer, the building heights should be a minimum of 45 feet at the street, but should not exceed 105 feet at the street. At 105 feet, the building is to step back a minimum of 20 feet. After stepping back 20 feet, height is unlimited.
- 3.3 On the east side of First Avenue, the building heights should be a minimum of 45 feet at the street, but should not exceed 105 feet at the street. At 105 feet, a sky exposure plane of one foot horizontal to one and one half foot vertical should apply to a maximum allowed height of 175 feet.
- 3.4 On the west side of First Avenue and the east side of Second Avenue, the building heights should be a minimum of 45 feet at the street, but should not exceed 105 feet at the street. At 105 feet, a sky exposure plane of one foot horizontal to one and one half foot vertical should apply.
- 3.5 On the west side of Second Avenue, the building heights should be a minimum of 45 feet at the street, but should not exceed 105 feet at the street. At 105 feet, the building is to step back a minimum of 20 feet. After stepping back 20 feet, height is unlimited.

- 3.6 The height should be measured from the median height along the property line of the highest order (“A”, “B”, “C”, or “D”) street on the subject property.
- 3.7 In order to achieve more sustainable development and energy efficiency, all new development should achieve Leadership in Environmental and Energy Design (LEED) certification or, at a minimum, meet Metro’s Downtown green building standard. A floor area ratio (FAR) of up to 8 may be allowed if the proposed structure achieves a level of “Silver” LEED certification or, at a minimum LEED certification. A FAR of up to 10 may be allowed if the proposed structure achieves a level of “Gold” LEED certification or, at a minimum “Silver” LEED certification.
- 3.8 Preserve and encourage adaptive reuse of existing historic and cultural structures within the subdistrict.
- 3.9 New development adjacent to historic structures should complement those structures and not threaten the integrity of the property and its environment.
- 3.10 In order to achieve a pedestrian-friendly, active streetscape, all buildings on Second Avenue, Fourth Avenue, Eighth Avenue, and Demonbreun Street should have active retail, restaurants, or high volume office uses with direct street access doors on the first floor, and transparent windows on the first floor. All buildings on other streets are encouraged to have active retail, restaurant, or high volume office uses with direct street access doors on the first floor, and transparent windows on the first floor.
- 3.11 Parking that is provided within this subdistrict should be located in structures or underground.
- 3.12 In order to achieve a pedestrian-friendly, active streetscape, all parking structures on Second Avenue, Fourth Avenue, Eighth Avenue, and Demonbreun Street should be lined with residential, retail, or office space.
- 3.13 Entrances to parking should not be located on Second Avenue, Fourth Avenue, Eighth Avenue, or Demonbreun Street. Special consideration will be made for properties fronting onto two of the above-mentioned streets.
- 3.14 Entrances to parking should be designed to minimize the impact on the quality of the pedestrian environment.
- 3.15 New construction should provide a sidewalk as described in *Chapter 5. Walkable Subdivisions of the Subdivision Regulations* and should provide streetscape amenities as described in the *Downtown Streetscape Elements Design Guidelines*.
- 3.16 Buildings should be constructed to the property line except that recesses may be permitted for widening sidewalks, outdoor dining, courtyards, and architectural arcades.
- 3.17 If zoning is necessary, rezone to SP or MUI with the above conditions to guide rezoning, serve as conditions to variances and special exceptions, and/or guide the creation of a new zoning district.

Consistent with Policy? - The proposed plan is largely consistent with the updated Mixed Use policy, and the goals and objectives. The proposed plan is inconsistent, however, on objective 3.10, which calls for parking structures on “A” streets (in this case Demonbreun and 2nd Avenue South) to be linked with residential, retail or office space.

This objective addresses several of the guiding principles of Downtown including strategically providing mixed use and creating active and attractive streetscapes.

Strategically providing mixed use is a guiding principle for Downtown development. It not only diversifies the economic base of Downtown, guarding against downturns in any one economic sector, but mixed use is also key to making Downtown a vibrant urban residential neighborhood. Metro Nashville has committed

to providing for up to 10,000 citizens to move Downtown and providing a mixture of uses, not only residential, but also support services, is necessary to meet this goal. The proposed Crown building offers a very limited mixture of uses. It is primarily a single-use, corporate headquarters-type structure with proposed retail on the first floor. This type of structure is ideal in the Downtown Core (Central Business District), which could be considered more of Downtown's "Wall Street." Structures in SoBro, however, need to have more of a mixture of uses to ensure that they are centers of activity 24/7 as is befitting of the vision the community proposed for SoBro.

Lining parking structures is also important to the guiding principle of creating active and attractive streetscapes. Downtown is safer and more welcoming to residents and visitors when streets are active and when dead parking garages, no matter how attractively designed, are lined with active uses, such as residential with balconies, offices that may be lit up at night, etc. Again, a parking structure that is attractively designed, but is dead at night, is fitting for the Downtown Core, which is Nashville's economic center and is more likely to "close" after work. For the urban neighborhood of SoBro, however, a lifeless parking structure does not add to the feeling of activity, the "eyes on the street" and the safety that that provides. It is not appropriate for the community's vision for SoBro.

RECENT REZONINGS - Yes. An SP rezoning for the Westin Hotel at 2nd Avenue and Broadway was approved with conditions by the Planning Commission at the November 14, 2006, meeting. This included a 19-story, 375-room hotel with retail and restaurant uses, and 48 condominiums.

PLAN DETAILS

Reason for SP - The applicant is requesting the SP district because the existing CF zoning limits the Floor Area Ratio (FAR) to 5.0 and a height of 65 feet at the setback line, while the proposed plan would allow up to an 8.0 FAR and 66 foot tall height at the setback line.

Redevelopment District - This property falls within the Rutledge Hill Redevelopment district. The Metro Development and Housing agency Design Review Committee gave conceptual approval to the project.

PUBLIC WORKS RECOMMENDATION - Access Study is required.

Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	2.578	178,553	2,085	299	279

Maximum Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	5	346,302	3,472	507	467

Typical and Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.59	n/a	554,000	4,243	625	583

Typical and Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.59	n/a	15,258	748	20	62

Typical and Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Sit Down Restaurant(932)	1.59	n/a	4,285	585	53	51

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
--			+49,629	2,104	191	229

STORMWATER RECOMMENDATION

Provide the following:

- FEMA Note / Information
- North Arrow & Bearing Information
- Vicinity Map
- Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5')
- 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.)

- 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.)

- Add Access Note:

(Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)

- 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).)

- Existing Topo
- Water Quality Concept

Note: Compensated fill will be required within the floodplain.

CONDITIONS:

1. Except as otherwise noted herein, the application and attached materials, plans and reports (dated November 30, 2006) shall constitute the plans and regulations as required for the Specific Plan rezoning. Except as otherwise noted herein, the application and supplemental information shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED accredited professional shall oversee all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration by an approved independent LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction is in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy may be issued.

3. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of one extension) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two, 3-month extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once one extension of the temporary certificate of occupancy is granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein. Failure to maintain a valid certificate of LEED noncompliance shall void any temporary certificate of occupancy.
4. To ensure that LEED certification is maintained, the property owner is required to hold a valid certificate of LEED compliance for a period of 10 years following initial certification. This certificate shall be issued by the Department of Codes Administration following the presentation of information by the property owner or their authorized agent that the building remains a LEED certified building. The information shall be prepared by an approved independent LEED accredited professional. The fee for a certificate of compliance shall be \$100 or as may be otherwise set by the Metro Council. The certificate of LEED compliance shall be valid for 2 years.

If during the required 10 year period, the property fails to maintain LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending reattainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for a certificate of LEED noncompliance shall be based on the following formula:

$F = [(26-CE)/26] \times CV \times 0.0075$, where: F is the fee;
 26 is the minimum number of credits to earn **LEED** certification;
 CE is the number of credits earned as documented by the report; and CV is the Construction Value as set forth on the building permit for the structure.

During the required 10 year period, a valid certificate of LEED compliance or certificate of LEED noncompliance is necessary to maintain a certificate of occupancy.

5. All elevations and materials shall be further developed and approved through the MDHA design review committee and provided with the final SP application.
6. All requirements and conditions of the Traffic Impact Study/Access Study shall be designed and bonded and/or completed prior to issuance of building permits and if bonded, completed prior to issuance of a certificate of occupancy. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Department by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to the submittal of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
8. 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.
9. For any development standards and/or requirements not specifically addressed in the application as approved in this ordinance, the Metro Zoning Ordinance requirements for the MUI- Mixed Use Intensive district shall apply.

10. This approval does not include approval of any signs. All signage shall be reviewed and approved by the Planning Commission with the submittal of any final site development plan. All signage shall follow the requirements of any applicable MDHA design guidelines and the allowable signage of the MUI- Mixed Use Intensive district zoning district (whichever is more restrictive).
11. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted; eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance; or add vehicular access points not currently present or approved.

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

Resolution No. RS2006-396

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-161U-09 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Except as otherwise noted herein, the application and attached materials, plans and reports (dated November 30, 2006) shall constitute the plans and regulations as required for the Specific Plan rezoning. Except as otherwise noted herein, the application and supplemental information shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. In order to achieve more sustainable design, it is the expressed intent of the Metropolitan Council that this development is required to achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A LEED accredited professional shall oversee all design and construction. Prior to issuance of a temporary certificate of occupancy for any use of the development, a report shall be provided for the review of the Department of Codes Administration by an approved independent LEED accredited professional. The report shall certify that all construction practices and building materials used in the construction is in compliance with the LEED certified plans and shall report on the likelihood of certification. If certification appears likely, temporary certificates of occupancy (as set forth below) may be issued. Monthly reports shall be provided as to the status of certification and the steps being taken to achieve certification. Once certification is achieved, the initial certificate of LEED compliance, as set forth herein, and a final certificate of occupancy may be issued.
3. To ensure that LEED certification is attained the Department of Codes Administration is authorized to issue a temporary certificate of occupancy once the building is otherwise completed for occupancy and prior to attainment of LEED certification. A temporary certificate of occupancy shall be for a period not to exceed three (3) months (with a maximum of one extension) to allow necessary time to achieve final certification. Fees for the temporary certificate (and a maximum of two, 3-month extensions) shall be \$100 or as may otherwise be set by the Metro Council. Once one extension of the temporary certificate of occupancy is granted, any additional extensions shall be granted only in conjunction with a valid certificate of LEED noncompliance as set forth herein. Failure to maintain a valid certificate of LEED noncompliance shall void any temporary certificate of occupancy.
4. To ensure that LEED certification is maintained, the property owner is required to hold a valid certificate of LEED compliance for a period of 10 years following initial certification. This certificate shall be issued by the Department of Codes Administration following the presentation of information by the property owner or their authorized agent that the building remains a LEED certified building. The information shall be prepared by an approved independent LEED accredited professional. The fee for a certificate of compliance shall be \$100 or as may be

otherwise set by the Metro Council. The certificate of LEED compliance shall be valid for 2 years.

If during the required 10 year period, the property fails to maintain LEED certification, the Department of Codes Administration is authorized to issue a short-term certificate of LEED noncompliance. This certificate will allow the building to retain its certificate of occupancy pending reattainment of LEED certification. A certificate of LEED noncompliance shall be for a period not to exceed three (3) months and may be renewed as necessary to achieve certification. The fee for a certificate of LEED noncompliance shall be based on the following formula:

$F = [(26-CE)/26] \times CV \times 0.0075$, where: F is the fee;
26 is the minimum number of credits to earn **LEED** certification;
CE is the number of credits earned as documented by the report; and CV is the Construction Value as set forth on the building permit for the structure.

During the required 10 year period, a valid certificate of LEED compliance or certificate of LEED noncompliance is necessary to maintain a certificate of occupancy.

5. All elevations and materials shall be further developed and approved through the MDHA design review committee and provided with the final SP application.
6. All requirements and conditions of the Traffic Impact Study/Access Study shall be designed and bonded and/or completed prior to issuance of building permits and if bonded, completed prior to issuance of a certificate of occupancy. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Department by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to the submittal of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
8. 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.
9. For any development standards and/or requirements not specifically addressed in the application as approved in this ordinance, the Metro Zoning Ordinance requirements for the MUI- Mixed Use Intensive district shall apply.
10. This approval does not include approval of any signs. All signage shall be reviewed and approved by the Planning Commission with the submittal of any final site development plan. All signage shall follow the requirements of any applicable MDHA design guidelines and the allowable signage of the MUI- Mixed Use Intensive district zoning district (whichever is more restrictive).
11. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted; eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance; or add vehicular access points not currently present or approved.

The proposed SP district is consistent with the proposed Downtown Community Plan's policies and design criteria."

13. 2006Z-165T

Car Wash as Permitted with Condition Use

A council bill to amend Chapters 17.04, 17.08, 17.16 and 17.20 of Metro Zoning Code by designating "Car Wash" as a permitted use with conditions (PC), and adding certain conditions pertaining to car washes, sponsored by Councilmembers Diane Neighbors, Charlie Tygard, J. B. Loring, Carl Burch, Harold White, Jamie Isabel.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - An Ordinance amending Chapters 17.04, 17.08, 17.16 and 17.20 of Title 17 of the Metropolitan Code, Zoning Regulations, by designating "Car Wash" as a use permitted with conditions (PC), and adding certain conditions pertaining to car washes.

ANALYSIS

Existing Law -The existing law became effective on April 1, 2006, which required any new car wash facility to be within a Specific Plan (SP) zoning district. BL2006-972 was adopted by Council as a comprehensive bill addressing many automobile related uses. This bill made automobile repair, automobile sales-used, automobile service, car wash, wrecker service, heavy equipment sales and service a permitted with conditions use (PC) where the condition is that an SP plan is required, except in some commercial and industrial zone districts.

Background - Previous to BL2006-972, the Zoning Code permitted various auto uses such as auto repair, auto service, vehicular sales and service, heavy equipment sales and service, salvage yard, and wrecker service in commercial and/or industrial zoning districts. The Code provided standards as PC uses for some of these uses. The current bill proposes to change the standards for Car Washes back to the way they were before BL2006-972 was adopted.

Proposed Bill: The proposed bill will make "Car Wash" a "PC" (permitted with conditions) use under the MUL, MUG, MUI, CL, CS, CA, CF, CC, SCN, and SCR districts. The conditions are as follows:

"G. Car Wash.

1. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located fifty feet away from any residential zone district or district permitting residential use.
2. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
3. Walls. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than six nor more than eight feet in height. If adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purposes of this section.
4. Parking. For facilities without defined stalls, a stall shall be calculated based on one stall being the equivalent to each twenty linear feet of washing area lane.
5. Hours of Operation. If located within one hundred feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.
6. Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems.
7. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.

Staff recommended changes: Staff recommends several changes to the proposed text, including additional conditions that would become the PC standards for car washes. These changes are intended to

address the issues that have come up during the review of car wash plans over the last few years, and issues that come up in general. Staff recommends the following changes that are shown in **bold**.

"G. Car Wash.

1. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located fifty feet away from any residential zone district or district permitting residential use.

2. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property, **unless there is an arterial street, as classified on the Major Street Plan, between the car wash and the residential property.**

3. Walls/**Landscaping**. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than six nor more than eight feet in height. **The wall shall be constructed of concrete, stone, finished masonry or other similar material.** If adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purposes of this section. **A minimum C landscape buffer yard may be substituted for the wall when adjacent to commercial, shopping center or an industrial zoning district.**

4. Parking. For facilities without defined stalls, a stall shall be calculated based on one stall being the equivalent to each twenty linear feet of washing area lane.

5. Hours of Operation. If located within one hundred feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.

6. Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems.

7. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.

8. Vacuum Equipment. Vacuum equipment must be oriented away from residential uses and shall be a minimum of 50 feet from any property zoned residential or permitting residential uses. If walls or masonry are used in the vacuum area to separate the vacuum area from adjacent properties, materials must be consistent with primary structure.

9. Signs. All on-premises signs shall be monument style signs with a maximum height of eight feet and consistent with all other provisions of table 17.32.110 for all car wash facilities, regardless of zoning.

10. Knee Wall. There shall be a physical separation from the car wash area to the street/sidewalk in the form of a knee wall with a minimum of 24 inches in height. The wall shall be constructed of concrete, stone, finished masonry or other similar material, or the wall shall consist of pillars with wrought iron or similar material between the pillars.

Staff Recommendation - Staff recommends approval with the changes outlined above, since there are significant requirements that address how these uses relate to surrounding properties. With these changes and additional conditions, these uses will not have a significant impact on surrounding properties.

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

Mr. McLean stepped back into the meeting 6:50 p.m.

Ms. Paula Levin, 502 Meadowcrest Lane, spoke in opposition to the proposed text amendment.

Mr. Loring spoke in favor of the proposed text amendment. He moved for its approval.

Ms. Jones spoke of issues regarding parking at automated car washes. She requested this issue be further examined prior to finalizing the bill.

Mr. Leeman explained this amendment would be on the January Public Hearing and would need some direction tonight from the Commission.

Mr. Clifton spoke of issues associated with the bill. He suggested that car wash exits be placed on arterial streets – not neighborhood streets. He stated he was not in favor of approving but to defer allow additional time to review.

Mr. Tyler had additional concerns regarding the entrances and exits of car washes.

Ms. Beehan mentioned the bill addresses the issues relating to noise.

Mr. Ponder questioned car washes in located in commercial developments.

Mr. Loring moved and Mr. McLean seconded the motion, to approve Text Amendment 2006Z-165T with the condition that Council address the issue of parking and automated car washes. **(7-1) No Vote – Clifton**

Resolution No. RS2006-397

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-165T is **APPROVED WITH CONDITIONS, including a recommendation to Council to address parking for automatic car washes. (7-1)**”

Conditions of Approval:

1. Residential Setback. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located fifty feet away from any residential zone district or district permitting residential use.
2. Openings. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property, **unless there is an arterial street, as classified on the Major Street Plan, between the car wash and the residential property.**
3. Walls/Landscaping. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than six nor more than eight feet in height. **The wall shall be constructed of concrete, stone, finished masonry or other similar material.** If adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purposes of this section. **A minimum C landscape buffer yard may be substituted for the wall when adjacent to commercial, shopping center or an industrial zoning district.**
4. Parking. For facilities without defined stalls, a stall shall be calculated based on one stall being the equivalent to each twenty linear feet of washing area lane.
5. Hours of Operation. If located within one hundred feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.
6. Outdoor Loudspeakers. There shall be no outdoor loudspeakers or public address systems.
7. Vehicle Sales or Storage. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.
8. **Vacuum Equipment. Vacuum equipment must be oriented away from residential uses and shall be a minimum of 50 feet from any property zoned residential or permitting residential uses. If walls or masonry are used in the vacuum area to separate the vacuum area from adjacent properties, materials must be consistent with primary structure.**

9. **Signs.** All on-premises signs shall be monument style signs with a maximum height of eight feet and consistent with all other provisions of table 17.32.110 for all car wash facilities, regardless of zoning.
10. **Knee Wall.** There shall be a physical separation from the car wash area to the street/sidewalk in the form of a knee wall with a minimum of 24 inches in height. The wall shall be constructed of concrete, stone, finished masonry or other similar material, or the wall shall consist of pillars with wrought iron or similar material between the pillars.”

14. **2006SP-177U-10**
Benham Hall SP
Map 117-15, Parcel 008
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to change from R10 to SP zoning property located at 3714 Benham Avenue, approximately 290 feet north of Glen Echo Road (0.85 acres), to permit the development of 6 single-family dwelling units, requested by Gresham Smith and Partners, applicant, for Paul R. Johnson, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST -Preliminary SP

A request to change from One and Two-Family Residential (R10) to Specific Plan (SP) zoning property located at 3714 Benham Avenue, approximately 290 feet north of Glen Echo Road (0.85 acres), to permit the development of 6 single-family dwelling units.

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

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 new 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.

GREENHILS/MIDTOWN COMMUNITY PLAN

Residential Medium (RM) - RM is a category designed to accommodate residential development within a density range of about four to nine dwelling units per acre. A variety of housing types are appropriate in RM areas. The most common types include compact, single-family detached units; townhomes; and walk-up apartments.

Special Policy Area 11

1. Development within this area should be limited to one and two family structures and townhouse type structures that are on separate lots designed for individual ownership.

- Any development within this area should create a sustainable and walkable neighborhood. Buildings shall form an appropriate street wall consistent with the width of the street. This is critical for scale and to provide a clear definition to the street. The streetscape elements (sidewalks, street trees, street furnishings, etc.) shall fully support the development form. The massing of buildings shall complement each other in quality of construction and materials, scale, height, massing, and rhythm of buildings solid to open void. Any redevelopment shall achieve sensitive transition to surrounding development.

Development at RM intensities should be implemented only through Planned Unit Development or Urban Design Overlay zoning together with the appropriate base zoning.

Policy Conflict - No. The proposed SP district is consistent with the Special Policy 11 within the Residential Medium Policy of the Green Hills-Midtown Community Plan. The plan includes single-family homes with the form called for within the special policy, including creating a street wall consistent with the street and buildings that compliment each other.

Site Plan

Layout/Design - The plan calls for 6 single-family units on approximately .85 acres with a density of approximately 7 units per acre. Units along Benham will be oriented to both Benham and the new private drive. The other units will front onto the new private drive. Sidewalks are provided along both sides of the private drive and along Benham Avenue. Proposed exterior setbacks are 5 feet with a 20 foot setback along Benham Drive. Internal setbacks are from 10-20 feet.

Building Elevations - No specific elevations have been submitted. Therefore, staff can recommend approval of the design, and layout, but elevations will have to be approved with the final development plan review. Front, rear, and side elevations shall be submitted with the final development plan.

Access/Connectivity - All units will be accessed from Benham Avenue by a new private driveway. Private drive stubs to both the north and south property line so that future connectivity is possible. A public access easement shall be shown across the private drive on the final development plan, and be recorded with the final plat.

PUBLIC WORKS RECOMMENDATION - Plan disapproved. Proposed roadways do not meet acceptable design standards. The Department of Public Works does not recommend proposed connectivity on private streets.

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	0.85	3.7	3	26	3	3

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached(210)	0.85	N/A	6	58	5	7

*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
--			+5	32	2	4

STORMWATER RECOMMENDATION - Approve with the following conditions:

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

METRO SCHOOL BOARD REPORT

Projected student generation* 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Percy Priest Elementary School, Moore 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 July 2006.

CONDITIONS

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. Front, rear and side elevations must be submitted and approved with the final development plan.
3. A public access easement shall be shown across the private drive on the final development plan, and be recorded with the final plat.
4. The sewer line shall be extend as required by Metro Water Services, and shall be shown on the final development plan.
5. The proposed water line shall be placed inside the roadway pavement area as required by Metro Water Services, and shall be shown on the final development plan.
6. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
7. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
8. Signage shall be limited only to appropriate street signs (street sign, stop sign, and exc.).
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. 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.
10. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district at the effective date of this ordinance, which must be shown on the plan.
12. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Mr. Kleinfelter presented and stated staff is recommending approval with conditions.

Ms. Anne Hyde, 3720 Benham Avenue, spoke in opposition to the proposal.

Mr. Robert Wesson, 1772 Hillmont, spoke in opposition to the proposal.

Ms. Mona Brittingham, 1776 Hillmont spoke in opposition to the proposal.

Mr. Ed Owens, Gresham Smith & Partners, spoke in favor of the proposal.

Mr. Dan Hyde, 3720 Benham Avenue, spoke in opposition to the proposal.

Mr. Mark Pardon, 1705 Graybar, spoke in opposition to the proposal.

Mr. McLean stated that the proposal does meet the zoning requirements.

Mr. Clifton acknowledged this decision was made at the first hearing regarding the zoning for this area.

Mr. Tyler questioned whether this development pattern would continue in this area.

Mr. Kleinfelter explained this concept to the Commission.

Ms. Beehan stated she was not in favor of approving the request and considered it spot zoning.

Mr. Ponder suggested alternative options for the applicant.

Ms. Jones did not agree this request was spot zoning. She stated that the request meets all the criteria set out by the Commission.

Mr. McLean moved and Mr. Loring seconded the motion, to approve with conditions Zone Change #2006SP-177U-10. **(6-2) No Votes – Beehan, Tyler**

Resolution No. RS2006-398

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-177U-10 is **APPROVED WITH CONDITIONS. (6-2)**

Conditions of Approval:

1. The application, including attached materials, plans and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine

- compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. Front, rear and side elevations must be submitted and approved with the final development plan.
 3. A public access easement shall be shown across the private drive on the final development plan, and be recorded with the final plat.
 4. The sewer line shall be extend as required by Metro Water Services, and shall be shown on the final development plan.
 5. The proposed water line shall be placed inside the roadway pavement area as required by Metro Water Services, and shall be shown on the final development plan.
 6. All stormwater management requirements and conditions of the Department of Water Services shall be approved prior to approval of the final site plan. Prior to the issuance of any permits, confirmation of compliance with the final approval of this proposal shall be forwarded to the Planning Department by the Stormwater Management division of Water Services.
 7. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
 8. Signage shall be limited only to appropriate street signs (street sign, stop sign, and exc.).
 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. 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.
 10. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
 11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district at the effective date of this ordinance, which must be shown on the plan.
 12. Adjustments: Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

The proposed SP district is consistent with the Green Hills/Midtown Community Plan's Residential Medium policy, which is intended to accommodate residential development with a density between four and nine dwelling units per acre, as well as with Special Policy Area #11, which is intended to promote sustainable walkable residential areas."

15. **2006Z-187G-01**
Map 021-04, Part of Parcel 010
Map 022-01, Parcel 003
Subarea 1 (2003)
Council District 1 - Brenda Gilmore

A request to change from RS40 to RM4 zoning property located at Eatons Creek Road (unnumbered) and a portion of property located at Binkley Road (unnumbered), approximately 1,700 feet north of Old Clarksville Pike (3.53 acres), requested by Joe N. Smith, owner.

STAFF RECOMMENDATION: Disapprove

Mr. Lawson stepped out of the meeting at 7:20 p.m.

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

Mr. Ponder, Vice Chair, began the discussions for this proposal.

Mr. Don DeHarde, 3443 Binkley Road, spoke in favor of the proposal.

Mr. Lawson stepped back into the meeting at 7:25 p.m.

Ms. Dorothy Cook, 6365 Eatons Creek Road, spoke in opposition to the proposal.

Mr. Tim Roberts, 5449 Lickton Pike, spoke in opposition to the proposal.

Ms. Christy Smith, 7174 Whites Creek Pike, spoke in favor of the proposal.

Mr. Joe Smith, owner, spoke in favor of the proposal. He submitted information to the Commission.

Ms. Mauna Faye Crabtree, 3636 Baxter Road, spoke in opposition to the proposal.

Mr. Tyler stated he agreed with staff recommendation. He expressed issues regarding the density of this proposal and its compatibility for this area.

Mr. Clifton suggested deferring the proposal to allow additional time for further study. He offered the possibility of SP zoning for the area and whether it could be utilized for the proposal.

Mr. Bernhardt explained that the fundamental problem with the proposal was the location and that the current adopted plan calls for a low density transition area of no more than two units per acre transitioning into something lower.

Mr. McLean acknowledged the recent adopted Joelton Community Plan.

Mr. Loring stated that he thought Council Lady Gilmore was in favor of approving the proposal. He stated he was in favor of approving the proposal as submitted. He moved for its approval.

There was no second to this motion.

Mr. Lawson moved (due to the fact that Mr. Ponder was acting chair), and Ms. Beehan seconded the motion, which passed unanimously, to defer action on Zone Change 2006Z-187G-01 to January 25, 2007, with the condition that staff review the existing policy for this area as well as the possibilities of using SP zoning and meet with Council Lady Gilmore as well as the community members for other possible developments that would be more in keeping with this area. **(8-0)**

Resolution No. RS2006-399

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-187G-01 is **DEFERRED to the January 25, 2007, Planning Commission Meeting. (8-0)**”

16. 2006Z-188U-14

Map 109-00, Parcel 009
 Subarea 14 (2004)
 Council District 13 - Carl Burch

A request to change from R8 to RM6 zoning property located at Bell Road (unnumbered), at the northeast corner of Bell Road and Lincoya Bay Drive (17.89 acres), requested by 70 South Associates LLC, owner.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to change from One and Two-Family Residential (R8) to Multi-Family Residential (RM6) zoning property located at Bell Road (unnumbered), at the northeast corner of Bell Road and Lincoya Bay Drive (17.89 acres).

Existing Zoning

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

DONELSON/HERMITAGE COMMUNITY PLAN POLICY

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Consistent with Policy? - Yes. The residential density envisioned for this area is between four and nine dwelling units per acre. This request is within that range. Additionally, the request is consistent with other development on Bell Road.

RECENT REZONINGS-None

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken.

Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family and Two Family (210)	17.89	4.63	83	876	68	91

Maximum Uses in Proposed Zoning District: RM6

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	17.89	6	107	680	55	64

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
--			+24	-196	-13	-27

METRO SCHOOL BOARD REPORT

Projected student generation 10 Elementary 6 Middle 4 High

Schools Over/Under Capacity - Students would attend Ruby Major Elementary School, Donelson Middle School, or McGavock High School. Donelson Middle School and McGavock High School have been identified as being over capacity by the Metro School Board. There are no middle schools in the cluster that have capacity available and it would cost \$93,000 for 6 middle school students. There is capacity at a high school in a neighboring cluster. This information is based upon data from the school board last updated August 2006.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-400

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-188U-14 is **APPROVED. (9-0)**”

The proposed RM6 district is consistent with the Donelson/Hermitage Community Plan’s Residential Medium policy, which is intended to accommodate residential developments with a density range between four and nine dwelling units per acre.”

17. 2006Z-189G-04

Map 052-07, Part of Parcel 099, Part of Parcel 136 and Part of Parcel 137
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request to change from OG to RS10 zoning a portion of properties located at 107, 109 and 111 Sanitarium Road, approximately 430 feet north of Neelys Bend Road (1.56 acres), requested by Councilmember Jim Forkum, applicant, for Bruce and Dori Boggess, John Haw and Annette Power-Haw, and Brian Belanger, owners.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - Request to change approximately 1.56 acres from Office General (OG) to Single-Family Residential (RS10) for property located at 107, 109, and 111 Sanitarium Road.

Existing Zoning

OG District - Office General is intended for moderately high intensity office uses.

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.

SUBAREA 4 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 district is consistent with the area’s RLM policy. Since the lots are zoned both OR and RS10 the request will also clean up the zoning on the properties by making all three properties one zoning district.

Application Fee -There are 3 properties in this request, and the total fee would be \$1,200.00. If each property owner was to file a Zone Change application individually, the total fee would be \$3,600.00.

Staff Recommendation - Since the request is consistent with the area’s policy and existing land use, staff recommends that the request be approved.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken.

Maximum Uses in Existing Zoning District: OG

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.56	0.117	7,950	190	25	88

Maximum Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.56	3.71	6	58	5	7

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
--			N/A	-132	-20	-81

METRO SCHOOL BOARD REPORT

Projected student generation* 1Elementary 1Middle 1High

Schools Over/Under Capacity - Students would attend Neely’s Bend Elementary School, Neely’s Bend Middle School, and Hunter High School. All three schools have been identified as having capacity. This information is based upon data from the school board last updated July 2006.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-401

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-189G-04 is **APPROVED. (9-0)**

The proposed RS10 district is consistent with the Subarea 4 Community Plan’s Residential Low Medium policy, which calls for residential developments with a density between 2 and 4 dwelling units per acre.”

- 18. 2006Z-190T**
 Mobile Vendor
 Council Bill BL2006-1283

A council bill to amend Chapters 17.04, 17.08, 17.12, 17.16 and 17.20 of the Metro Zoning Code, to modify the definition of “mobile vendor”, to designate mobile vendor as a use permitted with conditions, and to add certain conditions applicable to mobile vendors, sponsored by Councilmember’s Michael Craddock, Jim Gotto, Jim Forkum and Rip Ryman.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - Amend Zoning Code to modify definition of “mobile vendor” and to permit a mobile vendor with conditions.

ANALYSIS

Background - On August 18, 2006, council bill BL2006-1087 became effective regarding mobile vendors (2006Z-084T). The Planning Commission reviewed that proposed legislation at its meeting on June 22, 2006 and recommended disapproval. The Commission’s disapproval was in part because the bill did not identify in what zoning districts mobile vendors would be allowed. The Metro Council adopted the bill

with no amendments. Hence, the bill provides a definition and standards for mobile vendors, yet no zoning districts in which they can locate.

Existing Law - As stated above, the Zoning Code effectively does not regulate mobile vendors. Therefore, mobile vendors continue to be regulated as follows:

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

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

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

PROPOSED TEXT

“Mobile Vendors” Definition - The ordinance amends Zoning Code Section 17.04.060 “Definitions of general terms” to add the definition for a new land use, “mobile vendors”. The existing definition is shown below with the proposed definition’s modifications:

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

1. Vendors selling only food and/or beverages;
2. Street vendors licensed pursuant to section 13.08.040 of the metropolitan code of laws;
3. Tax-exempt nonprofit organizations engaging in occasional sales; and
4. Persons selling goods, wares or merchandise on the property of a permanent retail establishment leased or owned by such person.

Land Use Tab e-The proposed ordinance corrects the omission of the prior bill by establishing mobile vendors as a use permitted with conditions (PC) in the CF, CL, CS and CA zoning districts.

Setback Requirements - The proposed ordinance deletes the mobile vendor setback requirements set forth in Section 17.12.040 “District Bulk Regulations – Other Setbacks” of the Zoning Code:

All mobile vendor displays and/or activity shall maintain a minimum twenty (20) foot setback from the right-of-way, and not be located within a required landscape area or buffer yard.

1. No mobile vendor may be located within one hundred (100) feet of an intersection of two arterial streets or an intersection of an arterial and a collector street.
2. Mobile vendors shall not locate within one thousand five hundred (1,500) feet of another mobile vendor.
3. The foregoing provisions of this section shall not apply to mobile vendors in possession of a valid use and occupancy permit to conduct business as a vendor at a particular location at the time of the enactment of this ordinance.

Uses Permitted with Conditions - The ordinance amends Section 17.16.070 (“Uses Permitted with Conditions: Commercial Uses”) by creating a new section “L” with the following condition for mobile vendors:

“L. Mobile Vendor. This use shall be allowed only within a permanent, enclosed structure.”

Parking Requirements - The ordinance does not modify the current parking requirement for mobile vendors as adopted with the prior bill. The requirement is six parking spaces for up to 1,200 square feet and 1 space for each additional 200 square feet. The proposed bill though does delete existing zoning standards as to the location and placement of the required parking spaces, as follows:

17.20.135 Mobile vendor parking requirements.

A minimum of six (6) parking spaces shall be provided adjacent to the vending area for the exclusive use of the mobile vendor. Additional parking spaces shall be provided in accordance with parking requirements for mobile vendors under table 17.20.030. These mobile vendor spaces shall not occupy minimum required parking spaces pursuant to this chapter for any other use on the site. The foregoing provisions of this section shall not apply to mobile vendors in possession of a valid use and occupancy permit to conduct business as a vendor at a particular location at the time of the enactment of this ordinance.”

Analysis - Mobile vendors are inherently temporary, occupying a space on public or private sidewalks, parking areas, or undeveloped lots for a limited period of time. There is nothing permanent about these vendors as they intend to move from place to place carrying their goods or wares in pushcarts, bicycles, vans, trucks, or trailers.

While the proposed ordinance simplifies the regulation of mobile vendors, it does so by redefining them such that they are prohibited by requiring mobile vendors to be located within a permanent, enclosed structure. This proposed condition under Section 17.16.070.L. effectively prohibits any temporary or mobile vendor from locating within Davidson County on public or private property. What constitutes a permanent, enclosed structure is also of concern. The existing Zoning Code does not define these words nor does the proposed ordinance provide further clarification.

According to the Codes Department, as drafted, the proposed ordinance would have the unintended consequence of prohibiting seasonal vendors. These vendors sell fruit, vegetables, plants, flowers, pumpkins, Christmas trees, etc. on public and private property (e.g. public schools, private schools, religious institutions, recreation centers, shopping centers, malls, and private property). Such a prohibition would inconvenience Davidson County residents and impact their quality of life.

Staff Recommendation - Disapprove. The proposed ordinance permits mobile vendors in several zoning districts, yet effectively prohibits them by requiring a “permanently, enclosed structure”. Further, the proposed ordinance would prohibit all mobile or temporary vendors including seasonal ones selling fruit, vegetables, plants, flowers, pumpkins, and Christmas trees.

Ms. Regen presented and stated that staff is recommending disapproval as written or approval with conditions subject to an exemption for mobile vendors exclusively selling seasonal items.

Mr. McLean requested clarification on the recommended changes proposed by staff.

Ms. Regen suggested that the bill include “...seasonal items sold that are sold prior to holidays or traditional observances”.

Mr. McLean expressed issues with the overall content of the proposed bill.

Mr. Tyler requested additional clarification on the current mobile vendor bill.

Ms. Regen explained this concept to the Commission.

Ms. Beehan requested clarification on the recommended motion.

Ms. Regen explained this to the Commission.

Mr. Bernhardt explained that there are two issues with the bill that need to be addressed. The first being the exterior displays as well as the exemption for defined seasonal activities. He stated that staff could work with Council to assist with these amendments.

Ms. Beehan summarized that if the Commission were to approve the bill, then it would be up to Council to define the specifics.

Mr. Bernhardt explained that the intent of the bill is to remove some of the unwanted sales from the sides of the roads.

Ms. Jones commented on the many areas that need to be addressed with this bill.

Mr. McLean moved and Mr. Clifton seconded the motion, which passed unanimously, to approve Text Amendment 2006Z-190T, with the condition, that the seasonal items and public displays be addressed and amended by Council. **(8-0)**

Resolution No. RS2006-402

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-190T is APPROVED WITH CONDITION TO AMEND BILL ADDRESSING SEASONAL ITEMS AND/OR EXTERIOR/OUTDOOR DISPLAY OF GOODS AND ITEMS FOR SALE. (8-0)

The commission recessed at 7:55 p.m.

The commission resumed at 8:00 p.m.

19. 2006Z-191T
Rehabilitation Services
Council Bill BL2006-1260

A council bill to amend Chapter 17.08 of the Metro Zoning Code by deleting "rehabilitation services" as a permitted use in the AG and AR2a zoning districts, sponsored by Councilmember Rip Ryman.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A request to amend Chapter 17.08.030 of the Zoning Code by deleting “rehabilitation services” as a permitted use in the AG and AR2a districts.

ANALYSIS

Existing Law -“Rehabilitation Services” is defined in the Zoning Code as “the provision of treatment for addictive, mental or physical disabilities on either (a) twenty-four hour a day or outpatient basis.” The Zoning Code allows “rehabilitation services” in the AG and AR2a districts, as well as in all of the mixed use districts and most of the office, commercial and shopping center zoning districts. Cumberland Heights, located on River Road, is a local example of a rehabilitation facility in an agricultural zoning district.

Staff Recommendation - Staff recommends disapproval of this text amendment that would remove “rehabilitation services” as a permitted use in the AG and AR2a districts. Rural areas can provide safe, secluded settings appropriate to rehabilitation services for people with addictive, mental or physical disabilities. Such settings offer an alternative to the institutional environments more common to the mixed use, office and commercial zoning districts.

Disapproved, (9-0) *Consent Agenda*

Resolution No. RS2006-403

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-191T is DISAPPROVED. (9-0)”

Mr. McLean left the meeting at 8:05 p.m.

- 20. 2006Z-192G-01**
Map 022, Parcel 209
Subarea 1 (2003)
Council District 3 - Walter Hunt

A request to change from AR2a to RM4 zoning property located at Whites Creek Pike (unnumbered), approximately 440 feet east of the intersection of Whites Creek Pike and Old Clarksville Pike (5.04 acres), requested by Hayden & Richardson Investments LLC, owner.

STAFF RECOMMENDATION: Disapprove the change to RM4, but approve a change to RM2

APPLICANT REQUEST - A request to change from Agricultural/residential (AR2a) to Multi-Family Residential (RM4) zoning property located at Whites Creek Pike (unnumbered), approximately 440 feet east of the intersection of Whites Creek Pike and Old Clarksville Pike (5.04 acres).

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 non-urban land use policies of the general plan.

Proposed Zoning

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

JOELTON COMMUNITY PLAN POLICY

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

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? - No. If the entire property were rezoned to RM4, the density for the whole site would be more that what is recommended by the land use policy because it would not account for the areas of the site that are located in the Natural Conservation policy.

Approximately 40 percent of the site is located in the Natural Conservation policy, which envisions very low density development – 1 dwelling unit per 2 acres. In this case, the policy was applied because of very steep topography on the site that is not buildable. The surrounding zoning pattern is AR2a, and reflects the rural character of the area. The topography, coupled with access to the site made difficult by the hair pin curve of Whites Creek Pike, and the surrounding AR2a zoning pattern make RM4 an inappropriate zoning for this parcel of land.

However, recognizing that this is at the edge of the Joelton commercial area and the need to cluster units off the areas of steep topography, staff supports a change to RM2. RM2 would allow 10 units on this property.

RECENT REZONINGS - None.

PUBLIC WORKS RECOMMENDATION - No Exception Taken. In accordance with the traffic study guidelines, no access study is required for a development of this size.

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family and Two Family (210)	5.04	0.5	2	20	2	3

Maximum Uses in Proposed Zoning District: RM4

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	5.04	4	20	164	15	17

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
--			+18	144	13	14

METRO SCHOOL BOARD REPORT

Projected student generation* **3** Elementary **2** Middle **2** High

Schools Over/Under Capacity - Students would attend Joelton Elementary School, Joelton Middle School, and Whites Creek High School. None of these schools have been identified as being over capacity. This information is based upon data from the school board last updated August 2006.

Ms. Withers presented and stated that staff is recommending disapproval of RM4 but would approve a change to RM2.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove the change to RM4 on Zone Change 2006Z-192G-01 but approve a change to RM2. (7-0)

Resolution No. RS2006-404

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-192G-01 is **DISAPPROVED THE CHANGE TO RM4, BUT APPROVED A CHANGE TO RM2. (7-0)**

The proposed RM4 district is not consistent with the Joelton Community Plan’s Residential Low Medium and Natural Conservation policies. Residential Low Medium policy calls for residential developments with a density between 2 and 4 dwelling units per acre, and Natural Conservation policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain and calls for low intensity community facility development and very low density residential development not exceeding one dwelling unit per two acres. While the requested RM4 district is not consistent with the area’s policies, the RM2 district is consistent.”

21. **2006Z-193G-10**
 Oman Drive & High Valley Drive
 Map 159-00, Various Parcels
 Map 159-07, Various Parcels
 Subarea 10 (2005)
 Council District 34 - Lynn Williams

A request to change from R40 to RS40 zoning properties located at 5600, 5606, 5610, 5614, 5616, and 5620 Granny White Pike and various properties located east of Granny White Pike on Oman Drive and

High Valley Drive (277.51 acres), requested by Councilmember Lynn Williams.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to change from One and Two-Family Residential (R40) to Single-Family Residential (RS40) zoning properties located at 5600, 5606, 5610, 5614, 5616, and 5620 Granny White Pike and various properties located east of Granny White Pike on Oman Drive and High Valley Drive (277.51 acres).

Existing Zoning

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

Proposed Zoning

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

Residential Low (RL) - RL policy is 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. There is no significant change from the existing built density. If this request is approved, the density will stay approximately the same and within the intention of the Residential Low policy.

RECENT REZONINGS - None

PUBLIC WORKS RECOMMENDATION - No significant traffic increases will result from this rezoning. The purpose of the rezoning is to allow for only single-family development in this area.

METRO SCHOOL BOARD REPORT

Projected student generation -No students would be generated by this request.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2006-405

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-193G-10 is **APPROVED. (9-0)**

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

- 22. **2006Z-194U-10**
Map 117-02, Parcel 178
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to change from RS10 to R10 zoning property located at 2902 23rd Avenue South, approximately 320 feet south of Sharondale Drive (0.62 acres), requested by Betty Barnes, owner.

STAFF RECOMMENDATION: Approve

APPLICANT REQUEST - A request to change from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning property located at 2902 23rd Avenue South, approximately 320 feet south of Sharondale Drive (0.62 acres).

Existing Zoning

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

Proposed Zoning

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. For this particular property, two units on .62 acres equal a density of 3.23 dwelling units per acre.

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

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

Consistent with Policy? - Yes. This request does not substantially change the density on this property. Both RS10 and R10 are within the density range envisioned for this area.

RECENT REZONINGS - On April 27, 2006, The Planning Commission approved a mass down zoning of this area from R10 to RS10, requested by Councilmember Shulman. This zoned change was passed by Metro Council and became effective July 21, 2006.

PUBLIC WORKS RECOMMENDATION -No significant traffic increases will result from this rezoning. The purpose of the rezoning is to allow for single-family and two-family development on this property.

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Julia Green Elementary School, Moore Middle School, or Hillsboro High School. All of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 2006.

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

Ms. Margaret Brennan, 2719 Wortham Avenue, spoke in opposition to the proposed zone change.

Ms. Betty Barnes spoke in favor of the proposal.

Mr. Ponder spoke in favor of staff recommendation.

Ms. Jones spoke in favor of approving the request.

Mr. Clifton spoke of the speculation of the mass rezonings. He was not in favor of allowing the reverse action.

Mr. Tyler questioned whether there were other properties located in the area that are R10.

Mr. Loring moved and Mr. Ponder seconded the motion, to approve Zone Change 2006Z-194U-10. **(6-1) No Vote – Clifton**

Resolution No. RS2006-406

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-194U-10 is **APPROVED. (6-1)**

The proposed R10 district is consistent with the Green Hills/Midtown Community Plan’s Residential Low Medium policy, which is intended to accommodate residential development with a density between two and four dwelling units per acre.”

23. 2006Z-195T
Specific Plan Filing With Metro Clerk

A request to amend Section 17.40.106 of the Zoning Code to require development plans for Specific Plan zoning districts to be filed with the Metropolitan Clerk prior to consideration by the Council of the Specific Plan rezoning ordinance, requested by Councilmember Ludy Wallace.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A request to amend Section 17.40.106 of the Zoning Code to require development plans for Specific Plan (SP) zoning districts to be filed with the Metropolitan Clerk prior to consideration by the Council of the Specific Plan rezoning ordinance.

ANALYSIS

Existing Law - Currently, the Zoning Code requires applications for SP rezonings to be filed with the Planning Department, including eleven copies of the site development plan, and the processing fee. The Zoning Code does not require that any plans be filed with the Metropolitan Clerk.

Background - When an application is made for an SP rezoning, the Planning Department accepts the application and distributes the development plan to the other agencies for review. Often times, the plan changes during the development review process after the applicant receives comments from the various Metro agencies. The revised plans are redistributed by the Planning Department to the other reviewing agencies for their final review and/or to keep in their file for the record.

Since the Zoning Code does not require a copy of the plan (SP, UDO, PUD, and Institutional Overlay) to be filed with the Metro Clerk's Office, the Planning Department has, historically, kept a file for all zoning applications that require a plan, including the final version of the plan approved by the Metro Council. Furthermore, each Council Bill now contains language that says that the plan of record is on file with the Metro Planning Department: "...all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and made a part of this ordinance as though copied herein..."

Metro Clerk - The Metro Clerk has indicated that there is not enough storage space in cabinets (nor room for any) in which to properly store the plans in that office. Furthermore, since anything filed with the Metro Clerk must be kept indefinitely, it would not be efficient to send the Metro Clerk the initial plan for the record since anything that is filed with the Metro Clerk must be kept forever.

Staff Recommendation - Staff recommends disapproval since (1) the plan of record is on file at the Metro Planning Department for anyone from the public to review, and (2) there is not adequate space to store plans at the Metropolitan Clerk's Office. A plan is also available to be viewed in the Planning Department's slide presentation at each Council Public Hearing upon request by a Councilmember.

Councilmember Wallace has indicated that this bill would be deferred indefinitely or withdrawn at council since talking to staff and finding out that the SP plans are available to be viewed at the Planning Department.

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

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously, to disapprove Text Amendment 2006Z-195T. **(7-0)**

Resolution No. RS2006-407

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-195T is **DISAPPROVED. (7-0)"**

XII. CONCEPT PLANS

24. 2005S-187G-04

Spring Branch Subdivision
Map 034-03, Parcel 064
Subarea 4 (1998)
Council District 10 - Rip Ryman

A request for concept plan approval to create 19 single family cluster lots and 5 duplex lots located at the northern terminus of Spring Branch Drive, approximately 690 feet north of Twin Hills Drive (12.82 acres), classified within the R20 District, requested by Glenn Nabors, owner, Batson & Associates, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Preliminary Plat

Subdivide 12.82 acres into 19 single-family and 5 duplex cluster lots at the end of Spring Branch Drive, approximately 690 feet north of Twin Hills Drive.

ZONING

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

CLUSTER LOT OPTION - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of R20 (minimum 20,000 sq. ft. lots) to R10 (minimum 10,000 sq. ft. lots). The proposed lots range in size from 10,000 sq. ft. to 20,000 sq.ft. This option is being used to preserve the stream that runs through the property.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The applicant complies with this requirement by proposing a total of 4 acres (31%) of open space – which exceeds the minimum open space acreage required.

SUBDIVISION DETAILS

Access/Street Connectivity- Access is proposed from Twin Hills Drive and extends from the existing Spring Branch Drive with one stub-street proposed to the west for future development.

Sidewalks - Sidewalks are proposed along each side of the median, however, sidewalks are required on both sides of the two-way section of Spring Branch Drive.

Landscape Buffer Yards- Landscape buffer yards (C-20') are proposed along the boundary of the property.

Open Space -The open space is to remain in its natural state with the exception of the stormwater facility.

STORMWATER RECOMMENDATION - Approved.

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.

FIRE MARSHAL RECOMMENDATION

1. Fire hydrants should flow at least 1,000 GPM's @ 40 psi.
2. Fire Main shall be at least 8-inch in diameter.

CONDITIONS

1. 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.

2. Sidewalks shall be shown on both sides of the two-way section of Spring Branch Drive.

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

Resolution No. RS2006-408

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-187G-04 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. 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.
2. Sidewalks shall be shown on both sides of the two-way section of Spring Branch Drive.”

25. 2006S-352G-02

Quail Ridge, Section 7, Ph. 3
Map 032-00, Part of Parcel 011
Subarea 2 (1995)
Council District 3 - Walter Hunt

A request for concept plat approval to create 13 lots on a portion of property located at 4270 Brick Church Pike, at the end of Quail Ridge Drive (9.95 acres), zoned R20, requested by The Developers, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Concept Plat

Request for concept plat approval to create 13 lots on approximately 9.95 acres on a portion of property located at 4270 Brick Church Pike.

Zoning

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

SUBDIVISION DETAILS

Site Plan - The plan calls for 13 cluster lots on approximately 9.95 acres with a density of approximately 1.3 units per acre. Lots will be located along Indian Summer Drive and Indian Summer Court. Both streets were approved with a previous development phase.

History - The current lots were originally submitted with a previous final plat application. That application was approved by the Planning Commission on June 8, 2006, with the exclusion of these 13 lots. These lots were never approved with the original preliminary plat so they could not be included in the final plat application. The applicants were told that a new concept plan would have to be approved, and that areas with slopes greater than 20 percent be placed in open space.

Sidewalks - The original preliminary plat and subsequent final plats for Quail Ridge are not cluster lots and include lots that meet the minimum R20 lot area requirement. Section 2-6.1 A(2) of the Subdivision Regulations state that “sidewalks are not required on new streets in residential subdivisions where the base zoning district requires a minimum lot area of at least 20,000 sq. ft. and the area of each lot to be platted remains 20,000 sq. ft. or greater.” This application is for a cluster lot subdivision and the lots are less than 20,000 square feet. Sidewalks are typically required, however the street on which these 13 lots will front was approved in another phase. The Subdivision Regulations do not require sidewalks on existing streets when the development is within the General Services District and the Sidewalk Priority Index score is less

than 20. Since the street was previously approved, the property is within the General Services District, and the SPI score is less than 20, staff recommends that sidewalks not be required.

PUBLIC WORKS RECOMMENDATION

Approve with the following condition:

1. Roadway improvements for Indian Summer Drive shall be bonded with the recording of Phase 3.

STORMWATER RECOMMENDATION

Approve with the following conditions:

1. Show and label a water quality concept for lots 48-51, and 190-199.

CONDITIONS

1. Roadway improvements for Indian Summer Drive shall be bonded with the recording of Phase 3.
2. Show and label a water quality concept for lots 48-51, and 190-199.
3. A revised copy of this subdivision that includes all conditions of approval shall be submitted to the Planning Department within 30 days of the Commission’s approval.

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

Resolution No. RS2006-409

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-352G-02 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Roadway improvements for Indian Summer Drive shall be bonded with the recording of Phase 3.
2. Show and label a water quality concept for lots 48-51, and 190-199.
3. A revised copy of this subdivision that includes all conditions of approval shall be submitted to the Planning Department within 30 days of the Commission’s approval.”

26. 2006S-375G-06

Natchez Pointe
Map 155-00, 219, 224
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request for concept plat approval to create 40 lots on a portion of properties located at 8779 McCrory Lane and McCrory Lane (unnumbered), approximately 615 feet west of Indian Hills Drive (59.57 acres), zoned RS20, requested by Natchez Point LLC, owner, Barge, Waggoner, Sumner & Cannon, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request for concept plan approval to create 40 lots on a portion of properties located at 8779 McCrory Lane and McCrory Lane (unnumbered), approximately 615 feet west of Indian Hills Drive (59.57 acres), zoned Single-Family Residential (RS80 and RS20).

ZONING

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

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

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

PLAN DETAILS - There are 36 cluster lots and 3 estate lots ranging in size from 10,000 square feet to 281,000 square feet. Lots in the 10,000 square foot range are within the RS20 zoning district. Lots in the RS80 zoning are not cluster lots and are proposed between 93,000 to 281,000 square feet.

History - On May 11, 2006, The Planning Commission approved a concept plan for 49 cluster lots on this site.

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

Variance for Lot Frontage - Three lots are proposed with no public street frontage, which requires a variance from the Subdivision Regulations. There is a stream that runs perpendicular with the proposed Natchez Pointe Drive. The stream prevents public street frontage on these larger lots. Access to Lots 11 and 12 is proposed from a 20-foot joint access easement. Lot 10 is accessed from an existing drive

Section 2-4.2A of the Subdivision Regulations state that that "Each lot shall have frontage on a public street or, where permitted, on a private street to enable vehicular access to be provided." Staff recommends approval of the variance. When the concept plan was approved on May 11, 2006, there were five lots in the RS80 zoning district. In this plan, there are only three lots. These lots are over one acre, which exempts them from the Hillside Development Standards.

Critical/Cluster Lots - Four critical lots are proposed due to steep topography. These lots are within both the RS80 and RS20 zoning districts and Natural Conservation and Residential Low Medium policies. All of these lots have 20% or greater slopes.

PUBLIC WORKS RECOMMENDATION - The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

- Private street to be constructed to public street standards.
- Lots 10-11 do not appear to have public roadway frontage. It appears that Lot 10 does not have access to the proposed access easement.
- Construct one entering and two exiting lanes with a minimum of 50' of storage to McCrory Lane.

STORMWATER RECOMMENDATION - Approved Except as Noted

1. Add the correct subdivision number, i.e., 2006S-375G-06, to the plat. The number currently cited is incorrect.

CONDITIONS

1. The following revisions need to be made to the concept plan:
 - All Public Works and Stormwater comments and conditions for public infrastructure and/or right of way shall be addressed prior to final plat approval.
 - Correct purpose note to state "40 lot cluster subdivision."
 - Delete all reference to building envelopes for Lots 1-9 and 13-40.
 - Show required landscaping buffer for double frontage lots along McCrory Creek.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing

the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

3. Show access easement across open space (creek) for Lot 10.
4. Lots 10, 11 and 12 shall not be further subdivided.

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

Resolution No. RS2006-410

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-375G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The following revisions need to be made to the concept plan:
 - All Public Works and Stormwater comments and conditions for public infrastructure and/or right of way shall be addressed prior to final plat approval.
 - Correct purpose note to state “40 lot cluster subdivision.”
 - Delete all reference to building envelopes for Lots 1-9 and 13-40.
 - Show required landscaping buffer for double frontage lots along McCrory Creek.
5. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.
6. Show access easement across open space (creek) for Lot 10.
7. Lots 10, 11 and 12 shall not be further subdivided.”

XIII. FINAL PLATS

27. 2006S-343U-10

Plan of Noelton, Resubdivision of lots 1 and 2
Map 118-09, Parcel 005
Subarea 10 (2005)
Council District 25 – Jim Shulman

A request for final plat approval to create 2 lots on property located at 3301 Lealand Lane, at the southwest corner of Lealand Lane and Battlefield (0.9 acres), zoned R10, requested by Henry C. Stinson, owner, Smithland Surveying, surveyor.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A request for final plat approval to create 2 lots on property located at 3301 Lealand Lane, at the southwest corner of Lealand Lane and Battlefield (0.9 acres), zoned One and Two-Family Residential (R10).

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.

PLAN DETAILS - This subdivision proposes to create one single-family lot and one duplex lot.

Lot comparability - Section 3-5 of the Subdivision Regulations states that new lots in areas that are

predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability				
	Area		Frontage	
	Required	Proposed	Required	Proposed
Lot 1	17,035.07	15,622	90	85.44
Lot 2	22,084.92	22,888	90	119.31

As currently proposed, Lot 1 does not meet comparability for area or frontage.

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

The proposed lots could meet **one** of the qualifying criteria of the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Low-Medium Density land use policy. RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Recommendation - Staff recommends not granting an exception to lot comparability and disapproving this subdivision. Staff opposes an exception in this case because the subdivision severely affects the overall character of Lealand Lane and Battlefield Drive. On Lealand Lane, the average setback is 97.22 feet and the permitted setback by the Zoning Ordinance is 40 feet. On Battlefield Drive, the average setback is 57.43 feet and the proposed available setback is 40 feet. If new development was to take place on these lots, staff recommends that the minimum setback be 80 feet.

As proposed, this development would be out of character with the neighborhood. The inconsistency would be highly visible due to the topography of the site. Since the current lot slopes down into the intersection, the development on Lot 1 will loom over the intersection of Lealand Lane and Battlefield Drive. The new development will also protrude from the well-defined line of houses on Battlefield Drive. While there are previously subdivided lots, an example of which is the corner of Lealand Lane and Clifton Lane, which was subdivided in 1975, nearby, staff has determined they are not and should not be the predominant pattern of development in this area.

PUBLIC WORKS RECOMMENDATION - At development, relocate existing driveway outside of roadway intersection.

STORMWATER RECOMMENDATION -Add the subdivision number, i.e., 2006S-343U-10, to the plat.

CONDITIONS (If approved)

Prior to recording the following revisions must be made to the plat

1. Add note that existing driveway will be relocated outside of roadway intersection.
2. A front setback of 80 feet shall be noted on the plat.

Ms. Logan presented and stated that staff is recommending disapproval. However, she stated that the applicant would agree to the 80 foot platted setbacks as recommended by staff if the subdivision were approved by the Commission.

Mr. Chris Brady, 4401 Sunnybrook Drive, in favor of the proposal.

Mr. John Brittle, 5474 Franklin Pike, presented information to the Commission and spoke in favor of the proposal.

Mr. Jim Withers, 2601 Hillsboro Road, spoke in favor of the proposal.

Mr. James Currie, 1003 Battlefield Drive, spoke in opposition to the proposal.

Mr. Frank Scanlon, 3300 Lealand Lane, spoke in opposition to the proposal.

Mr. Richard Hooper, 3306 Lealand Lane, spoke in opposition to the proposal.

Ms. Barbara Short, 920 Merango Lane, spoke in opposition to the proposal.

A resident of 803 Park Terrace spoke in opposition to the proposal.

Mr. Shawn Henry, 315 Deadrick Street, spoke in favor of the proposal.

Mr. Clifton spoke in favor of staff recommendation.

Mr. Tyler spoke of the orientation of the subdivision and stated it would not be compatible with the existing area. He agreed with staff's recommendation.

Ms. Beehan agreed with staff recommendation.

Mr. Ponder suggested alternative options for the subdivision. He stated he agreed with staff's recommendation.

Mr. Loring agreed with the applicant and stated the proposal was compatible with the neighborhood.

Mr. Lawson noted the comparability issues associated with the proposal.

Mr. Bernhardt clarified the staff recommendation in that staff was concerned with the layout and the design of the lots.

Mr. Clifton moved and Mr. Ponder seconded the motion, to disapprove final plat 2006S-343U-10. **(6-1)
No Vote – Loring**

Resolution No. RS2006-411

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-343U-10 is **DISAPPROVED.
(6-1)”**

- 28. 2006S-364U-04**
Charlotte Park Reserve Parcel A
Map 090-15, Parcel 011
Subarea 7 (2000)
Council District 20 - Billy Walls

A request for final plat approval to remove the reserve parcel status on one parcel to create 1 buildable lot on property located at Sunliner Drive (unnumbered), at the end of Sunliner Drive (1.7 acres), zoned R10, requested by TC Summers Inc., owner, Daniels & Associates, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request for final plat approval to remove the reserve parcel status on one parcel to create 1 buildable lot on property located at Sunliner Drive (unnumbered), at the end of Sunliner Drive (1.7 acres), zoned One and Two Family Residential (R10).

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.

PLAN DETAILS - This subdivision proposes to remove the reserve status and create one buildable lot. The applicant also submitted an Application for a Subdivision Variance, requesting a sidewalk variance. The property is on an existing street in the Urban Services District. Staff did not find conditions unique to this property that would justify granting the variance. However, the applicant is eligible to pay a fee to Metro in lieu of sidewalk construction.

Recommendation - Staff recommends removing the reserve status, but not granting a sidewalk variance. The original plat, dated 1960, simply labels this lot as “Reserved Parcel ‘A’ Not a Building Lot.” Staff has not found a reason for this to remain a reserve parcel, as there is an adequate building envelope.

PUBLIC WORKS RECOMMENDATION - Submit roadway construction plans for Sunliner Drive. Construct Sunliner Drive from River Rouge Drive to property line.

STORMWATER ECOMMENDATION- Approved Except as Noted.

CONDITIONS

Prior to recording the final plat, the following revisions need to be made:

1. Change the Minimum FFE to 413.0'.
2. Clearly show the Public Drainage Easement for the portions of the Cumberland River reaching onto the platted property. Note: a P.D.E. has been dedicated, however, it is somewhat unclear.
3. If required, the in-lieu fee for sidewalks must be paid prior to recording of the final plat.

Ms. Logan presented and stated that staff is recommending approval with conditions with a disapproval of the sidewalk variance.

Mr. Mark Moody, 615 River Rouge Drive, spoke in opposition to the proposal.

Mr. Greg Daniels, 4701 Tousdale Drive, spoke in favor of the proposal.

Mr. Bobby Campbell, 6464 Thunderbird Drive, spoke in favor of the proposal as well as the sidewalk variance.

Mr. Lawson requested additional clarification regarding staff’s recommendation in relation to street improvements included in the proposal.

Mr. Jonathan Honeycutt, Public Works employee, explained this concept to the Commission.

Mr. Ponder requested additional clarification regarding the proposal in relation to the public right-of-way.

Mr. Loring moved approved with the proposal be approved without the roadwork or the sidewalk improvements.

There was no second to this motion.

Mr. Ponder stated he was in favor of the road improvements and not the sidewalk improvements as requested by staff.

Mr. Clifton spoke of the required improvements as recommended by staff. He spoke of setting a bad precedent and whether the road improvements should be required.

Mr. Bernhardt explained the staff recommendation to the Commission in relation to the proposal.

Mr. Clifton questioned whether there was a requirement for sidewalks with reserved lots.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton stated he may not be in favor of requiring the sidewalks included in the proposal.

Mr. Tyler requested further clarification on the linear feet of roadway that would be required for improvement.

Ms. Beehan stated she was in favor of the road improvements as well as an in lieu of contribution for the sidewalks.

Ms. Hammond offered additional information regarding the sidewalk variance in relation to the 3-8-1c of the Subdivision Regulations.

Mr. Ponder moved and Ms. Jones seconded the motion, which passed unanimously, to approve Final Plat 2006S-364U-04 with the condition of requiring roadway structure improvements, as well as an approval on the sidewalk variance as noted to the Subdivision Regulation #3-8-1c. (7-0)

Mr. Loring stated he was in favor of the motion, however he was not in favor of the roadway improvement requirements.

Resolution No. RS2006-412

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-364U-04 is **APPROVED WITH CONDITIONS, including an exception to remove the requirement for a sidewalk pursuant to Section 3-8.1.3. (7-0)**

Conditions of Approval:

1. Change the Minimum FFE to 413.0'.
2. Clearly show the Public Drainage Easement for the portions of the Cumberland River reaching onto the platted property. Note: a P.D.E. has been dedicated, however, it is somewhat unclear.
3. If required, the in-lieu fee for sidewalks must be paid prior to recording of the final plat.”

- 29. 2006S-367U-05**
Shepardwood, Section 1, Reserve Parcel A
Map 060-16, Parcel 205
Subarea 5 (1994)
Council District 8 - Jason Hart

A request for final plat approval to remove the reserve parcel status and create 1 buildable lot on property located at Oakwood Avenue (unnumbered), approximately 850 feet north of Bullock Avenue (0.18 acres), zoned RS7.5, requested by Deborah Thomas, owner, Rocky Montoya, surveyor.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - A request for final plat approval to remove the reserve parcel status and create 1 buildable lot on property located at Oakwood Avenue (unnumbered), approximately 850 feet north of Bullock Avenue (0.18 acres), zoned Single-Family Residential (RS7.5)

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.

PLAN DETAILS - This subdivision proposes to remove the reserve parcel status and create one buildable lot. The applicant also submitted an Application for a Subdivision Variance, requesting a sidewalk

variance. The property is on an existing street in the Urban Services District. There are no conditions unique to this property that would justify granting the variance. However, the applicant is eligible to pay a fee to Metro in lieu of sidewalk construction.

Recommendation - Staff recommends removing the reserve status but not granting the variance. The original plat, dated 1970, has a note that states that “Reserved Parcel ‘A’ is not to be used as [an] individual building site until approved by the Metropolitan Planning Commission.” Although this is possibly a difficult site on which to build, it meets zoning and Codes has confirmed it is buildable.

CONDITIONS

Prior to recording the final plat, the following revisions need to be made:

1. Add subdivision number 2006S-376U-05.
2. Add owner name to owner certificate.
3. Label dimensions of Lot A.
4. If required, the in-lieu fee for sidewalks must be paid prior to recording of the final plat.

Ms. Logan presented and stated staff is recommending approval with conditions.

Mr. Bobby Leggs, 2800 Oakwood Avenue, spoke in opposition to the proposal.

Mr. Sean Page spoke in favor of the proposal.

Mr. Tyler requested additional information regarding the reserved lot status.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously to approve Final Plat 2006S-367U-05. **(7-0)**

Resolution No. RS2006-413

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-367U-05 is **APPROVED WITH CONDITIONS, but disapproved sidewalk variance. (7-0)**

Conditions of Approval:

1. Add subdivision number 2006S-376U-05.
2. Add owner name to owner certificate.
3. Label dimensions of Lot A.
4. If required, the in-lieu fee for sidewalks must be paid prior to recording of the final plat.”

- 30. 2006S-368U-07**
Nebraska Avenue Subdivision
Map 104-01, Parcel 314, 315
Subarea 7 (2000)
Council District 24 - John Summers

A request for final plat approval to create three lots on property located at 3529 and 3601 Nebraska Avenue, approximately 340 feet west of Acklen Park Drive (0.57 acres), zoned RS7.5, requested by Gladys Ashburn et ux, owners, John Kohl & Company, surveyor.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - A request for final plat approval to create three lots on property located at

3529 and 3601 Nebraska Avenue, approximately 340 feet west of Acklen Park Drive (0.57 acres), zoned Single-Family Residential (RS7.5).

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.

PLAN DETAILS - This subdivision proposes to subdivide two existing lots into three lots.

Lot comparability - Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
Nebraska Avenue	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
	6,686	45.0

As proposed, the three new lots pass lot comparability for both area and frontage.

Recommendation - Even though the request meets zoning and lot comparability, staff recommends disapproval based upon character. As shown on the plat, there is a drainage easement that occupies the northern portion of proposed Lot 3. Because of this easement, any development on proposed Lot 3 would be setback roughly 110 feet from Nebraska Avenue. The average setback of the adjoining properties is approximately 47 feet. This approximate setback is applicable to this block of Nebraska Avenue, with one anomaly. This easement does not restrict development on the existing lot because it has more than enough area to place a house at the appropriate setback on the western side of the lot.

STORMWATER RECOMMENDATION - Approved Except as Noted

CONDITIONS

Prior to recording the final plat, the following revisions (if approved) need to be made:

1. Correct the subdivision number. The correct number is 2006S-368U-07, to the plat.
2. Surveyor stamp, sign, and date.
3. Clearly show the 20' Public Drainage Easement crossing lots 1-3, as the P.D.E. line is faint and eventually terminates halfway through lot 1.

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

Mr. Phil Taylor, John Kohl & Co. spoke in favor of the proposal.

Mr. Justin Rogers, 608 Regent Park, spoke in favor of the proposal. He presented information to the Commission for the record.

Mr. Clifton requested additional clarification regarding the minimum setback guidelines.

Mr. Kleinfelter explained Subdivision Regulations 1-3 which explained the "Purpose Statement".

Mr. Morrissey explained that the language just recited by Mr. Kleinfelter is derived from State Law.

Mr. Tyler requested additional clarification on other homes in relation to their setbacks.

Ms. Beehan stated she agreed with staff's recommendation.

Mr. Ponder requested additional clarification on the staff recommendation and then stated he agreed with it.

Ms. Jones stated she agreed with the staff recommendation.

Mr. Ponder moved and Ms. Beehan seconded the motion to disapprove Final Plat 2006S-368U-07. **(4-3)**
No Votes – Loring, Tyler Clifton

Resolution No. RS2006-414

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-368U-07 is **DISAPPROVED.**
(4-3)”

XIV. PLANNED UNIT DEVELOPMENTS (revisions)

- 31. 189-73-G-14**
Central Pike Medical Office Building
Map 086-00, Parcel 341
Subarea 14 (2004)
Council District 14 - Harold White

A request to amend a portion of a residential Planned Unit Development located on the south side of Central Pike, west of I-40, classified MUL, and proposed for, to allow for the development of 35,200 Sq. Ft. of medical office, replacing 31,920 Sq. Ft. of office and retail space, requested by PBJ Engineering Design Development, LLC, applicant, for Merry Land Holdings, LLC, owner.

STAFF RECOMMENDATION: Disapprove

The Metropolitan Planning Commission DEFERRED Planned Unit Development 189-73-G-14 to January 25, 2007, at the request of the applicant. (9-0)

- 32. 155-74-U-14**
Larchwood Commercial (Argosy University PUD Variance)
Map 096, Parcel 028
Subarea 14 (2004)
Council District 14 - Harold White

A request for approval of variance from Section 17.12.20, and Section 17.32.110 of the Metro Zoning Code, within a Commercial Planned Unit Development, zoned OL (25.36 acres) to allow for the placement of an accessory business sign, requested by August Enterprises, applicant for Commerce Center TN Tower LP, owner.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - Sign Variance

A request for a variance to the Metro Zoning Code within a Commercial Planned Unit Development located at 100 CNA Drive, zoned Office Limited (OL) (25.36 acres), to permit the placement of two free standing signs.

VARIANCE REQUEST

The Metro Zoning Code allows for one sign on this property. It also requires a 20 foot setback, and maximum sign area of 20 feet. Applicants are requesting a variance to the sign requirements which would

allow for two signs to be placed on the property – one at the entrance along McCrory Creek Road, and one at the rear property line, along Interstate 40, totaling 155 square feet, and within the 20 foot setback.

The requested variance would allow for one monument type sign, approximately 30 square foot sign (4.5' x 6.6') to be placed at the entrance on McCrory Creek Road, and would have a 2 foot setback. The second sign would be on the southern property line and would be visible from I-40. Proposed dimensions for the second sign are 15.2' x 12.6' (192 square feet), with a setback of 5 feet.

Since this variance request is within a Planned Unit Development, the Planning Commission must make a recommendation to the Board of Zoning Appeals regarding the request. Staff has reviewed the request and do not find any hardship which would warrant a variance from Metro's sign requirements. Applicants have stated that there is currently a sign along McCrory Creek Road and that the proposed sign will only replace the existing sign. The applicants have also provided information showing that a sign was previously located along the southern property line in the same location that the new sign is proposed. While the request may be replacing an existing sign, and a sign may have been present previously in the proposed location, no true hardship has been presented. While the site location may present difficulty for sign visibility, staff feels that a solution can be achieved under the current sign regulations.

Staff Recommendation - Since no hardship has been presented, staff recommends that the Planning Commission recommend that this request be disapproved.

Ms. Withers presented and stated staff is recommending disapproval.

Mr. Scott Dennison, 5209 Pennsylvania Avenue spoke in favor of the variance.

Ms. Debora Shoulders, 100 Centerview Drive, spoke in favor of the variance.

Mr. Bernhardt further explained the staff recommendation in relation to signage.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously, to approve Planned Unit Development 155-74-U-14, with the condition there be no other signs permitted, including no signs on the building. (7-0)

Resolution No. RS2006-415

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-U-14 is **APPROVED WITH CONDITIONS, including a requirement that no other signs are permitted, including no signs on the building.** (7-0)”

33. **155-74-G-14**
Larchwood Commercial (Thornton's)
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 3,729 square foot fuel station with 20 pumps, requested by TRC International, applicant, for Eller & Olsen Stone Company, owner.

STAFF RECOMMENDATION: Disapprove

APPLICANT REQUEST - PUD Revision

A request to revise a portion of the preliminary plan for a Commercial Planned Unit Development located at 714 Stewarts Ferry Pike, classified Commercial Limited (CL) (1.1. acres), to permit the development of a 3,729 square foot fuel station with 20 fuel pumps.

PLAN DETAILS

Site Plan - The plan calls for a 3,729 square foot convenience store/fuel center with 20 covered fuel pumps. Access will be provided at existing locations with one at Blackwood Drive, and a second internal drive that connects to Percy Priest Drive. Currently the site contains a 5,513 square foot building that was previously used for a restaurant.

Parking - As proposed, the site will provide 39 parking spaces, and does not meet current parking requirements. Metro Parking Standards requires a total of 45 parking spaces for this development (1 space per 200 sq. ft., and 1 space per pump). Since this proposal is within a Planned Unit Development, the Planning Commission is to make a recommendation to the Board of Zoning Appeals for a variance from the minimum required number of parking spaces on site. No hardship has been presented to staff; therefore, it is in staff's opinion that a variance not be granted and that the scale of the project be reduced.

Preliminary Plan-The originally approved preliminary plan for this site was approved for a 5,328 square foot restaurant.

The overall PUD district was approved for approximately 400,900 square feet of various commercial, retail and convenience uses. Since the original preliminary for this site was approved for 5,513 square feet, then the requested 3,729 square feet will not increase the overall approved square footage within the PUD.

Staff Recommendation - Staff recommends that the request be disapproved, and that the scale of the development be reduced in order to meet all Metro Zoning requirements.

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 construction plans. Final design and improvements may vary based on field conditions.

STORMWATER RECOMMENDATION - Approved

CONDITIONS (if approved)

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. 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, (9-0) *Consent Agenda*

Resolution No. RS2006-416

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-G-14 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. 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.”

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34. **6-82-U-07**
Westmeade Nursing Home
Map 129, Parcel 017
Subarea 7 (2000)
Council District 23 - Emily Evans

A request to revise the preliminary plan for a portion of a Residential Planned Unit Development, located

on the south side of Harding Pike (unnumbered), classified R20 (2.66 ac), to permit a 8,200 square foot addition to a 15,000 square foot nursing home, requested by Civil and Environmental Engineering Services, applicant for St. Henry's Property Development, Inc.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Revise preliminary and final PUD

A request to revise the approved preliminary plan, and for final approval for a Planned Unit Development zoned One and Two-Family Residential (R20) (2.66 acres), located on the south side of Harding Pike, to permit an 8,200 square foot expansion.

PLAN DETAILS

Site Plan - The plan calls for an 8,200 square foot addition to an existing 15,000 square foot building. The addition will be located along the north side of the existing building and will provide additional space for physical therapy, and a patient lounge area.

Original Plan - This request is located within a residential Planned Unit Development which includes a large section of single-family lots. This section was approved for approximately 251,780 square feet of area, and 200 units.

Since the request does not increase the area or number of units and adds amenities on-site for the residents, staff recommends that the request be approved.

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 - No Exceptions Taken.

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. 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/revise 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. RS2006-417

“BE IT RESOLVED by The Metropolitan Planning Commission that 6-82-U-07 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. 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/revise 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.”

35. **24-85-P-13**
 Weatherly Ridge Apartments (Formerly Forest View North, Phase 1)
 Map 149, Parcel 189
 Subarea 13 (2003)
 Council District 29 – Vivian Wilhoite

A request for final approval of the Residential Planned Unit Development district located on the south side of Anderson Road, and north of Murfreesboro Pike (19.37 acres), classified R10, to permit the development of 240 garden apartments, requested by Fisher & Arnold, Inc., for John E. Cain, III,

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final PUD

A request for final approval for Residential Planned Unit Development zoned One and Two-Family Residential (R10) (19.37 acres), located on the south side of Anderson Road, and north of Murfreesboro Pike, to permit the development of 240 apartments.

PLAN DETAILS - The plan calls for 240 apartments on approximately 19.37 acres, with a density of approximately 12 dwelling units per acre. This will be the last phase for this residential Planned Unit Development.

This plan was originally approved by Metro Council in 1985 for 264 units. The Planning Commission approved a revision to the preliminary plan in July of 2006. As proposed the final site plan is consistent with the last approved preliminary plan.

Access - The development will have access from two separate locations. The first access point is through the single-family portion of this PUD at Forest Trace Drive, which leads to Anderson Road. The second point of access is to Forest View Drive, which leads to Murfreesboro Pike.

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 with conditions:

1. Provide a signed stormwater detention maintenance agreement with appropriate recording fees.
2. Place engineer's stamp and signature on design calculations.
3. Provide a vicinity map on the plans.
4. Provide an overall grading plan sheet.
5. Provide an overall erosion control plan sheet. The plan sheet included in the set does not address the access road area.
6. Indicate on the plans which BMPs have been included to address item number 2 of the stormwater appeal.
7. The area delineations shown on sheet C-2 appear incorrect. Specifically, the divide between basins 1 and 2 is not on the top of the ridge resulting in a difference of approximately one acre.
8. Provide a construction entrance at the northern access point (Forest Trace Drive).
9. Provide sediment basin calculations and provide temporary sediment outlet structure per TDEC Erosion and Sediment Control Handbook.
10. The side slopes of the sedimentation basin shall have side slopes of 4 to 1. It is unclear on the plans what the designed side slopes are to be.
11. Provide diversion ditches on the uphill side of the longer sedimentation basins to ensure that the effective length/width ratio is 4 to 1.
12. Provide NPDES NOC letter and signature on note in the plans.
13. Provide EPSC note with a signature in the plans.
14. Provide details of how sedimentation basins are to be modified as part of the phased construction.
15. Provide details on how erosion prevention and sediment control will be handled during all phases of construction. It is recommended that a SWPPP plan be produced that shows all EPSC BMPS to be used. Specifically, show inlet protection, headwall protection, silt fence, temporary check dams and other devices to be used during all phases of construction..
16. Provide approval letter from TVA for installing a detention pond and raising the final grade within a TVA easement.
17. Place note on Erosion Control Plan requiring contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during pre-construction meeting.
18. In general, designate each drainage structure with a number. Include headwalls and junction boxes.
19. Provide detail for the headwall to be used to capture drainage area 46.
20. It is unclear where the flow from head wall north of structure 27 is being directed. A channel should be included in the plans to show how this flow will be diverted from the headwall to the

- receiving headwall number 8.
21. Ponds must be designed to have a 3:1 length: width ratio to prevent short-circuiting and outlet should be relocated to the east end of the pond. HW #2 needs to be repositioned, or a baffle of some sort must be added to the large basin bottom achieve the proper residency time in the pond.
 22. Ponds must be designed to max a minimum of 2 percent slope across the bottom. The smaller basin needs to have a sloped floor or a low flow swale to ensure positive drainage.
 23. Provide details on how roof drainage will be directed into storm water systems.
 24. Provide details on all retaining walls including foundation drainage systems.
 25. Provide details how phase 2 will drain if drainage structures not constructed. Several drainage structures and pipes on phase 1 depend on construction of phase 2.
 26. Provide advanced slope protection for all slopes 3:1 or greater and delineate/shade areas to receive this protection on the plans. Provide design backup.
 27. Give dimensions, type and supporting calculations for outlet protection for both the temporary basins and in the permanent outfalls.
 28. Separate the physical information (IE's, slope, etc) of the storm network from the design calculations (HGL, spread, etc). Calculations should accompany the other calculations. Calculations need to be provided for all headwalls and pipes. Area inlets should not be modeled as drop grates.
 29. Provide details for double grate area inlets.
 30. Provide spread calculations for inlets in roadway.
 31. Provide minimum 18" diameter cross drain under all roads or segments greater than 50 feet.
 32. Provide calculations supporting the pre and post curve numbers including land use and soil types.
 33. The Tc for the SMALL BASIN appears rather large at 31.00 minutes for a 5.53 acre basin. In comparison, the other predeveloped basin WEATHERLY RODGE PRE has a Tc of 27.8 minutes but it is 44.0 acres in size. Please verify that the Tc calculations accurately represent the pre and post development basins. Provide backup.
 34. The drainage basin exhibit shows the predeveloped basins to be 44.34 and 3.18 acres and the post developed basins to be 41.99 and 5.53 respectively. However, the latest routing calculations provided (time stamp Tuesday, October 31 2006, 4:35PM) has both the Pre and Post values for the basins being 44.0 and 3.53 acres respectively. Please verify that the calculations accurately reflect the correct pre and post development basins.
 35. In the pond routing calculations, it appears that the notch weir is modeled as a riser and that the top of the structure is modeled as a broad crested weir. These designations should be reversed. Also, the top of the structure should be modeled as a multi-stage device to ensure that the outfall pipe of each structure is adequately sized.
 36. Are curb cuts to be designed/utilized on high side of retaining walls which will empty into ponds? Provide design.

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. 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. 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. RS2006-418

“BE IT RESOLVED by The Metropolitan Planning Commission that 24-85-P-13 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. 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. 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.”

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- 36. 94-85-P-13**
Tree Top (Formerly Chinquapin, Phase II)
Map 149-00, Parcel 027
Subarea 13 (2003)
Council District 33 - Robert Duvall

A request for final approval for a Residential Planned Unit Development located at 2246 Una-Antioch Pike, classified R15, (3.4 acres), to permit the development of 19 multifamily units, requested by MEC, Inc., applicant, for General Construction, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Final PUD

A request for final approval for Residential Planned Unit Development zoned One and Two-Family Residential (R15) (3.4 acres), located at 2246 Una-Antioch Pike, to permit the development of 19 multi-family units.

PLAN DETAILS

Site Plan - The plan calls for 19 multi-family units with a driveway proposed from Treetop Drive. The original plan was approved in 1986, by Metro Council for the same number of units on this property. These units will be two-story townhomes with the floor area for each unit proposed at 1,300 square feet.

Thirty-eight parking spaces are proposed allowing two spaces per unit.

This plan was originally approved by Metro Council in 1986 for 19 units, but with the entrance onto Una-Antioch Pike. A revised plan was approved by the Planning Commission on June 23, 2005, which included an entrance onto Treetop Drive. The proposed site plan is consistent with the last approved preliminary plan.

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 - No Exceptions Taken.

CONDITIONS

1. Prior to the issuance of any building permits, NES must approve the electrical layout and site plan. If any modifications are required on the site plan, then the PUD may need to be revised and approved by the Planning Commission.
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. RS2006-419

“BE IT RESOLVED by The Metropolitan Planning Commission that 94-85-P-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, NES must approve the electrical layout and site plan. If any modifications are required on the site plan, then the PUD may need to be revised and approved by the Planning Commission.
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/revise 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.”

- 37. 27-87-P-03**
Creekside Trails, Phase 7
Map 058-00, Part of Parcel 207
Subarea 3 (2003)
Council District 1 - Brenda Gilmore

A request for final approval for phase 7 of the Planned Unit Development located along the north side of Cato Road and the west side of Briley Parkway, zoned RS15, (18.6 acres), to develop 64 single-family lots, requested by Anderson Delk, Epps and Associates, applicant, for Tennessee Contractors, Inc., owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST - Revision to Preliminary

A request to revise the original phasing plan and for & Final PUD final approval for Phase 7 of the Planned Unit Development located along the north side of Cato Road and the west side of Briley Parkway, zoned Single-Family Residential (RS15) (18.6 acres), to develop 64 single-family lots.

PLAN DETAILS - The plan is consistent with the revised preliminary PUD plan approved on February 17, 2000 except that the phases of development are being revised. The lot layout is essentially the same, with a few small variations.

The new phase 7 actually contains the old phase 7 and parts of phases 8, 9 and 10. This is not a problem except for proportioning required traffic improvements. Public Works has met with the applicant, and the applicant is agreeable to working on the required improvements but would like more time. Staff recommends that the required traffic conditions for Phase 8 must be completed before the plat can be recorded for this phase. Public Works has also determined a turn lane on Ashland City Highway at Cato Road is necessary. This was not an original condition of the PUD and Public Works will work on the specifics of that requirement during construction plan approval.

Previous Traffic Conditions relating to this phase:

8. Prior to the approval of the final PUD plan for Phase VIII, the developer shall submit right-of-way plans, construction plans, and cost estimates for the improvement or replacement of the existing concrete and iron beam bridge located on Cato Road immediately north of the Cato Road/Cato Court intersection so that the improved or new bridge meets the then-current AASHTO standards with a pavement width of 24 feet shall be submitted to the MPC and the DPW for review and approval.
9. Prior to the approval of the final PUD plan for Phase IX, if the documents submitted under item 8., as approved by the DPW, establish the need for the acquisition of additional right-of-way, then the developer shall pay to Metropolitan Government the amount required for the improvement or replacement of the existing concrete and iron beam bridge located on Cato Road immediately north of the Cato Road/Cato Court intersection, and the acquisition of any necessary additional right-of-way, so that the improved or new bridge meets the then-current AASHTO standards with a pavement width of 24 feet.

If the documents submitted under item 8, as approved by the DPW, do not establish the need for additional right-of-way, then, prior to the approval of the final PUD plan for Phase IX, the developer shall bond such construction in conformance with Metropolitan Government’s standard procedures.

The plan proposes 64 single family lots. There is a landscape buffer yard proposed along Cato Road because the rear of the lots back up to the road. Even though this is an old PUD, sidewalks are required on both sides of the streets.

PUBLIC WORKS RECOMMENDATION - Following are revised Public Works comments regarding the submitted Creekside Trails Phase 7 final PUD (27-87-P-03). Improvements to Cato Road were not a condition of approval by the Metropolitan Planning Commission, and will be evaluated by the Department of Public Works at the time of construction plan review / approval. Public Works comments are as follows:

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Identify right of way dedication along Cato Road.
- Comply with previous conditions for PUD:
- Submit construction plans for left turn lane with 125 ft of storage and transition per AASHTO standards on Ashland City Highway at Cato Road.
- Submit right-of-way plans, construction plans, and cost estimates for the improvement or replacement of the existing concrete and iron beam bridge located on Cato Road immediately north of the Cato Road/Cato Court intersection so that the improved or new bridge meets the then-current AASHTO standards with a pavement width of 24 feet.

STORMWATER RECOMMENDATION - Approve

CONDITIONS

1. Prior to the recordation of the final plat for Phase VII, the developer shall submit right-of-way plans, construction plans, and cost estimates for the improvement or replacement of the existing concrete and iron beam bridge located on Cato Road immediately north of the Cato Road/Cato Court intersection so that the improved or new bridge meets the then-current AASHTO standards with a pavement width of 24 feet shall be submitted to the MPC and the DPW for review and approval.
2. Identify right of way dedication along Cato Road.
Comply with previous conditions for PUD:
-Submit construction plans for left turn lane with 125 ft of storage and transition per AASHTO standards on Ashland City Highway at Cato Road.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
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. 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.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

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

Resolution No. RS2006-420

“BE IT RESOLVED by The Metropolitan Planning Commission that 27-87-P-03 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to the recordation of the final plat for Phase VII, the developer shall submit right-of-way plans, construction plans, and cost estimates for the improvement or replacement of the existing concrete and iron beam bridge located on Cato Road immediately north of the Cato Road/Cato Court intersection so that the improved or new bridge meets the then-current AASHTO standards with a pavement width of 24 feet shall be submitted to the MPC and the DPW for review and approval.
2. Identify right of way dedication along Cato Road.
Comply with previous conditions for PUD:
-Submit construction plans for left turn lane with 125 ft of storage and transition per AASHTO standards on Ashland City Highway at Cato Road.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
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. 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.
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.”

- 38. 2005P-008G-06**
Harpeth Village PUD, Phase I (Commercial)
Map156-9-A, Various Parcels
Map156, Various Parcels
Subarea 6 (2003)
Council District 35 - Charlie Tygard

A request to amend the approved preliminary plan for a portion of a Planned Unit Development district located at 7727, 7739, 7745 Old Harding Pike, 8020, 8024, 8036 Highway 100, Old Harding Pike (unnumbered), and Highway 100 (unnumbered), (34.5 acres), classified CL and RM6, previously approved for 74 townhomes, 26,700 square feet of office/library, 87,900 square feet of retail/restaurant/bank uses, and to amend by allowing for 101,677 square feet of retail/restaurant/bank uses, 20,000 square feet of office, and to allow for a new ingress along Highway 100, requested by Dale and Associates, applicant for Kimco Barclay Harpeth, L.P., owner.

STAFF RECOMMENDATION: Approve with conditions but disapprove new access on Highway 100.

APPLICANT REQUEST - Final PUD

A request to amend the approved preliminary plan for a portion of a Planned Unit Development district located at 7727, 7739, 7745 Old Harding Pike, 8020, 8024, 8036 Highway 100, Old Harding Pike (unnumbered), and Highway 100 (unnumbered), (34.5 acres), classified Commercial Limited (CL), previously approved 26,700 square feet of office/library, 87,900 square feet of retail/restaurant/bank uses, and to amend by allowing for 101,677 square feet of retail/restaurant/bank uses, 20,000 square feet of office, and to allow for a new ingress along Highway 100, requested by Dale and Associates, applicant for Kimco Barclay Harpeth, L.P., owner.

PLAN DETAILS - The proposed plans include an addition of 7,077 square feet of building area. This area is within the 10% additional square footage allowed without having to receive council approval, however, the Councilmember and the community were very specific about the details of this plan. The maximum floor area ratio is .60 in the CL zoning district and with the new square footage brings the floor area ratio to .22. This plan is still not anywhere near achieving the maximum development allowed under the zoning.

Three out parcels are now proposed in front of the Publix store, where 2 were originally proposed. The buildings have been pulled closer to Highway 100 and attempts have been made to move some of the parking behind the buildings. An additional access from Out parcel 2 onto the internal access drive is being proposed.

Additionally, the office building on out parcel 7 has been revised to wrap the corner of Old Harding Pike and Highway 100. This building was previously identified as a potential library site.

New access on Highway 100 - The additional access requested on Highway 100 qualifies this request as an amendment to the PUD, requiring Council approval. This request is for a right-in turn lane into Out Parcel 5 from Highway 100. Highway 100 is a scenic arterial, and making unnecessary driveway accesses is in conflict with the purpose of being “scenic.”

The original concept of the PUD was to keep all access points to Temple Road and the internal access drives. The current layout of the proposed westbound right turn lane on S.R. 100 at Temple Road marginally meets design criteria due to the proximity of the existing bridge. Allowing an access drive within that right turn lane would compromise the safety of that design.

STORMWATER RECOMMENDATION - Approve

FIRE MARSHAL RECOMMENDATION

- Fire hydrants should flow a minimum of 1000 GPM’s at 40 psi residual flow at the most remote hydrant.
- Fire Hydrants shall be in-service and tested before any combustible material is brought on site.

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.

1. No access to Highway 100
2. Use and occupancy permits shall not be issued until completion of all intersection roadway and signal improvements at Hwy 100 & Temple Road.
3. Developer shall modify signal at Hwy 100 & Temple Road. A signal plan shall be provided to the Metro Traffic Engineer for approval.
4. Driveways onto Temple Road shall provide a minimum of 2 exit lanes, to provide a separate left turn lane with 50 ft of storage, and 1 entering lane.
5. Developer shall conduct traffic counts at 50% and 100 % completion of project and submit

warrant analysis to Metro Traffic Engineer for the intersection of Old Harding Pike and Temple Road extension. Developer shall install traffic signal at this location if approved. A signal plan shall be submitted for Metro Traffic Engineer approval.

6. No additional access drives onto Hwy 100 will be allowed

CONDITIONS

1. Comply with all Public Works conditions of approval.
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 and the Traffic Engineering Section of the Metropolitan Department of Public Works.
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. 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/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
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.

Approved with conditions, but disapprove new access on Hwy 100 (9-0), *Consent Agenda*

Resolution No. RS2006-421

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-008G-06 is **APPROVED WITH CONDITIONS, BUT DISAPPROVED IF NEW ACCESS IS PROVIDED ONTO HIGHWAY 100. (9-0)**

Conditions of Approval:

1. Comply with all Public Works conditions of approval.
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 and the Traffic Engineering Section of the Metropolitan Department of Public Works.
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. 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.
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.

The proposed additional area to the commercial portion of the PUD is within ten percent of the Council approved PUD plan, and is consistent with the concept of the originally approved plan. Because of the close proximity of a bridge on Highway 100 to the proposed new access point, the proposed access point does not meet design criteria. Also Highway 100 is a scenic arterial, and allowing additional curb cuts compromises its scenic classification.”

39. 2005P-008G-06

Harpeth Village, Phase II (Residential)
 Map 156-00, Parcels 004, Part of Parcel 113
 Subarea 6 (2003)
 Council District 35 - Charlie Tygard

A request to revise the approved preliminary plan for a portion of a Planned Unit Development district located at 7727, 7739, 7745 Old Harding Pike, 8020, 8024, 8036 Highway 100, Old Harding Pike (unnumbered), and Highway 100 (unnumbered), (34.5 acres), classified RM6, previously approved for 74 townhomes to allow the development of 59 townhomes, requested by Batson and Associates, applicant for The Barclay Group, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST- Preliminary PUD

A request to revise the approved preliminary plan for a portion of a Planned Unit Development district located at 7727, 7739, 7745 Old Harding Pike, 8020, 8024, 8036 Highway 100, Old Harding Pike (unnumbered), and Highway 100 (unnumbered), (34.5 acres), classified Multi-Family Residential (RM6), previously approved for 74 townhomes to allow the development of 59 townhomes.

PLAN DETAILS - The Council approved preliminary PUD plan included 74 townhouse units. This revision is for 59 townhouses. The units front Temple Road, as was consistent with the original plan; however this revision brings the units closer to Temple Road and creates a consistent street edge that is more desirable for this commercial center. Street setbacks on Temple Road can be varied because it is internal to the Planned Unit Development. The proposed plan is consistent with the original plan that showed 2 story condos with garages located in the rear.

Setback Variance on Old Harding Pike - The setback on Old Harding Pike shown on the Council Approved PUD plan does not comply with the requirements of the Metro Zoning Ordinance. This setback is not a setback that can be varied because it is an external setback on the perimeter to the PUD. Old Harding Pike

is a U4, Urban Arterial and the required setback is 82 feet from the centerline of a U4. The Council approved preliminary plan showed 55 feet from the centerline. A variance will need to be obtained from the Board of Zoning Appeals prior to approval of the final site plan. Because the smaller setback allows for the creation of a “town center” feeling and more pedestrian orientation along Temple Road, staff recommends approval.

STORMWATER RECOMMENDATION - Preliminary PUD Returned for Corrections on 11/8/06. Provide information on the following: - Add FEMA note / information (NFIP Panel Number) - Add Buffer Note (if located within the boundary, show floodway and floodway buffer) - Provide a water quality concept for units 43 to 59.

FIRE MARSHAL RECOMMENDATION

- Multifamily buildings generally require 1250 GPM’s @ 40 psi.
- Fire Main should be at least 8 inch diameter.
- Fire Hydrants shall be in-service and tested before any combustible material is brought on site.
- All roadways with two-way traffic shall be 20 feet in width minimum.

PUBLIC WORKS RECOMMENDATION

1. Use and occupancy permits shall not be issued until completion of all intersection roadway and signal improvements at Highway 100 and Temple Road.
2. Developer shall modify at Highway 100 & Temple Road. A signal plan shall be provided to the Metro Traffic Engineer for approval.
3. Driveway shall provide a minimum of 2 exit lands, to provide a separate left turn land with 50 feet of storage, and 1 entering lane.
4. Developer shall conduct traffic counts at 50% and 100% completion of project and submit warrant analysis to Metro Traffic Engineer for the intersection of Old Harding Pike and Temple Road extension. Developer shall install traffic signal at this location if approved. A signal plan shall be submitted for Metro Traffic Engineer approval.

CONDITIONS

1. Use and occupancy permits shall not be issued until completion of all intersection roadway and signal improvements at Highway 100 and Temple Road.
2. Developer shall modify at Highway 100 & Temple Road. A signal plan shall be provided to the Metro Traffic Engineer for approval.
3. Driveway shall provide a minimum of 2 exit lanes, to provide a separate left turn lane with 50 feet of storage, and 1 entering lane.
4. Developer shall conduct traffic counts at 50% and 100% completion of project and submit warrant analysis to Metro Traffic Engineer for the intersection of Old Harding Pike and Temple Road extension. Developer shall install traffic signal at this location if approved. A signal plan shall be submitted for Metro Traffic Engineer approval.
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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.

7. 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.
8. 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.
9. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
10. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the Preliminary Plan for filing and recording with the Davidson County Register of Deeds.

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

Resolution No. RS2006-422

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-008G-06 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Use and occupancy permits shall not be issued until completion of all intersection roadway and signal improvements at Highway 100 and Temple Road.
2. Developer shall modify at Highway 100 & Temple Road. A signal plan shall be provided to the Metro Traffic Engineer for approval.
3. Driveway shall provide a minimum of 2 exit lanes, to provide a separate left turn lane with 50 feet of storage, and 1 entering lane.
4. Developer shall conduct traffic counts at 50% and 100% completion of project and submit warrant analysis to Metro Traffic Engineer for the intersection of Old Harding Pike and Temple Road extension. Developer shall install traffic signal at this location if approved. A signal plan shall be submitted for Metro Traffic Engineer approval.
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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. 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.
8. 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.

9. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
10. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the Preliminary Plan for filing and recording with the Davidson County Register of Deeds.”

40. 2006IN-001U-10

David Lipscomb University
Map 117, Various Parcels
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to amend portions of the preliminary master plan for the Institutional Overlay district located between Granny White Pike and Belmont Boulevard, approved for 1,621,300 square feet of various institutional uses to add an additional 27,085 square feet for a total of 1,648,386 square feet and add conference center, performing arts center, academic building, art department buildings, add an additional 293 parking spaces and a request to revise residence halls from dormitories to apartments and change layout, requested by Tuck Hinton Architects for David Lipscomb University, owner.

STAFF RECOMMENDATION: Approve with conditions

APPLICANT REQUEST -Institutional Overlay District

A request to amend portions of the preliminary master plan for the Institutional Overlay district located between Granny White Pike and Belmont Boulevard, approved for 1,621,300 square feet of various institutional uses to add an additional 27,085 square feet for a total of 1,648,386 square feet and add conference center, performing arts center, academic building, art department buildings, add an additional 293 parking spaces and a request to revise residence halls from dormitories to apartments and change layout.

Zoning Overlay

IO District -The purpose of the Institutional Overlay district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish by that master development plan the general design concept and permitted land uses (both existing and proposed) associated with the institution.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Major Institutional Policy (MI) - MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. 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 IO district is intended for areas designated wholly or partially as residential by the General Plan.

PLAN DETAILS -This plan proposes to amend the previously approved plan for 1,621,300 square feet of various institutional uses to add an additional 27,085 square feet for a total of 1,648,386 square feet. The

change includes the addition of a conference center, a performing arts center, an academic building, art department buildings, additional 293 parking spaces, and revising residence halls from dormitories to apartments and changing the site layout.

Section 17.40.140 of the Zoning Code stipulates that minor changes (not exceeding 10% within the modification area) may be considered revisions by the Planning Commission. Anything over a 10% increase in square footage, building setback, lot coverage, landscaping requirements, parking requirements, or dimensional requirements relating to fences or walls must be considered an amendment.

Area to be treated as an Amendment

Summary of Proposed Amendment Additions:

- *Conference Center* – 12,000 square feet
Includes a multi-purpose lecture hall with seating for approximately 500 people,
- *Academic Building* – 75,000 square feet
Replaces a current parking lot, 3-story brick building housing classrooms and offices. Attached to conference center.
- *Performing Arts Center* – 20,000 square feet
Multi-purpose performance hall with seating for approximately 600 people.
- *Arts Village* – 10,000 square feet
Gallery and Arts Studio – 2,000 square feet
The remaining 8,000 square feet will replace 5 existing portables.
- *Residential Buildings*
This proposal changes the concept of large dormitories to several smaller apartment buildings for housing students on campus. The number of students to be housed remains the same. The plan proposes 12 smaller buildings located along a central green.

Area to be treated as a Revision - The applicant is requesting that 3 of the residential buildings be treated as a minor revision to the institutional overlay – 35a, 35b and 35c. These are the first of the apartment style residence halls proposed. They are each 12,000 square feet and 3-stories tall. These building are located within the heart of the campus, away from the perimeter adjoining the neighborhood and would fall under the criteria to be treated as a minor revision.

Access - Access to the parking areas remains the same. The driveway location along Belmont remains offset from Green Hills Drive, as was a requirement of the preliminary Master Plan due to neighborhood concerns about traffic.

PUBLIC WORKS RECOMMENDATION - No Exception Taken

FIRE MARSHAL RECOMMENDATION - Approve

STORMWATER RECOMMENDATION - Approve as noted: Grading permit approval (if applicable) is required prior to any construction activities.

CONDITIONS

1. All conditions of the original preliminary I.O. plan approval still apply.

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

Resolution No. RS2006-423

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006IN-001U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. All conditions of the original preliminary I.O. plan approval still apply.

The proposed modifications to portions of the Institutional Overlay are consistent with the intent of the originally approved plan, and with the intent of the Institutional Overlay provisions in the Metro Code.”

XV. OTHER BUSINESS

41. Request for rehearing:

2006S-316U-07
Boyce Subdivision
Map 103-03, Parcel 200
Subarea 7 (2000)
Council District 24 - John Summers

A request for final plat approval to create 2 lots on property located at 146 51st Avenue North, approximately 200 feet south of Wyoming Avenue (0.23 acres), zoned RS7.5, requested by May B. Smith Boyce et vir, owners, H & H Land Surveying, surveyor.

Mr. Bernhardt explained the process for a rehearing request to the Commission.

Mr. Clifton explained his request for rehearing this case to the Commission. He spoke of the need for legal analysis from the staff attorneys in relation to the buildability of the lots, as well as an issue relating to the deed. He suggested a rehearing to have a better look at the legal framework involved with the proposed subdivision.

Mr. Loring requested additional information on the reason for the rehearing request.

Mr. Clifton gave another brief explanation for his request.

Mr. Lawson requested that Mr. Clifton give his specific reasons for his request.

Mr. Clifton spoke of landlocked lots as well as confusion regarding the deeds of the ownership of the lots included in the proposal.

Ms. Jones offered her thoughts regarding the first hearing on this request.

Mr. Morrissey stated he has been given additional information regarding this request and that he has been analyzing this information with the understanding of presenting his findings at the rehearing. He stated that the Commissioners may have been given information that was not correct at the original hearing.

There was a brief discussion regarding the request and the options available to the Commission.

Mr. Clifton moved and Mr. Ponder seconded the motion, to rehear the Boyce Subdivision, 2006S-316U-07 on January 11, 2007. **(5-2) No Votes – Loring, Jones**

Resolution No. RS2006-424

“BE IT RESOLVED by The Metropolitan Planning Commission that the **REQUEST FOR REHEARING OF 2006S-316U-07 is APPROVED. (6-2).**”

42. **RESOLUTION NO. RS2006-1676**

A resolution requesting the Metropolitan Planning Commission to update the Council as to all changes in the subdivision regulations since 2004, and to inform the Council in the future whenever modifications to the subdivision regulations are proposed.

Mr. Bernhardt explained that the Planning Department has prepared a response regarding this request from Council. He explained that the department has kept the Council informed of the proposed updates of the

subdivision regulations. He further explained that with the recent update of the regulations, that Planning has informed Council of six specific meetings that were being held regarding the update.

43. Review of Westin SP rezoning Conditions

Mr. Bernhardt explained that with the approval of the Westin Hotel the Commission recommended a series of conditions that were part of the recommendation of approval. He further explained that if any of the conditions were altered by Council, would the changes alter the Commission’s recommendation of approval. Mr. Bernhardt explained that the second reading will occur on January 2, 2007 thus putting the third reading on January 16, 2007.

Mr. Clifton offered this topic be reviewed at the next meeting. Mr. Bernhardt stated he would e-mail the information to the Commissioners and will discuss at their next Commission meeting.

44. Employee contract renewals for David Kleinfelter and John Broome, and amended employee contracts for Jennifer Carlat and Brenda Bernards.

Approved, (9-0) *Consent Agenda*

45. Contract renewal for the temporary Professional Planning Services of Melissa Stevens.

Approved, (9-0) *Consent Agenda*

46. Executive Director Reports

Mr. Bernhardt requested that the Commission allow the two constituents still present at the meeting, the opportunity of their two minutes to speak regarding the Weatherly Ridge Apartments.

The constituents chose not to address the Commission.


47. Legislative Update

XVI. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Chairman

Secretary

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