



**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**

*April 12, 2007*

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*4:00 PM*

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

**PLANNING COMMISSION:**

James Lawson, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Victor Tyler  
James McLean  
Councilman J.B. Loring

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Ted Morrissey, Legal Counsel  
David Kleinfelter, Planning Mgr. II  
Kathryn Withers, Planner III  
Jason Swaggart, Planner I  
Trish Brooks, Admin. Svcs. Officer 3  
Carrie Logan, Planner I  
Dennis Corrieri, Planning Tech I  
Craig Owensby, Communications Officer  
Brenda Bernards, Planner III  
Nedra Jones, Planner II  
Cynthia Wood, Planner III

**Commission Members Absent:**

Eileen Beehan, representing Mayor Bill Purcell  
Ann Nielson

**I. CALL TO ORDER**

The meeting was called to order at 4:00 p.m.

Ms. Hammond announced the following: "As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your 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."

**II. ADOPTION OF AGENDA**

Ms. Hammond announced one correction to the agenda. Item #16, Rehearing request for Albert Bender for Keeneland Downs, 2004S-345U-13 which was denied by the Chairman and Executive Director per the Metro Planning Commission Rule VI.K.2

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the agenda as presented. **(6-0)**

### **III. APPROVAL OF MARCH 22, 2007, MINUTES**

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the March 22, 2007 minutes as presented. (6-0)

### **IV. RECOGNITION OF COUNCILMEMBERS**

Councilman Tygard spoke in favor of Item #5, 2006SP-093G-06. He stated there were numerous community meetings regarding this proposal and that he and the residents of his district are in favor of its approval with the conditions that have been placed on the project by staff.

Councilman Toler stated he would address the Commission once his item was presented for discussion.

### **V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

- |     |               |   |  |
|-----|---------------|---|--|
| 3.  | 2007S-048U-13 | Ridgeview Final Plat - Request for final plat approval to create 1 lot on a portion of property located at Bell Road (unnumbered), and located within the Ridgeview Urban Design Overlay    | - deferred indefinitely at the request of the applicant          |
| 11. | 2007S-071G-14 | Lakeside Meadows, Ph. 4 - Request for concept plan approval to create 8 lots at 4618 Hessey Road.   | - deferred to April 26, 2007 at the request of the applicant     |
| 15. | 90P-019U-13   | Vale Ridge (Townhouses) - Request for final approval for a portion of a Planned Unit Development, located at Shiaway Drive (unnumbered), to permit the development of 48 multi-family units | - deferred until April 26, 2007 at the request of the applicant. |

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the Deferred and Withdrawn Items as presented. (6-0)

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

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

- |    |               |  |              |
|----|---------------|--|--------------|
| 6. | 2007Z-046G-06 | A request to change 2.69 acres from SCR and 11.95 acres from MUL to RS40 zoning, properties located at 7614 A and B Highway 70 South and 7634 Highway 70 South located within a Planned Unit Development district, approximately 880 feet east of Coley Davis Road (total 14.64 acres) | - Disapprove |
| 7. | 94-71-G-06    | A request to cancel a portion (three parcels) of a planned unit development district located at 7614 A and B Highway 70 South, and 7634 Highway 70 South, approximately 880 feet east of Coley Davis Road, zoned SCR and MUL and proposed for RS40 (14.64 acres)                       | - Disapprove |
| 8. | 2007Z-050U-14 | Request to change from R10 to OL zoning a portion of property located at 316 Donelson Pike.  | - Approve    |

#### **FINAL PLATS**

- |     |               |   |                        |
|-----|---------------|---|------------------------|
| 12. | 2007S-061U-10 | Glen Echo Resubdivision Lots 24 & 25 - Request for final plat approval to create 2 lots on property located at 1769 Hillmont Drive. | - Approve w/conditions |
|-----|---------------|---|------------------------|

- |     |               |  |   |
|-----|---------------|--|---|
| 13. | 2007S-070U-14 | Bainbridge Satterfield, Replat of Lots 13 & 14 - Request to modify the lot lines between 2 existing lots located at 148 and 150 McGavock Pike. | - Approve with conditions including a variance to Section 3-4.2(b) of the Metro Subdivision Regulations which stipulate the difference between minor and major subdivisions |
|-----|---------------|--|---|

**REVISIONS AND FINAL SITE PLANS**

- |     |             |  |                        |
|-----|-------------|--|------------------------|
| 14. | 155-74-G-14 | Larchwood Commercial (Comfort Suites - Final) - Request for final approval for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, to permit the development of a 39,360 square foot hotel with 75 units. | - Approve w/conditions |
|-----|-------------|--|------------------------|

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (6-0)

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Ms. Cummings arrived at 4:12 p.m.

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**VII. COMMUNITY PLANS**

**1. 2006CP-12-06**

A request to amend the Bellevue Community Plan: 2003 Update to go from NCO to RLM policy for approximately 141 acres for property located at 8733 Newsom Station Road, requested by Barge, Cauthen and Associates.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** -A request to amend the Bellevue Community Plan: 2003 Update to go from Natural Conservation to Residential Low-Medium Density policy for approximately 141 acres for property located along Newsom Station Road and the Harpeth River.

**PUBLIC PARTICIPATION** -Staff held a community meeting on May 22, 2006 which was attended by three people. They were agreeable to the amendment proposal.

**Land Use Policies**

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.

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.

**ANALYSIS** -The amendment site is a pocket of land that lies between I-40 and the Harpeth River. It contains a substantial amount of floodplain (approximately 62 acres) and was made part of the adjacent Natural Conservation policy area as a result. It also adjoins a Residential Low-Medium Density policy area, some of which has similar environmental constraints.

The applicant has developed a site plan (see staff report for 2006SP-093G-06) that successfully responds to the various constraints of the site and preserves a very substantial proportion of the floodplain. These constraints include not only the floodplain but also a TVA easement and difficult access conditions. The applicant has obtained a small adjacent property that enables access to Newsom Station Road at a point to the east of the existing single-lane railroad overpass and the ultimate closure of a small section of Newsom Station Road that includes the problematic underpass. This will not only provide access to the site but also improve overall safety for motorists and pedestrians in the area.

Natural Conservation is intended for relatively large areas of widespread environmental constraints, which are typically expected to be relatively remote from urbanization and needed services. These Natural Conservation areas are to be rural in character, with sparse road networks, low population densities, and septic systems. In this instance, the site is at the edge of the Natural Conservation area, is proximate to urbanization with elements such as planned and existing commercial services and sewer, and contains adequate unconstrained land to develop a small neighborhood. It is therefore logical to consider a boundary adjustment between the two policy areas in this location.

Additionally, changing the policy to Residential Low-Medium Density will not remove the policy and regulatory protection of the floodplain. Land Use Policy Application, the countywide land use policy document, contains a section of General Principles that include environmental policies to cover constrained areas that have not been designated as Natural Conservation:

**C. Areas With Sensitive Environmental Features**

**1. Areas Subject to Flooding**

*These policies are designed to encourage flood plain preservation and reduce pressure for modification and development of areas subject to flooding. The policies apply to the areas within all Structure Plan categories, except Natural Conservation (NCO), Downtown Core (DC), Central Business District (CBD), and older traditional neighborhood areas that are subject to flooding.*

**a. Land Use**

- *Only low intensity, non-structural types of land uses are appropriate in areas subject to flooding.*

**b. Development Arrangement and Intensity**

- *Development should be clustered on the portion of the site that is not flood prone.*
- *In order to maintain water quality, facilitate flood control, and ensure public safety, the development potential for the flood prone portion of a site should be lower than it is for the developable portion of a site.*

**c. Natural Preservation**

- *In general, preservation of flood prone areas in their natural state is recommended.*
- *Disturbance and alteration is discouraged and should be kept to a minimum.*

These policies effectively provide the same level of protection as is provided by Natural Conservation policy, but are designed to respond to primarily suburban settings where urban services and amenities are present as opposed to large expanses of land that are predominantly constrained and are discouraged from urbanizing. Because the site is adjacent to an urbanized area of similar development character to that proposed by the applicant and because the land use policies will continue to protect the constrained portion of the site, it is reasonable to extend the adjacent Residential Low-Medium density policy as per the applicant's request.

Ms. Wood presented and stated that staff is recommending approval of Concept Plan 2006CP-12-06.

Mr. Swaggart presented and stated that staff is recommending approval with conditions on Zone Change 2006SP-093G-06.

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

Mr. Dan Barge, Barge Cauthen & Associates, spoke in favor of the proposal.

Mr. Jim McFarland, 8421 Merrymont Drive, spoke in favor of the proposal.

Mr. Tom Doalling, 8457 Hwy 70, spoke in opposition to the proposal.

Mr. Kevin Smith, 322 Hasson Court, spoke in favor of the proposal.

Mr. Dan Huffstotter spoke in favor of the proposal.

Mr. Mark Marshall, 8509 Newsom Station Road, expressed issues with the proposal and requested it be deferred.

Mr. Clifton arrived at 4:33 p.m.

Mr. Glen Roberts, 8532 Newsom Station Road, expressed issues with the proposal.

Mr. Tyler requested additional information on whether a traffic study was submitted with the proposal.

Mr. Swaggart explained that a traffic study was conducted and that Public Works made recommendations based on the information received from the traffic study.

Mr. Tyler then asked if a specific plan was presented with the proposal.

Mr. Swaggart explained that the units that were to be included in the development were not included in the slide show. However, he is sending the submitted drawings around to the Commissioner for their review. He further explained that the Planning Department has approved these drawings with conditions and that there is still time for alterations prior to final and that the developer has been working with the staff on these designs.

Mr. Tyler requested clarification on the 100 year flood plain mentioned as part of this development.

Mr. Swaggart explained there was a flood study being conducted on the proposed development.

Ms. Cummings clarified that the Commission was only making a recommendation on the proposed zone change as well as an amendment to the Community Plan.

Mr. Stewart stated he would not comment due to the fact he was not present to hear the entire presentation.

Mr. McLean requested clarification on the difference of elevation between the 100 and 500 year flood plain.

Mr. Swaggart explained he did not have that information.

Mr. McLean requested clarification the number of lanes that would be built over the railroad pass included in the plan.

Mr. Ponder requested additional information regarding the two lanes that would be built over the railroad pass and whether road improvements up to the pass would also be included.

Mr. Swaggart explained this concept to the Commission.

Mr. Ponder then requested clarification on the number of units to be included in this development.

Mr. Swaggart explained the total number of units was 248.

Ms. Jones acknowledged and appreciated the work that both the developer and staff had completed on this proposal. She stated she attended many of these community meetings regarding this proposal and acknowledged that until the zone change and amendment were put in place, many of the specific questions regarding the proposed development could not be addressed.

Mr. Loring too acknowledged the length of work and study put in to this proposal. He stated that the traffic issues as well as flooding issues would be addressed prior to development.

Mr. McLean moved and Ms. Jones seconded the motion, to amend the Bellevue Community Plan: 2003 Update to go from NCO to RLM policy for approximately 141 acres for property located at 8733 Newsom Station Road, as well as approve with conditions Zone Change 2006SP-093G-06. **(7-0-1) Clifton abstained**

*[Note: Items #VII and #5 were discussed by The Metropolitan Planning Commission together. See Item #5 for actions and resolution.]*

### **VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING CONCEPT PLANS**

2. **2007S-035U-12**  
Turners Retreat  
Map 160-00, Parcel 022  
Subarea 12 (2004)  
Council District 31 - Parker Toler

A request for concept plan approval to create 9 lots on property located at 775 Hill Road, approximately 1,110 feet east of Franklin Pike Circle (9.83 acres), zoned R40, requested by Reece Turner et ux, owners, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Approve with conditions, including the request for a sidewalk variance along the property frontage of Hill Road to provide the sidewalk in an alternate location.**

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

A request for concept plan approval to create 9 lots on property located at 775 Hill Road, approximately 1,110 feet east of Franklin Pike Circle (9.83 acres), zoned One and Two-Family Residential (R40).

#### **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.

**PLAN DETAILS** -The concept plan proposes nine single-family lots ranging in size from 23,966 sq. ft. to 27,980 sq. ft. The applicant proposes to use the cluster lot option provided for in Section 17.12.090 of the Code. The cluster lot option allows lots to be reduced in size by two base zone districts. Since the zoning is R40, lots 20,000 sq. ft. in size are permitted if the plan meets all requirements of the cluster lot option provisions.

*Site Access* - Access is proposed on a new road, Turners Retreat Drive, from Hill Road. The new road is proposed to end in a "T". Staff recommends that this street be stubbed at the property edge to provide a future connection to the east. Sidewalks are proposed for Turners Retreat Drive. The applicant is in discussions with Public Works to locate the required Hill Road sidewalks at a nearby alternative location that would be better served by a sidewalk at this time.

*Open Space* - There is 22% usable open space proposed, which meets the 15% requirement for cluster lot option policy. The Commission's cluster lot policy requires common open space to have "use and enjoyment" value to the residents including recreational value, scenic value, or passive use value. Residual land with no "use or enjoyment" value, including required buffers and stormwater facilities, has not been counted towards the open space requirements.

Landscape buffer yards (Standard "C"- 20 feet) are required and proposed along the east, west and south perimeters of the property. There is open space proposed for the north of the property. The adjacent zoning is R40.

#### **SOUTHEAST COMMUNITY PLAN**

Residential Low Density (RL) -The land use policy for this property is the RL policy. This 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. In addition, there is a special policy on this and adjacent properties.

*Special Policy Area 1* - This special policy applies to the large lots along Hill and Baxter Roads: “The zoning for this special policy area should permit lot sizes no smaller than 40,000 square feet in order to most closely conserve the developed character of this area. In addition, the lot design of any permitted resubdivision should protect views from the street and from existing buildings by preserving the trees that line the roads and by orienting new homes so that their rear yards are not in a direct line of sight from the fronts of existing homes.”

**PLAN DETAILS** -The cluster lot provisions of the zoning code will allow the lots of the subdivision to be located in such a way as to provide substantial setback of the housing adjacent to Hill Road that will match the character of this area and will orient the new homes so that their rear yards are not in direct line of sight from the fronts of existing homes. The dwelling units closest to Hill Road will need to include architectural features, such as a door, side or front porch, and/or a dormer that addresses Hill Road.

The applicant has had numerous meetings with the community to design the subdivision to meet the special policy. The original plan called for two duplex lots and open space at the south end of the subdivision. The proposed plan moves the open space to the north end adjacent to Hill Road to increase the setbacks off Hill Road and the duplex lots have been eliminated. In addition, the proposed Turners Retreat Drive has been realigned to prevent a direct view into the subdivision.

**Sidewalk Variance** -The trees that line Hill Road are to remain at this time. These trees are in the right-of-way, so future road projects may require their removal. Sidewalks are required on Hill Road. This would be the only section of this portion of Hill Road with sidewalks and would likely require the removal of the trees. The applicant has requested that they provide the sidewalk at an alternate location in the area where a sidewalk would be more useful at this time. The applicant and Councilmember are in discussions with the Public Works Department to determine whether there is an alternative location.

A variance is required if a sidewalk is not to be built on Hill Road. There are sufficient topographic constraints on the property such that staff can recommend approval of a variance if a condition is included with the variance that the sidewalk be relocated to a nearby alternative location that would be better served by a sidewalk at this time. If a suitable alternative location is identified, staff recommends that a variance be granted and that the required sidewalk along Hill Road be placed in the alternate location.

**Archaeological Resources** - The State Archaeologist conducted a preliminary visit to this property and concluded that this area is probably outside of the boundary of the prehistoric Native American site uncovered during the adjacent Hemmingwood Subdivision. The State Archaeologist did determine that this property has the potential to yield archaeology resources and recommended that a qualified professional archaeologist conduct an evaluation of the site as part of the preliminary planning.

**Staff Recommendation** -The concept plan meets the intent of the special policy by providing substantial setback of the homes adjacent to Hill Road in order to match the character of this area. In addition, the concept plan meets the requirements for a cluster lot subdivision and includes sidewalks on Turners Retreat Drive. Further, the applicant is in discussions with the Public Works Department to determine if there is an alternative location for the required sidewalk on Hill Road. Relocating the sidewalk will allow for the preservation of most of the trees along Hill Road. For these reasons, staff recommends approval with conditions, including the request for a sidewalk variance along the property frontage of Hill Road to provide the sidewalk in an alternate location.

#### **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.
- A temporary "hammer-head" turnaround located at the property boundary would be acceptable under hardship conditions. Permanent cul-de-sac constructed per ST-331.

**STORMWATER RECOMMENDATION** -Approved.

#### **FIRE MARSHAL 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 1000 GPM's at 20 psi residual flow at the most remote hydrant.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size. Since this is a Public water main and there will be sufficient water flow, A letter from Metro Water excepting a smaller size is required.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- The T - type turning arrangement shown on plan shall be at least 50 feet long, measured from centerline of road and be at least 20 feet wide. It shall also be approved by Public Works.

### **CONDITIONS**

1. The dwelling units adjacent to Hill Road shall include specific architectural features (such as a door, side or front porch, and/or dormers) designed to ensure the dwelling is properly presented to Hill Road.
2. An evaluation of the site for archaeological resources shall be conducted by a qualified professional archaeologist prior to the submission of a Development Plan.
3. The applicant must submit, for the approval of the Urban Forester, a tree protection plan. The plan must identify the best management practices to ensure the existing tree line along Hill Road as shown on the concept plan is adequately protected during the construction period.
4. Provide for a future connection to the east with a temporary turnaround that meets Public Works Standards.
5. A sidewalk variance along the property frontage of Hill Road is recommended for approval with the condition that a sidewalk be provided in an alternate location.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met.

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

Mr. Kevin Estes 5074 Lakeview Drive, spoke in favor of the proposal.

Mr. Don Bishop, 730 Hill Road, spoke in opposition to the proposal.

Mr. Chris Lindsey, 737 Hill Road, spoke in opposition to the proposal.

Dr. Jerrall Crook, 764 Hill Road, expressed issues with the proposal.

Mr. Richard Wright, 81 Abingdon Court, expressed issues with the proposal.

Mr. Paul Hammond, 6024 Woodland Hills Drive, spoke in favor of the proposal.

Mr. Barry Ingles, 729 Hill Road, spoke in opposition to the proposal.

Mr. Gerald Yager, 544 Stonegate Place, expressed issues with the proposal.

Ms. Aimee Lindsey, 737 Hill Road, expressed issues with the proposal.



Councilman Toler explained that both the developer and staff had worked numerous hours on developing this proposal. He stated that community meetings were held and that most persons affected by the proposal were in favor of its approval. He also mentioned that the developer would continue working with the community in order to preserve as much of the area as possible. He further stated and briefly explained the reasons why not to include the connector road to the east as proposed by staff.

Mr. Loring agreed that the proposal was good and that the connector road to the east should be removed from the proposal. He spoke in favor of approving the development.

Ms. Jones acknowledged the concerns mentioned by the community. She stated she too was not in favor of placing a sidewalk on Hill Road in order to preserve the beauty of this area.

Mr. Ponder requested additional information on the portion of the proposal that contained the mature trees, as well as additional information regarding property setbacks.

Ms. Bernards explained these concepts to the Commission.

Mr. McLean requested additional information regarding the buffers included in the proposal.

Ms. Bernards explained this concept to the Commission.

Mr. McLean also agreed that the stub street should not be included due to alternative options for the development.

Mr. Clifton spoke in favor of the development to include the stub street for connectivity.

Ms. Cummings also agreed that as planners the stub street should be included for future connectivity.

Mr. Tyler requested clarification regarding the sidewalk variance.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions Concept Plan 2007S-035U-12 as recommended by staff. **(8-0)**

**Resolution No. RS2007-111**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-035U-12 is APPROVED WITH CONDITIONS (8-0), including the request for a sidewalk variance along the property frontage of Hill Road to provide the sidewalk in an alternate location.”**

The Commission recessed at 5:20 p.m.

The Commission resumed at 5:30 p.m.

**FINAL PLATS**

- 3. 2007S-048U-13**  
Ridgeview Final Plat  
Map 163-00, Part of Parcel 122  
Subarea 13 (2003)  
Council District 33 - Robert Duvall

A request for final plat approval to create 1 lot on a portion of property located at Bell Road (unnumbered), approximately 515 feet north of Bell Forge Lane (5.2 acres), zoned MUL and located within the Ridgeview Urban Design Overlay, requested by Ridgeview Heights LLC, owner, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Disapprove**

**REVISIONS AND FINAL DEVELOPMENT PLANS**

4. **74-79-G-13**  
Nashboro Village (PUD Cancellation)  
Map 135-00, Parcel 276  
Subarea 13 (2003)  
Council District 29 - Vivian Wilhoite

A request to cancel the Planned Unit Development District Overlay on property located at the southeast corner of Nashboro Boulevard and Flintlock Court that was approved for 144 multi-family units in two six-story buildings (4.48 acres), zoned R10, requested by Councilmember Vivian Wilhoite.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST -Cancel PUD**

A request to cancel a portion of the preliminary plan for a residential Planned Unit Development district located at the southeast corner of Nashboro Boulevard and Flintlock Court, zoned One and Two-Family (R10) (4.48 acres), approved for 144 multi-family units in two six story buildings.

**PLAN DETAILS** -There is no site plan associated with this request. The request is to cancel the Planned Unit Development district on this property (Map 135, Parcel 276), which will effectively remove all the development rights that were granted with the approved PUD plan.

**Preliminary Plan** -The PUD was originally approved in 1977 and has undergone significant changes since its original conception. The last PUD plan for this property was approved for 144 multi-family units in two six story buildings.

**Zoning and Long Range Plan** -The underlying zoning for this property is R10 which 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. The long range plan calls for this area to develop residentially with a density between 4 and 9 units per acre (Residential Medium Policy).

**Staff Recommendation** -The long range plan calls for this area to develop with residential uses at a density between 4 and 9 units per acre. The underlying R10 base zone is more in keeping with the long range plan than the 144 units approved with the PUD overlay district. Since the R10 base zone district is consistent with the area's long range plan, staff recommends that the request be approved.

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

**STORMWATER RECOMMENDATION** - No Exceptions Taken.

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

Mr. Guy Garrett, 610 Flintlock Court, spoke in favor of canceling the planned unit development.

Mr. Greg Majewski, 618 Flintlock Court, spoke in favor of canceling the planned unit development.

Ms. Valerie Wynn, 2516 Somerset Drive, spoke in favor of canceling the planned unit development.

Mr. Dan Strebel, 708 Timberline Court, spoke in opposition to canceling the planned unit development.

Mr. David Kuhlman, 1000 Flintlock Court, spoke in favor of canceling the planned unit development.

Mr. Eric Alldredge, 3734 Whitland Avenue, spoke in opposition to canceling the planned unit development.

Mr. Shawn Henry, 315 Deadrick Street, spoke in opposition to canceling the planned unit development.

Councilmember Wilhoite spoke in favor of canceling the planned unit development. She briefly explained the history associated with this development and spoke of the concerns mentioned by the community members. She requested that the Commission approve the cancellation.

Mr. Ponder acknowledged the concerns mentioned by the constituents that would be affected by this planned unit development. He requested legal advice from Mr. Morrissey on whether the Commission could cancel the planned unit development as requested.

Mr. Morrissey stated that he did not have the proper facts to advise the Commission on what possible outcomes would take place if the Commission were to approve the cancellation.

Mr. Bernhardt stated that the Commission has the right to make a recommendation to rezone a piece of property that is consistent with the comprehensive plan. He further explained that it was up to the Commission to evaluate whether the zoning was still appropriate, and whether it was consistent with the plan; and while making this decision, determine if there were any equity issues associated with it.

Mr. Ponder suggested that the developer, the Councilmember, as well as the community members continue to meeting in order to resolve some of these issues.

Ms. Jones spoke of the conflict between the developer, the Councilmember and the community. She spoke of the importance of mixed-use developments and was not sure of the proper solution to this proposed cancellation.

Mr. Loring stated he was not in favor a removing development rights and spoke of the need for Council to speed up the process on reviewing older planned unit developments.

Mr. McLean spoke to issues associated with removing development rights and the inequities of doing so. He agreed that the proposed building heights may be too dense for this area and stated some alternative solutions.

Mr. Clifton requested additional history on this planned unit development.

Mr. Swaggart explained this to the Commission.

Mr. Clifton acknowledged the issues of density and traffic in this area of the City. He stated that he would not be in favor of cancelling this Planned Unit Development due to the fact that it was originally granted for a mixed-use development, and that he could not be a part of removing this development right.

Ms. Cummings also acknowledged the Councilmember's concerns regarding density and traffic in this area. However, she did not agree with removing the development rights for this planned unit development.

Mr. Tyler requested clarification from staff on their recommendation of approval on this proposed cancellation.

Mr. Swaggart explained this concept to the Commission.

Mr. McLean questioned whether the Commission could defer this request.

Mr. Bernhardt explained that a Council bill was filed and there was limited time associated with deferring this request.

Mr. McLean moved and Mr. Ponder seconded the motion, to disapprove the cancellation of Planned Unit Development District Overlay 74-79-G-13. **(7-1) No Vote – Tyler**

**Resolution No. RS2007-112**

“BE IT RESOLVED by The Metropolitan Planning Commission that 74-79-G-13 is **DISAPPROVED. (7-1)**”

**The request to cancel the PUD overlay on one property within the Nashboro Village PUD negates the intent of the Planned Unit Development. While the density for this one property may be over what is called for with the Residential Medium policy, the overall density within the PUD overlay is not.”**

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

### **5. 2006SP-093G-06**

Olde Mill  
Map 140-00, Parcel 009  
Map 141-00, Parcel 001  
Subarea 6 (2003)  
Council District 22 - Eric Crafton  
Council District 35 – Charlie Tygard

A request to change from AR2a to SP zoning, property located at 8811 Newsom Station Road and Newsom Station Road (unnumbered), approximately 1700 feet northwest of Coley Davis Road (141.4 acres), to permit 16 two-family units, 35 townhome units, and 197 single-family homes, for a total of 248 units, requested by Dan Barge III, applicant, for Old Mill Partnership and John S. Cowden, owners.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST** - A request to change approximately 141 acres from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning, property located 8811 Newsom Station Road, and Newsom Station Road (unnumbered), to permit 16 two-family units, 35 town-home units, and 197 single-family lots.

#### **Existing Zoning**

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

#### **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**

### **Structure Plan Category**

#### *Existing*

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.

### *Proposed*

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 proposed plan is consistent with the proposed Residential Low Medium (RLM) policy (see Staff Report for 2006CP-12-06). If the policy change is not approved and it remains as Natural Conservation policy, then the plan will not be consistent with the policy. The Specific Plan calls for an overall density of approximately 1.75 units per acre, which is actually slightly lower than the RLM's density range (2-4 DU's per acre). While the density is more consistent with Residential Low (RL) policy's one to two dwelling units per acre, the proposed Specific Plan calls for a mixture of single-family, two-family, and condominium dwellings, which is consistent with the RLM policy and not consistent with the RL policy because RL is intended primarily for single-family residences.

### **PLAN DETAILS**

**Site Plan** - The site plan calls for a mixture of housing types with a total of 248 units. Housing types will consist of 16 two-family units (8 lots), 35 townhomes (35 lots), and 197 single-family lots. The single-family lots are broken into four different lot sizes: 86 lots are 31 feet wide, 67 lots are 41 feet wide, 11 lots are 51 feet wide, and 33 lots are 65 feet wide. Also included in the plan is a community pool.

**Phasing** - As proposed the project will be developed in three separate phases starting in 2007 and ending in 2009.

**Height / Setbacks Requirements** - As proposed height and setback standards will be as follows:

#### Height

- Max 3 stories for primary structures.
- Max 1 story or 16 feet for accessory structures (whichever is greater).

#### Setbacks

- Minimum 15 foot front setback (porches allowed).
- Minimum 3 foot and maximum 7 foot side yard setbacks.
- Minimum 20 foot rear yard setback.

**Access** - Previous requests to develop this property have been disapproved due to numerous issues including the lack of adequate access. Previous development plans proposed access from the extension of Newsom Station Road from the north. A single access point from the north, as previously proposed is not appropriate because north of the bridge the Harpeth River historically has flooded the roadway, making the road impassible. Newsom Station Road does continue on to the west south of the bridge, but crosses the CSX rail road through a narrow, one lane under pass. Due to the low height and narrow width of the under pass emergency vehicles would have no direct access to the site if the Harpeth River flooded.

This plan proposes two access points. One access point is the same previously proposed access to Newsom Station Road from the north. The second proposed access point includes a bridge over the CSX railroad, providing a connection to the western side of Newsom Station Road. The plan also calls for the section of Newsom Station Road from the CSX under pass to where the new bridge connection connects back to Newsom Station Road to be abandoned. Newsom Station Road would then be rerouted over the proposed bridge, and back along the extension on the east side of the CSX rail road. Prior to this section of the Newsom Station Road being closed, the new section must be accepted by Metro Public Works. CSX must approve the cross over and any proposed improvements within CSX right-of-way prior to approval of the final development plan.

As proposed, the section of Newsom Station Road that will extend from the bridge south to the development will cross Newsom Mill's State Park. Prior to approval of the final SP site plan, the State must approve the use of the park property and all proposed improvements.

As proposed, lots will be accessed by new public streets and alleys. The 33 single family lots that are 65 feet wide will be front loaded and the remainder of the lots will be rear loaded from alleys.

*Environmental/Open Space/Conservation Easement* -This property is adjacent to the Harpeth River and approximately 88 acres (62%) of the property is encumbered by floodplain. As proposed approximately 16 acres (19%) of land encumbered with floodplain will be disturbed. While a small amount of floodplain will be disturbed with the development, approximately 93 acres (66%) of the property will be conserved in open space. Out of the 93 acres being conserved in open space approximately 56 acres (60%) is being conserved within a conservation easement. Disturbance within the 56 acres designated within the conservation easement will be limited to the construction of a multi-use path for the Harpeth River Greenway. While a majority of the land is not within the 100 year floodplain the entire site is prone to flooding.

*Greenway* - An identified greenway and pedestrian path is located across the property adjacent to the Harpeth River. The plan shows the trail located within the floodway. Prior to approval of the final SP site plan Metro Greenways and Metro Stormwater will have to approve the location of the greenway in the floodway buffer. A stormwater variance from the Stormwater Management Committee must be approved prior to the construction of the greenway in the floodway and floodway buffer.

*Parking* - Two parking spaces per lot are stipulated on the plan. Also, 26 parking spaces are identified near the proposed pool area.

*Sidewalks* - Sidewalks are proposed along both sides of all public streets.

*Building Elevations* - Building elevations have been submitted showing the proposed products for the various type lots. Staff does not have any concerns with the proposed product types.

**Staff Recommendation** - As proposed, the preliminary SP adequately balances development with conservation of environmentally sensitive land on this property. The proposed plan also adequately addresses access concerns. If CSX does not approve the proposed plan to bridge CSX right-of-way, then another access point will need to be provided, prior to approval of the final SP site plan. Without adequate access, the final SP site plan should not be approved.

Staff recommends that the Specific Plan be approved with conditions.

**PUBLIC WORKS RECOMMENDATION** - Approve with the following conditions:

1. 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.
2. Evaluate Newsom Station Road realigned. Proposed realignment does not appear to meet AASHTO geometric design standards.
3. Construct roundabout per AASHTO/FHWA design standards.
4. Identify proposed road names.
5. Unnamed roadway between Newsom Station Road realignment and round-a-bout per ST-252. Southern unnamed roadway from round-about per ST-252. Unnamed roadway between lots 147 & 155 and 195 & 224 per ST-252.

Per the recommendations of the traffic impact study:

1. Realign Newsom Station Road to provide a grade separated crossing over the railroad track to create a four legged intersection with the proposed project road and alley.
2. At this new intersection, the eastbound approach of Newsom Station Road shall be designed to include a shared through & right turn lane and a dedicated left turn lane with a minimum of 75 feet of storage and transitions per AASHTO/MUTCD standards.
3. At the new intersection, the southbound approach of Newsom Station Road shall be designed to include a shared through & left turn lane and a dedicated right turn lane with a minimum of 75 feet of storage and transitions per AASHTO/MUTCD standards.
4. At this new intersection, the westbound approach of the new project road shall be designed to include a shared through, right, and left turn lane.
5. Stop control shall be installed on the southbound approach of Newsom Station Road and the northbound approach of the alley.

**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)	141.4	0.5	71	759	60	79

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	141.4	N/A	197	1,941	148	198

**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)	141.4	n/a	35	263	23	26

**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 Attached (Duplex)(220)	141.4	n/a	16	247	12	27

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1,692	123	172

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

1. Undisturbed Buffers. Leave undisturbed, re-delineate, or provide a variance for buffer disturbances (prior to final SP site plan approval). If the stream is determined to be a wet weather conveyance, then no buffers will be required.
2. A LOMR-F shall be submitted prior to the issuance of any building permit with the condition that the min FFE = 4' + BFE.
3. The applicant shall review the existing flood study, and if that model appears incorrect, then the applicant shall provide a CLOMR prior to approval of the construction drawings and a LOMR prior to the issuance of any building permits.

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     28 Elementary     20 Middle     19 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 additional capacity by the Metro School

Board.

## CONDITIONS

1. To ensure connectivity, prior to any section of Newsom Station Road being closed, the new section must be accepted by Metro Public Works.
2. Prior to approval of the final SP site plan, CSX must approve the cross over, and any proposed improvements within CSX right-of-way. If the cross over is not granted by CSX then another acceptable access point shall be obtained. If a second access point is not obtained then the final SP site plan shall not be approved. Any new access point must be approved by Metro Public Works and by the Planning Commission. Any new access point that accesses any street other than Newsom Station Road shall require Council approval.
3. Prior to final approval of the final SP site plan, the State must approve the use of their property and all proposed improvements.
4. Prior to approval of the final SP site plan Metro Greenways and Metro Stormwater will have to approve the location of the greenway in the floodway buffer. A stormwater variance from the Stormwater Management Committee must be approved prior to the construction of the greenway in the floodway, and floodway buffer.
5. Prior to final approval of the site plan Metro Greenways and Metro Stormwater will have to approve the location of the greenway in the floodway buffer. A stormwater variance from the Stormwater Appeal Board must be approved prior to the construction of the greenway in the floodway, and floodway buffer.
6. The proposed front yard setbacks shall be further reviewed and at planning staff's direction may be altered on the final SP site plan.
7. 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 RM2 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
8. 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.
9. 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.
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. 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.
12. 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.

**Resolution No. RS2007-113**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006CP-12-06 is **APPROVED. (7-0-1)**”

**Resolution No. RS2007-114**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-093G-06 is **APPROVED. (7-0-1)**

**The proposed SP district is consistent with the Bellevue Community Plan's Residential Low Medium which is intended to accommodate residential developments with a density between 2 and 4 dwelling units per acre.”**

6. **2007Z-046G-06**  
Bellevue Mall Downzoning  
Map 128-00, Parcel 170  
Map 142-00, Parcels 301, 356  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request to change 2.69 acres from SCR and 11.95 acres from MUL to RS40 zoning, properties located at 7614 A and B Highway 70 South and 7634 Highway 70 South located within a Planned Unit Development district, approximately 880 feet east of Coley Davis Road (total 14.64 acres), requested by Councilmember Eric Crafton, applicant, for Bellevue Parcel II and Bellevue Parcel LLC, owners.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** - Request to change 2.69 acres from Shopping Center Regional (SCR) and 11.95 acres from Mixed Use Limited (MUL) to Single-Family Residential (RS40) district on property located at 7614 A and B Highway 70 South, and 7634 Highway 70 South.

**Existing Zoning**

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

SCR District - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**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.

**BELLEVUE 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 to the intent of the policy.

**Consistent with Policy?** No. The proposed RS40 district is not consistent with the Bellevue Community Plan's RAC policy intended for concentrated mixed-use areas anchored by a regional mall, which typically serves a customer base of at least 125,000 people. Other uses common in RAC areas include all types of retail activities, offices, public uses, and higher density residential areas. The parcels included in this requested zone change comprise a portion of the Bellevue Center PUD, which was approved for over 1.4 million square feet of commercial, office and retail use.

**Staff Recommendation** - Staff recommends disapproval of the zone change request because it is inconsistent with Regional Activity Center policy.

**RECENT REZONINGS** - None.

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

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	14.64	.56	357,122	15,534	336	1,451

**Typical Uses in Proposed Zoning District: RS40**

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210 )	14.64	.93	13	125	10	14

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-15,409	-326	-1,437

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	14.64	.8	510,174	19,583	416	1,835

**Maximum Uses in Proposed Zoning District: RS40**

Land Use (ITE Code)	Acres	Density	Total Number of lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210 )	14.64	.93	13	125	10	14

\*Adjusted as per use

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-19,458	-406	-1,821

**Resolution No. RS2007-115**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-046G-06 is **DISAPPROVED. (6-0)**

**The proposed RS40 district is not consistent with Bellevue Community Plan’s Regional Activity Center policy which is for commercial and residential, and requires a site plan to ensure that any development is consistent with the policy. This proposed down-zoning is associated with a request to cancel the PUD overlay on these properties. Without an enforceable plan such as the PUD overlay the policy requirements can not be enforced.”**

7. **94-71-G-06**  
Bellevue Mall PUD Cancellation  
Map 128-00, Parcel 170  
Map 142-00, Parcels 301 and 356  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request to cancel a portion (three parcels) of a planned unit development district located at 7614 A and B Highway 70 South, and 7634 Highway 70 South, approximately 880 feet east of Coley Davis Road, zoned SCR and MUL and proposed for RS40 (14.64 acres), requested by Councilmember Eric Crafton, applicant for Bellevue Parcel II and Bellevue Parcel LLC, owners.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST - Cancel PUD**

A request to cancel a portion of a Commercial Planned Unit Development located at 7614 A and B Highway 70 South (2.69 acres) zoned Shopping Center Regional (SCR), and 7634 Highway 70 South (11.95 acres), zoned Mixed Use Limited (MUL), requested by Councilmember Eric Crafton.

**Existing Zoning**

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

SCR District - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

Commercial PUD - The Bellevue Center PUD comprises a total of 102.60 acres. A portion of the PUD, 2.69 acres was approved for two 6,000 square foot restaurants in 2000, and 11.95 acres was approved for 212,305 square feet of retail in 2005. Presently, each lot is undeveloped.

**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.

**BELLEVUE 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?** No. The PUD cancellation and the proposed RS40 zoning are inconsistent with the Bellevue Community Structure Plan policy of Regional Activity Center which is intended for high intensity retail, office and consumer services for a regional market area.

**Staff Recommendation** - Staff recommends disapproval of the PUD cancellation request because it is inconsistent with Regional Activity Center policy.

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

Disapproved (6-0), *Consent Agenda*

**Resolution No. RS2007-116**

“BE IT RESOLVED by The Metropolitan Planning Commission that 94-71-G-06 is **DISAPPROVED. (6-0)**

**The proposed PUD cancellation would remove the enforceable site plan from the properties, which is not consistent with the Bellevue Community Plan’s Regional Activity Center policy as it specifically requires a site plan.”**

8. **2007Z-050U-14**  
Map 096-09, Part of Parcel 056  
Subarea 14 (2004)  
Council District 15 - J. B. Loring

A request to change from R10 to OL zoning a portion of property located at 316 Donelson Pike, approximately 180 feet north of Emery Drive (1.17 acres), requested by Robert Rutherford, applicant, for David and Tammy Jones, owners.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** - Request to change a portion of 1.17 acres from One and Two-Family Residential (R10) to Office Limited (OL) on property located at 316 Donelson Pike, north of Emery Drive.

**Existing Zoning**

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

**Proposed Zoning**

OL District -Office Limited is intended for moderate intensity office uses.

**DONELSON/HERMITAGE COMMUNITY PLAN**

**Office Transition (OT)** -OT policy is intended for small offices that serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

**Consistent with Policy?** Yes. The proposed OL district is consistent with Amendment 2 to the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update, which applied the Office Transition (OT) structure plan to this parcel.

**Staff Recommendation**-Staff recommends approval of the zone change request because it is consistent with policy.

**RECENT REZONINGS** - There is a request to rezone property a block south from this location on this agenda (2007Z-052U-14).

**PUBLIC WORKS RECOMMENDATION** -Traffic Study may be required at the time of development.

**Typical Uses in Proposed Zoning District: R10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.17	3.71	4	39	3	5

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.17	0.087	4,443	122	16	84

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				83	13	79

**Maximum Uses in Existing Zoning District: R10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.17	3.71	4	39	3	5

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

Land Use (ITE Code)	Acres	Density	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.17	0.75	38,000	634	87	122

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				595	84	117

Approved (6-0), *Consent Agenda*

**Resolution No. RS2007-117**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-050U-14 is **APPROVED. (6-0)**

**The proposed OL district is consistent with the Donelson/Hermitage Community Plan’s Office Transition policy which is for small office uses that can serve as a transition between lower and higher density uses.”**

- 2007Z-052U-14**  
 Map 096-09, Part of Parcel 074  
 Map 096-09, Parcel 073  
 Subarea 14 (2004)  
 Council District 15 - J. B. Loring

A request to change from OR20 to OL, R10 to OL, and R10 to OR20 zoning on a portion of properties located at 408 and 410 Donelson Pike, at the northwest corner of Donelson Pike and Lakeland Drive (3.73 acres), requested by Frank Batson Homes Inc., applicant, for Harold Foster et ux and Van Buford Grizzard, owners.

**STAFF RECOMMENDATION: Disapprove**

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

Mr. Ron Grizzard, 840 Hunters Hill Chase, spoke in favor of the proposed zone change.

Mr. Loring spoke in favor of approving the zone change request. He stated it would be compatible with surrounding parcels if approved. He stated he has not received any disapproving comments from the community that would be directly affected by this request.

Mr. McLean requested clarification on the requested zoning as well as any history of zoning on this parcel.

Ms. Logan explained this concept to the Commission.

Ms. Cummings requested additional information on the parcels that surrounded this property and whether they were residential or office use.

A brief discussion ensued on various alternative options for this request, including a deferment.

Mr. Clifton stated that this request would be too much of an encroachment into the residential area. He was not in favor of supporting the request.

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

Mr. Tyler stated he agreed with staff's recommendation.

Mr. Loring moved to approve Zone Change 2007Z-052U-14.

There was no second to the motion.

Ms. Jones moved, and Mr. Ponder seconded the motion, to defer Zone Change 2007Z-052U-14 to April 26, 2007 in order to allow additional time for the developer to work with staff for an alternative solution to this request. **(7-1)**

**No Vote – Loring**

**Resolution No. RS2007-118**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-052U-14 is DEFERRED TO THE APRIL 26, 2007, PLANNING COMMISSION MEETING. (7-1)”**

**10. 2007Z-055U-10**

Map 105-13, Part of Parcel 162  
Subarea 10 (2005)  
Council District 17 - Ronnie E. Greer

A request to change from R8 to MUL zoning property located at 1002 Lawrence Avenue, at the northwest corner of 10th Avenue South and Lawrence Avenue (0.15 acres), requested by Alex Rustioni, applicant, for Scott and Elizabeth Mayo, owners.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** - A request to change from One and Two-Family Residential (R8) to Mixed Use Limited (MUL) zoning property located at 1002 Lawrence Avenue, at the northwest corner of 10th Avenue, South, and Lawrence Avenue (0.15 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**

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

**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

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

**Consistent with Policy?** No. The Mixed Use Limited District allows retail, restaurant and office uses that are not envisioned by the Neighborhood General Policy. The NG policy is intended for a variety of housing types and should be implemented through an SP or other design plan. The applicant chose not to submit an SP because the current building on-site is not proposed to be changed.

A small convenience store and hair salon currently exist on the site in a structure that was built around 1920 according to the Tax Assessor’s records. The structure is classified as an existing non-conforming use. The use can continue as it currently exists.

The commercial building shares a lot with a single-family residence. In order for the applicant to purchase the commercial building it must sit on its own lot. The subdivision can not take place as long as the building is classified as non-conforming.

**Staff Recommendation** - Staff recognizes the non-conforming status of the use, but does not recommend approval because this is not an appropriate location for a new application of non-residential zoning.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - Traffic study may be required at the time of development.

**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 detached(210 )	.31	4.63	1	10	1	2

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/ Convenience Market(945)	.31	.115	1,553	-	121	150

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-	120	148

**METRO SCHOOL BOARD REPORT-** No additional students are projected to be generated by this request.

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

Ms. Rosetta Bass, 1108 Lawrence Avenue, spoke in opposition to the proposed zone change.

Ms. Jacqueline Merritt, 931 Lawrence Avenue, spoke in opposition to the proposed zone change.

Mr. Alex Rustioni, 2820 Sherbourne Avenue, spoke in favor of the proposed zone change.

Mr. Henry Junior spoke in opposition to the proposed zone change.

Mr. Tyler agreed with staff's recommendation to disapprove.

Ms. Cummings agreed with staff's recommendation to disapprove.

Mr. Clifton also agreed with staff's recommendation to disapprove.

Mr. McLean agreed with staff's recommendation.

Mr. Ponder agreed with staff's recommendation.

Ms. Jones agreed with staff's recommendation.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2007Z-055U-10. **(8-0)**

**Resolution No. RS2007-119**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-055U-10 is **DISAPPROVED. (8-0)**

**The proposed MUL district is not consistent with the Green Hills/Midtown Community Plan’s Neighborhood General policy which is intended for residential developments that provide a variety of housing needs and requires a enforceable site plan because no site plan was submitted with the request.”**

**X. CONCEPT PLANS**

- 11. 2007S-071G-14**  
Lakeside Meadows, Ph. 4  
Map 110-00, Parcel 181  
Subarea 14 (2004)  
Council District 12 - Jim Gotto

A request for concept plan approval to create 8 lots at 4618 Hessey Road at the southeast corner of Earhart Road and Hessey Road, zoned RS15, (4.88 acres), Karl and Linnae Nelson, owners, Weatherford and Associates LLC, surveyor.

**STAFF RECOMMENDATION: Disapprove**

**The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-071G-14 to April 26, 2007, at the request of the applicant. (6-0)**

**XI. FINAL PLATS**

- 12. 2007S-061U-10**  
Glen Echo Resubdivision Lots 24 & 25  
Map 117-15, Parcel 014



A request for final plat approval to create 2 lots on property located at 1769 Hillmont Drive, approximately 260 feet north of Glen Echo Road (0.71 acres), zoned R10, requested by Russell Parham et ux, owners, Anderson Delk Epps & Associates, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Final Plat**

A request to subdivide a 0.71 acre parcel into two lots at a proposed density of 2.82 dwelling units per acre on property located at 1769 Hillmont Drive, approximately 260 feet north of Glen Echo Road, 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.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

Residential Low (RL) - RL policy is intended to conserve large areas of established, low density (two dwelling units per acre or below), subdivided residential developments that have their own street systems.

Special Policy Area #14 - Maintaining the current 40,000 square foot lot size requirement and established character of development in this RL policy area is recommended, except for the properties along the east margin of Benham Avenue where proposals for rezoning to RS20 and development in accordance with that zoning may be considered on their merits.

**SUBDIVISION DETAILS** - The applicant proposes to subdivide one lot into two. Each lot is planned for one single family dwelling unit. As single family lots, the proposed density of 2.82 dwelling units complies with the R10 district, but conflicts with the Residential Low density land use policy for this area.

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

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
Hillmont	27,079.80	86

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

- Lot 1: 16,516 Sq. Ft. with 102 ft. of frontage
- Lot 2: 16,081 Sq. Ft. with 102 ft. of frontage

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 subdivision is within a one-half mile radius of an area designated as a “Regional Activity Center.”
- The proposed subdivision is within a one-quarter mile radius of an area designated as a mixed use, office,

commercial or retail.

**Staff Recommendation** - Staff recommends granting an exception to lot comparability due to the proximity of a regional activity and recent development patterns in the area. Although the community plan update states a desire to maintain the established low density residential character for this area, it is clear that infill development has become a means by which to intensify development in the area. A similar lot comparability waiver was granted in 2004 to allow a density of 2.2 dwelling units per acre on property directly across the street from this site. The intensity of a proposed two lot subdivision would be in keeping with the existing development pattern in the area.

Furthermore, its proximity to a regional activity center supports the density on this site. The proposed subdivision is within walking distance (about 1,000 feet) to the Green Hills regional activity center, where higher density residential uses are encouraged.

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

**STORMWATER RECOMMENDATION** - Approved.

**CONDITIONS**

1. A note shall be added to the plat indicating the use of the lots is restricted to single-family only.
2. A note shall be added to the plat requiring construction of sidewalks with the issuance of building permits.

Approved with conditions (6-0), *Consent Agenda*

**Resolution No. RS2007-120**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-061U-10 is **APPROVED WITH CONDITIONS. (6-0)**”

**Conditions of Approval:**

1. A note shall be added to the plat indicating the use of the lots is restricted to single-family only.
2. A note shall be added to the plat requiring construction of sidewalks with the issuance of building permits.”

13. **2007S-070U-14**  
 Bainbridge Satterfield, Replat of Lots 13 & 14  
 Map 084-16, Parcel(s) 024, 025  
 Subarea 14 (2004)  
 Council District 15 – J.B. Loring

A request to modify the lot lines between 2 existing lots located at 148 and 150 McGavock Pike, with one of the two lots having no street frontage but an access easement from McGavock Pike, approximately 52 feet south of Park Drive (2.14 acres), zoned CL, requested by Young, Hobbs and Associates, applicant for William, Leigh Ann Staley and Theodore F. Bertuca, owners.

**STAFF RECOMMENDATION: Approve with conditions including a variance to Section 3-4.2(b) of the Metro Subdivision Regulations which stipulates the difference between minor and major subdivisions.**

**APPLICANT REQUEST - Final Plat**

Request to modify the lot lines between 2 existing lots located at 148 and 150 McGavock Pike, with one of the two lots having no street frontage but an access easement from McGavock Pike, approximately 52 feet south of Park Drive (2.14 acres), zoned Commercial Limited (CL).

**Zoning**

CL District - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

**SUBDIVISION DETAILS** - The plat proposes relocating an existing lot line between two lots located along the

west side of McGavock Pike. Currently the two lots share a side lot line and are parallel to one another. As proposed the shared lot line will be removed and the new line will be placed parallel with McGavock Pike creating one approximately 50,000 square feet lot along McGavock Pike and one approximately 44,000 square foot lot behind the lot on McGavock Pike and will not have frontage on McGavock Pike or any other public street.

**Lot Requirements for Frontage Section 3-4.2(b)-** Section 3-4.2(b) of the Metro Subdivision Regulations stipulates that all lots shall have frontage on a public street or where permitted, on a private street, but that commercially zoned lots may be excepted without frontage when adequate access can be provided. As proposed lot 14 will not have any frontage to a public street but will be accessed from McGavock Pike by an access easement across the front lot (lot 13). The lot without frontage does not require a variance from the Subdivision Regulations, but it does require the Commission's approval.

**Minor/Major Subdivision (Section 2-1.2) -** Section 2-1.2 of the Metro Subdivision Regulations specifies what shall be considered a minor subdivision and what shall be considered a major subdivision. The difference being that a minor subdivision is not required to have a development plan. The section specifically lists what is a major subdivision, including any plat that requires the dedication for right-of-way or easements for the construction of a public water or sewer distribution lines, and any plat where dedications, reservations, improvements or environmental conditions that, in the opinion of the Executive Director with advice from reviewing agencies, require construction documents to be reviewed prior to final plat approval.

Since this plat request will require that public sewer and water be extended, the plat is a major subdivision. While the request constitutes a major subdivision under the new regulations, it is inefficient to require a simple two lot subdivision to go through the three step process due to an extension of a water and or sewer line.

When the regulations were adopted on March 9, 2006, it was anticipated that minor corrections would be necessary as a number of new concepts were introduced. After working with the regulations for the past year, a number of issues have been identified, including the need for further clarification of what constitutes a major or minor subdivision. Staff will be bringing amendments to the Subdivision Regulations to the Planning Commission this summer.

At this time, staff is recommending that a variance from Section 2-1.2 be granted and that the request be considered a minor subdivision. While a water and sewer extension will be required with this plat, all construction plans will be reviewed by the appropriate departments and the plat will not be recorded until such time that all departments have approved the plat and associated construction plans.

**Staff Recommendation -** While lot 14 will not have frontage, it will be adequately accessed from McGavock Pike by an access easement across the front lot. Staff recommends that the plat be approved with conditions and a variance be granted to Section 2-1.2 of the Subdivision Regulations.

**PUBLIC WORKS RECOMMENDATION -** Approve with the following conditions:

1. Show and dimension right-of-way (ROW) along McGavock Pike. Label and dedicate ROW 30 feet from centerline to property boundary. Label and show reserve strip for future ROW (42 feet from centerline to property boundary), consistent with the approved major street plan (U-84' ROW).

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

1. Add the standard Access Note: "Metro Water Services shall be provided sufficient and unencumbered ingress and egress at all times in order to maintain, repair, replace, and inspect any Storm water facilities within the property."
2. The grading/construction documents for this property have not been approved. The plans are sufficient for technical review; consequently, the plans have been released to AMEC for technical review. AMEC has returned the plans for correction as of 3/6/2007. Plats cannot be approved prior to grading plan approval. The final plat is reviewed in light of approved grading plans in order to secure all necessary drainage easements engendered by construction.

**WATER SERVICE RECOMMENDATION -** Plat shall not be recorded until construction drawings have been

approved by Stormwater staff.

**CONDITIONS** - The plat must be revised to address all Public Works and Stormwater comments listed above.

Approved with conditions including a variance to Section 3-4.2(b) of the Metro Subdivision Regulations which stipulate the difference between minor and major subdivisions, Consent Agenda (6-0)

**Resolution No. RS2007-121**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-070U-14 is APPROVED WITH CONDITIONS (6-0), including a variance to Section 3-4.2(b) of the Metro Subdivision Regulations which stipulates the difference between minor and major subdivisions.”**

**XII. REVISIONS AND FINAL DEVELOPMENT PLANS**

**14. 155-74-G-14**

Larchwood Commercial (Comfort Suites - Final)  
Map 097-13, Parcel 040  
Subarea 14 (2004)  
Council District 14 - Harold White

A request for final approval for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, classified CL (1.2 acres), to permit the development of a 39,360 square foot hotel with 75 units, requested by PBJ Engineering Design, LLC, applicant, for Fox Hospitality, owners.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Final PUD**

A request for final approval for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, classified Commercial Limited (CL) (1.2 acres), to permit the development of a 39,360 square foot hotel with 75 units.

**PLAN DETAILS**

**Site Plan** - The plan calls for a 39,360 square foot hotel to include 75 rooms, with associated parking. Access will be provided from a private drive to Percy Priest Drive.

**Preliminary Plan** - The original preliminary PUD plan was approved in 1974 for 400,990 square feet of various commercial and retail uses, and for 6,300 square feet of unknown uses for this property. This PUD has been amended and revised numerous times since its original approval. The most recent revision that was approved for this property by the Planning Commission was on February 8, 2007. The request was to revise the preliminary to allow for a 45,136 square foot hotel with 67 rooms. Prior to February the Commission approved a revision to the PUD on November 11, 2006, for a 39,360 square foot hotel with 75 rooms. The applicants have determined that the plan approved in February will not work so they are now requesting final site plan approval for the preliminary plan that was approved in November.

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

**PUBLIC WORKS RECOMMENDATION** - All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design and improvements may vary based on field conditions.

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

1. Provide existing and proposed contours, with labeled elevations, on sheet C1.1 and C3.1, respectively.
2. Benchmark needs to reference a vertical datum (NAVD 88 or NGVD 29).
3. Clarify survey notes on sheet C1.3. There is one note that states survey was done by James Terry and another note that states it was done by Initial Point Land Surveying.

4. Provide easement location, documentation and appropriate fees for the water quality device and detention structures, including provisions for ingress and egress.
5. Provide a detention maintenance agreement with appropriate recording fees for the water quality device and detention structures.
6. Provide NPDES NOC letter and place the permit number on the design plans.
7. Provide a signed and dated NOI statement on the plans.
8. Provide outlet protection for pipes with a detail. Also provide outlet velocity calculations.
9. Erosions control details need to reference Metro's Erosion Control Manual. Provide the appropriate TCP-xx number on the details.
10. Provide inlet calculations.
11. Provide a note stating the FEMA FIRM map your site is shown on and whether or not your site is located in a floodplain.
12. Provide a detail for proposed headwall at outfall.
13. Provide C/CN, Tc, Q fro design event and capture capacity for each structure on drainage map.
14. Clarify where runoff in front of the building, along Percy Priest Drive, is going. The delineated structures areas show it as being split, but the flow arrows and spot elevations show it as all going to the west.
15. Provide roof leader discharge points.
16. If additional off-site water from adjacent property to the east is flowing onto this site, it needs to be addressed in the water quality and quantity analysis.
17. Explain how stage-storage table was derived/calculated.
18. In pond calculations, where did elevation 490.75, as a weir, come from?
19. Provide pipe flows and capacities.
20. Provide spread and hydraulic grade lines for each structure.
21. Replace water quality unit detail in plans with detail submitted on 2/22/07.
22. Provide stamp on water quality calculations that were submitted on 2/22/07.
23. Provide a drainage map for the downstream structures that is readable.
24. The minimum Tc value that can be used for design is 5 minutes. Revise downstream structure calculations.
25. The next two downstream structures, from the outfall, will be the ditch that it discharges to and the first section of elliptical pipe.
26. If the ditch below the outfall is not continuous to the catch basin, then provide dissipation, such as a level spreader, with a detail.
27. Provide 3 complete sets of revised plans.

#### **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/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 (6-0), *Consent Agenda*

**Resolution No. RS2007-122**

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-G-14 is **APPROVED WITH CONDITIONS. (6-0)**

**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.”

15. **90P-019U-13**  
 Vale Ridge (Townhouses)  
 Map 149-00, Part of Parcel 025  
 Subarea 13 (2003)  
 Council District 28 - Jason Alexander

A request for final approval for a portion of a Planned Unit Development, located at Shiaway Drive (unnumbered), approximately 1,740 feet southwest of the intersection of Una-Antioch Pike and Murfreesboro Pike (10.27 acres), classified RM15, to permit the development of 48 multi-family units, requested by Gerald G. Bucy, applicant, for

Fischer & Ford Group LLC, owner.

**STAFF RECOMMENDATION: Disapprove unless Stormwater approves stormwater plans prior to the meeting. If stormwater plans are approved prior to the meeting then staff recommends approval with conditions.**

**The Metropolitan Planning Commission DEFERRED Planned Unit Development to April 26, 2007, at the request of the applicant. (6-0)**

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

16. Rehearing request for Albert Bender for Keeneland Downs, 2004S-345U-13. DENIED by Chairman and Executive Director per the Metro Planning Commission Rule VI.K.2

#### **No Action Required**

17. Executive Director Reports

Chairman Lawson announced that his final meeting as a Commissioner was tonight. He stated that it was a great opportunity working with his fellow Commissioners, as well as working with the Planning Staff. He explained that he has been on the Commission for fifteen years and of those fifteen, he served as Chairman for eight years. He further explained that he will be nominated to another Board by Council next week.

Chairman Lawson also explained that he has asked Ann Nielson to represent the Commission on the Metro Parks Board, as well as Jim McLean represent the Commission on the Metro Historic Commission during the interim time of the Commission's elections. He stated that both Ms. Nielson and Mr. McLean agreed to the interim appointments.

Chairman Lawson explained the Rules and Procedures in the event the Chairman would step down prior to the Commission's regularly scheduled election. He suggested that the Commission suspend their rules in order to allow the new Chairman be elected at their second meeting in May. Vice Chairman Ponder will perform the duties of the Chairman until such election.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to suspend the Commission's Rules and Procedures, in order to elect the new Chairman for the Commission at their normal election, which is the second meeting in May. **(8-0)**

18. Legislative Update

#### **XV. ADJOURNMENT**

The meeting was adjourned at 6:40 p.m.

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Chairman

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Secretary



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