



**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**

*June 28, 2007*

\*\*\*\*\*

*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Tonya Jones  
Ann Nielson  
Victor Tyler  
Councilmember J.B. Loring  
Eileen Beehan, representing Mayor Bill Purcell

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Ted Morrissey, Legal Counsel  
Jason Swaggart, Planner I  
Trish Brooks, Admin. Svcs. Officer 3  
Carrie Logan, Planner I  
Craig Owensby, Communications Officer  
Brenda Bernards, Planner III  
Nedra Jones, Planner II  
Brian Sexton, Planner I  
Cynthia Wood, Planner III

**Commission Members Absent:**

Judy Cummings

**I. CALL TO ORDER**

The meeting was called to order at 4:10 p.m.

**II. ADOPTION OF AGENDA**

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

Mr. Ponder arrived at 4:12 p.m.

**III. APPROVAL OF JUNE 14, 2007, MINUTES**

Ms. Nielson moved and Mr. Tyler seconded the motion, which passed unanimously, to approve the June 14, 2007, minutes as presented. **(7-0)**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Toler spoke regarding Item #13, 2007Z-111G-12. He briefly explained the applicant's intentions for the requested zone change and stated that the neighbors were originally in favor

of its approval. However, they were then in opposition and did not want the applicant to place a horse on the property.

Councilmember Brown stated he would address the Commission after his item was presented for discussion.

Councilmember Gotto stated he would address the Commission after his item was presented for discussion.

Councilmember Isabel spoke regarding Item #22, 2007Z-121U-03. He briefly explained the issues associated with the requested zone change and requested that the Commission suggest alternative zoning as opposed to disapproving the request.

Council Lady Tucker spoke regarding Item #35, 2007M-083U-10, E.S. Rose Park Improvement. She stated that Belmont University is an outstanding educational institution for the city of Nashville. However, she stated that this request would impact the quality of life for the community members as well as disenfranchise the children of the neighborhood. She also stated there was much opposition expressed by the community directly affected by this agreement.

Mr. Clifton arrived at 4:15 p.m.

Councilmember Forkum spoke in favor of Item #5, 2006SP-162G-04, Myatt Drive Thornton's. He spoke of the support expressed for the proposal and requested its approval.

Councilmember Jameson spoke in favor of Item #3, 2007SP-084U-05, 10<sup>th</sup> and Russell Street. He stated that the developer had met with the neighbors affected by the proposal and agreed to additional conditions to be included in the proposal. Councilmember Jameson read the additional conditions and submitted a copy of the conditions for the record. He then spoke in support of Item #24, 2007Z-123U-05, Eastwood Neighborhood Conservation Overlay. He stated there were many community meetings held to discuss this proposal and requested its approval.

Councilmember Summers stated he would address the Commission after his item was presented for discussion.

Councilmember Murray spoke in favor of Item 20, 2007Z-119U-05, MDHA Skyline Redevelopment District. She stated that this requested zone change will improve economic development as well as the quality of life for her constituents.

Councilmember Cole stated he would address the Commission after his item was presented for discussion.

Councilmember Gotto spoke on Item #29, 2007S-144G-14, Earhart Road Subdivision. He explained that the applicant has agreed to defer this proposal for further review of the Stormwater conditions contained in the development.

Ms. Ann 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."

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

- |     |                |   |   |
|-----|----------------|---|---|
| 19. | 2007SP-118U-05 | Venita Axley Townhomes - Request to change from R10 to SP zoning property located at 942 Riverside Driv, to permit the development of 3 new, detached, single-family units and to retain 1 existing single- | -- deferred until September 11, 2007, at the request of the applicant |
|-----|----------------|---|---|

family home

- |     |               |   |  |
|-----|---------------|---|--|
| 27. | 2007S-110U-03 | Monticello Subdivision - Request for concept plan approval to create 28 lots on properties located at Monticello Drive (unnumbered), approximately 480 feet south of Trinity Hills Parkway                                  | -- deferred until July 26, 2007, at the request of the applicant |
| 28. | 2007S-139G-14 | River Landing, Phase III -- a request for concept plan approval to create 15 lots on a portion of property located at Keeton Avenue (unnumbered), at the end of River Landing Way and Warren Drive, zoned R15 (34.43 acres) | -- deferred indefinitely at the request of the applicant         |
| 29. | 2007S-144G-14 | A request for concept plan approval to create 143 lots on property located at Earhart Road (unnumbered), approximately 2,330 feet north of Hessey Road, zoned RS15 (69.76 acres)  | -- deferred to July 26, 2007 at the request of the applicant     |
| 30. | 2007S-164G-06 | Harpeth Village, Resub. Lots 2-4 - Request for final plat approval to consolidate 3 lots into 2 lots for properties located at 8000, 8002, and 8004 Highway 100   | -- deferred indefinitely, at the request of the applicant        |
| 35. | 2007M-083U-10 | Request a property improvement and lease agreement of E. S. Rose Park for Belmont University  | -- deferred to August 9, 2007 at the request of the applicant    |

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. **(8-0)**

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

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

- |    |                |   |   |
|----|----------------|---|---|
| 2. | 2007SP-081G-06 | A request to change from R20 to SP zoning property located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres) to permit the development of 106 attached units   | -Approve w/conditions   |
| 3. | 2007SP-084U-05 | 10th and Russell Street - Request to change from OR20 to SP zoning property located at 205 South 10th Street, within the Lockeland Springs-East End Neighborhood Conservation Overlay district, to permit a total of 54,000 square feet containing 3 retail units and 44 residential units. | - Approve w/conditions including additional conditions noted by Councilmember Jameson, including additional Public Works condition. |

### **ZONING MAP AMENDMENTS**

- |    |                |  |   |
|----|----------------|--|---|
| 4. | 2005SP-168U-10 | Woodmont Condos (Amend #2) - Request to amend the SP district and for final approval for property located at 120B Woodmont Boulevard, and 117, 119 and 125 Kenner Avenue to add four single-family lots, to the original SP district approved for 34 multifamily units and 3 single-family lots. | - Approve w/conditions                                      |
| 5. | 2006SP-162G-04 | Myatt Drive Thornton's - Request to change from RS7.5 to SP zoning properties located at 900 Anderson Lane and 317 Myatt Drive, to permit the development of a convenience store with gas service.   | - Approve w/conditions                                      |
| 6. | 2006SP-181G-12 | Evergreen Hills (Final) - Request for final SP approval to permit 95 single-family lots and 45   | - Approve with conditions, including deleting condition and |

		single-family attached lots on property located at 13880 Old Hickory Boulevard.	replacing it with the following: Prior to the issuance of any building permit, the final SP plan must be revised to incorporate changes to road design and street layout that are consistent with the approved preliminary SP, as determined by the Planning Department and Public Works.
7.	2007SP-019U-14	A request for final SP approval to permit the development of 20 townhome units and a 4,000 square foot two-story warehouse on property located at 541 and 551 Stewarts Ferry Pike, approximately 1,080 feet west of Lauer Drive	- Approve w/conditions
8.	2007SP-091U-14	Lebanon Pike at Clovernook - Request to change from RS10 to SP zoning property located at 1732, 1800, 1814, 1816, 1818, 1820, and 1824 Lebanon Pike and Clovernook (unnumbered), to permit the development of 29,000 square feet of retail use, 10,000 square feet of office use, and 72 townhomes.	- Defer indefinitely the request for SP and disapprove MUN.
11.	2007Z-110G-14	Request to change from CL to OL zoning property located at 4022 Sells Drive, approximately 590 feet east of Old Hickory Boulevard and located within a Planned Unit Development	- Approve
12.	210-73-G-14	Deloitte & Touche PUD Cancellation - Request to cancel the Planned Unit Development District Overlay on property located at 4022 Sells Drive, that was previously approved for 150,000 square feet of office uses.	- Approve, subject to the approval of the associated zone change
18.	2007Z-116G-03	Request to change from R15 to CS zoning property located at 7425 Old Hickory Boulevard.	- Approve
20.	2007Z-119U-05	MDHA Skyline Redevelopment District - An ordinance to apply the Skyline Redevelopment District to property located on Dickerson Pike and bounded by 1st Street, I-24, Whites Creek Pike and Fern, encompassing 148 parcels.	- Approve
22.	2007Z-121U-03	Request to change from RS10 to MUL zoning property located at 1905 County Hospital Road, approximately 215 feet south of John Mallette Drive	- Disapprove with recommendation to re-refer back to Commission with revisions to the plan
24.	2007Z-123U-05	A request to amend the adopted Eastwood Neighborhood Conservation Overlay to include various properties located along Douglas Avenue, Chapel Avenue, Matthews Place, Greenwood Avenue, Sumner Avenue, North 14th Street, North 16th Street, Setliff Place, McKennie Avenue, Sharpe Avenue, Straightway Avenue, Franklin Avenue, Gallatin Avenue, Benjamin Street, Benson Street and Eastland Avenue	- Approve
25.	2007Z-125T	Request to amend the Metro Zoning Code, Section 17.40.650, pertaining to the alteration and restoration of nonconforming structures.	- Approve w/conditions

**REVISIONS AND FINAL SITE PLANS**

- 31. 155-74-U-14 Larchwood Commercial PUD (Daily's Convenience Store) - Request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at 3696 Bell Road, to permit a new 3,950 square foot convenience store and four new gas pumps, replacing an existing 2,992 square foot convenience store and car wash. - Approve w/conditions
- 32. 189-73-G-14 Central Pike Medical Office Building - Request for final approval for a portion of a Planned Unit Development located at 3810 Central Pike, to permit the development of a 35,200 square foot medical office building. - Approve w/conditions
- 33. 88P-038G-13 Long Hunter Chase, Ph. 3, Sec. 3, Lots 125, 126 & 127 - Request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development located at Hobson Pike (unnumbered), to revise the phasing line to add three lots to Phase 3. - Approve w/conditions
- 34. 88P-068U-13 Nashboro Square PUD - Request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at 2312 Murfreesboro Pike, to permit the development of 8,724 square feet of office, restaurant and retail use, replacing 8,750 square feet of office use. - Approve w/conditions

**OTHER BUSINESS**

- 36. Employee contract renewals for Jennifer Higgs, Jennifer Regen, Nicholas Lindeman and Adetokunbo Omishakin and new employee contracts for Alan Maxwell Baker. - Approve.
- 37. Contract between Greater Nashville Regional Council (GNRC) and the Nashville Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area MPO to coordinate transportation planning services for the City of Goodlettsville and the MPO jurisdictions in Rutherford and Williamson Counties. - Approve

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. **(8-0)**

**VII. COMMUNITY PLANS**

**Item 1 and 23 Together**

**1. 2007CP-11-05**

A request to amend the East Nashville Community Plan: 2006 Update to add Detailed Land Use Policies to Gallatin Pike.

**STAFF RECOMMENDATION: Approve.**

**APPLICANT REQUEST** - Amend the East Nashville Community Plan: 2006 Update to refine the Structure Plan policies of Community Center and Open Space by adding the Detailed Land Use Policies of Mixed Use, Mixed Housing, Office/Residential, Parks Reserves and Other Open Space, and Civic or Public Benefit for approximately 1,100 acres located along both sides of Gallatin Pike between East Literature Magnet School and Briley Parkway and refine the planned new alley system.

**CURRENT STRUCTURE PLAN POLICIES**

**Open Space (OS)** - Open Space (OS) is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. Types of uses intended within

OS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be "open space." OS areas can range from large sites encompassing thousands of acres to small sites that are a fraction of an acre.

**Community Center (CC)** - Community Center (CC) is the land use policy for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Generally, Community Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops.

#### **PROPOSED DETAILED LAND USE POLICIES**

**Parks Reserves and Other Open Space (PR)** - This category, similar to the Open Space land use policy, is reserved for open space intended for active and passive recreation, as well as buildings that support such open space.

**Civic or Public Benefit (CPB)** - This category includes various public facilities including schools, libraries, and public service uses.

**Mixed Housing (MH)** - This category includes single family and multifamily housing that varies based on lot size and building placement on the lot. Housing units may be attached or detached, but are encouraged to be thoughtfully placed rather than randomly located in a neighborhood. Generally, the character (mass, placement, height) should be compatible to the existing character of the majority of the street.

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

**Office (O)** - This category is intended to include a variety of office uses. These offices will vary in intensity depending on which land use policy they are in, from the low intensity, low-rise offices intended in the Office Transitional category to the mid-and high-rise offices intended in Office Concentration.

**BACKGROUND** - District Councilmembers Pam Murray, Mike Jameson, Eric Cole, and Jason Hart asked the assistance of Metro Planning Department in establishing a Specific Plan Zoning District for Gallatin Pike in East Nashville (see 2007SP-122U-05 on this agenda) to meet community planning goals that have been expressed to them in recent years and to implement the community vision expressed through the East Nashville Community Plan for Gallatin Pike. Implementing the community plan goals through the Specific Plan does require some refinement of the East Nashville Community Plan's land use policies through the addition of Detailed Land Use Policies for the segments of Gallatin Pike for which detailed land use planning has not been completed. This is necessary to establish the land use provisions of the SP.

**COMMUNITY PARTICIPATION** - A community meeting was held on June 13, 2007 at the East Literature Magnet School. It was attended by approximately 60 people, about half of whom were property owners along Gallatin Pike and about half of whom were interested neighbors. Support was evident for the plan amendments and SP, although some people did have specific concerns such as the timing of the SP and whether public funding could be made available to assist with implementation.

#### **ANALYSIS**

The requested amendment is in keeping with the following goals and objectives of the East Nashville community plan:

#### **Improve the appearance and function of the main corridors and other commercial areas.**

*Objectives:*

- a. Focus most commercial activity at major nodes along Gallatin and Dickerson Pikes.*
- b. Make improvements such as more coordinated signage that is appropriately scaled for a pedestrian environment, landscaping, ADA compliant sidewalks, transit stops, and other streetscape elements.*
- c. Reduce the number of curb cuts as redevelopment occurs over time.*
- d. Encourage local residents and merchants associations to attract needed new businesses and high*

*density housing to the corridors that would increase population, preserve existing residential neighborhoods, and help support local businesses.*

***Increase commercial choices available to residents.***

*Objectives:*

- a. *Support well-designed, conveniently located commercial services within walking distance of residential areas, especially in the Neighborhood and Center Transect categories.*
- b. *Provide adequate opportunities at appropriate locations at neighborhood centers and nodes along Gallatin and Dickerson Pike for needed goods and services to develop.*
- c. *Encourage local residents and merchants associations to attract needed new businesses to areas where they are lacking.*
- d. *Facilitate new opportunities through such tools and resources as Detailed Neighborhood Design Plans, Planned Unit Developments, Urban Design Overlays, Specific Plan Zoning Districts, and Metropolitan Development and Housing Agency programs identifying and guiding development opportunities.*

The amendments to the community plan are a continuation of efforts that began in 2006 and culminated in February 2007 with the adoption of the Detailed Neighborhood Design Plan for Cleveland Park East and West, McFerrin Park, and Greenwood, and a separate Detailed Neighborhood Design Plan for East Hill, Renraw, and South Inglewood West. Both these DNDPs included segments of Gallatin Pike and both utilized a similar approach of using Mixed Use policy around major intersections and Mixed Housing Policy between major intersections with a Special Policy allowing first floor retail as long as additional floors are residential. The amendment also applies open space and civic detailed policies to parks, public schools, and libraries. In this case, an Office policy is used for the section of Gallatin Pike north of the Inglewood railroad overpass where office and residential zoning exist. A Special Policy adding residential as a use for this section is also included.

The Main Street section of the corridor is not being amended because it is covered by the Metropolitan Development and Housing Agency's East Bank and Five Points Redevelopment Plans, which specify the allowed land uses in great detail. These redevelopment plans are consistent with the East Nashville Community Plan. Thus, no further detailing of policies is needed.

The two Special Policies included as part of this amendment are as follows. The first (#18) is an existing Special Policy used elsewhere in the East Nashville Community Plan that is being applied to additional locations through this amendment. The second (#23) is a new Special Policy being applied north of the Inglewood railroad overpass. Please note that Special Policy #1, which is being removed from Gallatin Pike through this amendment, is no longer needed because it is being replaced by the Detailed Land Use Policies, as was the intent of the East Nashville Community Plan. Special Policy #1 still applies along Dickerson Pike and is excerpted in this staff report for reference.

*Special Policy Area 18*

*Because this area is undergoing a long-term transition from primarily commercial use and zoning to primarily residential use, it is appropriate to support rezonings that permit mixed use provided that each building is multi-story and the non-residential use is confined to the first floor (excluding parking, which is considered an accessory rather than a non-residential use for the purposes of this Special Policy).*

*Special Policy Area 23*

*This area is intended to contain residential as well as office uses, particularly with the intent of developing a strong residential component along the length of Gallatin Pike in the East Nashville community.*

*Special Policy Area 1*

*This Special Policy Area applies to the portions of the Gallatin and Dickerson Pike Community Center policy areas that are not currently covered by a Detailed Neighborhood Design Plan. The purpose of this Special Policy is to refine the Community Center policy provisions to help guide land use decisions until more detailed planning efforts can be completed.*

*Ten "nodes" that were intended to be focal points along the corridors were loosely identified during the plan update process. The boundaries and character of those nodes need to be refined through more*

*detailed study. This Special Policy will gradually be replaced by detailed land use plans as they are completed through the Detailed Neighborhood Design planning or Corridor Committee planning processes that will follow the adoption of this community plan.*

*In the meantime, the following special policies apply:*

*1. For all portions of Special Policy Area 1, the only applications for rezonings that should be supported, unless there are exceptional circumstances, are those that:*

- Meet the general intent of Community Center policy;*
- Achieve a high standard of urban design;*
- Conform to any redevelopment plan land use plans that are in place;*
- Are for a Specific Plan district or are accompanied by an Urban Design Overlay or Planned Unit Development application; and*
- Have been the presented to the local public for input at one or more community meetings prior to the Planning Commission public hearing on the application.*

*In addition, in order to achieve a vertically and horizontally integrated mixture of uses along these currently predominantly commercial corridors:*

*2A. For those portions of the Special Policy area that are currently zoned as office, office/residential, or residential districts, the only applications for rezonings that should be supported, unless for a Specific Plan district or if there are exceptional circumstances, are those that:*

- Are for another residential, office, office/residential or a mixed use zoning district. In the case of a mixed use zoning district, the applicant shall demonstrate that the development will incorporate vertically mixed uses that include residential. Building heights should not exceed six stories.*

*Or*

*2B. For those portions of the Special Policy Area that are currently zoned as industrial or commercial districts, the only applications for rezonings that should be supported, unless for a Specific Plan district or if there are exceptional circumstances, are those that:*

- Are for an RM40 or RM60, office, office/residential or a mixed use zoning district. In the case of a mixed use zoning district, the applicant shall demonstrate that the development will incorporate vertically mixed uses that include residential. Building heights should not exceed six stories.*

The graphics included with this report show both the current and proposed land use policies for the three areas that correspond with the three Subdistricts of the proposed Gallatin Pike SP. The graphics also show refinements to the planned new alley system in Subdistrict 2.

Councilmember Jameson displayed a cartoon parody depicting the challenges of Gallatin Pike. He then displayed improvements that could be accomplished through the Gallatin Pike Improvement District SP if approved and implemented.

Councilmember Cole explained that there were a total of seven Councilmembers in support of this SP. The other members would be supporting the SP later in the fall thus making the improvements of Gallatin Pike from the interstate to the county line. He spoke of the support of his constituents and requested its approval.

Councilmember Murray spoke highly of the improvements made to East Nashville and attributed them to the teamwork that exists in this portion of the City. She stated that SP would improve both the appearance and function of Gallatin Pike.

Ms. Wood presented and stated that staff is recommending approval of Community Plan 2007CP-11-05, as well as Zone Change 2007SP-122U-05.

Mr. Rodney Davis, 1104 Eastdale Avenue, spoke in opposition to the proposed Plan Amendment.

Mr. Susan Slossen expressed issues with the Plan Amendment.

Ms. Terry Feller spoke in favor of the plan amendment.



Ms. Beehan spoke in favor of the plan amendment. She mentioned the importance of the unity shown by the Councilmembers in support of this SP. She spoke of the much needed uses which could be incorporated through SP zoning that would be beneficial to all the community members.

Mr. Tyler stated the plan was a well thought out plan. He then questioned the process that would be mandated if an existing property owner would request a change to their property.

Ms. Wood explained that if an existing property owner were to request a change of 25% or more, they would have to follow the requirements of the Gallatin Pike Improvement District SP. For those renovations less than 25%, the owners would have to follow the bulk regulations or requirements listed for the particular district in which they were requesting the change.

Mr. Clifton spoke in favor of the proposed SP. He acknowledged that the SP Improvement District will provide additional detail planning which is needed for areas considered to be built out. He then requested additional clarification on how the SP would impact existing signage.

Ms. Wood explained that future sign permits would have to comply with the regulations outlined in the SP.

Ms. Nielson stated she was in favor of the plan and looked forward to its implementation.

Ms. Ponder spoke in favor of the proposed SP. He stated he was impressed with Councilmembers working together in an effort to solve a common problem which crosses several districts.

Mr. Loring spoke in favor of the proposed SP.

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve Community Plan 2007CP-11-05, as well as Zone Change 2007SP-122U-05. **(8-0)**

Mr. Bernhardt offered that all of the Councilmembers along the Gallatin Pike corridor have worked on this project. However, due to the short amount of time left in this term, the other Councilmembers included in this project, chose to wait until the new term began, in order to proceed with the project.

*[Note: Items #1 and #23 were discussed by The Metropolitan Planning Commission together. See item #23 for actions and resolutions.]*

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

### **ZONING MAP AMENDMENTS**

2. **2007SP-081G-06**  
Mt. Laurel Reserve  
Map 128-00, Parcel 038  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request to change from R20 to SP zoning property located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres), to permit the development of 106 attached units, requested by Dale & Associates, applicant, for Dudley and Arthur G. Ford et al, owners.

**STAFF RECOMMENDATION: Approve with conditions.**

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

A request to change from One and Two-Family Residential (R20) to Specific Plan (SP) zoning property located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres), to permit the development of 106 attached units.

#### **Existing Zoning**

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

#### **Proposed Zoning**

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**

**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 density of this development is 2.92 units/acres, which is within the RLM policy.

The Bellevue Community Plan states a community desire to preserve rural character and protect hills from being cut away to help keep the scenic views. The final SP site plan should take these goals into consideration by conforming to the Hillside Development Standards of Section 17.28.030 of the Metro Zoning Ordinance.

**RECENT REZONINGS** - On February 23, 2006, The Planning Commission recommended approval for a request to rezone this property to Multi-Family Residential (RM4). This request was deferred indefinitely by the Metro Council in July 2006.

#### **PLAN DETAILS**

**Site Plan** -The plan calls for 106 attached residential units. The number of units per building range from two to five. The front setback is 20 feet and the maximum height is three stories. The plan also includes a set of architectural standards. Elevations included with the final SP site plan will be reviewed against these standards.

**Sidewalks** -Sidewalks are required and shown on both sides of the private drive within this development.

**Access** - There is one access point from Hicks Road. The Fire Marshal has determined that this is inadequate access to protect the safety of the public. For the benefit of public safety, the plan must conform to the current Fire Code or by obtain a variance from the Appeals Board before 3<sup>rd</sup> Reading at Metro Council.

**Parking** -The plan calls for two stalls per unit. There is some additional guest parking along the streets.

**Staff Recommendation** -Staff recommends approval with conditions, including a condition requiring Fire Marshal approval before 3<sup>rd</sup> reading at Metro Council.

**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.

As noted in the traffic impact study, "the existing geometry limitations at the intersection of Hicks Road and the project access, a field-run survey should be conducted on Hicks Road in order to identify the extent

to which the existing curve on Hicks Road will need to be modified to provide adequate sight distance at the project access. Specifically, it is anticipated that, at a minimum, some clearing and grading will be needed on the east side of Hicks Road along the project's frontage."

Prior to the submittal of construction plans, submit a "field run" survey along Hicks Road at the project access to provide adequate intersection and stopping sight distance, per AASHTO standards.

**Maximum Uses in Existing Zoning District: R20**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	36.25	1.85	67	720	57	75

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/ Townhouse(230)	36.25	N/A	106	674	54	63

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-46	-3	-12

**STORMWATER RECOMMENDATION-** Preliminary SP Approved.

**FIRE MARSHAL RECOMMENDATION** - This project can not be approved at this time. The Fire Code has changed to NFPA 1 Uniformed Fire Code 2006 edition. This code recognizes NFPA 1141 Standard for Fire Protection in Planned Building Groups 2003 edition which requires access by a minimum of two distinctly separate routes, each located as remotely from the other as possible and larger (120 ft) diameter turnarounds. There are several other requirements as well such as water demands which are grater. The project Engineer or representative needs to meet with the Fire Marshal's Office on this project.

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     6     Elementary     4 Middle     4 High

**Schools Over/Under Capacity** - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated April 2007.

**CONDITIONS**

1. Obtain Fire Marshal approval either by conforming to NFPA 1 Uniformed Fire Code 2006 edition or by obtaining a variance from the Appeals Board before 3rd Reading at Metro Council. Any changes to the plan required to obtain Fire Marshal approval must be approved by the Planning Department.
2. The approval of the Harpeth Valley Utilities District must be met prior to the issuance of any building permits.
3. Provide landscaping in areas labeled "small park." All final landscape plans must be approved by the Planning Commission at the Final approval stage.
4. Street trees shall be planted along the private drives and spaced 25' apart.

5. Incorporate features into detention and retention facilities that provide for use and aesthetic enjoyment
6. Design the Stormwater detention system to detain runoff in the fewest ponds necessary, directing water to few large basins rather than many small basins.
7. Design the Stormwater detention system at the beginning of the design process, and incorporate the system into the site as a natural amenity as well as an engineered facility.
8. Design naturally appearing Stormwater structures that provide variety and interest in the composition, shape, and diversity in plant material selection.
9. Select plant species based on their ability to survive the local climate, and their minimal demand for maintenance. Select plant species that are adaptable to the conditions typically experiences within Stormwater facilities.
10. The final SP site plan shall comply with the Hillside Development Standards of Section 17.28.030 of the Metro Zoning Ordinance.
11. Pursuant to 17.28.050 of the Metro Zoning Ordinance, the final SP site plan shall be accompanied by a geotechnical report. Both the geotechnical report and the site plan shall be certified by a qualified engineer licensed in the State of Tennessee. The qualifying engineer shall certify that the construction techniques proposed adequately mitigate any potential soil hazards identified in by the report.
12. 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.
13. 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 RM4 zoning districts at the effective date of this ordinance, which must be shown on the plan.
14. 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.
15. 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.
16. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access utilizing the approved design and adequate water supply for fire protection must be met prior to the issuance of any building permits.
17. 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.

18. 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.
19. Clarify maximum bedrooms per unit in the corrected copy of the preliminary SP.

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

**Resolution No. 218**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2007SP-081G-06 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Obtain Fire Marshal approval either by conforming to NFPA 1 Uniformed Fire Code 2006 edition or by obtaining a variance from the Appeals Board before 3rd Reading at Metro Council. Any changes to the plan required to obtain Fire Marshal approval must be approved by the Planning Department.
2. The approval of the Harpeth Valley Utilities District must be met prior to the issuance of any building permits.
3. Provide landscaping in areas labeled "small park." All final landscape plans must be approved by the Planning Commission at the Final approval stage.
4. Street trees shall be planted along the private drives and spaced 25' apart.
5. Incorporate features into detention and retention facilities that provide for use and aesthetic enjoyment
6. Design the Stormwater detention system to detain runoff in the fewest ponds necessary, directing water to few large basins rather than many small basins.
7. Design the Stormwater detention system at the beginning of the design process, and incorporate the system into the site as a natural amenity as well as an engineered facility.
8. Design naturally appearing Stormwater structures that provide variety and interest in the composition, shape, and diversity in plant material selection.
9. Select plant species based on their ability to survive the local climate, and their minimal demand for maintenance. Select plant species that are adaptable to the conditions typically experiences within Stormwater facilities.
10. The final SP site plan shall comply with the Hillside Development Standards of Section 17.28.030 of the Metro Zoning Ordinance.
11. Pursuant to 17.28.050 of the Metro Zoning Ordinance, the final SP site plan shall be accompanied by a geotechnical report. Both the geotechnical report and the site plan shall be certified by a qualified engineer licensed in the State of Tennessee. The qualifying engineer shall certify that the construction techniques proposed adequately mitigate any potential soil hazards identified in by the report.

12. 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.
13. 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 RM4 zoning districts at the effective date of this ordinance, which must be shown on the plan.
14. 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.
15. 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.
16. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access utilizing the approved design and adequate water supply for fire protection must be met prior to the issuance of any building permits.
17. 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.
18. 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.
19. Clarify maximum bedrooms per unit in the corrected copy of the preliminary SP.

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

3. **2007SP-084U-05**  
 10th and Russell Street  
 Map 083-09, Parcel 207  
 Subarea 5 (2006)  
 Council District 6 - Mike Jameson

A request to change from OR20 to SP zoning property located at 205 South 10th Street, southeast corner of Russell Street and South 10th Street and within the Lockeland Springs-East End Neighborhood Conservation Overlay district, (.89 acres), to permit a total of 54,000 square feet containing 3 retail units

and 44 residential units, requested by Jim Nickle, applicant, for Anthony Cherry and Charles Ritzen, owners.

**STAFF RECOMMENDATION: Approve with conditions.**

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

A request to change from Office/Residential (OR20) to Specific Plan (SP) zoning property located at 205 South 10th Street, southeast corner of Russell Street and South 10th Street and within the Lockeland Springs-East End Neighborhood Conservation Overlay district, (.89 acres), to permit a total of 54,000 square feet containing 3 retail units and 44 residential units.

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

- The SP District is a new base-zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

#### **EAST NASHVILLE COMMUNITY PLAN**

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

**Special Policy Area 2** - This Special Policy applies to several Neighborhood Center policy areas in the East Nashville Community Plan for which there is no Detailed Neighborhood Design Plan. The purpose of this Special Policy is to refine the Neighborhood Center policy provisions to help guide land use decisions until more detailed planning efforts can be completed.

For all portions of Special Policy Area 2, the only applications for rezonings of residential districts to a mixed use, office, or office/residential district that should be supported, unless there are exceptional circumstances, are those that:

- Are for a Specific Plan district or are accompanied by an Urban Design Overlay or Planned Unit Development application; and
- Have been presented to the local public for input at one or more community meetings prior to the Planning Commission public hearing on the application. In addition:

Rezonings to commercial, industrial, or lower density residential districts should not be supported, unless there are exceptional circumstances.

**Consistent with Policy?** - Yes. The plan includes one mixed-use building with 3 retail units and 44 residential units. This plan meets the Neighborhood Center policy by creating a walk-to area with small-scale office, retail, and residential uses. Special Policy Area 2 requires a community meeting before a project can be heard by the Planning Commission. The applicant had two community meetings: one with East End Neighborhood Association on May 21, 2007, and one with Edgefield Neighborhood Association on May 29, 2007.

#### **PLAN DETAILS**

Site Plan - The plan calls for a three-story mixed-use building totaling 54,000 square feet. There is 4,321 square feet of Retail/Office and 44 residential units.

Sidewalks - There are existing sidewalks on both 10<sup>th</sup> Street and Russell Street.

Access - There are two access points: one from 10<sup>th</sup> Street and one from the alley parallel to 10<sup>th</sup> Street.

Parking - The plan calls for a total of 50 parking spaces on site. The total number of proposed parking spaces is sufficient to serve the proposed uses.

Elevations - Elevations have been reviewed and approved by staff. Final approval is subject to approval by the Metro Historic Zoning Commission.

**Staff Recommendation** - Staff recommends approval with conditions. The development meets the intent of the Neighborhood Center policy and the technical requirements of Special Policy Area 2.

**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.

Show and label 25' minimum right of way radius of corner returns at the intersection of Russell Street and South 10th Street.

Public sidewalks to be located within right of way.

Planters appear to be encroaching into right of way.

Proposed solid waste collection and disposal plan does not appear adequate. Provide three dumpster pads to accommodate solid waste disposal.

Identify provisions for recycling collection.

Public Works recommendations are based upon the Solid Waste Division's policies. The policies are based upon trash generation rates for the proposed uses and the services provided on collection and disposal.

If the developer wishes to work with the Public Works staff and provide possible alternatives on receptacles and collections, the request will be considered.

Clarify / identify hatching areas located within sidewalk along Russell Street / S. 10th Street.

Provide confirmation from zoning administrator that parking as provided is adequate for proposed uses.

Russell Street:

The plan proposes to construct a "bulb-out" on the south side of Russell Street. Duplicate / mirror roadway section on opposite side of Russell Street. Provide minimum 11' travel lanes.

If required parking is located on-street, construct first space as ADA accessible.

No parking within 30' of marked crossings.

Alley #292:

Construct alley per ST-263. Dedicate right of way.



Remove 1st alley parking space off Russell Street to prohibit backing movements onto sidewalk.  
 Locate parking outside of right of way.  
 Construct ST-325 alley ramp at Russell Street.

S. 10th Street:

Construct driveway ramp per ST-325. Align driveway perpendicular to roadway.

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	.89	0.8	31,014	542	74	114

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/ Townhouse (230)	.89	N/A	39	289	25	28

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	.89	N/A	4,851	246	12	34

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-7	-37	-52

**STORMWATER RECOMMENDATION** - Preliminary SP approved.

**URBAN FORESTER RECOMMENDATION** - Must use Irrigation (Condos – no hose bibs allowed)

**FIRE MARSHAL RECOMMENDATION** -Provide water flow data on hydrant.

**METRO SCHOOL BOARD REPORT**

Projected student generation     5 Elementary     4 Middle     3 High

**Schools Over/Under Capacity** - Students would attend Warner Elementary School, Bailey Middle School, or Stratford High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated April 2007.

**CONDITIONS**

1. Sidewalks must be improved to Metro standards, if necessary.
2. The backflow preventer shall be located outside of any publicly visible areas.
3. Correct number of parking spaces in the plan.
4. Prior to the issuance of any permits, confirmation of approval of this proposal shall be forwarded to the Planning Commission by the Metro Historic Zoning Commission.

5. Except as otherwise specifically listed in the approved plan, with the submittal of the final site plan, the project must comply with all Urban Forester, Fire Marshal and Public Works conditions, excluding the condition requiring confirmation of adequate parking from the zoning administrator.
6. 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.
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 MUL zoning districts at the effective date of this ordinance, which must be shown on the plan.
8. 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.
9. 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.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. 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.
12. 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.

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

**Resolution No. 219**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-084U-05 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Sidewalks must be improved to Metro standards, if necessary.
2. The backflow preventer shall be located outside of any publicly visible areas.
3. Correct number of parking spaces in the plan.

4. Prior to the issuance of any permits, confirmation of approval of this proposal shall be forwarded to the Planning Commission by the Metro Historic Zoning Commission.
5. Except as otherwise specifically listed in the approved plan, with the submittal of the final site plan, the project must comply with all Urban Forester, Fire Marshal and Public Works conditions, excluding the condition requiring confirmation of adequate parking from the zoning administrator.
6. 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.
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 MUL zoning districts at the effective date of this ordinance, which must be shown on the plan.
8. 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.
9. 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.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. 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.
12. 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.

**Additional Conditions requested to be added by Councilmember Jameson:**

1. Pursue LEED certification, including possible use of permeable materials for the ground surfaces (i.e., parking lot).
2. Facilitate parallel parking along Russell by "bulbing out" Russell Street at the intersection with Tenth Street.
3. Use the MDHA Five Points Overlay as a guideline for this project.

4. Loft spaces will be stepped back off the facade a minimum of 15' - 0" (in compliance with Woodland Street district patterns of MDHA guidelines for the Five Points Overlay, and the Historic Commission review comments).
5. Parking lot lighting will avoid spill-off through the selection of site lighting fixtures (No "cobra heads" will be permitted".)
6. Request that Public Works re-stripe S. 10th Street between Shelby and Woodland Streets to change this four-lane commercial corridor style of street to a more neighborhood-friendly one that provides on-street parking, bicycle lanes, and a center turn lane.

**The proposed SP district is consistent with the East Nashville Community Plan’s Neighborhood Center and detailed policies, which is intended for mixed use areas that act as local centers.”**

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

4. **2005SP-168U-10**  
Woodmont Condos (Amend #2)  
Map 116-03, Parcels 086, 087, 088, 138  
Subarea 10 (2005)  
Council District 24 - John Summers

A request to amend the SP district and for final approval for property located at 120B Woodmont Boulevard, and 117, 119 and 125 Kenner Avenue to add four single-family lots (0.92 acres) to the original SP district approved for 34 multifamily units and 3 single-family lots, requested by Councilmember John Summers, applicant, for Chartwell Properties, owner.

**STAFF RECOMMENDATION: Approve with conditions.**

### **APPLICANT REQUEST - Amend SP and Final**

A request to amend the Specific Plan (SP) district and for final approval for property located at 120B Woodmont Boulevard, and 117, 119 and 125 Kenner Avenue to add four single-family lots (0.92 acres) and to amend the provisions of the original SP district to permit 34 multifamily units and 7 single-family lots.

### **Existing Zoning**

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

### **Proposed Zoning**

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

- The SP District is a 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.

## **GREEN HILLS MIDTOWN COMMUNITY PLAN**

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

Residential High (RH) - RH policy is intended for new and existing residential development with densities above twenty dwelling units per acre. Any multi-family housing type is generally appropriate to achieve this density. The most common residential type will generally be mid or high-rise structures.

**Consistent with Policy?** - Yes. The request is consistent with both the Residential Medium and Residential High policies. The request is to add additional lots to the SP district. Three of the properties to be added are on the south side of Kenner Avenue immediately east of the existing SP district. The remaining lot to be added is on the north side of Woodmont Boulevard immediately east of the existing SP district. These properties are zoned R10 and are in a Residential Medium policy. The parcels are all currently developed with single-family homes and the plan calls for them to remain single-family residences.

This amendment to the SP district will also specify the alterations that will be permitted to take place on any of the single-family residences within the SP district, including the three single-family properties within the current SP district. The SP will also guide redevelopment if any of the homes were to be destroyed (see plan details below).

### **PLAN DETAILS**

History - This request was originally submitted as a straight zone change (RM60), and PUD, but was disapproved by the Planning Commission on November 10, 2005. The Council referred the request back to the Commission as an SP and subarea plan amendment and was approved by the Planning Commission on February 9, 2006, and by Council on February 21, 2006. A request to amend the district by adding one new lot to the district was approved by the Commission and Council earlier this year.

Site Plan - The proposed amended plan calls for 34 condominiums and seven single-family residences. The only proposed changes from the last approved preliminary SP plan approved by the Metro Council are to add four single-family residential lots into the SP district and to provide the development guidelines explained below. Everything else remains as previously approved with three new multi-story residential buildings along Woodmont Boulevard, and three single-family homes along Kenner Avenue. The three multi-story buildings will consist of a 10-story, a 6-story and a 3-story building, which will step-down from north to south.

Single-Family Lots - Staff recommends that certain conditions be required to ensure that the seven existing single-family homes within the district designated to remain as single family are maintained in a way that is consistent with the existing character of other single-family homes in the area. The previously adopted SP plan only specifies that the existing single-family residence “remain as single-family.” There is no guidance for future exterior work, additions, or rebuilding in the instance a home is destroyed.

**Staff recommends the following restriction be added to this amendment to the SP district:**

#### **Additions**

1. Additions shall be situated at the rear, and constructed in such a way that it will not disturb either front or side facades.
2. Additions shall not enclose front porches and existing front porches shall be maintained.
3. Additions shall use the same or similar exterior building materials as present on existing buildings.
4. Additions shall not exceed an overall height of 2 stories.

#### **New Construction**

1. New construction footprint shall not exceed 25% of the lot area.
2. New construction shall not exceed 2 stories in height.
3. Shall have a front porch.
4. Shall be clad with brick or stucco. Other materials such as wood clapboard, cement fiber or other similar material may be used for accents and on gables.

**PUBLIC WORKS RECOMMENDATION** - No plan received.

**Maximum Uses in Existing 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)	2.35	n/a	3	29	3	4

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	2.35	n/a	34	257	22	25

**Maximum 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)	3.5	n/a	7	67	6	8

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	3.5	n/a	34	257	22	25

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				38	3	4

**STORMWATER RECOMMENDATION** - No new plan was provided for review.

**METRO SCHOOL BOARD REPORT**

Projected student generation - This request does not add any additional density so it will not generate additional students.

**CONDITIONS**

1. Additions shall be situated at the rear, and constructed in such a way that it will not disturb either front or side facades.
2. Additions shall not enclose front porches and existing front porches shall be maintained.
3. Additions shall use the same or similar exterior building materials as present on existing building.
4. Additions shall not exceed an overall height of 2 stories.
5. New construction footprint shall not exceed 25% of the lot area.

6. New construction shall not exceed 2 stories in height.
7. New construction shall have a front porch.
8. New construction shall be clad with brick or stucco. Other materials such as wood clapboard, cement fiber or other similar material may be used for accents and on gables.
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. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

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

**Resolution No. 220**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2005SP-168U-10 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Additions shall be situated at the rear, and constructed in such a way that it will not disturb either front or side facades.
2. Additions shall not enclose front porches and existing front porches shall be maintained.
3. Additions shall use the same or similar exterior building materials as present on existing building.
4. Additions shall not exceed an overall height of 2 stories.
5. New construction footprint shall not exceed 25% of the lot area.
6. New construction shall not exceed 2 stories in height.
7. New construction shall have a front porch.
8. New construction shall be clad with brick or stucco. Other materials such as wood clapboard, cement fiber or other similar material may be used for accents and on gables.
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. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

**The proposed SP amendment is consistent with the Green Hills/Midtown Community Plan's Residential High policy, which is intended for residential developments within a density range of 4-9 dwelling units per acre, and is consistent with the intent of the original SP plan."**

5. **2006SP-162G-04**  
 Myatt Drive Thornton's  
 Map 043-07, Parcels 069, 070  
 Subarea 4 (1998)  
 Council District 9 - Jim Forkum

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

**STAFF RECOMMENDATION: Approve with conditions.**

**APPLICANT REQUEST - Preliminary SP**

A request to change approximately 1.87 acres from Single-Family Residential (RS7.5) to Specific Plan (SP) zoning to permit a convenience store with gas service at the southeast corner of Myatt Drive and Anderson Lane (900 Anderson Lane and 317 Myatt Drive).

**Existing Zoning**

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

**Proposed Zoning**

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

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."
- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**MADISON COMMUNITY PLAN**

**Structure Policy**

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



Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.  
Detailed Policy

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

**Consistent with policy?** - Yes. While the proposed SP plan does not provide for a mixture of uses at this location the proposed convenience use and its layout are appropriate at this location.

#### **PLAN DETAILS**

History - This plan was deferred indefinitely by the Commission on September 28, 2006. During the past several months, the applicants has been working with the district's councilmember, planning staff and the community to address any concerns for their specific proposal as well to update the area's land use policy. The policy called for residential development, but the Commission approved the Mixed Use policy on May 10, 2007.

Site Plan - The plan calls for a 3,740 square foot convenience store and a covered fueling area with seven free standing pumps offering 14 fueling stations.

Access - Access will be provided from Anderson Lane and from Myatt Drive. To enhance pedestrian access to and around the site the plan calls for decorative paving along both entrances and from Anderson Lane to the store.

Buffers - The property is located immediately adjacent to properties containing residential uses. To help ensure that the development will not be a nuisance to the adjacent residential properties, the plan calls for a 15 foot wide Standard B-2 Landscape Buffer Yard along the northern and eastern property lines adjacent the residential properties. At its closest point the proposed building will be within 5 feet of the property line, and will not allow for a 15 foot wide buffer. The building was placed at this location by the direction of planning staff so that it would be closer to Anderson Lane. While there will not be a 15 foot wide buffer behind the building the plan calls for a seven foot tall, solid, decorative fence to run along the property line where the 15 foot buffer will not be provided, and will provide appropriate buffering.

Elevations - Elevations have been provided and show a synthetic stone and stucco finish and have been approved by planning staff. Elevations also identify a 20 foot tall pole sign. All signs should be monument type signs and not exceed 5 feet in height.

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

**RECENT REZONINGS** - None

**STORMWATER RECOMMENDATION** - Approved

**PUBLIC WORKS RECOMMENDATION** - Recommend denial until a traffic study is submitted and approved by the Department of Public Works. If approved then Public Works' comments are as follows:

1. A Traffic Study is required. Schedule a traffic study scoping meeting with the Department of Public Works.
2. 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.

**Maximum Uses in Existing Zoning District: RS7.5**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.87	3.71	6	58	5	7

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market w/ Gas Station(945)	1.87	.045	3,740	NA	291	360

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	286	353

**CONDITIONS**

1. A traffic study is required. Schedule a traffic study scoping meeting with the Department of Public Works. If preliminary SP is approved without a traffic study, and the findings of any future traffic study require significant changes to the layout and design of the approved preliminary SP, then the plan may require reapproval from Metro Council.
2. Freestanding signs must be monument type and not exceed 5 feet in height. No pole signs shall be allowed. Proposed monument signs must be approved by planning staff prior to final approval by the Planning Commission. The pole sign shown on sheet C-2 must be removed from the plan.
3. 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 CS zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
4. 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.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

8. 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.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

**Resolution No. 221**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-162G-04 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. A traffic study is required. Schedule a traffic study scoping meeting with the Department of Public Works. If preliminary SP is approved without a traffic study, and the findings of any future traffic study require significant changes to the layout and design of the approved preliminary SP, then the plan may require reapproval from Metro Council.
2. Freestanding signs must be monument type and not exceed 5 feet in height. No pole signs shall be allowed. Proposed monument signs must be approved by planning staff prior to final approval by the Planning Commission. The pole sign shown on sheet C-2 must be removed from the plan.
3. 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 CS zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
4. 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.
5. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

8. 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.
9. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

**The proposed SP district is consistent with the Madison Community Plan's Mixed Use policies, which is intended for a mixture of uses including commercial/retail, office and residential."**

6. **2006SP-181G-12**  
Evergreen Hills (Final)  
Map 182-00, Part of Parcel 011  
Subarea 12 (2004)  
Council District 32 - Sam Coleman

A request for final SP approval to permit 95 single-family lots and 45 single-family attached lots on property located at 13880 Old Hickory Boulevard, approximately 2,180 feet east of Pettus Road (28.32 acres), requested by Wamble & Associates, applicant, for Turner Farm Partnership L.P., owner.

**STAFF RECOMMENDATION: Approve with conditions.**

#### **APPLICANT REQUEST - Final SP**

A request for approval of a final Specific Plan (SP) site plan to permit the development of phases 1 and 2 Evergreen Hills SP district, which includes 95 single-family lots and 45 single-family attached lots.

#### **PLAN DETAILS**

Site Plan - The plan calls for a total of 140 residential lots with 95 single-family lots and 45 single-family attached lots on approximately 28 acres with a density of approximately five units per acre. A total of 44 single-family lots will be included in Phase 1, and 51 single-family and 45 single-family attached lots will be included in Phase 2. The plan also calls for an existing farm house close to Old Hickory Boulevard to be used as a sales center.

Access - Lots will be accessed from new public roadways including public alleys. Access into the development will be from Old Hickory Boulevard.

Sidewalks - Sidewalks are required on both sides of all streets excluding alleys and are shown on the plan. As proposed, adequate cross walks are not shown within the traffic circle. Cross walks should be provided at each entrance into the traffic circle.

Open Space - The plan calls for a total of 8.3 acres (~30% of site) of open space. Open space will include natural areas, pocket parks, and court yards.

Preliminary Plan - The preliminary SP district was considered by the Planning Commission on November 14, 2006. The Commission recommend that the Metro Council approve the SP with conditions and it was subsequently approved by Metro Council in January of 2007. While the overall concept of the plan is generally consistent with the approved preliminary plan, there are several differences from the preliminary layout. While most of the differences are minor, some must be addressed prior to the issuance of any grading or building permits.

First, the preliminary SP plan document calls for estate lots within the Neighborhood Edge district to be at least 70 feet in width. As shown in the proposed final SP site plan, the lots (138-144) are only 60 feet in width and will have to be revised. Second, the preliminary SP sets a maximum 6% slope within the square. As proposed, the slope is over 6% and must be minimized. Lastly, minimum caliper size for trees needs to reflect a 3 inch minimum. While staff is recommending approval of this request with conditions, conditions may require that the total number of lots be reduced within these two phases.

Finally, the proposed final site plan includes a street layout that is not consistent with the streets shown for these phases in the Council-approved preliminary SP plan. Prior to the issuance of any building or grading permits, the final SP plan must be revised to incorporate changes to road design and street layout that are more consistent with the approved preliminary SP.

**Staff Recommendation** - Since the proposal is generally consistent the concept of the Council-approved plan, staff recommends that the final SP plan be approved with conditions.

**RECENT REZONINGS** - None

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

1. Need NOC prior to final approval.
2. Provide Detention Agreement form (with signature and notarization), Long Term Maintenance plan, and recording fee for such documents. A Dedication of Easement will be required unless the site is to be platted.
3. Provide initial erosion control measures on a separate sheet (with existing contours only). Be sure that silt fence is placed on level contours. Also be sure to use diversion ditches to divert runoff to sediment basins prior to discharge into stream.
4. Add note on erosion control sheet stating: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."
5. Add construction entrance on Ramstone Way or add note stating that no construction entrance allowed.
6. Provide all civil details (triple inlets, Conspan Bridge, etc.).
7. For the storm structures, double check drainage maps 106, 107, and 108.
8. For the storm structures, reduce bypass flows at inlets 131 and 202.
9. If the alleys are considered public roads, then reduce spread.
10. For the bridge calculations, the Tc seems high. Provide a larger drainage map showing the proposed travel path analyzing sheet, shallow, and channel flows. Show inverts for bridge as well as associated elevations (freeboard over designed storm).
11. For the storm structures, show proposed easement locations for pipes not constructed within the ROW (particularly 108-109). Make sure that easement locations are outside building envelopes.
12. Remove all non-green items outside of the Zone 2 buffer (Pipes 148-149, 151-151, etc.).

**PUBLIC WORKS RECOMMENDATION** - Submit construction plans for the Department of Public Works review and approval. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works.

In accordance with the recommendations of the traffic impact study, the following improvements, as a minimum, will be required for the Evergreen Hills development:

1. The site access at Old Hickory Boulevard shall be designed to include one lane for entering traffic and two lanes for exiting traffic. The exiting lanes shall be designed to include 75 feet of storage.
2. An eastbound left turn lane shall be constructed on Old Hickory Boulevard at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
3. A westbound right turn lane shall be constructed on Old Hickory Boulevard at the project access with 75 ft of storage and transitions per AASHTO/MUTCD standards.

In addition, the following conditions shall apply:

4. Along the property frontage, Old Hickory Boulevard shall be improved to provide a collector cross section as approved by Metro Public Works.
5. At the intersection of Old Hickory Boulevard and Burkitt Road, the developer shall conduct a periodic signal warrant analyses as determined by Public Works. If warranted and approved by Public Works, a traffic signal shall be designed and installed by the developer. Applicable road widening (left turn lanes) shall be completed by the developer at this time as well. A signal warrant analysis is not required with the development of these proposed 140 units.

For Evergreen Hills development, the Development Services Section of Public Works recommends, in order to meet the IDA Policy requirements, that this development make improvements to Pettus Road from the intersection of Pettus Road and Preston Road in a southerly direction to the first intersection of Pettus Road and Old Hickory Blvd. This segment of roadway is approximately 5000 feet in length meeting the length requirement of 5043 feet as established by the Planning Department for Evergreen Hills. This segment of roadway fronts the new school on Pettus Road and the Sunset development that Yazdian Construction is developing.

The design of the roadway section is to be a minimum of 2ea. 12 foot travel lanes and 4 foot shoulders on each side. The design is to incorporate the turn lane being provided by the school and the turn lane and sight distance grading work being done by the Sunset development.

The developer is to have his engineer submit the necessary roadway design documents and obtain approval by the Public Works Department (and other agencies as appropriate) prior to the recording of the 300th lot in Evergreen Hills. The improvements are to be bonded with the recording of the 300th lot. The roadway construction is to be completed within one year after the recording of the 300th lots.

Prior to finalization of this plan, provide engineering certification that the southeast arterial can be constructed within the right of way that is being dedicated.

#### **CONDITIONS**

1. Prior to the issuance of any building or grading permits, the final SP plan must be revised to incorporate changes to road design and street layout that are more consistent with the approved preliminary SP, as determined by the Planning Department.
2. All estate lots within the Neighborhood Edge district must be at least 70 feet in width as called for in the approved preliminary document.
3. The slope within the square may not exceed the 6% slope maximum stipulated in the approved preliminary document. Plan must be revised to reduce the slope.
4. Landscape documents shall specify a minimum caliper size of 3 inches as specified in the approved preliminary document.
5. Crosswalks shall be provided at each entrance into the traffic circle. Final location and design must be approved by Metro Public Works and Planning.
6. All Stormwater conditions listed above must be address prior to the issuance of any building permits including grading permits.
7. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.

9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
10. 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.
11. These plans as approved by the Planning Commission will be used by the Department of Codes Administration and Planning 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.
12. 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, (8-0) *Consent Agenda*

**Resolution No. 222**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-181G-12 is **APPROVED WITH CONDITIONS, including deleting condition 1 and replacing it with the following: Prior to the issuance of any building permit, the final SP plan must be revised to incorporate changes to road design and street layout that are consistent with the approved preliminary SP, as determined by the Planning Department and Public Works. (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any building or grading permits, the final SP plan must be revised to incorporate changes to road design and street layout that are consistent with the approved preliminary SP, as determined by the Planning Department.
2. All estate lots within the Neighborhood Edge district must be at least 70 feet in width as called for in the approved preliminary document.
3. The slope within the square may not exceed the 6% slope maximum stipulated in the approved preliminary document. Plan must be revised to reduce the slope.
4. Landscape documents shall specify a minimum caliper size of 3 inches as specified in the approved preliminary document.
5. Crosswalks shall be provided at each entrance into the traffic circle. Final location and design must be approved by Metro Public Works and Planning.
6. All Stormwater conditions listed above must be address prior to the issuance of any building permits including grading permits.
7. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
9. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

10. 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.
11. These plans as approved by the Planning Commission will be used by the Department of Codes Administration and Planning 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.
12. 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.”

- 7. 2007SP-019U-14**  
North Lake Townhomes (Final)  
Map 096-00, Parcels 059, 060  
Subarea 14 (2004)  
Council District 14 - Harold White

A request for final SP approval to permit the development of 20 townhome units and a 4,000 square foot two-story warehouse on property located at 541 and 551 Stewarts Ferry Pike, approximately 1,080 feet west of Lauer Drive (4.57 acres), requested by Dale & Associates, applicant, for North Lake LLC, owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Final SP**

A request for final Specific Plan approval to permit the development of 20 town homes and a 4,000 square foot warehouse to be located at 541 and 551 Stewarts Ferry Pike.

**PLAN DETAILS**

Site Plan - The plan calls for 20 townhomes and a 4,000 square foot warehouse space to be located on approximately 4.57 acres. The residential density for this plan is approximately 4.4 units per acre. The Floor Area Ratio (FAR) for the warehouse is approximately 0.02, and 0.16 for the overall development. The 20 townhomes will be located in two 10-unit buildings. The residential portion of this plan will be located on the western side of the property close to Stewarts Ferry Pike, and the warehouse will be located at the eastern end of the property, approximately 600 feet behind the townhomes.

Access - Both the residential development and warehouse will be accessed from a shared private drive off of Stewarts Ferry. Townhomes will be rear loaded with access from a private one-way drive.

Preliminary SP - The Commission made a recommendation to the Metro Council to approve the preliminary SP with conditions on January 25, 2007, and the Council subsequently approved the preliminary SP with conditions in March of 2007. As proposed, the final SP site plan is consistent with the Council approved plan. While the layout of the final is consistent with the approved preliminary SP, there are a couple of conditions that must be met prior to the issuance of building permits and/or issuance of occupancy permits.

First, the ordinance requires that either the applicant provide proof that an in-lieu fee for sidewalks has been paid for the properties and is retained by Metro, or if no proof can be furnished then sidewalks will be required along Stewarts Ferry Pike. Since proof of payment has not been received, sidewalks are required with the development. The applicant has agreed and sidewalks are shown on the plan. Second, the bill stipulates that if Metro Greenways Commission requires that the developer construct a paved multi-use path within the greenway easement, that it must be shown on the plan and constructed with the development. The applicant has agreed to construct the path and has shown it on the plan. The greenway



project will require some additional disturbance of the stream buffer and will have to be approved by Metro Stormwater.

**Staff Recommendation** - Since the proposal is consistent with the Council approved plan, staff recommends that the final SP plan be approved with conditions.

**STORMWATER RECOMMENDATION** - No Exceptions Taken

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

**CONDITIONS**

1. Prior to the issuance of occupancy permits the paved greenway path within the greenway easement must be fully constructed as required by Metro Greenways Commission. The precise location and construction of the path must be approved by Metro Stormwater prior to construction.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration and Planning 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, (8-0) *Consent Agenda*

**Resolution No. 223**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-019U-14 is **APPROVED WITH CONDITIONS. (8-0)**”

**Conditions of Approval:**

1. Prior to the issuance of occupancy permits the paved greenway path within the greenway easement must be fully constructed as required by Metro Greenways Commission. The precise location and construction of the path must be approved by Metro Stormwater prior to construction.

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

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8. **2007SP-091U-14**  
 Lebanon Pike at Clovernook  
 Map 094-12, Parcels 048, 066, 067, 068  
 Map 095-09, Parcels 001, 002, 003, 004  
 Subarea 14 (2004)  
 Council District 15 - J. B. Loring

A request to change from RS10 to SP zoning property located at 1732, 1800, 1814, 1816, 1818, 1820, and 1824 Lebanon Pike and Clovernook (unnumbered), at the northeast corner of Clovernook Drive and Lebanon Pike (13.7 acres), to permit the development of 29,000 square feet of retail use, 10,000 square feet of office use, and 72 townhomes, requested by Littlejohn Engineering & Associates, applicant, for Oakley Enterprises LP, Oakley Properties, Mary & Robert Green, owner.

**STAFF RECOMMENDATION: Defer the request for SP, and disapprove MUN.**

**APPLICANT REQUEST - Preliminary SP**

A request to change approximately 13 acres from Single-Family Residential (RS10) to Specific Plan (SP) zoning for property located at 1732, 1800, 1814, 1816, 1818, 1820, and 1824 Lebanon Pike and Clovernook (unnumbered), to allow for 29,000 square feet of retail use, 10,000 square feet of office use, and 72 townhomes.

**Existing Zoning**

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

**Proposed Zoning**

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

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**DONELSON-OLD HICKORY-HERMITAGE COMMUNITY PLAN**

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

**Consistent with Policy?** - No. The proposed SP and the MUN both call for commercial uses within a residential policy.

**Applicant Request** - This application was originally submitted for MUN but was converted to SP. The applicant has requested that the SP be deferred indefinitely to allow time to work with the community and planning staff. There is a bill at Council for MUN (BL2007-1542) which is scheduled to be heard on July 10, 2007. While the applicant has asked that Council withdraw the bill, official action cannot be taken until July 3, which is after the June 28, Commission meeting. Since a bill without a Planning Commission recommendation is automatically considered approved, the Commission should make a recommendation to Council for the request to rezone to MUN.

**Staff Recommendation** - Staff recommends that the SP be deferred indefinitely as requested by the applicant, and that the Commission recommend to Council that BL2007-1542, which is to rezone to MUN, be disapproved.

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

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	13.7	6.18	84	886	69	92

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail(820)	13.7	.242	144,418	8,608	195	797

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				7,722	126	705

**Maximum Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	13.7	6.18	84	886	69	92

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail(820)	13.7	.6	358,063	15,559	337	1,453

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				14,673	268	1,361

**METRO SCHOOL BOARD REPORT**

**Projected student generation     6 Elementary     4 Middle     3 High**

**Schools Over/Under Capacity** - Students would attend Pennington Elementary School, Two Rivers Middle School, or McGavock High School. McGavock High School has been identified as being over capacity by the Metro School Board. There is capacity at a high school in an adjacent cluster. This information is based upon data from the school board last updated April 2007.

Deferred the request for SP and disapproved MUN, (8-0) *Consent Agenda*

**Resolution No. 224**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-091U-14 is **DISAPPROVED** for MUN, and the request for SP is **DEFERRED indefinitely**. (8-0)

**The proposed MUN district is not consistent with the Donelson/Old Hickory/Hermitage Community Plan’s Residential Low Medium policy, which is intended for residential only with a density of 2-4 units per acre. The proposed SP district as submitted is not sufficient for review.”**

- 9.     **2007SP-103G-06**  
        Harpeth Springs Village  
        Map 141-00, Parcel 088  
        Subarea 6 (2003)  
        Council District 22 - Eric Crafton

A request to change from CL to SP zoning property located at 7960 Coley Davis Road, approximately 250 feet east of Somerset Farms Drive (5.78 acres), to permit 98 townhome units, requested by Wamble & Associates, applicant, for Psalms 65 Unit 2 LLC, owner. (See also PUD Cancellation, Proposal No. 151-82-G-06).

**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST** -A request to change from Commercial Limited (CL) to Specific Plan (SP) zoning property located at 7960 Coley Davis Road, approximately 250 feet east of Somerset Farms Drive (5.78 acres), to permit 98 townhome units.

### **Existing Zoning**

CL District -Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

### **Proposed Zoning**

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

- The SP District is a base-zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined for the specific development and are written into the zone change ordinance, which becomes law.
- Use of SP does not relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP does not relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

### **BELLEVUE COMMUNITY PLAN**

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

**Consistent with Policy?** -No. The proposed density at 17 units per acre under the SP zoning district conflicts with the Residential Low Medium policy, which encourages densities in the range of two to four dwelling units per acre. There are also several design issues relative to the building orientation, open space, landscaping, and internal streets that staff would need to work on with the applicant in order to recommend approval of this project.

### **PLAN DETAILS**

Site Plan -The plan proposes 98 units on 5.78 acres. The units consist of 20 live/work units with frontage on Coley Davis Road, 21 single family attached rowhouse units with views of the Cumberland River, and 57 single family attached townhouse units that front onto greenspace.

Elevations - Elevations have not been submitted with the application.

Street Access/Parking -The street system includes a cul-de-sac that serves as the main entrance and 24 foot private service drives or alleys that provide rear access to the residential units. There are two ingress/egress points onto Coley Davis Road A total of 237 parking spaces are proposed.

Environmental -A significant portion of the site perimeter is located within the 500 year floodplain. The 100 year floodplain also traverses a smaller section of the site along its perimeter. A greenway easement is required along the Harpeth River, which is not currently proposed.

**Staff Recommendation** - Staff recommends disapproval of the Specific Plan (SP) district and preliminary plan. The basis for disapproval is the excessive density and the limited information about the proposed design of the project. Although the preliminary plan provides a mixture of housing types, the proposed density of 17 units per acre far exceeds the intended density under RLM policy which is two to four units per acre. Furthermore, the design configuration does not adequately address the environmental constraints presented by the floodplain and floodway, nor does the proposed street network support the proposed land uses. The preliminary plan includes a large cul-de-sac serving as the main entrance from Coley Davis Road, and an extensive alley system with 24 feet of right of way throughout the development. The proposed alley widths, at 24 feet, will function more as streets than private service lanes.

**PUBLIC WORKS RECOMMENDATION**

1. Submit construction plans
2. Provide documentation of adequate sight distance at project access. Indicate the available and required sight distance for the posted speed limit per AASHTO standards.
3. Provide dimensioned site plan. Identify parking locations, and parking for work units. Identify pavement width, and evaluate driveway location at cul-de-sac with center island in relation to traffic movements.
4. Provide useable guest parking. Identify 24' drive isles.
5. Identify alleys as public or private. No dead end alleys. Provide turnaround if alleys are greater than 150' from an intersection.
6. Identify solid waste collection and disposal plan. Identify dumpster pad location
7. Widen Coley Davis Road to provide a continuous three-lane cross section from the project access drive west to Somerset Farms Drive. Construct this left turn lane with 75 ft of storage at the project access and tapers per AASHTO/MUTCD standards.

**STORMWATER RECOMMENDATION** - Approved except as noted

1. Label water feature on plans as the water quality concept and area designated for detention.

**FIRE MARSHAL RECOMMENDATION** -The project Engineer needs to meet with the Fire Marshal's Office concerning fire flow requirements, which have changed as of May 1, 2007.

New buildings shall be equipped with a Class I stand pipe system installed where any of the following conditions exist:

- (1) More than three stories above grade
- (2) More than 50 ft (15 m) above grade and containing intermediate stories or balconies
- (3) More than one story below grade
- (4) More than 20 ft (6.1 m) below grade

Fire Hydrants shall be in-service before any combustible material is brought on site.

**METRO SCHOOL BOARD REPORT**

**Projected student generation      6 Elementary      4 Middle      4 High**

**Schools Over/Under Capacity** - Students would attend Gower Elementary School, Hill Middle School, and Hillwood High School. The Metro School Board has identified all three schools as having capacity for new students. This information is based upon data from the school board last updated April 2007.

**CONDITIONS**

- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.

*[Note: Items #9 and #10 were discussed by The Metropolitan Planning Commission together. See item #10 for actions and resolutions.]*

- 10. 151-82-G-06**  
 Harpeth Springs Office Condos  
 Map 141-00, Parcel 088  
 Subarea 6 (2003)  
 Council District 22 - Eric Crafton

A request to cancel an unbuilt portion of a Planned Unit Development district located at 7978 Coley Davis Road, at Somerset Drive, zoned CL, (5.98 acres), approved for a 175 unit motel, requested by Wamble & Associates, applicant, for Psalms 65 Unit 2, LLC, owner. (See also Zone Change Proposal No. 2007SP-103G-06).

**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST - Cancel PUD**

A request to cancel an unbuilt portion of a Planned Unit Development district located at 7978 Coley Davis Road, at Somerset Drive, zoned Commercial Limited (CL), (5.98 acres), approved for a 175 unit motel.

**BELLEVUE COMMUNITY PLAN**

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

**PUD HISTORY** - Harpeth Springs PUD was originally approved in 1982 for residential, office, restaurant, and motel uses. The residential and commercial PUD included parcels 86, 87, and 88. The commercial PUD consisted of 8.95 acres and was approved for a 175 unit motel, a 10,000 square foot restaurant, and two office buildings totaling 55,000 square feet. In 2003, the PUD was revised to permit the development of a 24,000 square foot office complex containing four separate office buildings. Two of the buildings were constructed. In 2006, the PUD was revised to permit a 3,000 square foot daycare center, and a 4,500 square foot dance studio.

**Cancellation Request** - This request is to cancel the undeveloped commercial PUD on parcel 88 which was approved for a 175 unit motel.

**Consistent with policy?** - No. The Bellevue Community Plan has designated Residential Low Medium policy to this area. Although the approved commercial PUD is inconsistent with policy, cancellation of the PUD would put into effect the CL base zoning district which is also not in compliance with the policy.

**Staff Recommendation** - Staff recommends disapproval of the PUD cancellation because it is inconsistent with the policy. Any request to cancel the PUD at this site should be accompanied with a design oriented zoning district that complies with RLM policy. The Specific Plan (SP) district which accompanies this PUD cancellation is also recommended for disapproval on the basis of design limitations and density that far exceeds the recommended two to four units per acre.

Ms. Nedra Jones presented and stated that staff is recommending disapproval of Zone Change 2007SP-103G-06, as well as disapproval of the request to cancel a portion of Planned Unit Development 151-82-G-06.

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

Mr. Richard Bacon, 84 Allentown Road, spoke in favor of the proposed development. He read a letter into the record written by Don Harris, President of Somerset Farms Homeowners Association.

Mr. Jacky Allen, 7009 Waterbury Point, spoke in favor of the proposed development.

Mr. Ponder stated he was in favor of staff's recommendation to disapprove due to density issues.

Ms. Jones acknowledged the issues associated with commercial zoning and density for this area. She offered that the Commission provide additional time for alternative planning that could contain residential units, but with less density.

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

Mr. Clifton also agreed that the proposal was too dense for the area. He questioned whether the Commission could defer the project.

Mr. Bernhardt stated that this proposal was scheduled for the July 10, 2007 Council Public Hearing and without a recommendation from the Commission, the Council would consider the project approved. He also offered that third reading would be held on July 17, 2007 which would precede the next Planning Commission meeting.

Mr. Clifton stated he was not in favor of approving the plan as submitted. However, he suggested he would be in favor of recommending that the Councilmember re-refer the project back to the Commission for additional modifications.

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

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

Ms. Beehan moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove Zone Change 2007SP-103G-06, as well as disapprove the cancellation of Planned Unit Development 151-82-G-06. **(8-0)**

**Resolution No. 225**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2007SP-103G-06 is **DISAPPROVED. (8-0)**

**The proposed SP district is not consistent with the Bellevue Community Plan's Residential Low Medium policy, which is intended for residential developments with a density between 2 and 4 dwelling units per acre."**



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**Resolution No. 226**

“BE IT RESOLVED by The Metropolitan Planning Commission that 151-82-G-06 is **DISAPPROVED.**  
**(8-0)**

**Since the associated SP request (2007SP-103G-06) is not consistent with the Bellevue Community Plan’s Residential Low Medium policy, which is intended for residential developments with a density between 2 and 4 dwelling units per acre the PUD should not be canceled.”**

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- 11. 2007Z-110G-14**  
Map 097-00, Parcel 120  
Subarea 14 (2004)  
Council District 12 - Jim Gotto

A request to change from CL to OL zoning property located at 4022 Sells Drive, approximately 590 feet east of Old Hickory Boulevard and located within a Planned Unit Development (17.93 acres), requested by Gresham Smith & Partners, applicant, for Deloitte & Touche, owner. (See also PUD Cancellation Proposal No. 210-73-G-14).

**STAFF RECOMMENDATION: Approve.**

**APPLICANT REQUEST - Zone Change**

A request to change from Commercial Limited (CL) to Office Limited (OL) zoning property located on 4022 Sells Drive, approximately 590 feet east of Old Hickory Boulevard and located within a Planned Unit Development (17.93 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**DONELSON/HERMITAGE COMMUNITY PLAN**

Commercial Mixed Concentration (CMC) -CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Consistent with Policy?** -Yes. The OL zoning district complies with the Donelson-Hermitage Community Plan’s Commercial Mixed Concentration policy for this area. The community plan identifies uses such as offices and research activities that complement the proposed zone change.

**Staff Recommendation** -Staff recommends approval, subject to approval of the associated Planned Unit Development cancellation. The OL zoning is also consistent with the existing uses on the property that were approved through the Commercial PUD district.

**RECENT REZONINGS** -None

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

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	17.93	.321	250,710	12,343	272	1,149

**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)	17.93	.350	273,360	13,045	286	1,215

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				702	14	66

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	17.93	.6	468,618	18,534	396	1,736

**Maximum 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)	17.93	.75	585,773	21,427	453	2,011

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2,893	457	275

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

**Resolution No. 227**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-110G-14 is **APPROVED. (8-0)**

**The proposed OL district is consistent with the Donelson/Old Hickory/Hermitage Community Plan’s Commercial Mixed Concentration policy which is intended to include medium high to high density residential, all types of retail, commercial and office uses.”**

12. **210-73-G-14**  
 Deloitte & Touche PUD Cancellation  
 Map 097-00, Parcel 120  
 Subarea 14 (2004)  
 Council District 12 - Jim Gotto

A request to cancel the Planned Unit Development District Overlay on property located at 4022 Sells

Drive, approximately 590 feet east of Old Hickory Boulevard, that was previously approved for 150,000 square feet of office uses (17.93 acres), zoned CL and proposed for OL, requested by Gresham Smith & Partners, applicant, Deloitte & Touche Services LP, owner. (See also Zone Change Proposal No. 2007Z-110G-14).

**STAFF RECOMMENDATION: Approve subject to the approval of the associated zone change.**

**APPLICANT REQUEST - PUD Cancellation**

A request to cancel a portion of the Planned Unit Development overlay on property located on 4022 Sells Drive, approximately 590 feet east of Old Hickory Boulevard, that was previously approved for 150,000 square feet of offices uses (17.93 acres), zoned Commercial Limited (CL) and proposed for Office Limited (OL).

**Existing Zoning**

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

**DONELSON/HERMITAGE COMMUNITY PLAN**

Commercial Mixed Concentration (CMC) - CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**PUD HISTORY** -The originally-approved PUD plan only allowed for one access point off of Sells Drive. The PUD was last amended on January 9, 2003, and ultimately approved by Metro Council on March 21, 2003 (BL2003-1318). The amendment proposed an extension of Hermitage Park Lane into the PUD parking area with a new cul-de-sac constructed at its terminus. The extension allows for a new, gated, access point for the Deloitte & Touche office site.

Furthermore, on May 8, 2003, a request to revise the preliminary and final approval was granted to the applicants to allow for the development of a 351 square foot disaster relief bunker to be located in the southeast corner of the parking lot area.

**Consistent with Policy?** - Yes. The OL zoning district complies with the Donelson-Hermitage Community Plan's Commercial Mixed Concentration policy for this area. The community plan identifies uses such as office, and research activities that complement the proposed zone change.

**Staff Recommendation** -Staff recommends approval, subject to approval of the associated Planned Unit Development cancellation.

**RECENT REZONINGS** -None

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

Approved, (8-0) *Consent Agenda*

**Resolution No. 228**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 210-73-G-14 is **APPROVED SUBJECT TO THE APPROVAL OF THE ASSOCATED ZONE CHANGE. (8-0)**

**If canceled allowed uses in the proposed OL zoning district (2007Z-110G-14) will be consistent with the Donelson/Old Hickory/Hermitage Community Plan's Commercial Mixed Concentration policy, which is intended to include medium high to high density residential, all types of retail, commercial and office uses.”**

- 13. **2007Z-111G-12**  
Map 180-00, Parcel 110  
Subarea 12 (2004)  
Council District 31 - Parker Toler

A request to change from R20 to AR2a zoning property located at 6631 Holt Road, approximately 725 feet west of Redmond Lane (3.2 acres), requested by John S. Liehr, applicant, for Todd and Shannon Nussey, owners.

**STAFF RECOMMENDATION: Approve.**

**APPLICANT REQUEST** -A request to change 3.2 acres from One and Two-Family Residential (R20) to Agricultural/Residential (AR2a) zoning property located at 6631 Holt Road, approximately 725 feet west of Redmond Lane.

**Existing Zoning**

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

**Proposed Zoning**

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.

**SOUTHEAST COMMUNITY PLAN**

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

**Consistent with Policy?** - Yes. The AR2a district permits very low density residential development and generally occurs in rural areas. This district supports the Residential Low Medium policy and would be compatible with the surrounding development pattern.

**Staff Recommendation** -Staff recommends approval of the zone change request because it meets policy and it is consistent with low density residential development pattern in the area. Property along Holt Road consists primarily of large lot single family homes, vacant land or farms.

**RECENT REZONINGS** - None

**PUBLIC WORKS RECOMMENDATION** - No Exception Taken

**Maximum Uses in Existing Zoning District: R20**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	3.2	1.85	5	48	4	6

**Maximum Uses in Proposed Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	3.2	1 du/2 acres	1	10	1	2

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-38	-3	-4

**METRO SCHOOL BOARD REPORT**

**Projected student generation      0 Elementary      0 Middle      0 High**

**Schools Over/Under Capacity** - Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. All three schools are identified as overcrowded by the Metro School Board. While the schools are overcrowded, the projections show no additional students would be generated by this zone change request. This information is based upon data from the school board last updated April 2007.

Ms. Nedra Jones presented and stated that staff is recommending approval.

Mr. Ray Shelton, 6625 Holt Road, spoke in opposition to the proposed zone change request.

Mr. John Liehr, 4916 Danby Drive, spoke in favor of the proposed zone change request.

Ms. Beehan spoke of issues associated with down-zoning this property in relation to spot zoning.

Mr. Tyler requested clarification of land use and existing zoning on surrounding parcels.

Mr. Clifton acknowledged the uniqueness of the request. He was not in favor of approving the request. He suggested this application should be made in an area already zone AR2a.

Ms. Nielson expressed issues with approving the request.

Mr. Ponder stated he was not in agreement with staff’s recommendation to approve.

Ms. Jones expressed issues with approving the request in that it would alter the plan for the area.

Mr. Loring stated he was in favor of disapproving staff’s recommendation.

Ms. Nielson moved and Ms. Jones seconded the motion, to disapprove Zone Change 2007Z-111G-12. **(7-1) No Vote – Tyler**

**Resolution No. 229**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-111G-12 is **DISAPPROVED**. **(7-1)**

**The proposed AR2a district is not consistent with the Southeast Community Plan’s Residential Low Medium policy, which is intended for residential developments with a density between 2 and 4 dwelling units per acre, is a spot zoning and is not consistent with the area’s development pattern.”**

- 14.      2007Z-112U-10**  
Map 117-07, Parcel 045  
Subarea 10 (2005)  
Council District 25 - Jim Shulman

A request to change from R10 to RS10 zoning property located at 2005 Lombardy Avenue, approximately 410 feet east of Hillsboro Pike (0.35 acres), requested by Councilmember Jim Shulman, applicant, for Mary Elizabeth Corwin, owner.

**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST** - A request to change from One and Two-Family Residential (R10) to Single Family Residential (RS10) zoning, property located at 2005 Lombardy Avenue, approximately 410 feet east of Hillsboro Pike (0.35 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**GREEN HILLS/MIDTOWN COMMUNITY PLAN**

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

**Consistent with Policy?** No. The RS10 zoning district does not comply with the density range of nine to twenty dwelling units per acre as specified in the Residential Medium-High policy.

**Staff Recommendation** - Staff recommends disapproval because the request is inconsistent with policy.

**RECENT REZONINGS** -None

**PUBLIC WORKS RECOMMENDATION**- No Exception Taken

**METRO SCHOOL BOARDREPORT**

**Projected Student Generation** -As this request to change to a single-family district represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

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

Ms. Gene Dedman, 1907Lombardy Avenue, spoke in favor of the proposed zone change request.

Mr. Loring stated he agreed with the requested zone change as it would be compatible with the existing area.

Ms. Jones expressed issues with approving the request in relation to existing zoning and the location of the parcel.

Mr. Ponder stated he would support the request due to the location of the property.

Ms. Nielson questioned whether the rezoning would set a precedent in the area.

Mr. Bernhardt explained a precedent would not be set due to the fact the property is located in a transitional area along Hillsboro Pike Road.

Mr. Clifton acknowledged that the lot in question was located next to a parcel currently zone RS10. He would support an approval.

Ms. Beehan stated she was in favor of approving the request.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously, to approve Zone Change 2007Z-112U-10. **(8-0)**

**Resolution No. 230**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-112U-10 is **APPROVED. (8-0)**

**While the proposed RS10 district is not consistent with the Green Hills/Midtown Community Plan's Residential Medium High policy, which is intended for residential developments with a density between 9 and 20 dwelling units per acre it is consistent with the surrounding area."**

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**15. 2007Z-113T**

Historic Zoning Commission: Bulk Standards

A request to amend the Metro Zoning Code, Section 17.40.410.C to permit the Historic Zoning Commission to determine for lots within historic overlay districts, the maximum building size and buildable area within which a building can be located, requested by Metro Historic Zoning Commission.

**STAFF RECOMMENDATION: Approve.**

Mr. Bernhardt briefly explained that this request was to bring the Historic District in line with the Redevelopment District. He stated there was no bill on the request. He also explained that there was no one from the Historic Commission in attendance to answer any questions the Commissioners might have regarding this request.

Mr. Loring moved, and Ms. Jones seconded the motion, which passed unanimously, to defer Zone Change 2007Z-113T to July 26, 2007 in order to have a member of the Historic Commission in attendance for this request. **(8-0)**

**Resolution No. 231**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-113T is DEFERRED to the July 26, 2007, Planning Commission meeting and requested Historical Commission staff be present. (8-0)"**

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**16. 2007SP-114U-10**

Beacon Way Townhomes  
Map 130-11-0-B, Parcels 001, 002, 003  
Subarea 10 (2005)  
Council District 34 - Lynn Williams

A request to change from RS40 to SP zoning property located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive (1.25 acres), to permit the development of two detached single-family units, requested by Thomas and Elizabeth Molteni and Charles Carroll, owners.

**STAFF RECOMMENDATION: Approve with conditions.**

**APPLICANT REQUEST - Preliminary SP**

A request to change 1.25 acres from Single-Family Residential (RS40) to Specific Plan (SP) district for property located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive to permit two detached single-family homes.

**Existing 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.

**Proposed Zoning**

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

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as "SP."

- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**GREEN HILLS MIDTOWN COMMUNITY PLAN**

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

**Consistent with Policy?** Yes. The proposed plan for two single-family lots on 1.25 acres is equal to 1.6 dwelling units per acre, which is consistent with the RL policy calling for one to two dwelling units per acre.

**PLAN DETAILS**

History - This property was rezoned from R40 to RS40 in September 2006. The owner of the property was issued a building permit to build a duplex on the property, however, before the RS zoning took effect. While the current zoning of RS40 does not permit duplexes, the owner can still legally build a duplex on this property.

Currently, there are two homes sitting on this property because one new home was allowed to be built on the back portion of the lot to allow the owner to live in the existing house while the new house was being built. Under the conditions of the permit, the existing house must be demolished when the new house becomes occupied, or it must be attached to the new house to become a duplex

Site Plan - The proposed plan includes two single-family homes on two lots, including a 6,000 sq. ft. house and a 7,200 sq. ft. house. The SP plan includes specific landscaping for each lot.

**Staff Recommendation** - The plan proposes a 27,992 sq. ft lot and a 24,029 sq. ft. lot. Although this is not a subdivision request, lot comparability analysis indicates that the lots would need to be approximately 30,000 sq. ft. if a subdivision was being requested. This proposal would not meet the lot comparability standards of the Subdivision Regulations, but it would qualify for an exception since the proposed 1.6 units per acre is consistent with RL Policy. Two single-family lots are more consistent with the surrounding neighborhood's massing than one large duplex would be at this location. Although duplexes are appropriate on corner lots, the proposed size of these two houses would be inconsistent with the neighborhood if they were attached since this would add even more mass and create one large structure. Two single-family homes are consistent with the intended single-family pattern that was established in 2006, when the area was rezoned from R40 to RS40. The proposed density of the SP is also consistent with the duplex permit that has already been issued for this site. Since a duplex can legally be built today, staff recommends the SP as it will provide the same density as the duplex and will be more consistent with the single-family zoning in the area than a duplex.

**PUBLIC WORKS RECOMMENDATION** - No Exception Taken

**STORMWATER RECOMMENDATION** - Exempt from Metro Stormwater Requirements.

**METRO SCHOOL BOARD REPORT**

**Projected student generation** -This request does not add any additional density so it will not generate additional students.



## CONDITIONS

1. No drains shall be located so as to drain directly onto neighboring properties. Drains shall be directed toward the drainage areas on site between Lot 1 and Lot 2. French drains, or similar type drain, shall be installed around the wall to direct water flow to a centralized location on site.
2. New home on Lot 1 shall have a maximum height of 30 feet.
3. The garage doors on Wayland Drive shall not face the street.
4. Lot No. 1 shall be designed to front on both Beacon Drive and Wayland Drive. Final SP plans shall include architectural elevations depicting the two fronts.
5. Stone and wood wall shall be built as depicted in Exhibit #1 on the plan, and shall be consistent with the existing wall on Lot No. 2. This wall will be constructed of brick to match the non-stucco brick on the front of the house on Lot 2; the columns of the fence at the rear of Lot 1 will be solid stone similar to Exhibit 1. All columns will be at least 8 feet (from the ground) at their lowest point with the peak to maintain the same elevation the entire length. The wood portion will be no more than six inches from the top of stone/brick on the column. The fence will extend from the northwest corner of Lot 2 to a point that is parallel with the southwest corner of the proposed house on Lot 1. The caps of the columns are to be similar to Exhibit 1 except they will match the dark grey color of the stone. The wood portion of the fence will match Exhibit 1 except that it will not be “scalloped” but straight across between columns. The exact location of the fence will be determined in the field and approved with the Final SP. It shall be located so that no existing mature trees will be removed during the installation. If necessary, the fence will be re-directed at 90 degree angles only.
6. 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.
7. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
8. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds. 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 *RS20* zoning district effective at the date of the building permit. This zoning district must be shown on the plan, including setbacks. Note No. 8 on the plan shall not apply.

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

Ms. Nielson left the meeting at 5:50 p.m.

Mr. Jim Murphy, 1600 Division Street, spoke in favor of the proposed development.

Mr. Read Warner, 4002 Wayland Drive, expressed issues with the proposal.

Mr. Ray Bashan, 4005 Harding Place, spoke in opposition of the proposed development. He submitted a photo to the Commission.

Mr. George Olsen, 4518 Harpeth Hill Drive, spoke in opposition to the proposed development.

Mr. Thomas Molteni, 4000 Wayland Drive, spoke in favor of the proposed development.

Ms. Jones expressed concerns with approving the request.

Mr. Ponder requested clarification on the options available to the developer if the Commission were to disapprove the request.

Mr. Leeman explained the various options available to the developer if the Commission were to disapprove this request.

Ms. Jones requested clarification as to when permits were administered and when the expiration dates would take affect.

Mr. Leeman explained the permitting situation to the Commission.

Mr. Bernhardt explained to the Commission that the owners have a permit to construct a duplex which is non-conforming under the current zoning for this parcel. He further offered that it would be up to the Zoning Administrator to determine if the permit expired.

Mr. Clifton acknowledged the concerns mentioned by the neighbors affected by this development. He expressed issues with the request.

Mr. Tyler expressed concerns with approving the request.

Ms. Beehan expressed issues with approving the request. She mentioned the inconsistencies included in the proposal.

Mr. Clifton offered that the Commission should determine whether two single family homes would be a better fit for the community or a single duplex.

Mr. Ponder requested clarification on the horizontal property regime.

Mr. Leeman explained this concept to the Commission.

Ms. Jones offered that two single family homes would be more comparable to the community.

Mr. Loring moved that the proposal be approved with the condition that the developer continue working with the community on outstanding issues prior to council approval.

Mr. Bernhardt offered a motion that states that the Commission could recommend approval of staff recommendation with a condition to delete the condition referencing the location of the garage, and that the issue of the garage be worked out prior to the Council bill.

Mr. Clifton suggested alternative language regarding the motion in order to make sure the recommendation to disapprove the request as submitted was communicated to Council.

Mr. Bernhardt offered alternative language that the Commission could use for their motion.

Mr. Loring moved and Mr. Clifton seconded the motion, to disapprove Zone Change 2007SP-114U-10 as submitted, and to approve with conditions as stated in the staff recommendation, with the deletion of Condition #3. **(5-2) No Votes – Jones, Tyler**

#### **Resolution No. 232**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2007SP-114U-10 is **DISAPPROVED AS SUBMITTED. APPROVED WITH CONDITIONS, excluding staff conditions No. 3. (5-2)**

**Conditions of Approval:**

1. No drains shall be located so as to drain directly onto neighboring properties. Drains shall be directed toward the drainage areas on site between Lot 1 and Lot 2. French drains, or similar type drain, shall be installed around the wall to direct water flow to a centralized location on site.
2. New home on Lot 1 shall have a maximum height of 30 feet.
3. ~~The garage doors on Wayland Drive shall not face the street.~~
4. Lot No. 1 shall be designed to front on both Beacon Drive and Wayland Drive. Final SP plans shall include architectural elevations depicting the two fronts.
5. Stone and wood wall shall be built as depicted in Exhibit #1 on the plan, and shall be consistent with the existing wall on Lot No. 2. This wall will be constructed of brick to match the non-stucco brick on the front of the house on Lot 2; the columns of the fence at the rear of Lot 1 will be solid stone similar to Exhibit 1. All columns will be at least 8 feet (from the ground) at their lowest point with the peak to maintain the same elevation the entire length. The wood portion will be no more than six inches from the top of stone/brick on the column. The fence will extend from the northwest corner of Lot 2 to a point that is parallel with the southwest corner of the proposed house on Lot 1. The caps of the columns are to be similar to Exhibit 1 except they will match the dark grey color of the stone. The wood portion of the fence will match Exhibit 1 except that it will not be “scalloped” but straight across between columns. The exact location of the fence will be determined in the field and approved with the Final SP. It shall be located so that no existing mature trees will be removed during the installation. If necessary, the fence will be re-directed at 90 degree angles only.
6. 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.
7. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
8. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds. 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 *RS20* zoning district effective at the date of the building permit. This zoning district must be shown on the plan, including setbacks. Note No. 8 on the plan shall not apply.

**The proposed SP district is consistent with the Green Hills/Midtown Community Plan’s Residential Low policy, which is intended for residential developments with a density between 1 and 2 dwelling units per acre.”**

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The Commission recessed at 6:20 p.m.

The Commission resumed at 6:40 p.m.

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17. **2007Z-115U-14**  
 Map 096-09, Parcel 057  
 Subarea 14 (2004)  
 Council District 15 - J. B. Loring

A request to change from R10 to CL zoning property located at 318 Donelson Pike, at the northwest corner of Donelson Pike and Emery Drive (0.67 acres), requested by Keith Cameron, owner.

**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST** - A request to change from One and Two-Family Residential (R10) to Commercial Limited (CL) zoning property located at 318 Donelson Pike, at the northwest corner of Donelson Pike and Emery Drive (0.67 acres).

**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**

CL District -Commercial Limited is intended for a limited range of commercial uses primarily concerned with retail trade and consumer services, general and fast food restaurants, financial institutions, administrative and consulting offices.

**DONELSON HERMITAGE COMMUNITY PLAN**

Office Transition (OT)- OT policy is intended for small offices intended to 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?** No. The requested Commercial Limited district is inconsistent with the Office Transition policy. The OT policy preserves the established character of the area along this portion of Donelson Pike which is predominantly small office uses that serve as a transition to the residential neighborhood along Emery Drive, Lakeland Drive, and Seneca Drive. The Commercial Limited district is intended for more intense development and is appropriate in policy areas that support commercial, office and/or mixed uses.

**Staff Recommendation** - Staff recommends disapproval because the Commercial Limited district is inconsistent with the adopted community plan policy and would bring a level of development intensity that is incompatible with the neighboring residential and small office uses. Staff recommends the applicant pursue the Office Limited district at this site to ensure compatibility with the surrounding uses.

**RECENT REZONINGS** - The Planning Commission voted to approve an Office Limited district for property located at 316 Donelson Pike at its April 12, 2007 meeting, and on properties located at 408 and 415 Donelson Pike at its April 26, 2007 meeting.

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

**Typical 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)	3.2	1.85	5	48	4	6

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	3.2	.350	48,787	768	106	134

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				720	102	128

**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)	3.2	1.85	5	48	4	6

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	3.2	.6	83,635	1,163	163	173

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				1,115	159	167

Ms. Nedra Jones presented and stated that staff is recommending disapproval.

Mr. Keith Cameron, owner, spoke in favor of the proposed zone change request.

Mr. Loring spoke in favor of approving this request. He stated the request was compatible with the area and that there were only a few residential homes left in this area.

Mr. Ponder stated he was in favor of approving the request.

Ms. Jones spoke of office transition properties and stated she would be in favor of approving the request.

Mr. Clifton offered that the property was being disapproved due to it's incompatibility with the subarea plan and not to the fact of surrounding residential properties. Mr. Clifton stated he would be able to support non residential for the area, just not the CL zoning.

Mr. Loring offered that he has not received any opposition from area residents regarding this request.

Mr. Tyler questioned staff on other land uses the subarea plan would support.

Ms. Nedra Jones explained other land uses to the Commission.

Mr. Clifton questioned whether OL could be considered for this parcel.

Mr. Loring moved and Mr. Ponder seconded the motion to approve Zone Change 2007Z-115U-14 (4-3) No Votes – Clifton, McLean, Jones

**Resolution No. 233**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-115U-14 is **APPROVED. (4-3)**

**While the proposed CL district is not consistent with the Donelson/Old Hickory/Hermitage Community Plan’s Office Transition policy, which is intended for small offices intended to serve as a transition between lower and higher intensity uses there are other commercial districts in the area.”**

- 18. **2007Z-116G-03**  
 Map 040-00, Parcel 160  
 Subarea 3 (2003)  
 Council District 3 - Walter Hunt

A request to change from R15 to CS zoning property located at 7425 Old Hickory Boulevard, approximately 1,915 feet west of I-24 (2.4 acres), requested by Ellis Jakes, owner.

**STAFF RECOMMENDATION: Approve.**

**APPLICANT REQUEST** - A request to change from One and Two-Family Residential (R15) to Commercial Service (CS) zoning property located at 7425 Old Hickory Boulevard, approximately 1,915 feet west of I-24 (2.4 acres).

**Existing Zoning**

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

**Proposed Zoning**

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

**BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY**

Commercial Mixed Concentration (CMC)-CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

**Consistent with Policy?** Yes. Commercial Service is consistent with the Commercial Mixed Concentration policy.

**Staff Recommendation** - Staff recommends approval because the request is consistent with policy.

**RECENT REZONINGS** - None

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

**Typical 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)	2.4	3.71	8	77	6	9

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Auto Care Center(942)	2.4	.233	24,358	NA	72	77

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	66	68

**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)	2.4	3.71	8	77	6	9

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Auto Care Center(942)	2.4	.6	62,726	NA	185	186

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	179	177

**METRO SCHOOL BOARD REPORT**

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

Approved, (8-0) *Consent Agenda*

**Resolution No. 234**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-116G-03 is **APPROVED. (8-0)**

**The proposed CS district is consistent with the Bordeaux/Whites Creek Community Plan’s Commercial Mixed Concentration policy which is intended to include medium high to high density residential, all types of retail, commercial and office uses.”**

19. **2007SP-118U-05**  
 Venita Axley Townhomes  
 Map 083-07, Parcel 090  
 Subarea 5 (2006)  
 Council District 7 - Erik Cole

A request to change from R10 to SP zoning property located at 942 Riverside Drive, approximately 140 feet south of Rosebank Avenue (0.59 acres), to permit the development of 3 new, detached, single-family

units and to retain 1 existing single-family home, requested by Fisher & Arnold, applicant, for Venita Axley, owner.

**STAFF RECOMMENDATION: Disapprove.**

**The Metropolitan Planning Commission DEFERRED Zone Change 2007SP-118U-05 until September 11, 2007, at the request of the applicant. (8-0)**

20. **2007Z-119U-05**  
MDHA Skyline Redevelopment District  
Map 071-15, Parcel 103  
Map 082-06, Parcel 092  
Subarea 5 (2006)  
Council District 5 - Pam Murray

An ordinance to apply the Skyline Redevelopment District to property located on Dickerson Pike and bounded by 1st Street, I-24, Whites Creek Pike and Fern, encompassing 148 parcels, requested by the Metropolitan Development and Housing Agency.

**STAFF RECOMMENDATION: Approve.**

**APPLICANT REQUEST - Redevelopment District**

An ordinance to apply the Skyline Redevelopment District to property located on Dickerson Pike and bounded by 1st Street, I-24, Whites Creek Pike and Fern, encompassing 148 parcels, requested by the Metropolitan Development and Housing Agency.

**ZONING**

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

CS District - Commercial Service is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

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

**REDEVELOPMENT DISTRICT**

Nashville's redevelopment districts are established to ensure the use and long-term viability of the urban areas that they encompass. The districts aim to strategically reverse disinvestment and blight and promote redevelopment that is sustainable from economic, environmental, aesthetic, public safety, and historic preservationist perspectives. Although specific goals differ across districts, all include strategies for achieving vibrant mixes of land use, income levels, and modes of transportation.

**EAST NASHVILLE COMMUNITY PLAN POLICY**

*Cleveland Park Detailed Neighborhood Design Plan Policies*

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

Mixed Housing (MH) - MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

*Special Policy 18*

Because this area is undergoing a long-term transition from primarily commercial use and zoning to primarily residential use, it is appropriate to support rezonings that permit mixed use provided that each



building is multi-story and the non-residential use is confined to the first floor (excluding parking, which is considered an accessory rather than a non-residential use for the purposes of this Special Policy.)

**DISTRICT DETAILS** - Redevelopment districts aim to strategically reverse disinvestment and blight and promote redevelopment that is sustainable from economic, environmental, aesthetic, public safety, and historic preservationist perspectives. The area currently contains a mixture of land uses. Of these, approximately 40% of parcels are used for commercial purposes, with nearly half of these related to automobile services. 26% of parcels in the project area are vacant. 16% are used for industrial purposes. 7% of parcels contain residences. 6% contain offices. 5% contain parking as a primary use. 2% contain community uses (daycare & union). The area contains deteriorated and dilapidated buildings and vacant and overgrown lots.

The district establishes regulations to guide new private development, but also enables MDHA to acquire, demolish or rehabilitate substandard properties to enable redevelopment. The enforcement of land use and design controls and the acquisition of land for redevelopment are tools used to eliminate blight and prevent its recurrence. The district controls land use by proposing two districts, Arterial Mixed Use and Mixed Use. The districts are listed below with specific permitted uses, uses permitted with conditions and prohibited uses:

***Arterial Mixed Use-***

Permitted Uses- Assisted Living, Churches, Schools, Daycare, Office, Retail, Restaurants, Multifamily

Conditional Uses- Wholesale Sales, Warehousing

Light Manufacturing, Parking Structures, Drive-through restaurants

Prohibited Uses- Surface Parking Lots, Car Washes, Car Sales and Repair/Services, Night Clubs, Liquor Stores, Adult Entertainment, Detached S.F. and Duplex

***Mixed Use –***

Permitted Uses- Assisted Living, Churches, Schools, Daycare, Office, Retail, Restaurants, Hotel/Motel, Public Facilities & Parks, Multifamily

Conditional Uses- Single-family and duplexes, Parking structures (with ground level uses), Drive-through restaurants

Prohibited Uses- Surface Parking Lots, Car Washes, Car Sales and Repair/Service, Night Clubs, Liquor Stores, Adult Entertainment, Wholesale Sales, Warehousing, Light Manufacturing

Design review is required for any improvement requiring a building permit. A general list of design requirements is included in the document. There are also supplemental documents that projects in the redevelopment must adhere to, *Design Principles for Redevelopment Districts* and *Redevelopment District Signage Guidelines*. The document authorizes MDHA to later adopt district specific design guidelines. The general guidelines in the document are as follows:

- New Buildings should be built close to the sidewalk along street frontages
- Landscape plan required
- Buffering per Zoning Ordinance
- Exterior design review required
- No head-in parking off public streets. Alley or rear access parking encouraged
- No billboards or general advertising signs
- Temporary Structures on a case by case basis

Staff Recommendation    Approve. The proposed land use districts are not perfectly aligned with the community plan policies but are much closer than the uses that are allowed by the currently existing zoning districts. The district establishes review criteria that will bring future development closer to meeting the goals of the community plan policies than the currently unrestricted CS, CL and IWD zoning districts do.

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

**Resolution No. 235**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-119U-05 is **APPROVED. (8-0)**

**The proposed Skyline Redevelopment District is mostly consistent with all East Nashville Community Plan policies within the proposed district.”**

21. **2007Z-120U-07**  
Richland-West End Addition  
Map 104-05, Various Parcels  
Subarea 7 (2000)  
Council District 24 - John Summers

A request to apply a Conservation Overlay District to include properties located north of Murphy Road and bounded by I-440, the railroad tracks, and Hillsdale Avenue, requested by Councilmember John Summers. **STAFF RECOMMENDATION: Approve, subject to approval of the proposed overlay by the Metro Historic Zoning Commission prior to the Planning Commission meeting.**

**APPLICANT REQUEST** - A request to apply a Conservation Overlay District to include properties located north of Murphy Road and bounded by I-440, the railroad tracks, and Hillsdale Avenue.

**Existing Zoning**

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

**PROPOSED OVERLAY DISTRICT**-Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

The Metro Historic Zoning Commission will review any new construction, additions, demolitions, or relocation of structures.

**WEST NASHVILLE COMMUNITY PLAN POLICY**

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

**Consistent with Policy?** Yes. The proposed Richland-West End Addition Neighborhood Conservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of the Richland-West End Addition Neighborhood.

**Metro Historic Zoning Commission Recommendation** -On June 26, 2007, the Metro Historic Zoning Commission will meet to review the proposed new Neighborhood Conservation Zoning District. The Commission will determine if the area is a historically significant geographic area as per the criteria of Metro Code 17.36.120. Additionally, the commission will consider design guidelines for the proposed area, which are the same design guidelines as the adjacent Neighborhood Conservation Zoning District, Richland-West End. MHZC staff is recommending approval because “approximately 74 percent of the proposed parcels with structures are deemed historic (built prior to 1942) with the majority of the structures being built from 1910s to 1940s”

Application Fee -There are 46 properties in this request, and the total fee would be \$2,227. If each property owner was to file a Zone Change application individually, the total fee would be \$73,600.

**Staff Recommendation** -Staff recommends approval subject to final verification and approval of the boundaries by the MHZC as appropriate for a conservation overlay in accordance with the requirements for such overlays. The request is consistent with the applicable land use policies and the intent of Section 17.36.120.

**RECENT REZONINGS** -None

**PUBLIC WORKS RECOMMENDATION** -No Exceptions Taken

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

**Projected student generation** - As this request to apply a conservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.

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

Ms. Stephanie Campbell, 3515 Hillsdale Avenue, spoke in opposition to the conservation overlay.

Mr. Grant Browning, 103 West End, expressed issues with the conservation overlay.

Mr. Dave Kazmerowski, 3429 Love Circle, spoke in opposition to the conservation overlay.

Mr. Jeff Ross, 406 Greenway Avenue, spoke in favor of the conservation overlay.

Mr. Jim Boosalis, 3504 Murphy Road, spoke in favor of the conservation overlay.

Mr. Ed Fitzgerald, 408 Greenway Avenue, spoke in favor of the conservation overlay.

Ms. Rebecca Peek Arnold, 413 Park Circle, spoke in favor of the conservation overlay.

Ms. Cheryl Niche, 3526 Murphy Road, spoke in favor of the conservation overlay.

Ms. Seema Prasad, 3524 Murphy Road, spoke in favor of the conservation overlay.

Ms. Denise Boosalis, 3504 Murphy Road, spoke in favor of the conservation overlay. She submitted information to the Commission for the record.

Councilmember Summers spoke in favor of the conservation overlay. He explained that the boundaries included in the overlay were recommended by the Historic Commission. He stated that the residents affected by this proposal were overwhelmingly in support. He also stated that he is willing to meet with investment owners in order to further explain the development guidelines that are included in a historic overlay. He requested its approval.

Ms. Beehan stated that the conservation overlay is compatible to the area and she was in favor of its approval.

Mr. Clifton stated that from a planning perspective, the Commission should be in support of the overlay.

He agreed that the conservation overlay can increase property values as well as stabilize neighborhoods.

Mr. Ponder stated that overlay districts are successful and accomplish their objectives.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously, to approve Zone Change 2007Z-120U-07. (7-0)

**Resolution No. 236**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-120U-07 is **APPROVED**. (7-0)

**The proposed Conservation Overlay is consistent with all West Nashville Plan policies within the proposed district.”**

22. **2007Z-121U-03**  
Map 069-16, Parcel 176  
Subarea 3 (2003)  
Council District 2 - Jamie D. Isabel, Sr.

A request to change from RS10 to MUL zoning property located at 1905 County Hospital Road, approximately 215 feet south of John Mallette Drive (0.40 acres), requested by Bianca Benford.

**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST** - A request to change from Single-Family Residential (RS10) to Mixed Use Limited (MUL) zoning property located at 1905 County Hospital Road, approximately 215 feet south of John Mallette Drive (0.40 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY**

Single Family Attached and Detached in Neighborhood General (SFAD in NG) - SFAD is intended for a mixture of single family housing that varies based on the size of the lot and the placement of the building on the lot. Detached houses are single units on a single lot (e.g. single family house), while attached houses are single units that are attached to other single family houses (e.g. townhomes).

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An 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.

Bordeaux Village South Detailed - The Bordeaux Village South DNDP is a walkable Neighborhood Design Plan center concept with development scenarios that will help guide development along the Clarksville Pike corridor. The concept outlines the appropriate location of particular land uses and the proper orientation of buildings associated with those uses.

**Consistent with Policy?** No. The Bordeaux Village South DNDP envisions a walkable center with Commercial Mixed Use buildings along Clarksville Pike, Mixed Housing close to Clarksville Pike, and townhouses transitioning into detached single-family at the edges of the neighborhood. This request inappropriately locates Mixed Use, which is a higher intensity use, within the area designated for transitioning to single-family.

**Staff Recommendation** - Staff recommends disapproval because the request is inconsistent with policy.

**RECENT REZONINGS** - None

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

**Typical Uses in Existing Zoning District: RS10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.40	3.7	1	10	1	2

**Typical 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 With Convenience Market(945)	0.40	0.144	2,509	NA	195	242

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	194	240

**Maximum Uses in Existing Zoning District: RS10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.40	3.7	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 With Convenience Market(945)	0.40	.111*	1,934	NA	150	186

\*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
--				NA	149	184

**METRO SCHOOL BOARD REPORT**

Projected student generation\* 2 Elementary 2 Middle 1 High

**Schools Over/Under Capacity** -Students would attend Bordeaux Elementary School, Ewing Park Middle School, or Whites Creek High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated April 2007.

\* Because there is no maximum number of dwelling units per acre in an MUL zoning district, staff assumed a 1,200 sq. ft. dwelling unit.

Mr. Bernhardt announced this item could be placed back on the Consent Agenda as a disapproval, with the recommendation that it be referred back to the Commission with revisions. He stated that Councilmember Isabel was in favor of this motion.

Mr. Loring moved and Ms. Beehan seconded the motion, which passed unanimously, to place Zone change 2007Z-121U-03 back on the Consent Agenda and disapprove, with the recommendation to re-refer back to the Commission with a revision of the proposed plan. **(7-0)**

**Resolution No. 237**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-121U-03 is **DISAPPROVED**. **(7-0) Recommend Council consider an SP and refer back to the Planning Commission prior to third reading.**

**While the proposed MUL district would allow for uses called for in the Bordeaux/Whites Creek Community Plan’s policies, which are intended for a mixture of uses that are placed in a way that creates a walkable community center it also requires a site plan to ensure that any plan meets all the goals of the area’s policies.”**

**23. 2007SP-122U-05**

Gallatin Pike Improvement District SP

Maps 061-03, 061-07, 061-11, 061-15, 072-02, Various Parcels

Maps 072-03, 172-06, 172-10, 072-13, 072-14, 082-12, 082-15, 082-16, 083-01, 083-05, 083-09, Various Parcels

Map 900-00, Parcel 001-55

Subarea 9 (2007)

Council District 5 - Pam Murray

A request to change from various zoning districts to SP zoning, various properties located along Main Street and Gallatin Pike (263.71 acres), to regulate land uses and establish sign and development standards, requested by Councilmember’s Pam Murray, Mike Jameson, Erik Cole, and Jason Hart, applicants.

**STAFF RECOMMENDATION: Approve with revisions.**

**APPLICANT REQUEST - Preliminary SP**

A request to change from various zoning districts to SP zoning, various properties located along Main Street and Gallatin Pike (263.71 acres), to regulate land uses and establish sign and development standards.

**Existing Zoning**-See the table at the end of this staff report for a listing of all existing zoning districts within the boundaries of this requested zone change.

**Proposed Zoning**

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

- The SP District is a base-zoning district, not an overlay. It will be labeled on zoning maps as “SP.”

- The SP District is not subject to the traditional zoning districts' development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**EAST NASHVILLE COMMUNITY PLAN** - See the table at the end of this staff report for a listing of the current structure plan policies and proposed detailed land use policies within the boundaries of this requested zone change.

**Consistent with Policy?** Yes. The proposed SP district is designed expressly to implement the existing and proposed detailed land use policies in the East Nashville Community Plan along this stretch of Gallatin Pike. The SP document includes provisions that tie land uses, building regulations, infrastructure requirements, and signage regulations directly to the detailed community plan policies for property included within the boundaries of the SP district.

**PLAN DETAILS** - As discussed in the staff report for the proposed amendments to the East Nashville Community Plan associated with this zone change, this Specific Plan district was requested by Councilmembers Murray, Jameson, Cole and Hart.

The SP includes every parcel of land that abuts both sides of Main Street / Gallatin Pike, from South 5th Street to the south side of Briley Parkway, except for those parcels located within the Institutional Overlay for the Nashville Auto Diesel College and Planned Unit Developments adopted pursuant to BL2003-82 and BL2005-881.

**Goals** - The plan is intended to implement several goals that originated from the district councilmembers who represent this area. The goals of the SP are:

- To reduce visual clutter from signage along the corridor.
- To improve the aesthetics and economic viability of the corridor by using zoning to discourage land uses perceived to have a negative impact on the surrounding community.
- To minimize the impact of parking facilities within the study area.
- To encourage walking, cycling, and transit as viable transportation options, by providing a mix of uses and promoting construction of a system of sidewalks and transit shelters.
- To provide parking for those who live, work, and shop in the study area in a manner that does not dominate the street and is sensitive to the pedestrian environment.
- To soften the visual impact of new development and provide a greater level of comfort for pedestrians.
- To provide for the daily needs of residents and visitors by providing pedestrian friendly neighborhood centers in strategic locations along the corridor.

**Structure of the Plan** - The SP district establishes land use and design standards for properties contained within SP boundaries. The SP district is divided into three separate subdistricts that reflect the context of each section and are identified on maps contained in the SP document. Within each subdistrict, the following issues are addressed in the district:

- **Development guidelines** explain the design intent of the SP district. Future development is intended to be consistent with the development guidelines, but they are not regulatory in nature.
- **System regulations** address transportation, parking, and access; streetscape, signage, and landscaping and buffering. For each category, goals and standards are provided. The goals describe the intent of the SP for each system and the standards provide the framework to achieve the goals. The standards are regulatory for each subdistrict and future development within the SP district must be consistent with them.

- **Building standards** set requirements for height, physical configuration, and design that are required for building permit applications within the SP district. Many different building types are permitted within each subdistrict, but there are requirements that new buildings within the SP district must meet. The standards are presented through text, graphic representations, and photographic examples of buildings consistent with the standards. The standards are regulatory for each subdistrict and future buildings within the SP must be consistent with them.
- **Land Uses** that establish the permitted and excluded land uses for each subdistrict. The permitted and excluded land uses are regulatory for each subdistrict and future development within the SP district must be consistent with them.

**Signage** – In addition to the specific standards for each subdistrict, the SP includes general sign standards in a separate section. The sign standards are regulatory and all future development within any portion of the SP must be consistent with them.

**When do the provisions of The Gallatin Pike Improvement Plan SP apply?** - The SP was crafted to ensure that new development within its boundaries is not discouraged by application of new standards to relatively minor development permit applications. The system regulations and building standards contained in the SP district apply when:

- The value of any one expansion is 25%, or the value of multiple expansions during any 5-year period is 50% of the value of all improvements on the lot prior to expansion; or
- The total building square footage of any one expansion is 25%, or the total building square footage of multiple expansions during any 5-year period is 50% of the total building square footage of all improvements on the lot prior to expansion.

As explained below, staff recommends a change to the current draft of the SP to clarify that the land use standards and bulk regulations contained in the SP district will apply immediately upon adoption of the SP zoning by the Metro Council. In addition, the signage provisions included in the SP apply without limitation to all sign-related permits.

**Proposed Plan Revisions** - A draft of the SP document has been posted to the Planning Department website since June 12, 2007, was presented at a public meeting on June 13, and is being delivered to the members of the Commission with this staff report. The SP document will be filed as an amendment to the SP ordinance at Council prior to its passage on third reading. There are changes required to the document before it is presented to the Council.

1. A parcel located at the southwest corner of Spain Avenue and Gallatin Pike was inadvertently left off the map of properties included in the SP for Subdistrict 2. This parcel – Map 072-10, Parcel 095 – is included in the Council bill that has been filed, but the map in the SP document should be revised to include the parcel also.
2. This SP zoning will replace the existing base zoning district for all properties within its boundaries. The document currently states that it only applies after the 25% or 50% trigger provisions are met. Unless revised, the SP will result in there being no regulations for land uses and bulk standards for development permits that do not meet the trigger provisions. Staff recommends that the SP document be revised to clarify what land use standards and bulk regulations apply for development that does not reach the 25% or 50% thresholds.

Staff recommends that Page 7 of the SP document be revised as follows:

“The **design guidelines, system regulations, and building standards** provisions of this SP shall apply to the redevelopment of property when **the provisions of paragraphs 1 or 2 below are met.**”

And add new paragraphs 4 and 5 as follows:

**“4. The permitted and excluded land uses contained in Section E for each subdistrict contained herein shall apply to all properties located within the SP district upon adoption of this SP ordinance by the Metro Council.”**



**“5. The bulk regulations for all properties located within the SP district shall be determined by reference to the zone districts included in the land use table in Section E for each subdistrict.”**

The land use table for Subdistrict 1 does not include a designated zone district for properties located within MDHA redevelopment plans because the permitted uses are determined by reference to those MDHA plans. In order to determine appropriate bulk regulations for these portions of the SP district, a zone district must be designated. Staff recommends that the land use table for Subdistrict 1 be amended by adding the following footnote for the Community Center policy listed in that table:

**“For the purpose of establishing bulk regulations for development that does not require application of the design guidelines, system regulations, and building standards contained in this SP district, the MUG zoning district shall apply to all areas designated as Community Center.”**

3. The land use maps included in the current SP document do not include the rear portions of some deeper lots. This occurred because the policy update prepared by the Community Plans division was limited to the Gallatin Pike corridor itself. Because the rear portions of these lots are included within the SP district, however, the land use maps must be revised so that the appropriate land uses can be determined, as well as bulk regulations for development not subject to the design guidelines, system regulations, and building standards contained in the SP. Staff recommends that the land use maps in the current document be replaced by revised maps, which are included in this staff report. In addition, staff recommends the following additions to the land use tables included in the SP document:

Table 1

Subdistrict 1 Land Use Area	Zone District for Land Use Purposes
<b>Neighborhood General</b>	<b>R6</b>

Table 2

Subdistrict 1 Land Use Area	Zone District for Land Use Purposes
<b>Single Family Detached</b>	<b>RS5</b>

Table 3

Subdistrict 1 Land Use Area	Zone District for Land Use Purposes
<b>Neighborhood General</b>	<b>RS7.5</b>

**Staff Recommendation** -Staff recommends approval of the Gallatin Pike Improvement Plan SP zoning district with the revisions noted above.

**PUBLIC WORKS RECOMMENDATION** -Detailed plans have not been submitted to allow Public Works to review and provide any engineering decisions or recommendations. Any final SP site plan or development permit will be reviewed for technical compliance with Metro Public Works standards. Integrity of the major thoroughfare plan must be maintained.

**STORMWATER RECOMMENDATION** -All final SP site plans must have approved construction drawing prior to final approvals.

**FIRE MARSHAL RECOMMENDATION** -No comments received

**WATER SERVICES RECOMMENDATION** - Water Services will need an availability request, calculations, construction plans and calculation fees for review and approval with any application for a final SP site plan

**CONDITIONS**

1. Except as otherwise noted herein, the SP document prepared by the Planning Department, 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 in some instances approval by the Metropolitan Council.

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

**METRO SCHOOL BOARD REPORT**

**Projected student generation** -The projected number of students is not able to be determined at this time. The number of students will be projected with any final SP site plan that includes residential units.

**Existing Zoning DISTRICTS:**

CS	<b>Commercial Service</b> is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses
CL	<b>Commercial Limited</b> is intended for retail, consumer service, financial, restaurant, and office uses
MUG	<b>Mixed Use General</b> is intended for a moderately high intensity mixture of residential, retail, and office uses
OR20	<b>Office/Residential</b> is intended for office and/or multi-family residential units at up to 20 dwelling units per acre
OL	<b>Office Limited</b> is intended for moderate intensity office uses
RS10	<b>RS10</b> requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre
RS7.5	<b>RS7.5</b> requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre
RS5	<b>RS5</b> requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre

**LAND USE POLICIES**

<b>Existing Structure Plan Policies</b>	
<b>Open Space (OS)</b>	Open Space (OS) is a general classification encompassing a variety of public, private not-for-profit, and membership-based open space and recreational activities. Types of uses intended within OS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be "open space." OS areas can range from large sites encompassing thousands of acres to small sites that are a fraction of an acre.
<b>Community Center (CC)</b>	Community Center (CC) is the land use policy for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Generally, Community Center areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops.
<b>PROPOSED DETAILED LAND USE POLICIES</b>	
<b>Parks Reserves and Other Open Space (PR)</b>	This category, similar to the Open Space land use policy, is reserved for open space intended for active and passive recreation, as well as buildings that support such open space.
<b>Civic or Public Benefit (CPB)</b>	This category includes various public facilities including schools, libraries, and public service uses.
<b>Mixed Housing (MH)</b>	This category includes single family and multifamily housing that varies

	based on lot size and building placement on the lot. Housing units may be attached or detached, but are encouraged to be thoughtfully placed rather than randomly located in a neighborhood. Generally, the character (mass, placement, height) should be compatible to the existing character of the majority of the street.
<b>Mixed Use (MU)</b>	This category includes buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.
<b>Office (O)</b>	This category is intended to include a variety of office uses. These offices will vary in intensity depending on which land use policy they are in, from the low intensity, low-rise offices intended in the Office Transitional category to the mid-and high-rise offices intended in Office Concentration.

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

**Resolution No. 238**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-11-05 is **APPROVED. (8-0)**”

**Resolution No. 239**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-122U-05 is **APPROVED WITH REVISIONS. (8-0)**”

**The proposed SP district is consistent with all East Nashville Community Plan policies, and was specifically designed expressly to implement the existing and proposed detailed land use policies in the East Nashville Community Plan.”**

- 24. 2007Z-123U-05**  
 Eastwood Neighborhood Conservation Overlay  
 Map 083-10, Various Parcels  
 Map 083-20, Various Parcels  
 Map 083-40, Various Parcels  
 Subarea 5 (2006)  
 Council District 6 - Mike Jameson

A request to amend the adopted Eastwood Neighborhood Conservation Overlay to include various properties located along Douglas Avenue, Chapel Avenue, Matthews Place, Greenwood Avenue, Sumner Avenue, North 14th Street, North 16th Street, Setliff Place, McKennie Avenue, Sharpe Avenue, Straightway Avenue, Franklin Avenue, Gallatin Avenue, Benjamin Street, Benson Street and Eastland Avenue, requested by Councilmember Mike Jameson, applicant, for various owners.

**STAFF RECOMMENDATION: Approve, subject to approval of the proposed overlay by the Metro Historic Zoning Commission prior to the Planning Commission meeting.**

**APPLICANT REQUEST -** A request to amend the adopted Eastwood Neighborhood Conservation Overlay to include various properties located along Douglas Avenue, Chapel Avenue, Matthews Place, Greenwood Avenue, Sumner Avenue, North 14th Street, North 16th Street, Setliff Place, McKennie Avenue, Sharpe Avenue, Straightway Avenue, Franklin Avenue, Gallatin Avenue, Benjamin Street, Benson Street and Eastland Avenue (130.49 acres).

**Existing Zoning**

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and

duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

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

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

MUL District - Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Proposed Overlay District** - Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

The Metro Historic Zoning Commission will review any new construction, additions, demolitions, or relocation of structures.

#### **EAST NASHVILLE COMMUNITY PLAN POLICY**

Open Space (OS) - OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

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.

Community/Corridor Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

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

Major Institutional (MI) -MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Special Policy Areas - The area proposed for the conservation overlay district consists of several different zone districts and land use policies. The policies listed above are further broken down into more site specific policies, which are discussed below.

#### Special Policy Area 1

1. For all portions of Special Policy Area 1, the only applications for rezonings that should be supported, unless there are exceptional circumstances, are those that:
  - Meet the general intent of Community Center policy;
  - Achieve a high standard of urban design;
  - Conform to any redevelopment plan land use plans that are in place;
  - Are for a Specific Plan district or are accompanied by an Urban Design Overlay or Planned Unit Development application; and
  - Have been the presented to the local public for input at one or more community meetings prior to the Planning Commission public hearing on the application.

In addition, in order to achieve a vertically and horizontally integrated mixture of uses along these currently predominantly commercial corridors:

2A. For those portions of the Special Policy area that are currently zoned as office, office/residential, or residential districts, the only applications for rezonings that should be supported, unless for a Specific Plan district or if there are exceptional circumstances, are those that:

- Are for another residential, office, office/residential or a mixed use zoning district. In the case of a mixed use zoning district, the applicant shall demonstrate that the development will incorporate vertically mixed uses that include residential. Building heights should not exceed six stories.

Or

2B. For those portions of the Special Policy Area that are currently zoned as industrial or commercial districts, the only applications for rezonings that should be supported, unless for a Specific Plan district or if there are exceptional circumstances, are those that:

- Are for an RM40 or RM60, office, office/residential or a mixed use zoning district. In the case of a mixed use zoning district, the applicant shall demonstrate that the development will incorporate vertically mixed uses that include residential. Building heights should not exceed six stories.

Special Policy Area 2 -For all portions of Special Policy Area 2, the only applications for rezonings of residential districts to a mixed use, office, or office/residential district that should be supported, unless there are exceptional circumstances, are those that:

- Are for a Specific Plan district or are accompanied by an Urban Design Overlay or Planned Unit Development application; and
- Have been the presented to the local public for input at one or more community meetings prior to the Planning Commission public hearing on the application. In addition:

Rezoning to commercial, industrial, or lower density residential districts should not be supported, unless there are exceptional circumstances.

**South Inglewood (West 2) Detailed Neighborhood Design Plan**

Mixed Housing (MH) -MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Single Family Detached (SFD) - SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

National Register Historic Properties - There is one property eligible to be listed in the National Register within this proposed overlay area. Two properties are have been classified as Worthy of Conservation. Thus, three of the properties proposed for this overlay already meet criterion of Section 17.36.120 of the Metro Zoning Ordinance.

**Consistent with Policy?** Yes. The Conservation Overlay District does not change the existing base zone districts, but provides additional restrictions that help protect the character of the area. The East Nashville Community Plan identifies this area as containing numerous historic resources. In addition, the East Nashville Plan discusses the need to preserve the character and atmosphere of existing residential neighborhoods.

Metro Historic Zoning Commission Recommendation -A Neighborhood Conservation District was designated for 113 parcels in May of 2004 by the Metro Historical Commission and approved by the Metro Council. On June 26, 2007, the Metro Historic Zoning Commission will meet to review the proposed extension of this overlay to include 415 parcels within the Eastwood Neighborhood as well as adopt design guidelines for the proposed district. The Metro Historic Zoning Commission staff has determined that 74 percent of the proposed 415 parcels with structures are deemed historic (built prior to 1945), with the majority of the structures being built from the 1900s to 1940.

Application Fee -There are 415 properties in this request, and the total fee would be \$12,472.05. If each property owner was to file a Zone Change application individually, the total fee would be \$664,000.

**Staff Recommendation** - Staff recommends approval of the Eastwood Neighborhood Conservation Overlay subject to the approval by the Metro Historic Zoning Commission of final district boundaries and design guidelines. While there are homes and structures within this proposed overlay that are not historic, the East Nashville Community Plan identifies the Eastwood Neighborhood District as Worthy of Conservation. The Eastwood Neighborhood district includes portions of Douglas, McKennie, Chapel, Greenwood, Roberts, and Sharpe Avenues.

**RECENT REZONINGS** - None

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken

**METRO SCHOOL BOARD REPORT**

**Projected student generation** - As this request to apply a conservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.

Mr. Bernhardt questioned whether anyone was present in the audience to speak in opposition on this zone change request. He explained to the Commission that this proposal could be placed back on Consent Agenda and approved.

No one in the audience was there to speak in opposition.

Ms. Jones moved and Mr. Ponder seconded the motion, which passed unanimously to place Zone change 2007Z-123U-05 back on the consent agenda and approve. **(7-0)**

**Resolution No. 240**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-123U-05 is **APPROVED**. (7-0)

**The proposed Neighborhood Conservation Overlay District is consistent with all East Nashville Community Plan policies within the proposed district.”**

**25. 2007Z-125T**

A request to amend the Metro Zoning Code, Section 17.40.650, pertaining to the alteration and restoration of nonconforming structures.

**STAFF RECOMMENDATION: Approve with conditions.**

**APPLICANT REQUEST** - A council bill to amend Section 17.40.650 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to the alteration and restoration of nonconforming structures.

**DESCRIPTION** - This proposed ordinance changes two provisions in the Metro Code that relate to a landowner’s right to continue a nonconforming use. One proposed amendment would allow the owner of a two-family dwelling (a duplex) located in a RS district to rebuild within five years after it is damaged or destroyed, replacing the one year limit currently in the Code. The other section of the ordinance would amend the Code to remove certain limitations placed on the Board of Zoning Appeals when reviewing a request to alter a building that contains a nonconforming use. This section also includes a revision to clarify that approval from the Board of Zoning Appeals is not required for rebuilding a duplex, if the time limit requirements are met.

**ANALYSIS**

**Legally nonconforming duplexes** - Many areas of Davidson County have been rezoned by the Metro Council from R to RS in recent years. In those areas, existing two-family dwellings are permitted to continue as a legal use, subject to limitations spelled out in Section 17.40.650 of the Code. That section currently provides that a legally nonconforming duplex that is “damaged or destroyed” can be “restored within one year regardless of percentage of damage or destruction.” This provision is interpreted by the Zoning Administrator to allow rebuilding of a duplex that is accidentally damaged or destroyed, and also to allow an owner to demolish the existing duplex and replace it with a new duplex. In either event, the owner must receive a permit to rebuild the duplex within one year.

The only change proposed by this ordinance for this section is to change the time period within which the duplex can be rebuilt from one year to five years. This issue has been discussed by the Planning Commission in the context of recent “mass rezonings” of areas from R to RS zone districts. Members of the Commission have expressed concerns that owners of legal nonconforming duplexes may require more time than the current one-year period within which to rebuild, if the structure is damaged or destroyed. Staff recommends approval of this portion of the ordinance.

**Existing Code** – 17.40.650 E.2. *“In a residential district, a nonconforming use shall cease if fifty percent or more of the floor area of the building or structure is damaged or destroyed. When damage is to less than fifty percent of the floor area, the building may be restored within one year of the date of the damage. A structure containing a two-family nonconforming use within an RS district may be restored within one year regardless of percentage of damage or destruction.”*

**Proposed Code** *“In a residential district, a nonconforming use shall cease if fifty percent or more of the floor area of the building or structure is damaged or destroyed. When damage if to less than fifty percent of the floor area, the building may be restored within one year of the date of the damage. A structure containing a two- family nonconforming use within an RS district may be restored within five years regardless of percentage of damage or destruction.”*

Alteration of legal

nonconforming structures In addition to allowing five years for rebuilding a nonconforming duplex, the proposed ordinance also would amend Section 17.40.650 D of the Code, which regulates the alteration of a structure containing any nonconforming use. Currently, that section states that a permit can be issued for the alteration of a legal nonconforming use only if it is approved by the Board of Zoning Appeals and 1) there is no proposed change in use for the property, and 2) the floor area ratio (FAR) for the property will not exceed the maximum allowed under the current zoning district for the property. The proposed ordinance would amend Section 17.40.650 D by removing the prohibition against a change in use for the nonconforming property and the limit on the FAR related to any alteration of the structure. This section of the ordinance also includes a revision to clarify that approval from the Board of Zoning Appeals is not required for rebuilding a duplex if the time limit requirements are met.

Changes in nonconforming uses are generally controlled by subsection C of 17.40.650. That section sets requirements for changes in use based on whether the property is located in a residential or nonresidential district, and based on whether the building is designed and constructed for use as a residence or a nonresidential use. Because subsection C regulates changes in use for a nonconforming use, the provisions in 17.40.650 D that prohibit a change in use if the building is being altered appear to be unnecessary. Staff is not aware of a reason that the Code should flatly prohibit a change in use if the building is being altered, but not if the building is not being altered. Amending the Code to remove the absolute prohibition against changing uses when a structure is being altered is reasonable because the general provisions in subsection C adequately regulate changes in nonconforming uses.

The proposed ordinance also would remove a requirement that the FAR for any altered structure containing a nonconforming use cannot exceed the FAR permitted by the current zone district for the property. Staff recommends that the ordinance be amended to reinstate this requirement. The FAR of a nonconforming use should not be any greater than what is allowed for legal uses within the zoning district.

**Existing Code** – 17.40.650 D. *“Alteration of a Structure Containing a Nonconforming Use. For any use not otherwise protected by Tennessee Code Annotated Section 13-7-208, alterations other than incidental shall be permitted only through the issuance of a permit by the board of zoning appeals subject to:*

- 1. The proposed replacement and/or expansion shall not involve any change in use.*
- 2. The floor area ratio (FAR) of the expanded use together with all other uses on the lot shall not exceed the maximum FAR currently permitted in the district.”*

**Proposed Code** *“Alteration of a Structure Containing a Nonconforming Use. For any use not otherwise protected by Tennessee Code Annotated Section 13-7-208 and subsection E. below, alterations other than incidental shall be permitted only through the issuance of a permit by the board of zoning appeals.”*

**Staff Recommendation** -Staff recommends approval of the proposed ordinance, but disapproval if the ordinance is not amended to reinstate the requirement that the FAR for any altered structure containing a nonconforming use may not exceed the maximum FAR currently permitted in the zoning district where the nonconforming use is located.

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

**Resolution No. 241**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-125T is **APPROVED WITH CONDITIONS. (8-0)**”

26. **2007Z-142U-08**  
Map 081-12, Parcel 312  
Subarea 8 (2002)  
Council District 19 - Ludy N. Wallace

A request to change from CN to MUL zoning property located at 1505 9th Avenue North, approximately 115 feet north of Cheatham Place (0.34 acres), requested by Melvin Jacinta Smith, owners.



**STAFF RECOMMENDATION: Disapprove.**

**APPLICANT REQUEST** - A request to change from Commercial Neighborhood (CN) to Mixed Use Limited (MUL) zoning property located at 1505 9th Avenue North, approximately 115 feet north of Cheatham Place (0.34 acres).

**Existing Zoning**

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**Proposed Zoning**

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

**NORTH NASHVILLE COMMUNITY PLAN**

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

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

**Buena Vista Detailed Neighborhood Design Plan**

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

Neighborhood Center - The area along 9<sup>th</sup> Avenue, North from Cheatham Place to Garfield Street should be improved and infilled to provide a mixture of neighborhood-scale retail and service uses such as small restaurants, markets, laundromats, and beauty salons. Additional single-family attached and detached housing are also appropriate.

**OVERLAY DISTRICT**

**Urban Zoning Overlay** - This property is located within an urban zoning overlay. The intent of the urban zoning overlay district is to preserve and protect existing development patterns that predate the mid-1950s. The urban zoning overlay allows for alternative street setbacks for properties within mixed use, office, industrial, multifamily, or commercial zone districts. Development on this site must adhere to the UZO regulations and standards established by the Metro Zoning Code.

**National Register Historic District** - This property is located in the Buena Vista Historic District, an area designated as historic on the National Register of Historic Districts.

**Consistent with Policy?** No. Any zone change requests in the Mixed Use and Neighborhood Center policy areas must be accompanied with a design oriented zoning overlay such as a Planned Unit Development, Urban Design Overlay or a site plan. Furthermore, the Mixed Use Limited district permits certain uses that are inconsistent with the policy. The land use policy also states that MUL districts are

encouraged in Mixed Use policy areas only if the proposed site fronts an arterial street with four or more lanes.

**Staff Recommendation** - Staff recommends disapproval of the Mixed Use Limited district. Although mixed uses are encouraged in this area, those uses should be dictated by design based zoning that will ensure a development type or form that is consistent with the surrounding area and meets the needs of the neighborhood. This request for a Mixed Use Limited district did not include a design oriented overlay or site plan. To permit an MUL district at this location without a site plan or design overlay would leave this neighborhood vulnerable to a much higher intensity of development than intended by the policy.

**RECENT REZONINGS** - None

**PUBLIC WORKS RECOMMENDATION** - A traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR	Total Sq. Ft.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center (814)	0.34	0.103	1,525	103	9	26

**Typical 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 With Convenience Market(945)	0.34	0.144	2,133	NA	166	206

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+608	NA	157	180

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

Land Use (ITE Code)	Acres	FAR	Total Sq. Ft.	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	0.34	.25	3,703	106	14	14

**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 With Convenience Market(945)	0.34	.111*	1,644	NA	128	158

\*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
--			-2,059	NA	114	144

## METRO SCHOOL BOARD REPORT

Projected student generation     1 Elementary     1 Middle     1 High

**Schools Over/Under Capacity** - Students would attend Brookmeade Elementary School, Hill Middle School, and Hillwood High School. All three schools are identified as having capacity for new students by the Metro School Board. **This information is based upon data from the school board last updated April 2007.**

Ms. Nedra Jones presented and stated that staff is recommending disapproval.

Ms. Stacy Coleman, 4248 October Woods, spoke in favor of the proposed zone change request.

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

Mr. Tyler requested additional clarification regarding the applicant's request.

Ms. Nedra Jones explained the applicant's request in relation to the staff's recommendation to the Commission.

Ms. Beehan questioned whether this proposal could be deferred to allow additional time prior to the Council Public Hearing.

Ms. Nedra Jones explained the Public Hearing for this proposal was scheduled for July 10, 2007, and if the Commission were to defer, the recommendation would be considered an approval.

Mr. Bernhardt offered that the Commission could recommend disapproval and encourage the Council to refer it back before 3<sup>rd</sup> reading, which would allow the applicant to amend the proposal to an SP in order for the Commission to view the proposal and add any conditions.

Mr. Loring stated he was in favor of disapproving the proposal.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously, to disapprove Zone Change 2007Z-142U-08 as submitted, and recommend that Council consider an SP, and refer the proposal back to the Planning Commission prior to Council's third reading of the bill. **(7-0)**

### **Resolution No. 242**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2007Z-142U-08 is **DISAPPROVED AS SUBMITTED. Recommend Council consider an SP and refer back to the Planning Commission prior to third reading. (7-0)**

**The proposed MUL district is not consistent with the North Nashville Community Plan's Mixed Use and Neighborhood Center policies, which are intended for mixed use areas that act as local centers."**

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## **X.     CONCEPT PLANS**

- 27.     2007S-110U-03**  
Monticello Subdivision  
Map 071.01, Parcels 077, 078  
Subarea 3 (2003)  
Council District 2 - Jamie D. Isabel, Sr.

A request for concept plan approval to create 28 lots on properties located at Monticello Drive (unnumbered), approximately 480 feet south of Trinity Hills Parkway, zoned RS7.5 (6.92 acres), requested by The Little Miss Toddler Trust, owners, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Defer or disapprove unless a recommendation of approval is received from Stormwater prior to the Planning Commission meeting.**

**The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-110U-03 until September 11, 2007, at the request of the applicant.**

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28. **2007S-139G-14**  
River Landing, Phase III (Formerly Windstar Estates)  
Map 043-00, Part of Parcel 008  
Subarea 14 (2004)  
Council District 11 – Feller Brown

A request for concept plan approval to create 15 lots on a portion of property located at Keeton Avenue (unnumbered), at the end of River Landing Way and Warren Drive, zoned R15 (34.43 acres), requested by Lakewood/R3 LLC, owner, Barge Waggoner Sumner Cannon Inc., surveyor.

**STAFF RECOMMENDATION: Disapprove.**

Mr. Bernhardt announced that the applicant requested that the Commission defer Concept Plan 2007S-139G-14 indefinitely.

**The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-139G-14 indefinitely at the request of the applicant. (8-0)**

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29. **2007S-144G-14**  
Earhart Road Subdivision  
Map 098-00, Parcel 093  
Subarea 14 (2004)  
Council District 12 - Jim Gotto

A request for concept plan approval to create 143 lots on property located at Earhart Road (unnumbered), approximately 2,330 feet north of Hessey Road, zoned RS15 (69.76 acres), requested by Wanda C. Baker, owner, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Defer or disapprove unless a recommendation of approval is received from Stormwater prior to the Planning Commission meeting.**

**The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-144G-14 to July 26, 2007, at the request of the applicant. (8-0)**

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## **XI. FINAL PLATS**

30. **2007S-164G-06**  
Harpeth Village, Resub. Lots 2-4  
Map 156-09a, Parcels 002, 003, 004  
Subarea 6 (2003)  
Council District 35 - Charlie Tygard

A request for final plat approval to consolidate 3 lots into 2 lots for properties located at 8000, 8002, and 8004 Highway 100, at the northwest corner of Temple Road and Highway 100 (2.14 acres), zoned CL, requested by Kimco Barclay Harpeth LP, owner, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Defer or disapprove pending PUD revision.**

**The Metropolitan Planning Commission DEFERRED Final Plat 2007S-164G-06 indefinitely at the request of the applicant. (8-0)**

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## **XII. REVISIONS AND FINAL DEVELOPMENT PLANS**

- 31. 155-74-U-14**  
Larchwood Commercial PUD (Daily's Convenience Store)  
Map 097-00, Parcel 140  
Subarea 14 (2004)  
Council District 13 - Carl Burch

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at 3696 Bell Road, at the southwest corner of Bell Road and Blackwood Drive (0.99 acres), to permit a new 3,950 square foot convenience store and four new gas pumps, replacing an existing 2,992 square foot convenience store and car wash, zoned CL, requested by James E. Stevens, applicant, for Tri Star Energy, LLC, owner.

**STAFF RECOMMENDATION: Approve with conditions.**

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

A request to revise the preliminary and for final approval of a Planned Unit Development located at 3696 Bell Road, at the southwest corner of Bell Road and Blackwood Drive (0.99 acres), to permit a new 3,950 square foot convenience store and four new gas pumps, replacing an existing 2,992 square foot convenience store and car wash.

**PLAN DETAILS**

History- The portion of the Commercial PUD was originally approved on July 13, 1989, by the Planning Commission and has not undergone any significant changes since its original conception although many changes have been proposed. Since its original approval, there have been several changes that have been consistent with the original intent of the Commercial Planned Unit Development. Also, the original preliminary that was approved in 1989 called for commercial uses at this location.

Site Plan - The proposed plan calls for a new 3,950 square foot convenience store and four new gas pumps, replacing an existing 2,992 square foot convenience store and car wash. There will be a total of 34 spaces available for parking.

**Staff Recommendation** - Staff recommends approval with conditions because the proposed plan is consistent with the preliminary plans that were approved by the Planning Commission on July 13, 1989, for commercial uses.

**PUBLIC WORKS RECOMMENDATION** - Remove existing entrance driveway from Stewarts Ferry/Bell Road

**STORM WATER RECOMMENDATION** - Construction Documents are required prior to final PUD approval or a letter from an engineer that states that project meets the exception criteria outlined within Section 3.4.3 in Volume 1.

**FIRE MARSHAL RECOMMENDATION** - Fire Hydrant shall provide required water flow (1500 gpm @ 20 psi)

**URBAN FORSTER** -Provide Tree Protection Fencing

**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 Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.

3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. 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.
5. This final approval includes conditions that 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 copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. 243**

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-U-14 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
2. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. 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.
5. This final approval includes conditions that 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 copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

- 32. 189-73-G-14**  
 Central Pike Medical Office Building  
 Map 086-00, Parcel 341  
 Subarea 14 (2004)  
 Council District 14 - Harold White

A request for final approval for a portion of a Planned Unit Development located at 3810 Central Pike, approximately 160 feet east of Dodson Chapel Road, classified (2.62 acres), to permit the development of a 35,200 square foot medical office building, requested by Bill Herbert, applicant, for Bettie J. Winton, Trustee, owner.

**STAFF RECOMMENDATION: Approve with conditions.**

**APPLICANT REQUEST** - A request for final approval for a portion of a Planned Unit Development located at 3810 Central Pike, approximately 160 feet east of Dodson Chapel Road, classified (2.62 acres), to permit the development of a 35,200 square foot medical office building.

**PLAN DETAILS**

**Preliminary Plan** - The preliminary plan includes a 35,200 square foot three-story medical office building on 2.62 acres within a Planned Unit Development.

**Access** - The site is accessible via two access drives and a sidewalk on Central Pike. Parking on the site includes 200 spaces.

**Landscaping** - A 20 foot wide landscaping buffer is provided between the Mixed Use Limited district and the adjacent residential districts.

**Final Plan** - The proposed final PUD plan is consistent with the Council approved preliminary plan.

**Staff Recommendation** - Staff recommends approval of the medical office building within the Central Pike Planned Unit Development.

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

**STORMWATER RECOMMENDATION** - Approved

**CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. This approval includes one site sign. 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 re-approval 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, (8-0) *Consent Agenda*

**Resolution No. 244**

“BE IT RESOLVED by The Metropolitan Planning Commission that 189-73-G-14 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
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 includes one site sign. 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 re-approval by the Planning Commission.
7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

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33. **88P-038G-13**  
Long Hunter Chase, Ph. 3, Sec. 3, Lots 125, 126 & 127  
Map 151-00, Part of Parcel 094  
Subarea 13 (2003)  
Council District 33 - Robert Duvall

A request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development located at Hobson Pike (unnumbered), classified RS10, (2.47 acres), to revise the phasing



line to add three lots to Phase 3, requested by John Coleman Hayes P.C., applicant, for Enfield Properties LLC, owner.

**STAFF RECOMMENDATION: Approve with conditions.**

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

A request to revise the preliminary plan and for final approval for a portion of a Planned Unit Development located at Hobson Pike (unnumbered), classified Single-Family Residential (RS10), (2.47 acres), to revise the phasing line to add three lots to Phase 3.

**PLAN DETAILS** - This is a request to revise the approved preliminary plan and final PUD. As proposed, a phase line will be changed to allow for three additional lots including open space and roadway to be included within Phase Three Section Three of Long Hunter Chase PUD. The area to be added will be 2.88 acres and will increase the total area for phase three section three to 13.06 acres.

Access - Lots will be accessed from a new extension of Derby Shire Drive. The new extension will also open a new access onto Hobson Pike, which will improve connectivity for Long Hunter Chase.

Preliminary Plan - The layout of the plan is consistent with the approved preliminary plan. The only change is the phase line.

**Staff Recommendation** - Since this request only revises phase lines and will provide a needed access point into the Long Hunter Chase PUD, staff recommends that the request be approved with conditions.

**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.

**STORMWATER RECOMMENDATION** - Approved

**CONDITIONS**

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

7. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. 245**

“BE IT RESOLVED by The Metropolitan Planning Commission that 88P-038G-13 is APPROVED WITH CONDITIONS. (8-0)

Conditions of Approval:

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

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34. **88P-068U-13**  
Nashboro Square PUD  
Map 135-15-0-A, Parcel 004  
Subarea 13 (2003)  
Council District 29 - Vivian Wilhoite

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development

located at 2312 Murfreesboro Pike, approximately 500 feet south of Nashboro Boulevard (2.29 acres), to permit the development of 8,724 square feet of office, restaurant and retail use, replacing 8,750 square feet of office use, zoned R10, requested by Development Management Group, LLC, applicant, for CRSW Land & Cattle Company, owner.

**STAFF RECOMMENDATION: Approve with conditions.**

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

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at 2312 Murfreesboro Pike, approximately 500 feet south of Nashboro Boulevard (2.29 acres), to permit the development of 8,724 square feet of office, restaurant and retail use, replacing 8,750 square feet of office use.

**PLAN DETAILS** - This plan reduces the building size from 8,750 square feet to 8,724 square feet and changes the permitted uses. The approved PUD allows only office uses. This revision will allow office, retail, and restaurant uses, all of which are consistent with the original Nashboro Place PUD. Building placement is identical to the approved PUD.

**Staff Recommendation** -Since the revision to the preliminary is consistent with the approved preliminary, staff recommends approval.

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

**CODES RECOMMENDATION**

- Need Hose bib locations
- 8% interior greenspace not met
- Need perimeter landscaping on front.

**FIRE MARSHAL RECOMMENDATION** -All new construction shall meet the water requirements of table H of the 2006 edition of N.F.P.A. 1.

**STORMWATER RECOMMENDATION** -Plan looks similar to already approved plans.

**CONDITIONS**

1. Revised plan shall comply with Codes requirements.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. 246**

“BE IT RESOLVED by The Metropolitan Planning Commission that 88P-068U-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Revised plan shall comply with Codes requirements.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
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8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

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### **XIII. MANDATORY REFERRALS**

35.     **2007M-083U-10**  
E. S. Rose Park Improvement by Belmont University  
Map 105-1, Parcel 491  
Subarea 10 (2005)  
District 19 - Wallace

Request a property improvement and lease agreement of E. S. Rose Park for Belmont University.

**STAFF RECOMMENDATION: Recommend approval to the Metropolitan Council with the conditions that prior to final approval by Council:**

**1) A study is provided by the parties to the proposed lease that fully addresses the overall changes in traffic and parking needs that improvements to the park, and assumed increased scheduling, would generate; the study should be provided for review by the metropolitan traffic engineer; and,**

**2) The metropolitan traffic engineer makes a recommendation to Council in response to the study.**

**The Metropolitan Planning Commission DEFERRED Mandatory Referral 2007M-083u-10 to August 9, 2007 at the request of the applicant. (8-0)**

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### **XIV. OTHER BUSINESS**

36.     Employee contract renewals for Jennifer Higgs, Jennifer Regen, Nicholas Lindeman and Adetokunbo Omishakin and new employee contracts for Alan Maxwell Baker.

Approved (8-0), *Consent Agenda*

37.     Contract between Greater Nashville Regional Council (GNRC) and the Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area MPO to coordinate transportation planning services for the City of Goodlettsville and the MPO jurisdictions in Rutherford and Williamson Counties.

Approved (8-0), *Consent Agenda*

38.     New fee for house moving permit review.

Mr. Bernhardt explained that this item was placed on this agenda for the Commission to approve a fee for a new process regarding house moving permits. He gave a brief summary of the new law recently enacted by state legislature and the process in which the Commission would review these applications. He also stated that staff is recommending that the application fee be set at \$2,100, which is comparable to the fee charged for final plat applications.

Ms. Jones expressed issues with the proposed new legislation.

Mr. Clifton moved and Mr. Loring seconded the motion, to approve the new fee and application process for house moving permits. **(6-1) No Vote - Jones**

37.     Executive Director Reports

38.     Legislative Update

### **XV. ADJOURNMENT**

The meeting adjourned at 7:40 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.