



**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**

July 26, 2007

4:00 PM

*Metro Southeast at Genesco Park
417 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
David Kleinfelter, Planning Mgr. II
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
Dennis Corrieri, Planning Tech I
Tifinie Adams, Planner I

Commission Members Absent:

Judy Cummings

I. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

Mr. McLean and Mr. Bernhardt presented Mr. James Lawson (former Chairperson for the Planning Commission) a framed photo/resolution for his past fifteen years of dedicated service to the Commission.

Mr. Lawson thanked the Commission and the staff for the gift and briefly expressed his gratitude and appreciation for the opportunity to serve on the Commission.

II. ADOPTION OF AGENDA

Ms. Hammond announced the agenda had two additions. Item #32, contract between EDAW, Inc. and the Nashville-Davidson County Metropolitan Planning Commission, which was on the Consent Agenda for approval; and Item #33, Notation of the decision by the Chairman and Executive Director pursuant to Rule VI.K.2 that a request from Mr. Albert Bender for a rehearing on 2007SP-079U-13, Campbell Crossing was without merit and should not be heard by the Commission.

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

III. APPROVAL OF JUNE 28, 2007, MINUTES

Mr. Ponder moved and Ms. Nielson seconded the motion, which passed unanimously to approve the June 28, 2007 minutes as presented. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Gotto acknowledged that Item #12, 2007S-170G-14 was on the deferral agenda and stated that he would address the Commission after Item #3, 2007S-144G-14 was presented.

Councilmember Coleman addressed the Commission regarding Item #31. He briefly explained the situation regarding this item and requested that the Commission honor the request and reduce the application fee.

Councilmember Evans stated she would address the Commission after Item #1, 2007CP-07-07 was presented to the Commission.

Councilmember Tygard spoke on Item #20, 94-71-G-06, Bellevue Mall Sign Variance. He briefly explained reasons in which this variance should be granted and requested its approval.

Councilmember Crafton spoke in favor of approving Item #20, 94-71-G-06, Bellevue Mall Sign Variance. He mentioned the important issues associated with approving the sign variance and the economic impact it would have on this community. Councilmember Crafton also spoke in favor of approving Item #6, 94-83-G-06, Williamsport Subdivision, which was a request to remove the sidewalk along one side of Briksberry Court and Huntwood Place. He stated that there was a petition signed by residents affected by this request who were in favor of removing the sidewalks. He also mentioned the developer should not be requested to pay the "in lieu" fee due to the fact the residents agreed the sidewalks should not be included in the development.

Councilmember Cole spoke in favor of Item #2, 2007CP-13-05. He mentioned the neighborhood support and requested its approval.

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

- | | | |
|-----|---------------|--|
| 10. | 2007Z-126U-11 | A request to change from OR20 to CS zoning property located at 429 Veritas Street, at the southeast corner of Veritas Street and Keystone Avenue (0.34 acres) – deferred until August 9, 2007 at the request of the applicant |
| 12. | 2007S-170G-14 | A request for concept plan approval to create 183 lots on properties located at Chandler Road (unnumbered), approximately 2,450 feet east of Tulip Grove Road (107.44 acres) – deferred indefinitely at the request of the applicant |
| 15. | 2007S-176G-12 | Greenwood Subdivision - A request for final plat approval to close Green Trails Drive right-of-way and create common area for properties located at 2320 and 2328 Green Trails Court, on the north side of Green Trails Court (0.34 acres), zoned R10 and located within a Planned Unit Development – deferred to August 23, 2007, at the request of the applicant |

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

VI. PUBLIC HEARING: CONSENT AGENDA

COMMUNITY PLANS

2. 2007CP-13-05 Amend the East Nashville Community Plan: 2006 Update from Residential Low-Medium Density and Neighborhood General to Neighborhood Center for approximately 1.48 acres located along both sides of Riverside Drive between McGavock Pike and Oakhurst Drive. - Approve amendment from Residential Low Medium Density to Neighborhood center with special Policies; retain Neighborhood general on Parcel 238.

PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

4. 2007S-110U-03 Monticello Subdivision - Request for concept plan approval to create 29 lots on properties located at Monticello Drive (unnumbered). - Approve w/conditions, including a variance for lots 1, 2 and 28, also to permit Map 71.01 Parcel 143 to be added to final plat approval.

ZONING MAP AMENDMENTS

7. 2006Z-058U-14 Request to change from CS to MUL zoning property located at 1515 Lebanon Pike. - Approve
9. 2007Z-071T Request to amend Section 17.36.070 of the Metro Zoning Code to require developers clustering single-family and two-family lots within a planned unit development (PUD) district to construct recreational facilities on a portion of the designated common open space. - Disapprove as filed, approve with amendments.
11. 2007Z-144U-13 A request to change from AR2a to RM9 zoning property located at 1402 Rural Hill Road, approximately 930 feet north of Mt. View Road (4.15acres) - Approve

CONCEPT PLANS

13. 2007S-191U-03 The Woods Of Monticello - Request for concept plan approval to create 45 lots on properties located at 437 Monticello Street, Monticello Street (unnumbered), and W. Trinity Lane (unnumbered). - Approve w/conditions

FINAL PLATS

14. 2007S-148U-11 Complete Auto Sale Consolidation Plat - Request for final plat approval to consolidate 6 parcels into 1 lot for properties located at 314 and 318 Natchez Court, 3707 and 3715 N. Natchez Court, N. Natchez Court (unnumbered) and Nolensville Pike (unnumbered). - Approve w/conditions
16. 2007S-177G-12 Winfield Park, Phase 2, Section 2, Revision 1 - Request for final plat approval to relocate a sidewalk shown on a previously recorded plat from the east to west side of Wexford Downs Lane for various properties north of Winfield Drive, zoned RS10, requested by various owners, Duclos Survey & Design, Inc., surveyor. - Approve
17. 2007S-178G-10 Franey's Subdivision- Request for final plat approval to create 2 lots on property located at 1126 Oman Drive. - Approve with conditions, including an exception to lot comparability and a variance to Section 3-4.2.1 of the Subdivision Regulations.
18. 2007S-179U-07 Pilot Corporation Consolidation Plat - Request for final plat approval to consolidate 2 lots into 1 lot for property located at 6420 Centennial Boulevard and Centennial Boulevard (unnumbered). - Approve

19. 2007S-187U-13 Smith Springs Subdivision -Request for final plat approval to create 2 lots on property located at 2331 Smith Springs Road. -Approval with conditions, including a lot comparability exception and variance to section 3-4.2.f of the Metro Subdivision Regulations.

REVISIONS AND FINAL SITE PLANS

21. 101-82-U-13 Hanover Ridge PUD, Phase 1 - Request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at Mt. View Parkway (unnumbered), to permit the development of 72 multi-family units on a portion of a site where 156 multi-family units are approved. - Approve w/conditions
22. 2005P-008G-06 Harpeth Village, Section II (Townhomes)- Request for final approval for a portion of a Planned Unit Development located at Temple Road (unnumbered), to permit the development of 59 multi-family units. - Approve w/conditions
23. 84-85-P-06 Biltmore PUD (Road Alignment Revision) -Request to revise the preliminary to decrease the approved amount of square footage for office use from 236,500 square feet to 189,000 square feet and for final approval to revise the alignment and reconstruct McCrory Lane for a portion of a Planned Unit Development located at McCrory Lane (unnumbered). - Approve w/conditions
24. 89P-003G-06 Still Spring Hollow PUD, Sect. 3 - Request to revise the preliminary for a portion of a Planned Unit Development located at Still Spring Hollow Drive (unnumbered), to permit the development of 27 single-family lots. - Approve w/conditions
25. 2005UD-003G-12 Carothers Crossing, Phase 3 - Request for final site plan approval for a portion of the approved Urban Design Overlay district on Carothers Road, east of Battle Road, to permit the development of a maximum of 158 residential units and 17,000 square feet of commercial uses. - Approve with conditions, including 25 single-family attached units, 94 single-family detached units, and 39 multi-family units

MANDATORY REFERRALS

26. 2007M-078U-10 Rental Inspection Districts An Ordinance Amending Title 16 Of The Metropolitan Code Of Laws To Add A New Chapter 16.33 Entitled Rental Inspections And Designating Areas Within Metropolitan Nashville And Davidson County As Rental Inspection Districts. - Approve.

OTHER BUSINESS

27. Correction to June 9, 2005 Planning Commission Meeting Minutes. - Approve.
28. Employee contract renewal for Patricia Brooks. - Approve.
32. Contract between EDAW Inc. and the Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area MPO for professional services related to the Northeast Corridor Major Investment Study.” - Approve

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

VII. COMMUNITY PLANS

1. 2007CP-07-07

Amend the Subarea 7 Plan: 1999 Update and the Bellevue Community Plan: 2003 Update to add Natural Conservation (NCo) policy with Special Policies to the existing land use policies of Residential Low Density (RL),

Residential Low Medium Density (RLM), Residential Medium Density (RM), Residential Medium High Density (RMH), and Commercial Mixed Concentration (CMC) for approximately 2,100 acres located within the boundaries of I-40 to the north, Jocelyn Hollow Road to the east, Hwy 70 South to the south, and Old Hickory Boulevard to the west.

STAFF RECOMMENDATION: Approve Detailed Land Use Plan with Special Policy.

APPLICANT REQUEST - Amend the *Subarea 7 Plan: 1999 Update* and the *Bellevue Community Plan: 2003 Update* to add Natural Conservation (NCo) policy with Special Policies to the existing land use policies of Residential Low Density (RL), Residential Low Medium Density (RLM), Residential Medium Density (RM), Residential Medium High Density (RMH), and Commercial Mixed Concentration (CMC) for approximately 2,100 acres located within the boundaries of I-40 to the north, Jocelyn Hollow Road to the east, Hwy 70 South to the south, and Old Hickory Boulevard to the west.

CURRENT POLICIES

Residential Low (RL) -RL policy is intended to accommodate residential development within a density range of up to two dwelling units per acre. The predominant development type is single-family homes.

Residential Low Medium (RLM)- RLM policy is intended to accommodate residential development within a density range of about two to four dwellings units per acre. The predominant development type is single-family homes.

Residential Medium (RM)-RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A mix of housing types is appropriate.

Residential Medium High (RMH)- RMH policy is intended to accommodate residential development within a density range between nine and 20 dwelling units per acre. The development type includes a variety of multi-family housing.

Commercial Mixed Concentration- CMC policy is intended to accommodate major (CMC) concentrations of mixed commercial development that provide consumer goods, services, and employment. The development types include medium-high to high density residential, all types of retail trade, and highway-oriented commercial services.

PROPOSED LAND USE POLICY

Natural Conservation (NCO) - Natural Conservation policy is proposed for all areas within the study boundary that contain environmentally sensitive features (steep slopes, major ridgeline, view sheds, blue line streams, active waterfalls) as well as the historic Belle Meade Plantation Wall.

Natural Conservation land use policy is generally intended to provide protection to areas unsuitable for conventional suburban or urban development. In this case however, the area is mostly developed in a low-intensity residential pattern, with the exception of two large tracts with developable acreage and two Planned Unit Developments (PUD) that are not completely developed. Therefore, the Natural Conservation land use policy is used to provide protection from additional development with the application of special policies and detailed development guidelines.

BACKGROUND - Councilmember Emily Evans asked the Metro Planning Department to examine a plan amendment that would preserve the hillsides and other environmentally sensitive features in the area, to address excessive grading and cut and fill from development. The most prominent case of cut and fill is The Reserves - a multi-family residential PUD approved in late 1980 for 864 units, of which only 198 units have been built. Councilmember Evans and her constituents expressed concern that continued cut and fill could negatively impact the ridgeline that currently acts as a natural buffer between the single family residential land uses near Jocelyn Hollow Road and the multi-family and commercial uses on Old Hickory Blvd.

COMMUNITY PARTICIPATION - Staff held two community meetings to discuss the plan amendment, on Tuesday June 5, 2007, and Monday June 11, 2007. In total, 88 people attended the community meetings. The majority of participants were very supportive of the plan amendment to Natural Conservation Policy, with the understanding that it would still allow development in the area, but with additional development guidelines that encourage context sensitive design on hillsides and ridgelines.

The majority of the participants were also interested in pursuing regulatory protections in the future, with additional

community conversation, consensus, and Council support.

ANALYSIS EXISTING POLICY GUIDANCE - The requested amendment is in keeping with the following goals and objectives of the *Subarea 7 Plan: 1999 Update*:

Environmental:

1. *Protect environmentally sensitive areas.*

Land Use:

1. *Conserve existing residential densities,*
2. *Promote infill development that is compatible with existing residential development, and*
3. *Protect residential areas from the encroachment of non-residential land uses.*

Historic Preservation:

1. *Identify and preserve structures and areas of historical significance.*

The requested amendment is in keeping with the following goals and objectives of the *Bellevue Community Plan: 2003 Update*:

Community and Neighborhood Development:

1. *Protect hills from being cut away to help keep the lovely scenic views*

PROPOSED GOALS AND OBJECTIVES -The following are goals and objectives in the plan amendment. They are an extension of the goals established during the community plan updates in 1999 and 2003. The following establishes the framework for the special policies and development guidelines associated with the plan amendment.

Goal 1

Preserve major ridgelines and viewsheds for the protection of natural wildlife corridors, vegetation, and scenic views.

Objectives

- a. *Identify and define major ridgelines by an elevation threshold.*
- b. *Identify important view sheds in the study area.*

Goal 2

Minimize the physical and aesthetic impacts of excessive grading of hillsides and slopes by promoting residential design that blends with the surrounding natural environment.

Objectives

- a. *Identify an appropriate density that will allow development to occur without overwhelming the sensitive features of the land, but will also satisfy the existing development entitlements of the study area.*
- b. *Provide examples of single family residential design that is sensitive to the steep slopes and the major ridgeline.*
- c. *Provide examples of grading practices that follow the natural topography of the land.*
- d. *Provide examples of buffering using existing mature stands of trees.*

Upon establishing the goals of the plan amendment, staff completed research on the amendment area's environmentally sensitive features and drafted special policies for the following: steep slopes and hillsides, the prominent ridgeline, sensitive soils types, and view sheds. The special policies define the aforementioned features and provide design principles for each.

Comments from residents during community meetings revealed additional features that were deemed environmentally sensitive or historically significant and important to preserve including the Historic Belle Meade Plantation Wall, active water falls, and blue line streams. Special policies provide guidelines on how to address these features when they are encountered during development situations.

APPLYING NATURAL CONSERVATION POLICY -The Natural Conservation land use policy was applied to

all areas with slopes greater than 20 percent. These areas also contain the major ridgeline, and views that make up the identified view shed. Upon applying the Natural Conservation policy, it was noted that some properties may still contain land *without* 20 percent slopes where the current land use policies RL, RM, RMH, and CMC are present. These properties will have *two land use policies* applied to them – the Natural Conservation policy on areas of the property with slopes greater than 20 percent, and their existing land use policy on the remainder of the land. Where this condition occurs, the densities of the two policies (Natural Conservation and the other policy) are averaged proportionately to the acreage of the property to determine the developable density of the property. The development guidelines associated with the Natural Conservation policy would still apply.

One exception was made to this process for three parcels adjacent to Old Hickory Blvd. which are currently RLM policy. For these parcels, the community agreed to keep the density at two to four dwelling units per acre. This was deemed appropriate for these parcels given their location on Old Hickory, the surrounding development pattern, and the minimal environmental constraints facing these properties.

APPLYING SPECIAL POLICIES -Special policies are included within the Natural Conservation Policy to address density and form of development:

- Residential density: maintaining a low density along steep slopes and ridgelines to retain the existing development pattern of one dwelling unit per two acres in the area; and
- Building form, access and buffering: building structures and providing access in a manner that complements the natural landscape to lessen excessive grading and cut and fill practices, and encourage the buffering of structures to reduce the visual presence of buildings in identified view sheds.

The complete analysis, the *West Meade / Bellevue Plan Amendment Special Policy: Hillside Protection and Development Standards* report, including maps and graphics, is available from the Planning Department.

Ms. Adams presented and stated that staff is recommending approval of the Detailed Use Plan with Special Policy.

Councilmember Evans spoke in favor of the 1999 Update and the Bellevue Community Plan: 2003 Update. She spoke of the meetings held regarding this plan amendment and stated that the constituents were in favor of its approval. She mentioned the amendment would assist in the smart growth for this community.

Mr. Glen Turner, 6521 Rolling Fork Drive, spoke in favor of the plan amendment.

Mr. Gavin Johnson, 6600 Fox Hollow Road, spoke in favor of the plan amendment.

Mr. Greg Sapher, 6577 Jocelyn Hollow Road, spoke in favor of the plan amendment.

Ms. Millie Goodson, 6424 Bresslyn Court, spoke in favor of the plan amendment.

Mr. Michael Haralson, 6625 Joycelyn Hollow, spoke in favor of plan amendment.

Mr. Ron Denes, 505 Saxton Court, spoke in favor of the plan amendment.

Councilmember Crafton spoke in favor of approving the plan amendment. He stated the residents were in favor of its approval and noted its smart growth. He clarified that the plan does not dictate design requirements for this area.

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to approve the 1999 Update and the Bellevue Community Plan: 2003 Update. **(8-0)**

Resolution No. BL2007-247

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-07-07 is APPROVED DETAILED LAND USE PLAN WITH SPECIAL POLICY. (8-0)”

2. 2007CP-13-05

Amend the East Nashville Community Plan: 2006 Update from Residential Low-Medium Density and Neighborhood General to Neighborhood Center for approximately 1.48 acres located along both sides of Riverside Drive between McGavock Pike and Oakhurst Drive.

STAFF RECOMMENDATION: Approve amendment from Residential Low Medium Density to Neighborhood Center with Special Policies; retain Neighborhood General on Parcel 238.

APPLICANT REQUEST - Amend the *East Nashville Community Plan: 2006 Update* from Residential Low-Medium Density and Neighborhood General to Neighborhood Center for approximately 1.48 acres located along both sides of Riverside Drive between McGavock Pike and Oakhurst Drive.

CURRENT LAND USE POLICIES

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

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 to the intent of the policy.

PROPOSED LAND USE PROPOSED LAND USE 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 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.

COMMUNITY PARTICIPATION - A community meeting was held on July 12, 2007, at the Inglewood Branch Library. It was attended by nine people. Support was evident for the plan amendment and an associated Specific Plan for the area, discussed below. Attendees were interested in additional goods and services for the surrounding neighborhoods and pleased with the revitalization of the center that has taken place to date. Some people did have specific concerns about the possibility of future expansions of the Neighborhood Center. These were discussed at some length and it was agreed that it would be important to establish strong transition areas from the Neighborhood Center to adjacent residential and to limit future expansions of this and other Neighborhood Centers along Riverside Drive to avoid commercialization of Riverside Drive.

ANALYSIS -This plan amendment request is associated with a mixed use Specific Plan zone change proposal for the three properties on the east side of Riverside Drive. This zone change request will come before the Planning Commission on a future agenda. The properties on the west side of Riverside Drive are not being considered for rezoning at this time. The applicant initially requested that an amendment be considered for the five parcels that are adjacent to Riverside drive. Staff added the sixth parcel, on Maxey Drive, to the amendment area to analyze whether its inclusion in the Neighborhood Center was warranted, since this was not immediately evident from reviewing maps. Field review quickly revealed that the Maxey Drive parcel is strongly related to the residential neighborhood to the west and should remain part of that environment rather than be added to the Neighborhood Center.

Staff is recommending approval of the amendment to expand the Neighborhood Center at McGavock Drive and Riverside Drive because it is reasonable to expand this particular center given the large area it serves, its access via the intersection of two arterial streets, and the growing market pressure for goods and services in the surrounding neighborhoods. In addition, physical characteristics of the site and its relationship to its surroundings enable a solid transition area to be established to adjacent residential development. There are fewer Neighborhood Centers north of Trinity Lane than there are south of Trinity Lane, therefore larger Neighborhood Centers are warranted to the north, particularly when the Center is as accessible as this one. This is in keeping with the following Goal and Objectives of the East Nashville Community Plan:

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.*

Staff is in agreement, however, with the concern to limit future expansion of the Neighborhood Center, particularly along Riverside Drive. Riverside Drive is among the Nashville’s most notable and attractive residential arterials and should be preserved as such. Therefore, staff believes it is important to establish both a land use and a physical transition area within the proposed addition to the Neighborhood Center. Thus, the following Special Policy is included as part of this amendment:

Special Policy Area 24

This area is intended to serve as a transition from the more intense mixed uses along McGavock Pike to the residential uses further south along Riverside Drive, which is intended to retain its character as a residential boulevard with occasional compact Neighborhood Center nodes found at key intersections. To this end, uses within the Special Policy area should be more limited in scale and intensity than those to the north. To achieve this difference in scale and intensity, if rezoning of this area is requested, the provisions of the Mixed Use Neighborhood District as it exists as of the date of the establishment of this Special Policy should be used as a guide for developing zoning for the site rather than the more intense Mixed Use Limited District that has been used elsewhere in this Neighborhood Center. Moreover, uses on the southernmost parcels (parcels 237 and 296) need to be further limited to exclude any of the Restaurant uses as well as the Bar or Nightclub use to further ensure a transition to the residential to the south.

A solid, well-maintained landscape buffer also needs to be established on these two southernmost parcels to further define and strengthen the transition to the adjacent residential area.

The completion of Oakhurst Drive to Alley #1125 and the improvement of Alley #1125 must occur in association with rezoning and future mixed use redevelopment of the properties on the west side of Riverside Drive that are within this Special Policy area. At that time, solid landscape buffering should be established between the Neighborhood center development and adjacent residential. A pedestrian and bicycle connection should be constructed to Maxey Drive and Branch Street.

Approved amendment from Residential Low Medium Density to Neighborhood Center with Special Policies, retain Neighborhood General on Parcel 238, (8-0) ***Consent Agenda***

Resolution No. BL2007-248

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-13-05 is APPROVED AMENDMENT FROM RESIDENTIAL LOW MEDIUM DENSITY TO NEIGHBORHOOD CENTER WITH SPECIAL POLICIES; retain Neighborhood General on Parcel 238. (8-0)”

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

3. 2007Z-113T

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.

APPLICANT REQUEST - A request to amend the Metro Zoning Code, Section 17.40.410 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.

APPLICATION DETAILS - Section 17.40.410 of the Zoning Ordinance provides the powers and duties of the Metro Historic Zoning Commission (MHZC). Within this section is the list of elements within historic overlay districts that MHZC has the power to review. The list currently includes the appropriateness of architectural features for new construction and additions, and the appropriateness of exterior alterations and repairs, building relocation, and demolition. This text amendment proposes the addition of “[t]he appropriateness of the maximum size of buildings and structures on a lot and the buildable area within which a building can be located, including setbacks and height.”

Within the design guidelines for an established historic overlay district are the requirements for new construction, additions, and demolition. These design guidelines, when adopted by the MHZC, are found to be in accordance with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*. The design guidelines for an established district include sections on height and scale, which give the MHZC contextual guidance when reviewing new construction, additions, or demolitions for compliance with the proposed text amendment.

Metro Historic Zoning Commission Staff Recommendation - The Metro Historic Zoning Commission (MHZC) staff has reviewed the attached text amendment to section 17.40.410 of the Zoning Regulations of Davidson County. The MHZC staff approves the proposed text amendment, which addresses the review of setbacks and height of new construction in historic districts, as it follows the MHZC adopted design guidelines for new construction in historic overlay districts.

Staff Recommendation - Because the text amendment furthers the intent of the design guidelines for established historic overlay districts, staff recommends approval.

The text in the Zoning Ordinance, with the amendment in bold, will read as follows:

17.40.410 Powers and duties.

- A. Creation of Historic Overlay Districts. The historic zoning commission shall review applications calling for the designation of historic overlay districts according to the standards contained in Chapter 17.36, Article III, referring written recommendations to the metropolitan council. Establishment of an historic overlay district on the official zoning map shall be in accordance with Section 18.02 of the Metropolitan Charter and Article III of this chapter.
- B. Establishment of Design Review Guidelines. The historic zoning commission shall adopt design guidelines for each historic overlay district and apply those guidelines when considering preservation permit applications. Design guidelines relating to the construction, alteration, addition and repair to, and relocation and demolition of structures and other improvements shall be consistent with the National Historic Preservation Act of 1966, as amended. A public hearing following the applicable public notice requirements of Article XV of this chapter shall precede the adoption of all design review guidelines by the historic zoning commission. Testimony and evidence material to the type of historic overlay under consideration may be considered by the commission in its deliberations.
- C. Design and Demolition Review. The historic zoning commission shall make the following determinations with respect to historic overlay districts:
 - 1. The appropriateness of the exterior architectural design and features of, and appurtenances related to, any new structure or improvement;
 - 2. The appropriateness of the exterior architectural design and features of any addition to the existing structure;
 - 3. The appropriateness of exterior alterations and repairs to an existing structure;
 - 4. The appropriateness of relocating any building out of, into, or within the boundaries of an historic overlay district; and
 - 5. The appropriateness of the maximum size of buildings and structures on a lot and the buildable area within which a building can be located, including setbacks and height; and**
 - 6. The appropriateness of demolishing any structure or other improvement. As a condition of any permission to demolish a structure or other improvement, the historic zoning commission may require historical documentation in the manner of interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features, all at the expense of the commission;
 - 7. The historic zoning commission may take into consideration the historical or architectural significance of the

subject structure or improvement; and the impact of the proposed undertaking on the historic character and integrity of the district as a whole.

D. Right of Entry Upon Land. In performance of its duties, the commission and its staff may access the grounds of any land within its jurisdiction to make examinations and surveys or post public notices as required by this zoning code; however, this code does not empower right of entry into a building without the consent of the owner.

E. Use of Land. The use of property located within an historic overlay district shall be governed solely by the associated base zoning district or an approved PUD master development plan.

F. Compliance with T.C.A. § 7-51-1201 et seq. For the purposes of complying with T.C.A. § 7-51-1201 et seq., the Historic Zoning Commission shall make the determination of whether a structure for which a demolition permit has been applied for meets the criteria of T.C.A. § 7-51-1201. If the Historic Zoning Commission determines that the structure at issue meets the criteria of T.C.A. § 7-51-1201, it shall initiate legislation to allow the Metropolitan Council the opportunity to approve or disapprove the demolition in accordance with T.C.A. § 7-51-1201 et seq.

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

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to approve Text Amendment 2007Z-113T. (8-0)

Resolution No. BL2007-249

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-113T is **APPROVED. (8-0)**”

4. **2007S-110U-03**
Monticello Subdivision
Map 071.01, Parcels 077, 078
Subarea 3 (2003)
Council District 2 – Jamie Isabel

A request for concept plan approval to create 29 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: Approve with conditions.

APPLICANT REQUEST - Concept Plan

Request to subdivide approximately 6.92 acres into 29 single-family lots located on properties located at Monticello Drive (unnumbered), approximately 480 feet south of Trinity Hills Parkway.

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.

SUBDIVISION DETAILS -The concept plan proposes 29 single-family lots with an overall density of 4 dwelling units per acre. Lots range in size from 7,500 sq. ft. to 14,182 sq. ft. and meet the minimum required lot size for the RS7.5 district.

Access/Connectivity - The development will be accessed by a new public roadway off of Monticello Drive. A majority of the lots will be accessed from the front by new public roadways (lots 9-27) while some lots will be accessed from the rear by alleys (lots 1-8, lots 28 and 29). A temporary cul-de-sac is provided to the east and will provide for future connectivity if the vacant property to the east develops. The adjacent property to the north and west is within a Planned Unit Development (PUD) overlay that does not provide connectivity to this property so staff is not requiring a connection to the property within the PUD overlay. Sidewalks are proposed for all new streets and along the property boundary and Monticello Drive and will provide for adequate pedestrian access.

Open Space - Less than an acre of passive open space is proposed and includes a public utility and drainage easement and area for water quality. This is not a cluster lot subdivision so there is no minimum open space requirement.

Lot Frontage (Section 3-4.2.b) - Section 3-4.2.b of the Metro Subdivision Regulations stipulates that new lots have frontage on a public street, or where permitted, on a private street. All lots with the exception of lots 1 and 2 will front directly onto a public roadway. While lots 1 and 2 will not front directly onto a roadway they will indirectly front onto Monticello Drive and will be accessed by a rear alley. The original layout had lots backing towards Monticello, which was not appropriate since no other lots in the area backed towards Monticello Drive. The applicant worked with planning staff and modified the layout to include all homes whether directly or indirectly fronting onto Monticello Drive. Since the lots will have adequate access then staff recommends that a variance to Section 3-4.2.b of the Metro Subdivision Regulations be approved.

Staff Recommendation - Staff recommends that the concept plat be approved with conditions including a variance to Section 3-4.2.b of the Metro Subdivision Regulations.

STORMWATER RECOMMENDATION - Approve with conditions:

1. A Hydrologic Determination Certificate must be executed.

PUBLIC WORKS RECOMMENDATION

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Construct turnaround at terminus of dead-end alley, or provide for connectivity of alley.
3. Provide adequate intersection and stopping sight distance at the project access drive onto Monticello Drive, per AASHTO standards.

CONDITIONS

1. The requirements of the Metropolitan Fire Marshal's Office for adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

Approved with conditions, including a variance for lots 1, 2 and 28, also to permit Map 71.01 Parcel 143 to be added to final plat approval **(8-0) Consent Agenda**

Resolution No. BL2007-250

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-110U-03 is **APPROVED WITH CONDITIONS, including a variance to section 3-4.2.b of the Subdivision Regulations for lots 1, 2, and 28. (8-0)**

Conditions of Approval:

1. The requirements of the Metropolitan Fire Marshal's Office for adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

5. **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 142 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: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 142 lots on property located at Earhart Road (unnumbered), approximately 2,330 feet north of Hessey Road, zoned Single-Family Residential (RS15), (69.76 acres).

ZONING

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

PLAN DETAILS -The concept plan proposes 142 single-family lots. This application is proposing to use the cluster lot option, which allows lots to be reduced in size by two base zone districts. Since the zoning is RS15, 7,500 sq. ft. lots are allowed if the plan meets all requirements of the cluster lot option policy.

Site Access Access is proposed from the existing Earhart Road. Eight future connections are provided, six of which end in temporary turnarounds. Sidewalks are provided on all new streets.

Open Space - There is 16.36% usable open space proposed, which meets the 15% requirement for the cluster lot option. The Commission's cluster lot policy requires common open space to have "use and enjoyment" value to the residents including recreational value, scenic value, or passive use value. Residual land with no "use or enjoyment" value, including required buffers and stormwater facilities, has not been counted towards the open space requirements. The total amount of open space is 37.98%.

Landscape buffer yards (Standard "C"- 20 feet) are required and proposed along the perimeter of the property since the lots are under the base zoning and the adjacent zoning is RS15.

Staff Recommendation -As the concept plan meets the requirements of a cluster lot subdivision and connectivity has been provided, staff recommends approval 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.

Document sight distance at project entrance, and if adequate site distance is available per AASHTO for the posted speed limit.

Submit geotechnical report evaluating proposed roadway location, with the submittal of construction plan.

Earhart Court permanent cul-de-sac per ST-331.

NES RECOMMENDATION

- 1) Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
- 2) Metro to inform NES and Developer as to what type high voltage service is to be installed
- 3) Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)
- 4) 20-foot easement required adjacent to all public right of way
- 5) NES can meet with developer/engineer upon request to determine electrical service options
- 6) NES needs any drawings that will cover any road improvements to Earhart Rd that Metro PW might require
- 7) Developer should work with Metro PW on street lighting required future location(s) due to Metro's requirements

- 8) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- 9) Need bridge details to determine conduit route for NES, Comcast, ATT.

STORMWATER RECOMMENDATION - Approved

WATER SERVICES RECOMMENDATION -The Concept Plan submitted is acceptable to the Development Services Division. At this time, we have not yet received water and sewer plans.

FIRE MARSHAL RECOMMENDATION - No Comment

CONDITIONS

1. Submit a geotechnical report with the development plan.
2. Final plat must show a 20-foot easement adjacent to all public right of way.
3. Confirm calculations in Site Data and Data Table.
4. Right-of-way and pavement shall extend to property lines.
5. Final plat must meet all requirements in the Metro Zoning Ordinance.
6. Provide for Planning Department review and approval, all proposed transformer locations prior to final approval by NES.
7. The requirements of the Metropolitan Fire Marshal's Office for 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 120 feet diameter.
8. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

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

Mr. Phil Sutton, 3337 Earhart Road, expressed issues and concerns with the concept plan.

Councilmember Gotto explained there was a community meeting regarding this concept plan. He acknowledged that a geotechnical survey will be required for this proposed development in order to address any issues associated with sinkholes. He also mentioned that further study would be conducted on the issue of only one ingress/egress into the subdivision. Councilmember Gotto explained that the developer has agreed to place covenants on the development and requested its approval.

Mr. Roy Dale spoke in favor of the proposed plan.

Mr. Tom White, 36 Old Club Court, spoke in favor of the proposed plan.

Mr. Loring spoke in favor of the plan. He mentioned that the Councilmember would address any outstanding issues associated with the project prior to moving it forward.

Mr. Ponder requested clarification regarding the issue of only one ingress/egress. Mr. Ponder requested further clarification on the number of units included in the plan if sinkholes were in fact located on the property.

Ms. Logan explained these concepts to the Commission.

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously, to approve with conditions Concept Plan 2007S-144G-14. (8-0)

Resolution No. BL2007-251

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-144G-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Submit a geotechnical report with the development plan.
2. Final plat must show a 20-foot easement adjacent to all public right of way.
3. Confirm calculations in Site Data and Data Table.
4. Right-of-way and pavement shall extend to property lines.
5. Final plat must meet all requirements in the Metro Zoning Ordinance.
6. Provide for Planning Department review and approval, all proposed transformer locations prior to final approval by NES.
7. The requirements of the Metropolitan Fire Marshal’s Office for 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 120 feet diameter.
8. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

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6. **94-83-G-06**
Williamsport Subdivision, Section II (Sidewalk Removal)
Map 128-03-B, Various Parcels
Subarea 6 (2003)
Council District 22 –Eric Crafton

A request to revise the preliminary plan and for final approval of a Planned Unit Development located on the east side of Sawyer Brown Road, (12.9 acres), to remove the approved sidewalk along one side of Briksberry Court and Huntwood Place, zoned R20, requested by Barry Construction Company, applicant, for various owners.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST -Revise Preliminary & Final PUD

A request to revise the preliminary plan and for final approval of a Planned Unit Development located on the east side of Sawyer Brown Road, (12.9 acres), to remove the approved sidewalk along one side of Briksberry Court, and Huntwood Place, zoned One and Two-Family Residential (R20).

PLAN DETAILS -The plan is consistent with the PUD plan approved in 1993, except that the sidewalks are removed from one side of Briksberry Court and Huntwood Court.

There are 24 lots on the two cul-de-sacs. The applicant was required to obtain the signatures of all of the property owners in order to submit this application. The mailboxes and driveways of the property owners would be affected by the installation of sidewalks. The only items that would be affected, however, are those located within the public right-of-way.

At the time of the PUD approval, sidewalks were required by the Subdivision Regulations on one side of the street. Additionally, since the sidewalks are shown on the PUD plan, they are a requirement of the approved PUD. Even though the sidewalks are shown on one side of each street in the approved PUD plans, they are not shown on the final plat. Failure to show the sidewalks on the final plat does not relieve the applicant from the requirement of obtaining variance from the Subdivision Regulations.

The applicant constructed the streets and sold the lots without constructing the required sidewalks. The applicant has not identified any hardship that would justify granting a variance and removing the sidewalk. The property does not have extreme topography and staff has determined that the sidewalk can be built with minimal destruction of landscaping. During discussions with Public Works, the applicant was offered the option of putting the sidewalk on either side of the street, not just the side on which it was shown in the approved plan.

If the Commission chooses to remove the requirement by revising the PUD *and* granting a variance to the subdivision regulations, staff recommends requiring a contribution equivalent to the cost of the required sidewalk as a condition for removal, and that the contribution be applied to sidewalk and related needs in the same pedestrian impact zone, as determined by Public Works.

Staff Recommendation -If this sidewalk is constructed it will lead to an existing sidewalk along Williamsport Court. Because this revision does not promote a walkable community and removes a requirement of the Subdivision Regulations *and* the approved PUD without justification, staff recommends disapproval. If the Commission chooses to approve the request, staff recommends a condition requiring a contribution equivalent to the cost of the required sidewalk as determined by Public Works.

PUBLIC WORKS RECOMMENDATION -Exception Taken

- Construct sidewalks, or make payment in-lieu of construction of sidewalks.

STORMWATER RECOMMENDATION -Approve if curb and gutter is in-place and operable.

CONDITIONS

1. A contribution equivalent to the cost of the required sidewalk as a condition for removal, and that the contribution would be applied to sidewalk and related needs in the same pedestrian impact zone, as determined by Public Works.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. 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.
4. 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.
5. 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.
6. Within 30 days, submit a revised plan with lot lines that match the recorded plat.

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

Ms. Mary Beth Hagan, 315 Deaderick Street, spoke in favor of approving the sidewalk variance as well as the

application. She submitted information to the Commission for the record.

Ms. Blair Leverone, 705 Briksberry Court, spoke in favor of the sidewalk variance.

Ms. Janice Klein, 824 Huntwood Place, spoke in favor of the sidewalk variance. She submitted information to the Commission for the record.

Ms. Randa Reed, 805 Huntwood Place, spoke in favor the sidewalk variance.

Councilmember Crafton further explained issues associated with placing sidewalks within this proposed development. He requested that the variance be granted.

Ms. Beehan mentioned she was in favor of sidewalks. She acknowledged the inconveniences mentioned by the constituents however, was not sure if removing them would be the correct balance. She stated that compensation should be required if the sidewalks were removed.

Mr. Tyler questioned whether the sidewalks were included in the original documents.

Ms. Logan explained this concept to the Commission.

Mr. Clifton acknowledged the concerns mentioned by the constituents. He further stated that sidewalks are for the betterment of a community. He stated that if the sidewalks were not constructed, the “in lieu” of fee should be required.

Mr. Ponder spoke strongly in favor of having the proposal include sidewalks.

Ms. Jones stated she agreed that the “in lieu” fee should be imposed. However she stated that the fee should be based on the original sidewalk requirements of the plan.

Mr. Loring expressed issues with the sidewalk requirement for this proposal. He mentioned the opposition expressed by the residents as well as the topography of the area. He also stated he was not in favor of the “in lieu” fee imposed for sidewalks.

Ms. Jones suggested an alternative option in which the Commission could recommend that the developer construct sidewalks in another area of the community where sidewalks would be more appropriate.

Mr. McLean requested clarification on the bond placed on this proposal.

Mr. Morrissey and Mr. Kleinfelter explained the bond procedures to the Commission.

Mr. Bernhardt briefly explained the various actions the Commission could consider for this proposal.

There was a brief conversation regarding the costs of constructing sidewalks when the plan was originally proposed as opposed to the costs of constructing sidewalks today with all the new requirements.

Ms. Jones suggested that the Commission recommend that the developer be held accountable for either the original amount of the bond for the “in lieu” fee or construct half the total lineal footage of sidewalk elsewhere in the community.

Mr. Clifton motioned that the Commission grant the sidewalk variance with the condition that the “in lieu” fee be paid which is equivalent to the posted bond of \$35,000 and this contribution be applied to a sidewalk needed for a pedestrian impact zone as determined by Public Works. This motion was seconded by Ms. Beehan.

Mr. Loring stated he did not agree with the motion due to the issue of requiring an “in lieu” fee.

Ms. Jones expressed issues with the motion and requested an amendment.

Mr. Clifton accepted the amendment as suggested by Ms. Jones.

The motion was for the Commission to grant the variance with the condition that the applicant provide a contribution amount equivalent to the bond, or construct 400 linear feet of sidewalk in the sidewalk impact area in accordance with Public Works standards. This motion was suggested by Ms. Jones.

There was additional discussion regarding the amended motion and whether it contained enough restrictions to allow its enforcement.

The amended motion was seconded by Mr. Clifton.

Ms. Jones amended the motion by stated that the Commission approve the sidewalk variance with the condition that a contribution be made, in the amount of the outstanding bond, to the sidewalk fund, or the applicant construct 400 linear feet of sidewalk in an alternative location identified by Public Works and revise the preliminary plan and final approval of the Planned Unit Development. **(6-2) No Votes – Ponder, Loring**

Resolution No. BL2007-252

“BE IT RESOLVED by The Metropolitan Planning Commission that 94-83-G-06 is APPROVED THE SIDEWALK VARIANCE WITH CONDITION THAT A CONTRIBUTION IS MADE, IN THE AMOUNT OF THE OUTSTANDING BOND, TO THE SIDEWALK FUND OR THE APPLICANT CONSTRUCT 400 LINEAR FEET OF SIDEWALK IN AN ALTERNATIVE LOCATION IDENTIFIED BY PUBLIC WORKS AND REVISE THE PRELIMINARY PLAN AND FINAL APPROVAL OF THE PLANNED UNIT DEVELOPMENT. (6-2)”

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS

7. **2006Z-058U-14**
Map 094-00, Part of Parcel 84
Subarea 14 (2004)
Council District 15 – J.B. Loring

A request to change from CS to MUL zoning property located at 1515 Lebanon Pike, southeast corner of Lebanon Pike and Spence Lane (1.5 acres), requested by Regent Land LLC, owner.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to change approximately 1.5 acres from Commercial Service (CS) zoning to Mixed Use Limited (MUL) zoning, property located at 1515 Lebanon Pike.

Existing Zoning

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

Proposed Zoning

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

DONELSON-OLD HICKORY-HERMITAGE COMMUNITY PLAN POLICY

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

Consistent with Policy? Yes. The proposed Mixed Use Limited zoning district is consistent with the area’s Commercial Arterial Existing policy.

Staff Recommendation -Since the requested MUL is consistent with the area’s CAE policy, staff recommends that

the request be approved.

RECENT REZONINGS - None

PUBLIC WORKS RECOMMENDATION - No Exception Taken

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.5	0.198	12,937	143	21	20

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)	1.5	0.057	3,724	NA	289	359

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	268	339

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market(852)	1.5	0.12*	7,841	NA	244	272

*Max based on typical sq. ft. for this type of use.

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)	1.5	0.12*	7,841	NA	609	756

*Max based on typical sq. ft. for this type of use.

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	365	484

METRO SCHOOL BOARD REPORT

Projected student generation* 3 Elementary 2 Middle 3 High

Schools Over/Under Capacity - Students would attend McGavock Elementary School, Two Rivers Middle School, and McGavock High School. McGavock Elementary and McGavock High School are over capacity. There is capacity within the cluster for additional elementary students and within an adjacent cluster for high school students. This information is based upon data from the school board last updated May 2007.

*Total number of units based on assumed 1,200 sq. ft. units.

Resolution No. BL2007-253

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-058U-14 is **APPROVED. (8-0)**

The proposed MUL district is consistent with the Donelson/Old Hickory/Hermitage Community Plan’s Commercial Arterial Existing policy, which is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.”

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

A request to change from R6 to SP zoning to permit 4 single-family homes on property located at 1329 7th Avenue North, southwest corner of 7th Avenue North and Taylor Street (.18 acres), requested by Ed Swinger, owner.

STAFF RECOMMENDATION: Disapprove as submitted; approve with three lots, including one single-family or one two-family dwelling on the corner lot.

Mr. Leeman presented and stated that staff is recommending disapproval as submitted, however, approval with three lots, including one single-family or one two-family dwelling on the corner lot.

Ms. Adrian Harris, 6640 Carothers Parkway, spoke in favor of the proposed development.

Mr. Ed Swinger, 701 Taylor Street, spoke in favor of the proposal.

Mr. Preston Carter, 1329 7th North Avenue, spoke in favor of the proposal.

Ms. Stacy Mosley, 1222 5th Avenue North, spoke in opposition to the proposed development.

Mr. Todd Stutts, 1400 8th Avenue North, spoke in opposition to the proposed development.

Mr. Tim Coffman, 1313 7th Avenue North, spoke in opposition to the proposed development.

Mr. Robert Benson, 1320 7th Avenue North, spoke in opposition to the proposed development.

Councilmember Wallace requested that the Commission approve this request with conditions that would be necessary for its approval. He then stated that if the developer met the conditions, he would move the proposal to third reading.

Ms. Beehan questioned whether there was adequate time to defer the proposal in order to work on any outstanding issues and still allow it to move through Council.

Mr. Bernhardt explained that this bill is scheduled for third hearing on August 7 which is prior to the Commission’s next meeting. He further explained the issues associated with the proposal in relation to the recommendations made by MDHA as well as in relation to the end of this council term. He also mentioned that staff had received a revised plan earlier in the day that had not been reviewed thoroughly by staff.

Ms. Nielson requested further clarification regarding the plan that was submitted earlier in the day.

Mr. Clifton offered that if the Commission were unable to change their recommendation to an approval, they could still defer the proposal. He explained that the deferral would carry a disapproved recommendation and that it would be up to the Councilmember to obtain the necessary number of votes for an approval or he could defer it to the second Council meeting in August. This would allow additional time for further review by the Councilmember,

developer, residents and staff.

Mr. Loring offered that the Commission recommend approval with conditions as requested by the Councilmember.

Mr. Bernhardt further explained the issues associated with the latest plan submitted by the applicant.

Ms. Jones offered that the plan was in need of additional review prior to the Commission's approval.

Mr. Clifton reiterated his suggestion to defer the proposal.

Mr. Loring expressed issues with deferring the proposal.

Ms. Beehan acknowledged the request to defer and briefly summarized the opportunities that would be made available to the developer in that he could meet with the community and prepare an appropriate SP plan.

Ms. Beehan moved and Mr. Ponder seconded the motion, to defer Zone Change 2006SP-075U-08 to August 9, 2007 to allow additional work on the proposal. **(8-0)**

Resolution No. BL2007-254

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-075U-08 is DEFERRED TO AUGUST 9, 2007, PLANNING COMMISSION MEETING. (8-0)”

9. 2007Z-071T

A request to amend Section 17.36.070 of the Metro Zoning Code to require developers clustering single-family and two-family lots within a planned unit development (PUD) district to construct recreational facilities on a portion of the designated common open space, requested by Councilmember Walter Hunt.

STAFF RECOMMENDATION: Disapprove as filed, approve with amendments.

APPLICANT REQUEST -A request to amend Section 17.36.070 of the Metro Zoning Code to require developers clustering single-family and two-family lots within a planned unit development (PUD) district to construct recreational facilities on a portion of the designated common open space.

ANALYSIS

Existing Law -Section 17.36.070 of the Zoning Code regulates cluster lot subdivisions within Planned Unit Development (PUD) districts while Section 17.12.090 regulates such subdivisions outside of a PUD. The provisions require 15% of the gross land area within each phase to be designated for common open space.

The designated 15% open space may not include landscape buffer yards, stormwater management devices, grassy or landscaped medians/islands, or planting strips per the Subdivision Regulations and Planning Department policy. There is no requirement for such open space areas to be improved with active or passive recreational uses.

Proposed Bill - The proposed bill would require a developer, who elects to use the PUD cluster lot provisions of the Zoning Code, to provide active recreational facilities at the rate of one facility per every 50 residential lots. The bill specifically identifies such facilities as tennis courts, basketball courts, playgrounds, baseball/softball diamonds, or volleyball courts and, for developments marketed as senior citizen housing, park benches, swings, gazebos, and similar types of alternative equipment.

History - A request to amend Section 17.12.090, for cluster lot subdivisions outside of PUDs, was heard by the Planning Commission on February 22, 2007. The request was approved with amendments and the bill was amended at Council. The current request, to amend Section 17.36.070, for cluster lot subdivisions within PUDs, has not yet been heard by the Planning Commission. Both bills will come before Metro Council for third reading in August.

In February, staff recommended the following amendments:

1. An amendment that states that the recreation facilities required under this bill shall be located within usable open space areas and prohibited from being located in natural areas with slope greater than 15%, floodplain, sinkholes, or areas that would impact cultural resources.
2. An amendment to add that the requirement for recreation facilities also applies to cluster-lot subdivisions within a PUD.

In addition, staff recommends that the Council consider:

3. Whether some flexibility in the type of recreational facilities might be appropriate for developments that may serve more diverse or limited age groups
4. Use of a sliding scale as to the number of facilities within larger developments.

This request, to amend Section 17.36.070, was created in response to the second amendment in the above list. The other three amendments were addressed in the bill for Section 17.12.090. The bill for the current request was amended to reflect the changes recommended by staff for the bill for Section 17.12.090.

Staff Recommendation - Staff recommends approval with amendments. The bills provide much needed facilities in residential cluster lot developments. Active recreational facilities are needed for children and adults to maintain a healthy lifestyle.

Both bills, however, should be amended to address two issues. Language has been provided to the sponsoring Councilmember for amendments to both bills. Staff recommends the following amendments:

1. Recreational facilities should be more broadly defined.
2. The scale determining the number of required recreational facilities should be 1 recreational facility per 100 units. Developments under 25 units should still be exempt.

The text in the Zoning Ordinance, with the amendments to the bill shown in bold, will read as follows:

Section 17.36.070

A. Clustering Single-Family and Two-Family Lots.

1. Residential lots within a PUD district may be clustered to a greater extent than allowed by the cluster lot provisions of Section 17.12.080 in return for extraordinary protection of environmentally sensitive areas in a natural state. With proper environmental protection, a PUD master development plan may recapture up to one hundred percent of the average density achievable by similarly zoned land with no environmental constraints. The actual achievable density for any given master development plan may be less depending upon the extent of environmentally sensitive areas to be protected and the minimum lot requirements established below.

2. Recreational facilities.

a. Any property owner or developer of a subdivision clustering single-family and two-family lots within a PUD district as provided in subsection A.1. of this section shall install and/or construct recreational facilities on a portion of the required undeveloped common open space. For purposes of this section, "**recreation facilities**" mean **active play facilities (including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts) and passive amenities (including but not limited to walking trails, picnic shelters or gazebos, shared docks, and similar passive recreation amenities). Proposed recreation facilities shall be defined on the Master Development Plan and shall be demonstrated appropriate to the intended demographics of the single-family and two-family portion of a PUD.**

- b. Recreational facilities required pursuant to this subsection shall be located within usable open space areas and shall not be constructed within the following areas:
 - a. Natural areas with slope greater than fifteen percent (15%);
 - b. Within the floodplain;
 - c. Within a sinkhole; or
 - d. Within areas that would impact cultural resources.

c. At a minimum, recreational facilities shall be constructed and/or installed in accordance with the following schedule:

1. Residential developments containing fewer than 25 units shall be exempt from the requirement to install recreation facilities.
2. **One recreational facility shall be installed for developments containing between 25 and 99 total residential units, plus an additional recreational facility for every 100 residential units in excess of the first 99 units.**

Section 17.12.090, Cluster Lot Option

G. Recreational facilities.

1. Any property owner or developer of a subdivision utilizing the cluster lot option shall install and/or construct recreational facilities on a portion of the common open space required pursuant to the provisions of this section. For purposes of this section, "recreation facilities" mean active play facilities (including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts) and passive amenities (including but not limited to walking trails, picnic shelters or gazebos, shared docks, and similar passive recreation amenities). Proposed recreation facilities shall be defined on the concept plan of a subdivision and shall be demonstrated appropriate to the intended demographics of the cluster lot option subdivision.

2. Recreational facilities required pursuant to this subsection shall be located within usable open space areas and shall not be constructed within the following areas:

- a. Natural areas with slope greater than fifteen percent (15%);
- b. Within the floodplain;
- c. Within a sinkhole; or
- d. Within areas that would impact cultural resources.

3. At a minimum, recreational facilities shall be constructed and/or installed in accordance with the following schedule:

- a. Residential developments containing fewer than 25 units shall be exempt from the requirement to install recreation facilities.
- b. **One recreational facility shall be installed for developments containing between 25 and 99 total residential units, plus an additional recreational facility for every 100 residential units in excess of the first 99 units.**

Resolution No. BL2007-255

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-071T is DISAPPROVED AS FILED, APPROVED WITH AMENDMENTS. (8-0)"

10. 2007Z-126U-11
Map 133-05, Parcel 052
Subarea 11 (1999)
Council District 16 - Anna Page

A request to change from OR20 to CS zoning property located at 429 Veritas Street, at the southeast corner of Veritas Street and Keystone Avenue (0.34 acres), requested by Dennis Ray Austin, owner.

STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED Zone Change 2007Z-126U-11 until August 9, 2007, at the request of the applicant. (8-0)

11. 2007Z-144U-13
Map 163-00, Parcel 095.03
Subarea 13 (2003)
Council District 33 – Robert Duvall

A request to change from AR2a to RM9 zoning property located at 1402 Rural Hill Road, approximately 930 feet north of Mt. View Road (4.15 acres), requested by Jay Nelson, applicant, for Elijah and Joy Nacionales Trustee, owners.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to change from Agricultural/Residential (AR2a) to Multi-Family Residential (RM9) zoning properties located at 1402 Rural Hill Road, approximately 930 feet north of Mt. View Road (4.15 acres).

Existing Zoning

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

Proposed Zoning

RM9 District -RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The proposed zoning would permit 37 multi-family units on this property.

ANTIOCH-PRIEST LAKE 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? Yes. The RM9 zoning district complies with the Antioch-Priest Lake Community Plan’s Residential Medium-High policy of 9 to 20 dwelling units per acres.

Staff Recommendation -Staff recommends approval because the request is consistent with policy. The RM9 zoning district would permit uses that are compatible with the existing residential development within the area.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	4.15	0.5	2	20	2	3

Maximum Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	4.15	9	37	276	24	27

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+35	256	22	24

METRO SCHOOLBOARD REPORT

Projected student generation 3 Elementary 2 Middle 2 High

Schools Over/Under Capacity -Students would attend J.E. Moss Elementary School, Apollo Middle School, and Antioch High School. J.E. Moss Elementary School and Antioch High School are identified as overcrowded by the Metro School Board.

There is capacity at Lakeview Elementary School within the Antioch school cluster. Antioch High School is also overcrowded; however, there is capacity at Glencliff High School within the adjacent Glencliff school cluster. This information is based upon data from the school board last updated April 2007.

Resolution No. BL2007-256

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-144U-13 is **APPROVED. (8-0)**

The proposed RM9 district is consistent with the Antioch/Priest Lake Community Plan's Residential Medium High policy, which is intended for residential developments with a density between 9 and 20 dwelling units per acre."

X. CONCEPT PLANS

12. **2007S-170G-14**
Hickory Falls
Map 076-00, Parcels 020, 048
Subarea 14 (2004)
Council District 12 – Jim Gotto

A request for concept plan approval to create 183 lots on properties located at Chandler Road (unnumbered), approximately 2,450 feet east of Tulip Grove Road (107.44 acres), requested by Eva Richardson, owner, Mid Tenn Surveying, LLC.

STAFF RECOMMENDATION: Disapprove or defer unless a recommendation of approval is received from Stormwater prior to the Planning Commission meeting and until a traffic impact study has been submitted by the applicant and reviewed and approved by Metro Public Works.

The Metropolitan Planning Commission DEFERRED Concept Plan 2007S-170G-14 indefinitely at the request of the applicant. (8-0)

13. **2007S-191U-03**
The Woods Of Monticello
Map 071-01, Parcels 075, 076, 088, 089
Subarea 3 (2003)
Council District 2 – Jamie Isabel

A request for concept plan approval to create 44 lots on properties located at 437 Monticello Street, Monticello Street (unnumbered), and W. Trinity Lane (unnumbered), on the south side of Monticello Drive (10.94 acres), requested by Metropolitan Development and Housing Authority, owners, Barge, Waggoner, Sumner and Cannon, surveyor.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 45 lots on properties located at 437 Monticello Street, Monticello Street (unnumbered), and W. Trinity Lane (unnumbered), on the south side of Monticello Drive (10.94 acres).

ZONING

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

PLAN DETAILS -The concept plan proposes 45 single-family lots ranging in size from 4,000 sq. ft. to 6,893 sq. ft. This application is proposing to use the cluster lot option, which allows lots to be reduced in size by two base zone districts. Since the zoning is RS7.5, 3,750 sq. ft. lots are appropriate if the plan meets all requirements of the cluster lot option policy.

Site Access - Access is proposed from Monticello Drive. The lots are arranged on three new roads, including a connection to the existing portion of Monticello Street and a stub street to the east to provide for a future connection. Sidewalks are proposed for all new streets and for the existing portions of Monticello Drive and Monticello Street.

Open Space - There is 33% usable open space proposed, which meets the 15% requirement for cluster lot option policy. The Commission's cluster lot policy requires common open space to have "use and enjoyment" value to the residents including recreational value, scenic value, or passive use value. Residual land with no "use or enjoyment"

value, including required buffers and stormwater facilities, has not been counted towards the open space requirements.

Landscape Buffer Yards - Section 17.12.090 of the Metro Zoning Ordinance states that perimeter lots in a cluster lot subdivision may only drop one zoning district with the installation of a standard B landscape buffer yard. This buffer is required and shown along the western property line.

Staff Recommendation - Staff recommends approval 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. Revise purpose note. There are 45 lots.
2. Add a note stating that access for Lot 20 will be from Monticello Street and that no access from Monticello Drive for Lots 17-20 will be permitted.
3. The stub street to the south must be named, which requires approval by Public Works.
4. Show sidewalks to property lines.
5. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

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

Resolution No. BL2007-257

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-191U-03 is **APPROVED WITH CONDITONS. (8-0)**

Conditions of Approval:

1. Revise purpose note. There are 45 lots.
5. Add a note stating that access for Lot 20 will be from Monticello Street and that no access from Monticello Drive for Lots 17-20 will be permitted.
6. The stub street to the south must be named, which requires approval by Public Works.
7. Show sidewalks to property lines.
5. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

XI. FINAL PLATS

- 14. 2007S-148U-11**
Complete Auto Sale Consolidation Plat
Map 133-06, Parcels 153.04, 234, 252, 253, 255, 262
Subarea 11 (1999)
Council District 16 –Anna Page

A request for final plat approval to consolidate 6 parcels into 1 lot for properties located at 314 and 318 Natchez Court, 3707 and 3715 N. Natchez Court, N. Natchez Court (unnumbered) and Nolensville Pike (unnumbered), at the northwest corner of Natchez Court and N. Natchez Court (2.45 acres), zoned CS, requested by JMM, LLC and Mark and Mehran Janbakhsh, owners, Michael Williams.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - A request for final plat approval to consolidate six parcels into one lot for properties located at 314 and 318 Natchez Court, 3707 and 3715 N. Natchez Court, N. Natchez Court (unnumbered) and Nolensville Pike (unnumbered), at the northwest corner of Natchez Court and N. Natchez Court (2.45 acres), zoned Commercial Service (CS).

ZONING

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

PLAN DETAILS -This subdivision proposes to consolidate six parcels into one lot. While this type of request can normally be done administratively, in this case, parcel 262 is a reserve parcel. Because the recorded plat does not state the reason for reservation, the reserve status must be removed by the Commission. This parcel is located in South Nashville, east of Nolensville Pike. Staff is not aware of any reason for the reserve status to remain on this parcel.

Staff Recommendation -Staff recommends removing the reserve status on parcel 262 and consolidating the six parcels into one lot.

PUBLIC WORKS RECOMMENDATION - No Exception Taken

STORMWATER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION - Approved

CONDITIONS

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

1. Add new parcel number- Map 133-6 Parcel 153.04
2. Add owner name under signature line in owner certificate.
3. Screen back old lot and parcel numbers.
4. Correct subdivision number is 2007S-148U-11
5. Label buffer along northern property line as “Standard C buffer See Note 13”

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

Resolution No. BL2007-258

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-148U-11 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Add new parcel number- Map 133-6 Parcel 153.04
2. Add owner name under signature line in owner certificate.
3. Screen back old lot and parcel numbers.
4. Correct subdivision number is 2007S-148U-11
5. Label buffer along northern property line as “Standard C buffer See Note 13”

-
- 15. 2007S-176G-12**
Greenwood Subdivision, Resubdivision Lots 18 And 19
Map 162-13A, Parcels 018CO, 019CO
Subarea 12 (2004)
Council District 31 – Parker Toler

A request for final plat approval to close Green Trails Drive right-of-way and create common area for properties located at 2320 and 2328 Green Trails Court, on the north side of Green Trails Court (0.34 acres), zoned R10 and located within a Planned Unit Development, requested by various owners, Delle Land Surveying.

STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED Final Plat 2007S-176G-12 to the August 23, 2007, Planning Commission meeting. (8-0)

- 16. 2007S-177G-12**
Winfield Park, Phase 2, Section 2, Revision 1
Map 172-14B, Parcels 094-108, 110-121, 126-128, 132-133
Subarea 12 (2004)
Council District 31 – Parker Toler

A request for final plat approval to relocate a sidewalk shown on a previously recorded plat from the east to west side of Wexford Downs Lane for various properties north of Winfield Drive, zoned RS10, requested by various owners, Duclos Survey & Design, Inc., surveyor.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request for final plat approval to relocate a sidewalk shown on a previously recorded plat from the east to west side of Wexford Downs Lane for various properties north of Winfield Drive, zoned Single-Family Residential (RS10).

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.

PLAN DETAILS - This final plat proposes to relocate a sidewalk previously shown on the east side of Wexford Downs Lane to the west side. The sidewalk was erroneously constructed on the west side. Staff has determined that a sidewalk constructed on either side of Wexford Downs Lane would comply with the intent of the preliminary plat. All of the property owners have signed the plat.

Staff Recommendation-Because the sidewalk, as constructed, complies with the intent of the preliminary plat, staff recommends approval of the final plat.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION -Approved

Resolution No. BL2007-259

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-177G-12 is **APPROVED. (8-0)**”

- 17. **2007S-178G-10**
 Franey's Subdivision
 Map 159-00, Parcel 059
 Subarea 10 (2005)
 Council District 34 - Lynn Williams

A request for final plat approval to create 2 lots on property located at 1126 Oman Drive, approximately 925 feet east of Granny White Pike (3.57 acres), zoned RS40, requested by Eleanor Franey, owner, Mark Donlon, surveyor.

STAFF RECOMMENDATION: Approve with conditions, including an exception to lot comparability and a variance to Section 3-4.2.1 of the Subdivision Regulations.

APPLICANT REQUEST -Final Plat

A request to subdivide approximately 3.5 acres into 2 lots on property located at 1126 Oman Drive, approximately 925 feet east of Granny White Pike and for a variance from Section 3-4.2.a of the Subdivision Regulations that requires lot lines to be at right angles to street lines.

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.

PLAN DETAILS - This subdivision proposes to subdivide one parcel into two lots. As proposed both lots will be accessed from individual private drive ways off of Oman Drive. Lot 1 will be approximately 88,032 square feet (2.02 acres), and Lot 2 will be approximately 58,016 square feet (1.33 acres).

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

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Oman Drive	68,824	180.0

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

- Lot 1: 88,032 sq. ft., (2.02 acres), with 178 linear ft. of frontage.
- Lot 2: 58,016 sq. ft., (1.33 acres), with 178 linear ft. of frontage.

Both lots fail for frontage and Lot 2 fails for area.

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

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

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Low Density land use policy. RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

As proposed the density will be approximately 1.7 units per acre and is within the 1 to 2 dwelling units per acre envisioned with the RL policy. A previous exception was granted to property on the northeast corner of Oman Drive and Granny White Pike which also met the RL policy. Because the request is consistent with the area's RL policy, staff recommends that an exception be granted.

Section 3-4.2.a -Section 3-4.2.a of the Subdivision Regulations requires that residential lot lines be at right angles to street lines (or radial to curving lines). As proposed the new lot line will not be perpendicular to Oman Drive. The new lot line has been drawn this way to accommodate the existing home and to create new lots that are comparable to the surrounding area.

Staff Recommendation -While the proposed lots do not meet comparability, neither new lot is significantly out of character with surrounding lots. Staff is recommending that an exception be granted to the lot comparability requirements for both lots. Since the new lot line will adequately accommodate the existing residents while maintaining the area's overall development pattern, staff recommends that a variance be granted to Section 3-4.2.a.

Staff recommends that the request be approved with conditions including an exception to lot comparability and a variance to the Subdivision Regulations.

PUBLIC WORKS RECOMMENDATION -Approved

STORMWATER RECOMMENDATION -Approved

WATER SERVICES RECOMMENDATION -Approved

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

1. The paved drive shall be labeled "existing drive – to be removed".
2. New access points for each lot shall be identified and labeled on the plat.
3. Applicant shall provide information verifying the recording number for restrictive covenants.

Approved with conditions, including an exception to lot comparability and a variance to Section 3-4.2.1 of the Subdivision Regulations, **(8-0) Consent Agenda**

Resolution No. BL2007-260

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-178G-10 is **APPROVED WITH CONDITIONS, including an exception to lot comparability and a variance to Section 3-4.2.1 of the Subdivision Regulations. (8-0)**

Conditions of Approval:

1. The paved drive shall be labeled "existing drive – to be removed".
2. New access points for each lot shall be identified and labeled on the plat.
3. Applicant shall provide information verifying the recording number for restrictive covenants."

-
- 18. 2007S-179U-07**
Pilot Corporation Consolidation Plat
Map 080-00, Parcels 044, 050
Subarea 7 (2000)
Council District 20 – Billy Walls

A request for final plat approval to consolidate 2 lots into 1 lot for property located at 6420 Centennial Boulevard and Centennial Boulevard (unnumbered), at the northeast corner of Centennial Boulevard and Briley Parkway (6.32 acres), zoned IR, requested by JRBR Holdings, LLC, owners, Randall White Land Surveyors.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - Final Plat

A request to consolidate 2 lots into 1 for property located at 6420 Centennial Boulevard (unnumbered), at the northeast corner of Centennial Boulevard and Briley Parkway (6.32), zoned Industrial Restrictive (IR).

Existing Zoning

IR District - IR is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

PLAN DETAILS - The existing fenced industrial site is 6.32 acres. There is currently an industrial building on one of the existing lots and truck trailer storage on the second lot. The second lot is identified on the plat as “Reserve Parcel A.”

Reserve Parcel - While the consolidation of two lots into one lot is usually handled administratively, Section 2-9.1.b of the Subdivision Regulations requires that, except under certain conditions, the removal of a reserve parcel status be approved by the Planning Commission.

b. Reserve parcels may be converted to building sites by submittal of a plat drawing as described in Section 2-5. Removal of the reserve status shall require Planning Commission approval except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel.

The note on the plat creating Reserve Parcel A stated that it was “not to be used as an individual building site unless approved by the Metropolitan Planning Commission.” This plat was originally approved on April 15, 1974. Staff investigated the note, including a review of the Planning Commission action approving the plat, but was unable to determine the original purpose for the reserve parcel.

Due to the proximity of the site to a Briley Parkway interchange, it is possible that the reserve status was placed to accommodate future on/off ramp expansions. The ramps are in place to the west of this property and the eastern portion of the property, where the reserve parcel was placed would not be needed for this purpose.

Staff Recommendation- Staff recommends approval.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATIONS - Approved

Approved, (8-0) *Consent Agenda*

Resolution No. BL2007-261

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-179U-07 is **APPROVED. (8-0)**”

-
- 19. 2007S-187U-13**
Smith Springs Subdivision
Map 135-00, Parcel 221
Subarea 13 (2003)
Council District 29 - Vivian Wilhoite

A request for final plat approval to create 2 lots on property located at 2331 Smith Springs Road, approximately 920 feet west of Ned Shelton Road (4.94 acres), zonedRS10, requested by Gonzalo Amaya, owner, E. Roberts Alley & Associates, surveyor.

STAFF RECOMMENDATION: Approval with conditions, including a lot comparability exception and variance to section 3-4.2.f of the Metro Subdivision Regulations.

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 2 lots on property located at 2331 Smith Springs Road, approximately 920 feet west of Ned Shelton Road (4.94 acres), zoned One and Two-Family Residential (R10).

ZONING

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

PLAN DETAILS - This subdivision proposes to create two single-family lots.

Existing Conditions - The site proposed for the two lot creation contains two single family houses with driveway access. A barn is located on the back of lot 1 with driveway access as well.

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

Lot comparability analysis was performed and yielded the following information:

Lot Comparability				
	Area		Frontage	
	Required	Proposed	Required	Proposed
Lot 1	48,803	187,052	113	90
Lot 2	48,803	47,264	113	165

Lot 1 does not meet the minimum requirements under the lot comparability analysis for frontage and lot 2 does not meet the minimum requirements for area.

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

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

- The proposed lots are consistent with the adopted land use policy that applies to the property.

The lots are located in the Neighborhood General land use policy. NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located.

Section 3-4.2.f - Lot 1 has a frontage of 165 feet and a depth of 872 square feet. The frontage of lot 1 is only 19% of the average lot depth. Section 3-4.2.f of the Subdivision Regulations requires that lot frontage be not less than 25% of the average lot depth, also known as the 4:1 rule.

Variance to Section 3-4.2.f - Section 1-11.1 of the Subdivision Regulations allows the Planning Commission to grant variances to the regulations if it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations. In this case, due to the fact that there are two existing single family homes located on the northern edge of the property fronting onto Smith Springs Road and the configuration of the lot, there is no practical way to subdivide the lots and avoid at least one lot having a frontage less than 25% of the lot depth. In addition, the request to subdivide will result in lots consistent with the zoning code. Staff recommends that the Planning Commission grant this variance.

Staff Recommendation - Staff recommends approval with conditions, including a lot comparability exception and variance to section 3-4.2.f of the Metro Subdivision Regulations.

PUBLIC WORKS RECOMMENDATIONS

- Show and dimension right of way along Smith Springs Road. Label and dedicate 5' of right of way (30 feet from centerline). Label and show 12' reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 - 84' ROW).

WATER SERVICES RECOMMENDATION

- Please add 8" sanitary sewer line and 18" sanitary sewer force main as shown on the plat

CONDITIONS

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

1. Show and dimension right of way along Smith Springs Road. Label and dedicate 5' of right of way (30 feet from centerline). Label and show 12' reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 – 84' ROW).
2. Please add 8" sanitary sewer line and 18" sanitary sewer force main as shown on the plat.

Approved with conditions, including a lot comparability exception and variance to section 3-4.2.f of the Metro Subdivision Regulations, **(8-0) Consent Agenda**

Resolution No. BL2007-262

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-187U-13 is **APPROVE WITH CONDITIONS, including a lot comparability exception and variance to section 3-4.2.f of the Metro Subdivision Regulations. (8-0)**

Conditions of Approval:

1. Show and dimension right of way along Smith Springs Road. Label and dedicate 5' of right of way (30 feet from centerline). Label and show 12' reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 – 84' ROW).
2. Please add 8" sanitary sewer line and 18" sanitary sewer force main as shown on the plat.”

XII. REVISIONS AND FINAL DEVELOPMENT PLANS

- 20. 94-71-G-06**
 Bellevue Mall Sign Variance
 Map 128, Parcel 170
 Subarea 6 (2003)
 Council District 22 - Eric Crafton

A request for a variance to Sections 17.32.070 and 17.32.130 of the Zoning Code for property within a Commercial Planned Unit Development district located along the south side of Interstate 40, north of Highway 70S, classified MUL district, (.05 acres), to allow an 70' foot tall, 1,250 square foot sign, requested by Scotty Anderson of Joslin Signs, for Bellevue Parcel II, LLC, owner.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST -A request for a variance to Sections 17.32.070 and 17.32.130 of the Zoning Code for property (.05 acres) within a Commercial Planned Unit Development district located along the south side of Interstate 40, north of Highway 70S, classified Mixed Use Limited (MUL) to allow an 70' foot tall, 1,250 square foot sign.

PLAN DETAILS

History -The Bellevue Center PUD consists of 102.60 acres. The PUD was amended in 2005 to permit a 212,305 square foot retail use on approximately 11.95 acres. At that time, a condition was established to allow only a monument sign not to exceed 7 feet in height and 14 feet in width at this location. Presently, signage for this PUD is located along Highway 70 South. Most recently, a request to rezone the property to Single Family Residential (RS40) and to cancel the PUD overlay was disapproved by the Planning Commission on April 12, 2007. The site is currently vacant.

Proposed Plan - No proposed plan was submitted with this request.

Sign Details - A sign for Bellevue Landing is proposed on parcel 170 of tax map 128. The sign has an overall height of 70 feet and a total area of 1,250 square feet. The Zoning Ordinance allows a maximum sign height of 50 feet, a maximum sign area of 480 square feet, and requires a 25-foot side yard setback for a highway oriented sign. There is already a large sign for this PUD along Highway 70S.

Variance to the Sign Requirements -This request does not comply with the minimum requirements for a variance outlined in the Metro Zoning Ordinance Section 17.40.370.A and B. These Sections deal with the physical characteristics of the property and unique characteristics of the property.

Physical Characteristics of the Property. There are no exceptional or extraordinary physical characteristics of the property that would result in undue hardship to the property owner by strict application of the sign requirements.

Unique Characteristics. The applicant has provided no information as to any unique characteristics of the subject property that are not prevalent to other properties in the general area, as well.

Since this is within a PUD, the Planning Commission is required to make a recommendation to The Board of Zoning Appeals (BZA) to approve or disapprove the variance request. The BZA will make the final determination regarding the variance request.

Staff Recommendation - Staff recommends disapproval of the variance. The applicant has not provided proof of any hardship to warrant a variance in height and area. The proposed sign at 70 feet in height and 1,250 square feet in area exceeds the maximum allowable height and area for a sign. The proposed sign dimensions resemble that of a large interstate billboard and, if allowed to front Interstate 40, would appear as a billboard, which is an undesirable use within Planned Unit Developments. This request should not be considered independent of an overall re-development plan for the mall. Instead, it should only be considered in context with new development plans for the mall, which would require a PUD revision or an amendment.

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

Mr. Bobby Joslin, 630 Murf Road, spoke in favor of the proposed sign variance.

Mr. Mike Mizell, 511 Union Street, spoke in favor of the proposed sign variance.

Mr. Ponder requested clarification on the location of the sign in relation to the submitted plan. He then requested additional information on the proposed sign in relation to the sign approved for the Opryland Hotel. He questioned whether a precedent was set with the Opryland Hotel sign.

Ms. Jones spoke in favor of approving the variance. She briefly explained the issues associated with the location of this parcel.

Ms. Nielson expressed issues with approving the variance and requested additional information regarding the vote pertaining to the sign approved for the Opryland Hotel.

Mr. Clifton spoke to the issue of setting a precedent if this variance was approved.

There was a brief discussion regarding the sign approved for the Opryland Hotel. It was determined that the hotel sign was a result of a text amendment which included a video component, which may have caused a recommendation to disapprove by the Commission. It was then determined that Councilmember Loring may have had the amendment approved despite the Commission's recommendation.

Mr. Bernhardt explained staff's recommendation in relation to the request being made by the applicant. He spoke of height issues and the location of the parcel.

Mr. Clifton offered the possibility of utilizing billboard signs to advertise the new tenant. He asked Mr. Mizell to speak to this suggestion.

Mr. Kleinfelter offered information regarding the approval of the sign now located at the Opryland Hotel.

Mr. Bernhardt explained the actions necessary of the Commission regarding this request.

Mr. Tyler requested clarification regarding the variance being requested.

Ms. Nedra Jones explained that the variance is for height and area.

Ms. Beehan expressed issues with the infringements of the sign, however, stated a compromise was needed to attract the business to the area.

Mr. Loring spoke in favor of approving the sign variance.

Mr. Clifton offered his interpretation for approving the sign variance in relation to the requirements outlined by Codes.

Ms. Nielson expressed issues with approving the sign variance.

Mr. Loring moved and Ms. Jones seconded the motion, to approve the request to revise Planned Unit Development 94-71-G-06 to allow the sign as submitted. **(6-2) No Votes – Nielson, Tyler**

Resolution No. BL2007-263

“BE IT RESOLVED by The Metropolitan Planning Commission that 94-71-G-06 is **APPROVED THE VARIANCE AND REVISED THE PLANNED UNIT DEVELOPMENT TO ALLOW THE SIGN AS REQUESTED. (6-2)”**

- 21. 101-82-U-13**
Hanover Ridge PUD, Phase 1
Map 163-00, Parcel 297
Subarea 13 (2003 0
Council District 33 – Robert Duvall

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at Mt. View Parkway (unnumbered), at the northwest corner of Mt. View Road and Baby Ruth Lane (12.06 acres), to Permit the development of 72 multi-family units on a portion of a site where 156 multi-family units are approved, zoned R8 and located within a Planned Unit Development, requested by Land Development Solutions, applicant, for Hanover Ridge, LLC.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD& Approve Final PUD

A request to revise the preliminary and for final approval for a portion of a Planned Unit Development located at Mt. View Parkway (unnumbered), at the northwest corner of Mt. View Road and Baby Ruth Lane, zoned R8 (12.06 acres), to permit the development of 72 multi-family units on a portion of a site where 156 multi-family units are approved.

PLAN DETAILS

Site Plan - The plan identifies 4 multi-family building foot prints and a building foot print for a club house. A total of 72 units are proposed with this phase. Buildings 1 – 3 will contain 20 units each and Building 4 will contain 12 units.

Access - Access is proposed from Baby Ruth Lane. The development does not have frontage along Baby Ruth Lane and access is proposed through an access easement. The easement has been previously recorded and allows for this development to cross the adjacent property for access to Baby Ruth Lane. While the property has frontage along Mt. View Road the preliminary plan was not approved with any direct access onto Mt. View Road.

Parking - As proposed a total of 137 parking spaces are required. The plan identifies a total 137 parking spaces and is in compliance with Metro parking requirements.

Sidewalks - This plan was approved under the old zoning regulations and did not require sidewalks. A request for a revision to an approved plan must be in compliance with the current sidewalk requirements. As the property is located within the Urban Services District, sidewalks are required. A Sidewalk should be provided along the frontage area for this phase on Mt. View Road. Additional sidewalks along Mt. View Road will be required with the development of the next phase. Sidewalks are also shown within the development and should provide adequate movement for pedestrians. A sidewalk should be provided along the access drive to Baby Ruth Lane. A sidewalk connection to Mt. View Road should be provided with the next phase.

Greenway Easement - A stream crosses the property along the western property line, and the area's long range plan identifies a greenway along this stream. To meet the long range plan for the area, and to accommodate any future greenway, a greenway easement should be provided along this stream.

Preliminary Plan - This PUD was originally approved in 1982 and has been revised several times in the past. The last amendment that was approved by Council was approved for a total of 156 units in 1995. As proposed, the plan is consistent with the intent of the last approved preliminary plan and does not require approval from Council.

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

PUBLIC WORKS RECOMMENDATION

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Along Mt. View Road dimension right of way from centerline to property boundary. Label and dedicate right of way 30 feet from centerline, consistent with the approved major street plan (U2 - 60' ROW).
3. Align project access with access on opposite side of Baby Ruth Lane.
4. Traffic study is required and has been scoped for this development but has not been received.

STORMWATER RECOMMENDATION - Approve with the following conditions:

1. Provide a copy of NOC letter and place permit number on the plans.
2. Provide Stormwater Detention Maintenance agreement and fees.
3. Construction Entrance/Exit is required to be 100 feet in length.
4. Reference correct TCP # from Volume 4 of Stormwater Management Manual for erosion control details.
5. Provide drainage area map showing sub-area flowing to each stormwater structure. Provide area, Tc, C/CN, flow capacity and actual for each pipe/structure.
6. Control structure orifice size is listed as 3" on plans and 2.6 inches in model. The riser elevation is shown at elevation 558.00' in the model but shown as 560.00' on the detail. Please correct.
7. Pond shape ratio minimum must be 3:1 (inlet to outlet). Revise configuration or place baffle to prevent short circuiting of pond.
8. Provide detailed plans and calculations for Proprietary Water Quality Unit.
9. Provide information for next 2 downstream structures, including drainage basin size, size and material of structure, actual and capacity of flow.
10. Provide drainage area of creek and drainage area map of creek flowing adjacent to site. Size of d.a. may affect size and type of buffer required. If creek has d.a. of over 1 square mile, then additional analysis will be required.

NASHVILLE ELECTRIC SERVICE (NES) RECOMMENDATION- Prior to the issuance of any permits for this development a plan approved by NES must be submitted. If the approved NES plan is not consistent with the Commission approved plan then permits may not be issued, and the plan may require additional review by Metro Departments and reapproval from the Planning Commission.

CONDITIONS

1. Existing driveway to Mt. View Road to be removed.
2. A greenway easement shall be provided along the stream located along the western property line as identified in the area's long range plan and shall be labeled "Dedicated Conservation Greenway Public Access Trail Easement Area". The easement shall be shown on all appropriate sheets.
3. A sidewalk shall be shown and identified along Mt. View Road for this phase.

4. A sidewalk shall be provided along the access drive to Baby Ruth Lane. This sidewalk must adequately connect to the development's internal sidewalk system.
5. A sidewalk connection will be required to Mt. View Road with the next phase of this development.
6. Prior to the issuance of any permits for this development a NES approved plan shall be submitted. If the approved NES plan is not consistent with the Commission approved plan then permits may not be issued, and the plan may require additional review by Metro Departments and reapproval from the Planning Commission.
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. 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.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
11. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
12. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
13. 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. BL2007-264

“BE IT RESOLVED by The Metropolitan Planning Commission that 101-82-U-13 is **APPROVE WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Existing driveway to Mt. View Road to be removed.
2. A greenway easement shall be provided along the stream located along the western property line as identified in the area's long range plan and shall be labeled “Dedicated Conservation Greenway Public Access Trail Easement Area”. The easement shall be shown on all appropriate sheets.
3. A sidewalk shall be shown and identified along Mt. View Road for this phase.
4. A sidewalk shall be provided along the access drive to Baby Ruth Lane. This sidewalk must adequately connect to the development's internal sidewalk system.

5. A sidewalk connection will be required to Mt. View Road with the next phase of this development.
6. Prior to the issuance of any permits for this development a NES approved plan shall be submitted. If the approved NES plan is not consistent with the Commission approved plan then permits may not be issued, and the plan may require additional review by Metro Departments and reapproval from the Planning Commission.
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. 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.
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
11. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
12. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
13. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds."

- 22. 2005P-008G-06**
 Harpeth Village, Section II (Townhomes)
 Map 156-09A, Parcel 008CO
 Subarea 6 (2003)
 Council District 35 – Charlie Tygard

A request for final approval for a portion of a Planned Unit Development located at Temple Road (unnumbered), at the northeast corner of Old Harding Pike and Temple Road, classified RM6 and located within a Planned Unit Development (7.23 acres), to permit the development of 59 multi-family units, requested by Batson Engineering, applicant, for Biltmore Development, LLC, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Final PUD

A request for final approval for a portion of a Planned Unit Development located at Temple Road (unnumbered), at the northeast corner of Old Harding Pike and Temple Road, classified Multi-Family Residential (RM6) and located within a Planned Unit Development (7.23 acres), to permit the development of 59 multi-family units.

PLAN DETAILS - The Council-approved preliminary PUD plan included 74 townhouse units. On December 14, 2006, Metro Planning Commission approved a revision to the preliminary PUD reducing the number of townhomes to 59 units. The units will front on to Temple Road, and are consistent with the original plan. The PUD revision brings the units closer to Temple Road and creates a consistent street edge that better supports the commercial center. The proposed final plan is consistent with the revised preliminary plan, which was approved by the Metro Planning Commission on December 14, 2006.

Building Form - The final plan proposes 12 buildings each containing between four to six townhomes, with a total of 59 townhomes. The townhomes are two and three stories, with access from private drives.

Parking - The final plan proposes 118 garage parking spaces (2 per townhome) and 21 regular parking spaces totaling 139 parking spaces. The proposed parking does meet the Metropolitan Zoning Ordinance.

Access - There is one primary access point for Harpeth Village Townhomes located off of Temple Road.

Setback Variance on - The setback on Old Harding Pike shown on the Old Harding Pike Council Approved PUD plan did not comply with the required setback of 82 feet from the centerline of Old Harding Pike. The Council approved preliminary plan setback of 55 feet from the centerline. The applicant was granted a variance for the setback from the Board of Zoning Appeals on February 1, 2007. The reduced setback creates more of a “town center” character and a more pedestrian orientation along Temple Road.

Staff Recommendation - Staff recommends approval with conditions as the final proposed plan is consistent with the revised preliminary plan approved by the Metro Planning Commission on December 14, 2006.

FIRE MARSHAL RECOMMENDATION

1. Need building construction types
2. Fire Hydrant flow data will be needed

PUBLIC WORKS RECOMMENDATION

1. Provide four dumpster pad locations for solid waste collection and disposal, or as approved by the solid waste division.

CONDITIONS

1. Use and occupancy permits shall not be issued until completion of all intersection roadway and signal improvements at Highway 100 and Temple Road.
2. Developer shall modify the traffic signal at Highway 100 & Temple Road. A signal plan shall be provided to the Metro Traffic Engineer for approval.
3. Driveway shall provide a minimum of 2 exit lanes, to provide a separate left turn lane with 50 feet of storage, and 1 entering lane.
4. 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 150 feet diameter.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the Final Plan for filing and recording with the Davidson County Register of Deeds.

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

Resolution No. BL2007-265

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-008G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Use and occupancy permits shall not be issued until completion of all intersection roadway and signal improvements at Highway 100 and Temple Road.
2. Developer shall modify the traffic signal at Highway 100 & Temple Road. A signal plan shall be provided to the Metro Traffic Engineer for approval.
3. Driveway shall provide a minimum of 2 exit lanes, to provide a separate left turn lane with 50 feet of storage, and 1 entering lane.
4. 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 150 feet diameter.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the Final Plan for filing and recording with the Davidson County Register of Deeds.”

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- 23. 84-85-P-06**
Biltmore PUD (Road Alignment Revision)
Map 140-00, Parcels 010, 011, 012, 023, 024
Subarea 6 (2003)
Council District 35 – Charlie Tygard

A request to revise the preliminary to decrease the approved amount of square footage for office use from 236,500 square feet to 189,000 square feet and for final approval to revise the alignment and reconstruct McCrory Lane for a portion of a Planned Unit Development located at McCrory Lane (unnumbered), south of Interstate 40 (9.0 acres), zoned SCR and MUL, requested by Ragan-Smith & Associates, applicant, for Nashville Biltmore, L.P., owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary & Final PUD

A request to revise the preliminary to decrease the approved amount of square footage of office uses from 236,500 square feet to 189,000 square feet and for final approval to revise the alignment and reconstruct McCrory Lane for a portion of a Planned Unit Development located at McCrory Lane (unnumbered), south of Interstate 40 (9.0 acres), zoned Shopping Center Regional (SCR) and Mixed Use Limited (MUL).

PLAN DETAILS - The plan is consistent with the PUD plan approved by the Planning Commission on May 26, 2005, and by the Metro Council on July 19, 2005. This plan revises the preliminary plan to decrease the square footage of office uses from 236,500 sq. ft. to 189,000 sq. ft. and make minor layout changes for the commercial/retail portions impacted by the realignment of McCrory Lane.

Phases A, B, C, D, F, G, and K of the PUD are impacted by the realignment. Building placement has changed

slightly in these sections. Development in Section E has been eliminated due to the presence of floodplain. With the exception of Section E, the arrangement of uses is identical and the revised plan has the same number of access points to McCrory Lane. This revision is consistent with the Council approved PUD plan in terms of uses, access points, building form, and connectivity. The changes in building orientation and parking layout provide better accessibility and make the plan function better.

The request for final PUD applies only to the realignment of McCrory Lane. Final PUD approval for each individual building site will still be necessary. The realignment of McCrory Lane was a condition of the approved PUD plan.

Staff Recommendation -Staff recommends approval 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.

All previous conditions apply.

STORMWATER RECOMMENDATION -Approve with conditions

1. Provide a copy of NOC letter and place permit number on the plans.
2. Provide sinkhole and drainage well permit from TDEC. Label these areas on the plan sheets.
3. Provide ARAP and Section 404 permits for proposed stream crossings.
4. The HEC-22 reports and drainage calculations are missing for inlets 10-50 and the associated drainage areas and pipes.

CONDITIONS

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

These following conditions were required by the 2005 PUD amendment and are still required:

8. The PUD plans shall show a class "C" perimeter landscape buffer along the southern boundary of the PUD, within the proposed RS40 single family area. The PUD plans shall show the required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), or the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer "A"), and the SCR and the RM6 zoning (class "D" buffer).
9. Single family lots that abut the southern perimeter of the PUD must meet the size requirements of the Metro Zoning Ordinance regarding cluster lots.
10. All critical lots shall be noted on the plans as per the Metro Zoning Ordinance, including the critical lot note. All lots on between 20 and 25% slopes must be designated as critical lots, and lots greater than 25% must be platted as common open space. Though the PUD provisions allow the Planning Commission to authorize the creation of lots ranging up to 25% slope, some lots may be lost if the proposed lot configuration involves substantial grading on slopes of 25% or more.
11. The applicant shall attempt to minimize stream disturbances. The preliminary PUD plans may need to be revised prior to final PUD approval. The proposed lot layout may have to be reworked and lot number and/or lot sizes reduced.
12. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, where such devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.
13. On the private drives (cul-de-sacs) that serve townhomes, combined driveways shall be used to reduce the amount of curb cuts.
14. All cul-de-sacs that extend to the PUD district limits shall be labeled as "temporary turnarounds."
15. 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. The number of lots may be reduced from the preliminary (amended) PUD plans to comply with this requirement.
16. Fire hydrants should flow at least 1,500 GPMs at 40 psi. Water calculations shall be submitted to the Fire Marshal's Office for approval before the final PUD can be approved.
17. Prior to final PUD approval, the area outlined as open space immediately south of McCrory Lane and north of the western townhome units is being offered as a donation to the Metro Parks Department for use as a passive park. Should Metro accept this donation, the area will be deeded to Metro for that use. If not accepted, the area will remain open space for the PUD and its maintenance will be the responsibility of the owner's association.
18. Note that to comply with the above Stormwater requirements, it is required for the applicant to put the following notes on the PUD plans:
19. "Any intermittent stream or waters of the state, as identified by TDEC, shall have a 25 foot buffer from the top of the bank on each side of the stream bank."
20. "Buffer disturbance is ONLY permitted by Stormwater Management Committee variance # _____ and ARAP Permit # _____."
21. In order to determine specific laneage, queuing, signalized locations, and secondary driveway locations, focused TIS reports shall be submitted for the individual tracts prior to any transfer of land in phase 1 or phase 2.
22. All improvements within I-40 or Highway 100 right of way shall be reviewed and approved by the Tennessee Department of Transportation prior to construction. Loop ramp proposal may require an Interchange Modification Study approved by the Federal Highway Administration. Improvements on Highway 100 should be consistent with the APR prepared for the State by Neel-Schaffer.

PHASE 1 DEVELOPMENT CONDITIONS

23. Phase 1 development includes the following land uses:
114,000 square feet of office uses, 240,750 square feet of retail uses, 213 hotel rooms, 9250 square feet of restaurant uses, 192 apartments, 288 town homes, and 220 single family.

The total trips allowed for phase 1 are 827 a.m. peak hour and 1473 p.m. peak hour. Trips which exceed the above a.m. peak, or p.m. peak trips will trigger the roadway improvements for phase 2.

The following roadway improvements shall be required.

McCrory Lane from the I-40 eastbound ramps to the eastern PUD boundary

24. Developer shall re-align and construct McCrory Lane from the I-40 eastbound ramps to the eastern PUD boundary as a 4 lane arterial with a minimum of 100 ft of right of way with a 27 ft wide median and transition to existing McCrory Lane lanes at eastern edge of property. Along the eastern portion of McCrory lane, a section of required right of way is currently not under the control of the developer. The road widening in this location shall be bonded and the road constructed prior to phase 2 development. The construction of 110 residential town homes in section O shall be delayed until the road is widened in this vicinity.
25. The applicant shall continue to work with Public Works and Planning on the cross-section and appropriate Right-of-way for the main road that goes through the single-family area. The agreed-upon road standard will have to come back before the Planning Commission for final PUD approval.
26. McCrory lane shall be designed with a minimum 45 mph speed limit and shall be constructed to provide adequate sight distance.
27. Roadways containing a median shall be constructed with median cut spacing at least 600 ft. Left turn lanes shall be constructed at all median cuts. Signal locations and specific turn lane design shall be determined with a Focused TIS. Optimum signal spacing will be established at 1250 ft to 1500 ft.
28. Traffic signals shall be installed by the developer at intersections determined by the focused TIS for specific sites upon approval by the Metro Traffic Engineer and Traffic and Parking Commission.

McCrory Lane at I-40 Westbound Ramps

29. At McCrory Lane / I-40 Westbound Ramps intersection, Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50%, 75%, and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer, developer shall submit signal plans and install a signal at the westbound ramps and McCrory Lane.
30. Developer shall Widen McCrory Lane to a 3 lane cross section and install a northbound left turn lane with a minimum of 100 ft of storage on McCrory Lane at the I-40 westbound ramp by relocating guardrails.

McCrory Lane at I-40 Eastbound Ramps

31. Developer shall conduct traffic counts and submit signal warrant analysis at 25%, 50 %, 75% and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer and Traffic and Parking Commission, the developer shall submit signal plans and install a signal at the relocated eastbound ramps and McCrory Lane.
32. Developer shall relocate the I-40 east bound ramp to the proposed alignment of the relocated McCrory lane. The ramp intersection shall be located a minimum of 300 ft south of the I-40 overpass on McCrory Lane. The east bound off- Ramp shall be constructed with separate left and right turn lanes. The right turn lane shall be channelized and provide free -flow operation by continuing southbound on realigned McCrory Lane.
33. Developer shall widen McCrory Lane to a 3 lane cross-section under the overhead bridge structure between the existing I-40 ramp intersections by relocating guardrails. Southbound dual left turn lanes shall be constructed on McCrory lane at the Eastbound on-ramps with a minimum of 200 ft of storage before tapering to one left turn lane under the I-40 bridge.
34. The eastbound I-40 on-ramp shall be widened to 2 lanes to accommodate the southbound dual left turn lanes on McCrory Lane.
35. Developer shall construct 1 northbound through lane and a separate northbound right turn lane on McCrory Lane at the intersection with the eastbound on ramp.
36. McCrory Lane widening and I-40 ramp reconstruction shall occur in conjunction with the re-alignment and widening of McCrory lane to a 4 lane arterial.
37. All modifications to the I-40 ramps and McCrory Lane in this vicinity shall be approved by the Tennessee Department of Transportation.

McCrory Lane and Poplar Creek Road

38. As recommended in the TIS addendum dated 5/17/05,
At 75% and 100% completion of phase 1 development, Developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.
39. In coordination with signal installation, Developer shall construct a southbound left turn lane on McCrory

Lane with 75 feet of storage with transition per AASHTO Standards if adequate right-of-way is available. Adequate site distance shall be provided.

State Route 100 (HWY 100) at McCrory Lane

40. At Highway 100 / McCrory Lane intersection, Developer shall conduct traffic counts and submit signal warrant analysis at 50%, 75% and 100% completion of phase 1 development for signal approval, or as required by Metro Traffic Engineer. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission. Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. Improvements at Highway 100 shall be coordinated with and approved by the Tennessee Department of Transportation.

PHASE 2 DEVELOPMENT CONDITIONS:

41. At project completion, it is estimated that the total a.m. peak hour trips will be 1586; p.m. peak hour trips will be 2568. Roadway improvements for Phase 2 development will require right of way acquisition that is not controlled by the developer. Roadway Improvements to the I-40 interchange will need to be coordinated with and approved by the Tennessee Department of Transportation.
42. In accordance with the TIS and submitted TIS addendums, the following improvements as identified on a feasibility plan submitted on 5/13/05 shall be constructed for phase 2 development.

McCrory Lane at I-40 Westbound Ramp / Newsom Station Road

43. In order to accommodate westbound off-ramp traffic traveling south on McCrory Lane, a loop off ramp shall be constructed in the northwest corner of the interchange. This lane shall pass under the western span of the I-40 bridge before merging into 2 southbound lanes on McCrory Lane at the relocated intersection of McCrory Lane and I-40 eastbound ramps.
44. The existing westbound on-ramp shall be relocated to the new Newsom Station Road location. Developer shall modify the existing signal at this location to accommodate a 4th leg.
45. Intersection shall be re-designed to accommodate adequate truck turning movements and provide adequate sight distance.
46. Developer shall install a northbound left turn lane with 200 ft of storage on McCrory Lane at the recently relocated Newsom Station Road, in order to permit storage of vehicles entering I-40 westbound.
47. The existing I-40 westbound off-ramp shall be modified in order to permit right turn only at McCrory Lane. Developer shall construct an additional northbound through lane on McCrory Lane between this ramp and Newsom Station Road.
48. Developer shall construct an additional southbound through lane on McCrory Lane from Newsom Station Road to align with the 4 lane cross section of McCrory lane constructed in Phase 1.

Newsom Station Road

49. Developer shall construct an additional left turn lane to permit 1 through / right lane and dual left turn lanes with a minimum of 150 ft of storage on Newsom Station Rd at McCrory Lane.
50. Additional right of way shall be reserved for a commercial collector road along the commercial portion of the PUD. A focused TIS shall be submitted to determine roadway laneage requirements, traffic control, and driveway locations for Newsom Station Road along the frontage of this commercial portion of the Biltmore PUD.

McCrory Lane and Poplar Creek Road

51. If this intersection has not been signalized, prior to phase 2 development, developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.
52. In coordination with signal installation, Developer shall construct a southbound left turn lane on McCrory Lane with 75 feet of storage with transition per AASHTO standards if adequate right of way is available. Adequate site distance shall be provided. State Route 100 (HWY 100) at McCrory Lane. Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. As discussed in the TIS this intersection will operate with major delays at completion of the phase 2 development without roadway improvements. Therefore, prior to commencing phase 2 development, Phase 1 signalization improvements shall be installed and the following road widening is required.

- Developer shall construct an eastbound left turn lane on Highway 100 with 250 feet of storage and a westbound right turn lane on Highway 100 with 275 feet of storage and transitions per AASHTO Standards.
53. Developer shall construct an additional southbound lane with adequate storage length on McCrory Lane at the intersection with Highway 100. Southbound lanes shall be striped for separate left and right turn lanes.
 54. Approvals are subject to Public Works' review and approval of construction plans. Roadways to be designed in accordance with all applicable Public Works' details and specifications. Conditions and approvals are subject to Public Works' review and approval of construction plans.
 55. Streets to have sufficient radii to allow SU-30 vehicle to maneuver w/ cars parked on one side. Some short loop streets appear inadequate for SU-30 design vehicle movements.
 56. Show and identify existing contour intervals.
 57. No private street shall be constructed which will permit access or connection between two (2) public streets. Eliminate connection of public residential street to private multi-family street located at TVA lines.
 58. Provide a minimum of two outlets to McCrory Lane from single-family residential.
 59. The applicant shall continue to work with Public Works and Planning on the cross-section and appropriate Right-of-way for the main road that goes through the single-family area. The agreed-upon road standard will have to come back before the Planning Commission for final PUD approval.
 60. Label streets on overall plan by name or letter designation, and proposed street cross section, especially sheet 1A. Additional comments may be forthcoming after proposed street cross sections are identified.
 61. Retaining walls must be located outside the right of way at a distance to not impact the roadway if wall failure occurs.
 62. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
 63. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
 64. 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.
 65. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

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

Resolution No. BL2007-266

“BE IT RESOLVED by The Metropolitan Planning Commission that 84-85-P-06 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/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.

These following conditions were required by the 2005 PUD amendment and are still required:

8. The PUD plans shall show a class "C" perimeter landscape buffer along the southern boundary of the PUD, within the proposed RS40 single family area. The PUD plans shall show the required landscape buffers between the single family (RS40) and the Mixed Use (MUL) zoning (class "A" buffer), or the multifamily (RM2) and the Mixed Use (MUL) zoning (class "A" buffer "A"), and the SCR and the RM6 zoning (class "D" buffer).
9. Single family lots that abut the southern perimeter of the PUD must meet the size requirements of the Metro Zoning Ordinance regarding cluster lots.
10. All critical lots shall be noted on the plans as per the Metro Zoning Ordinance, including the critical lot note. All lots on between 20 and 25% slopes must be designated as critical lots, and lots greater than 25% must be platted as common open space. Though the PUD provisions allow the Planning Commission to authorize the creation of lots ranging up to 25% slope, some lots may be lost if the proposed lot configuration involves substantial grading on slopes of 25% or more.
11. The applicant shall attempt to minimize stream disturbances. The preliminary PUD plans may need to be revised prior to final PUD approval. The proposed lot layout may have to be reworked and lot number and/or lot sizes reduced.
12. At the final PUD stage, midblock traffic calming devices may be required for any cul-de-sac longer than 750 feet, where such devices shall be planned and coordinated with the Metro Planning Department and Public Works Departments.
13. On the private drives (cul-de-sacs) that serve townhomes, combined driveways shall be used to reduce the amount of curb cuts.
14. All cul-de-sacs that extend to the PUD district limits shall be labeled as "temporary turnarounds."
15. 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. The number of lots may be reduced from the preliminary (amended) PUD plans to comply with this requirement.
16. Fire hydrants should flow at least 1,500 GPMs at 40 psi. Water calculations shall be submitted to the Fire Marshal's Office for approval before the final PUD can be approved.
17. Prior to final PUD approval, the area outlined as open space immediately south of McCrory Lane and north of the western townhome units is being offered as a donation to the Metro Parks Department for use as a passive park. Should Metro accept this donation, the area will be deeded to Metro for that use. If not accepted, the area will remain open space for the PUD and its maintenance will be the responsibility of the owner's association.
18. Note that to comply with the above Stormwater requirements, it is required for the applicant to put the following notes on the PUD plans:
19. "Any intermittent stream or waters of the state, as identified by TDEC, shall have a 25 foot buffer from the top of the bank on each side of the stream bank."
20. "Buffer disturbance is ONLY permitted by Stormwater Management Committee variance # _____ and ARAP Permit # _____."
21. In order to determine specific laneage, queuing, signalized locations, and secondary driveway locations,

focused TIS reports shall be submitted for the individual tracts prior to any transfer of land in phase 1 or phase 2.

22. All improvements within I-40 or Highway 100 right of way shall be reviewed and approved by the Tennessee Department of Transportation prior to construction. Loop ramp proposal may require an Interchange Modification Study approved by the Federal Highway Administration. Improvements on Highway 100 should be consistent with the APR prepared for the State by Neel-Schaffer.

PHASE 1 DEVELOPMENT CONDITIONS

23. Phase 1 development includes the following land uses:
114,000 square feet of office uses, 240,750 square feet of retail uses, 213 hotel rooms, 9250 square feet of restaurant uses, 192 apartments, 288 town homes, and 220 single family.

The total trips allowed for phase 1 are 827 a.m. peak hour and 1473 p.m. peak hour. Trips which exceed the above a.m. peak, or p.m. peak trips will trigger the roadway improvements for phase 2.

The following roadway improvements shall be required.

McCrorry Lane from the I-40 eastbound ramps to the eastern PUD boundary

24. Developer shall re-align and construct McCrorry Lane from the I-40 eastbound ramps to the eastern PUD boundary as a 4 lane arterial with a minimum of 100 ft of right of way with a 27 ft wide median and transition to existing McCrorry Lane lanes at eastern edge of property. Along the eastern portion of McCrorry lane, a section of required right of way is currently not under the control of the developer. The road widening in this location shall be bonded and the road constructed prior to phase 2 development. The construction of 110 residential town homes in section O shall be delayed until the road is widened in this vicinity.
25. The applicant shall continue to work with Public Works and Planning on the cross-section and appropriate Right-of-way for the main road that goes through the single-family area. The agreed-upon road standard will have to come back before the Planning Commission for final PUD approval.
26. McCrorry lane shall be designed with a minimum 45 mph speed limit and shall be constructed to provide adequate sight distance.
27. Roadways containing a median shall be constructed with median cut spacing at least 600 ft. Left turn lanes shall be constructed at all median cuts. Signal locations and specific turn lane design shall be determined with a Focused TIS. Optimum signal spacing will be established at 1250 ft to 1500 ft.
28. Traffic signals shall be installed by the developer at intersections determined by the focused TIS for specific sites upon approval by the Metro Traffic Engineer and Traffic and Parking Commission.

McCrorry Lane at I-40 Westbound Ramps

29. At McCrorry Lane / I-40 Westbound Ramps intersection, Developer shall conduct traffic counts and submit signal warrant analysis after issuance of use and occupancy permits at 50%, 75%, and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer, developer shall submit signal plans and install a signal at the westbound ramps and McCrorry Lane.
30. Developer shall Widen McCrorry Lane to a 3 lane cross section and install a northbound left turn lane with a minimum of 100 ft of storage on McCrorry Lane at the I-40 westbound ramp by relocating guardrails.

McCrorry Lane at I-40 Eastbound Ramps

31. Developer shall conduct traffic counts and submit signal warrant analysis at 25%, 50 %, 75% and 100% completion of phase 1 development, or as required by the Metro Traffic Engineer. Upon signal approval by Metro Traffic engineer and Traffic and Parking Commission, the developer shall submit signal plans and install a signal at the relocated eastbound ramps and McCrorry Lane.
32. Developer shall relocate the I-40 east bound ramp to the proposed alignment of the relocated McCrorry lane. The ramp intersection shall be located a minimum of 300 ft south of the I-40 overpass on McCrorry Lane. The east bound off- Ramp shall be constructed with separate left and right turn lanes. The right turn lane shall be channelized and provide free -flow operation by continuing southbound on realigned McCrorry Lane.
33. Developer shall widen McCrorry Lane to a 3 lane cross-section under the overhead bridge structure between

the existing I-40 ramp intersections by relocating guardrails. Southbound dual left turn lanes shall be constructed on McCrory lane at the Eastbound on-ramps with a minimum of 200 ft of storage before tapering to one left turn lane under the I-40 bridge.

34. The eastbound I-40 on-ramp shall be widened to 2 lanes to accommodate the southbound dual left turn lanes on McCrory Lane.
35. Developer shall construct 1 northbound through lane and a separate northbound right turn lane on McCrory Lane at the intersection with the eastbound on ramp.
36. McCrory Lane widening and I-40 ramp reconstruction shall occur in conjunction with the re-alignment and widening of McCrory lane to a 4 lane arterial.
37. All modifications to the I-40 ramps and McCrory Lane in this vicinity shall be approved by the Tennessee Department of Transportation.

McCrory Lane and Poplar Creek Road

38. As recommended in the TIS addendum dated 5/17/05, At 75% and 100% completion of phase 1 development, Developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.
39. In coordination with signal installation, Developer shall construct a southbound left turn lane on McCrory Lane with 75 feet of storage with transition per AASHTO Standards if adequate right-of-way is available. Adequate site distance shall be provided.

State Route 100 (HWY 100) at McCrory Lane

40. At Highway 100 / McCrory Lane intersection, Developer shall conduct traffic counts and submit signal warrant analysis at 50%, 75% and 100% completion of phase 1 development for signal approval, or as required by Metro Traffic Engineer. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission. Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. Improvements at Highway 100 shall be coordinated with and approved by the Tennessee Department of Transportation.

PHASE 2 DEVELOPMENT CONDITIONS:

41. At project completion, it is estimated that the total a.m. peak hour trips will be 1586; p.m. peak hour trips will be 2568. Roadway improvements for Phase 2 development will require right of way acquisition that is not controlled by the developer. Roadway Improvements to the I-40 interchange will need to be coordinated with and approved by the Tennessee Department of Transportation.
42. In accordance with the TIS and submitted TIS addendums, the following improvements as identified on a feasibility plan submitted on 5/13/05 shall be constructed for phase 2 development.

McCrory Lane at I-40 Westbound Ramp / Newsom Station Road

43. In order to accommodate westbound off-ramp traffic traveling south on McCrory Lane, a loop off ramp shall be constructed in the northwest corner of the interchange. This lane shall pass under the western span of the I-40 bridge before merging into 2 southbound lanes on McCrory Lane at the relocated intersection of McCrory Lane and I-40 eastbound ramps.
44. The existing westbound on-ramp shall be relocated to the new Newsom Station Road location. Developer shall modify the existing signal at this location to accommodate a 4th leg.
45. Intersection shall be re-designed to accommodate adequate truck turning movements and provide adequate sight distance.
46. Developer shall install a northbound left turn lane with 200 ft of storage on McCrory Lane at the recently relocated Newsom Station Road, in order to permit storage of vehicles entering I-40 westbound.
47. The existing I-40 westbound off-ramp shall be modified in order to permit right turn only at McCrory Lane. Developer shall construct an additional northbound through lane on McCrory Lane between this ramp and Newsom Station Road.
48. Developer shall construct an additional southbound through lane on McCrory Lane from Newsom Station Road to align with the 4 lane cross section of McCrory lane constructed in Phase 1.

Newsom Station Road

49. Developer shall construct an additional left turn lane to permit 1 through / right lane and dual left turn lanes

with a minimum of 150 ft of storage on Newsom Station Rd at McCrory Lane.

50. Additional right of way shall be reserved for a commercial collector road along the commercial portion of the PUD. A focused TIS shall be submitted to determine roadway laneage requirements, traffic control, and driveway locations for Newsom Station Road along the frontage of this commercial portion of the Biltmore PUD.

McCrory Lane and Poplar Creek Road

51. If this intersection has not been signalized, prior to phase 2 development, developer shall conduct traffic counts at McCrory Lane and Poplar Creek Road intersection, and submit signal warrant analysis for signal approval. Developer shall submit signal plans and install signal when approved by Metro Traffic Engineer and Traffic and Parking Commission.
52. In coordination with signal installation, Developer shall construct a southbound left turn lane on McCrory Lane with 75 feet of storage with transition per AASHTO standards if adequate right of way is available. Adequate site distance shall be provided. State Route 100 (HWY 100) at McCrory Lane. Currently, the Tennessee Department of Transportation has plans to improve this intersection. However, improvements have not been funded. As discussed in the TIS this intersection will operate with major delays at completion of the phase 2 development without roadway improvements. Therefore, prior to commencing phase 2 development, Phase 1 signalization improvements shall be installed and the following road widening is required.
Developer shall construct an eastbound left turn lane on Highway 100 with 250 feet of storage and a westbound right turn lane on Highway 100 with 275 feet of storage and transitions per AASHTO Standards.
53. Developer shall construct an additional southbound lane with adequate storage length on McCrory Lane at the intersection with Highway 100. Southbound lanes shall be striped for separate left and right turn lanes.
54. Approvals are subject to Public Works' review and approval of construction plans. Roadways to be designed in accordance with all applicable Public Works' details and specifications. Conditions and approvals are subject to Public Works' review and approval of construction plans.
55. Streets to have sufficient radii to allow SU-30 vehicle to maneuver w/ cars parked on one side. Some short loop streets appear inadequate for SU-30 design vehicle movements.
56. Show and identify existing contour intervals.
57. No private street shall be constructed which will permit access or connection between two (2) public streets. Eliminate connection of public residential street to private multi-family street located at TVA lines.
58. Provide a minimum of two outlets to McCrory Lane from single-family residential.
59. The applicant shall continue to work with Public Works and Planning on the cross-section and appropriate Right-of-way for the main road that goes through the single-family area. The agreed-upon road standard will have to come back before the Planning Commission for final PUD approval.
60. Label streets on overall plan by name or letter designation, and proposed street cross section, especially sheet 1A. Additional comments may be forthcoming after proposed street cross sections are identified.
61. Retaining walls must be located outside the right of way at a distance to not impact the roadway if wall failure occurs.
62. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
63. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
64. 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.
65. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.”

Still Spring Hollow PUD, Sect. 3
Map 128-00, Parcels 160, 161
Subarea 6 (2003)
Council District 22 – Eric Crafton

A request to revise the preliminary for a portion of a Planned Unit Development located at Still Spring Hollow Drive (unnumbered), approximately 1,825 feet north of Hicks Road (20.74 acres), to permit the development of 27 single-family lots, zoned RS20 and located within a Planned Unit Development, requested by DeWaal & Associates, applicant, for Greater Middle Tennessee Partnership, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD

A request to revise the preliminary plan for a portion of a Planned Unit Development located at Still Spring Hollow Drive (unnumbered), approximately 1,825 feet north of Hicks Road, zoned Single-Family Residential (RS20) (20.74 acres), to permit the development of 27 single-family lots.

PLAN DETAILS

Site Plan -The plan identifies 27 new single-family residential lots. Twenty-three lots will be located along the extension of Still Springs Hollow Drive and four lots will be located at the northern terminus of Still Springs Hollow Court.

Preliminary Plan - This PUD was originally approved in 1989. In 1995, the Still Springs Ridge PUD was amended to absorb the Hicks Road PUD. At that time a plan was approved for 100 single-family lots and a 10,000 square foot private recreation facility. As proposed, the plan is consistent with the last approved preliminary plan. The only minor changes include narrower street widths which will reduce the total area to be graded.

Staff Recommendation -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. All changes required by Metro Public Works and Stormwater shall be required.
2. 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.
3. 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.
4. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
5. 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.
6. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

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

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

Resolution No. BL2007-267

“BE IT RESOLVED by The Metropolitan Planning Commission that 89P-003G-06 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. All changes required by Metro Public Works and Stormwater shall be required.
2. 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.
3. 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.
4. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
5. 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.
6. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
7. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
8. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the PUD plan for filing and recording with the Davidson County Register of Deeds.”

25. **2005UD-003G-12**
 Carothers Crossing, Phase 3
 Map 188-00, Part of Parcels 004, 005, 033, 036, 182, 183
 Subarea 12 (2004)
 Council District 31 – Parker Toler

A request for final site plan approval for a portion of the approved Urban Design Overlay district on Carothers Road, east of Battle Road, to permit the development of a maximum of 295 residential units and 17,000 square feet

of commercial uses, requested by Wood Ridge Investments, LLC.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Final UDO

A request for final site plan approval for a phase of the Urban Design Overlay district on Carothers Road, east of Battle Road, to permit the development of a maximum of 295 residential units and 17,000 sq. ft. of commercial uses.

PLAN DETAILS - The proposed plan is consistent with the overall design intent of the Carothers Crossing UDO. The plan provides a connected street system along the Neighborhood Edge and Neighborhood General portion of the plan, as outlined in the regulating plan. The plan provides for a maximum of 71 single-family attached units, 165 single-family detached units and 59 multi-family units. The plan also includes 17,000 sq. ft. of commercial uses with 64.8% open space in Phase 3 of the plan.

Staff Recommendation -Staff recommends approval since the plan is consistent with the proposed regulating plan for this phase and the approved UDO standards.

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.

Street System - It is difficult to determine the appropriate street cross-section in the multi-family (including town home and single family attached) areas that would be required to accommodate the expected on street parking without knowing the number of multifamily units, bedrooms, the onsite design, and on site parking provided. Should there be anticipated any more than casual intermittent parking on-street, or if any of the required parking is to utilize street spaces, eight foot wide parking aisles should be provided on both sides of the street if the ST 251 narrow cross section is used.

Solid Waste Collection - There is insufficient design data presented to evaluate the solid waste collection plan. Dumpsters will be required for the multi-family units if adequate room for carts is not provided. Cart service is not available at curbside where on street (or alley) parking is provided.

STORMWATER RECOMMENDATION -Approve with conditions:

1. Provide a copy of NOC letter.
2. Provide fees for the stormwater detention maintenance agreement.
3. Provide the Stormwater Appeals Variance for the proposed utility crossing (as indicated in the transmittal letter dated May 31, 2007).
4. Remove the silt fences and rip rap aprons out of the stream water quality buffers or provide variance from Stormwater Appeals.
5. Provide a drainage area map for the blue lined streams to determine width of stream buffer.
 1. D.A. < 100 acres = 30 feet from top of bank
 2. D.A. > 100 acres = 30 feet from top of bank + 20 feet managed buffer.
6. Label areas with slopes of 3:1 or greater and provide a detail showing what type of erosion control matting will be used.
7. Provide the effective FEMA map and panel number dated April 20, 2001 on the FEMA note on Sheet C3.1.
8. Provide a construction schedule if expected to last more than 12 months.
9. Provide a note on the erosion control plan requiring the 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 precon meeting.
10. Reduce the lengths of the 15" stormwater pipes to 50' segments or upsize to 18" RCP.
11. Upsize all cross drains to a minimum of 18" RCP.
12. According to the drainage area map provided, the runoff from the sales center, Phase 1, and Phase 2 will bypass Pond 3 via the existing stream. Provide a map showing how this runoff will be directed into the pond.
13. Provide a drainage map with supporting stormwater calculations showing that Section 1 of Phase 3 was included with the Phase 2 stormwater network.
14. Provide hydrologic soil group information supporting the CN used in the pre vs. post runoff calculations.
15. Show the 36" outlet pipe on the bioretention pond outlet detail with elevations listed.

16. The pond 3 outlet detail shows a 7' x 7' riser but the pond routing calculations show a 24' crest length. Please revise or explain usage.
17. Revise the emergency spillway elevation on the pond 3 detail to match the elevation shown in the routing calculations (650.00').
18. Provide a detail for the grass channel/swale used as pretreatment for the bioretention ponds.
19. PTP-03 states that bioretention areas can only treat drainage areas up to 5 acres. The two ponds shown in this design have drainage areas much greater than 5 acres. Please revise water quality treatment design accordingly.
20. Show the "natural conservation areas" used in the water quality treatment calculations on the grading plan. These areas must be dedicated as such and recorded.
21. Include the underground water quality unit detail on the design plan sheets.

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. 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.
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. 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 five (5) 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. BL2007-268

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-003G-12 is **APPROVED WITH CONDITIONS, including 25 single-family attached units, 94, single-family detached units, and 39 multi-family units. (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. 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.
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. 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 five (5) 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

XIII. MANDATORY REFERRALS

- 26. 2007M-078U-10**
Rental Inspection Districts
Council District 18 – Ginger Hausser - Pepper

An Ordinance Amending Title 16 Of The Metropolitan Code Of Laws To Add A New Chapter 16.33 Entitled Rental Inspections And Designating Areas Within Metropolitan Nashville And Davidson County As Rental Inspection Districts.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - An Ordinance Amending Title 16 Of The Metropolitan Code Of Laws To Add A New Chapter 16.33 Entitled Rental Inspections And Designating Areas Within Metropolitan Nashville And Davidson County As Rental Inspection Districts.

DESCRIPTION - This ordinance authorizes a rental inspection program in accordance with state law, and designates certain areas within Davidson County as rental inspection districts. The ordinance was drafted by the Metro Legal Department, and Metro Planning Department staff worked with the Legal Department to identify the areas identified as “rental inspection districts” pursuant to the provisions set out in the state law.

A copy of the proposed ordinance is included with the Commissioner’s Staff Report packets and can be viewed online at www.nashville.gov/mc/ordinances/bl2007_1550.html

ANALYSIS: In 2006, the Tennessee legislature passed an act allowing local governments to adopt local rental inspection programs. The state law authorizes local legislative bodies to adopt a residential rental dwelling inspection ordinance to address properties within designated areas that are deteriorated or in the process of deteriorating. The purpose of the ordinance is to prevent further deterioration of these properties and to protect the health, safety and welfare of the inhabitants.

The proposed ordinance authorizes the Metro Codes Department to inspect residential rental units within the rental inspection districts that are deteriorated or in the process of deteriorating. The ordinance defines “deteriorated” as any structure that (1) because of physical condition, use or occupancy, is a public nuisance or an attractive nuisance; (2) is a fire hazard or otherwise is unsafe; (3) has had the utilities removed or disconnected so that the property is unfit for human habitation; or (4) because of neglect or lack of maintenance, has become a place for the accumulation of trash or a haven for rodents.

The rental inspection districts established by the ordinance are to remain in effect for 10 years, but may be extended by the Council. The Director of the Codes Department is to make reasonable efforts to notify rental property owners within the designated rental inspection districts of the enactment of this ordinance and of the requirement that the property owner notify the Codes Department if they are maintaining a dwelling unit used for rental purposes. There is no penalty for the failure to register unless the Codes Department has given the property owner actual or written notice to do so. There is no registration fee or inspection fee charged to property owners for implementation of the proposed ordinance.

The ordinance authorizes the Codes Department to inspect any property they deem to be deteriorating to ensure that the dwelling units are in compliance with applicable housing, building, plumbing, electrical, fire and health codes. The Codes Department can require follow-up inspections as necessary. Codes inspectors may only enter the property with the consent of the occupants or with a valid search warrant. If, after inspection, the property is found to be in compliance with the applicable codes, the property owner gets a four-year exemption from future inspections. This exemption can be revoked, however, if the property becomes in violation of the applicable codes.

The ordinance establishes the following areas as rental inspection districts:

- a. Urbandale - Nations
- b. Sylvan Heights

- c Hadley Washington - Meharry
- d. North Nashville - Buena Vista - Metrocenter
- e. Napier - Trimble - Wedgewood / Houston
- f. Airport - Murfreesboro Pike
- g. Edgefield - Shelby Hills
- h. Cleveland Park - McFerrin Park
- g. Greenwood – Eastwood
- h. Vanderbilt – 21st
- i. Hermitage
- j. South Madison
- k. Madison Park
- l. Edenwold

The ordinance provides that the Codes Department may schedule a phased implementation of this ordinance for the above districts over a three year period.

Staff Recommendation Staff recommends approval of the proposed ordinance.

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

Resolution No. BL2007-269

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007M-078U-10 is **APPROVED. (8-0)**”

XIV. OTHER BUSINESS

- 27. Correction to June 9, 2005 Planning Commission Meeting Minutes.

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

Resolution No. BL2007-270

“BE IT RESOLVED by The Metropolitan Planning Commission that the correction to the June 9, 2005 Planning Commission Meeting Minutes were **APPROVED. (8-0)**”

- 28. Employee contract renewal for Patricia Brooks.

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

- 29. Consider a change in the date or time of the first Planning Commission meeting in September. In adopting its annual meeting calendar, the Commission set this meeting on Tuesday, Sept. 11 to avoid conflict with Rosh Hashanah (Sept. 13-14). The local government run-off election has now been scheduled for Sept. 11. The Commission may wish to consider setting an alternate date or time for its first September meeting.

There was discussion regarding the first meeting in September.

Mr. Ponder questioned whether the first meeting in September could be canceled.

Mr. Bernhardt questioned whether staff was aware of any applications for the September 11, 2007 meeting.

Mr. Kleinfelter stated that the filing deadline was not until August 2, 2007.

Mr. Kleinfelter then explained the rules regarding meeting dates of the Planning Commission.

Mr. Clifton questioned whether two meetings were required for the month of September.

It was offered that there may not be too many bills due to the new Council that would be in place by the September.

Mr. Ponder moved and Mr. Loring seconded the motion, to delete the September 11, 2007 Planning Commission meeting. **(8-0)**

30. New fee for used car lot nonconforming use review per new state law.

Mr. Kleinfelter presented and stated that staff is recommending the Commission approve the proposed new fee.

Ms. Nielson moved and Mr. Loring seconded the motion, which passed unanimously to approve the new fee to be utilized by staff to review nonconforming uses for used car lots. **(8-0)**

31. Subdivision fee reduction request – Councilmember Coleman

Councilmember Coleman briefly explained the request to the Commission.

Mr. Clifton questioned whether the Commission could legally approve the request to alter the fee being requested of the applicants.

Mr. Morrissey stated that the Commission could waive the fee.

Mr. Clifton then verified the conditions presented by the applicant in which the fee waiver was being requested.

Mr. Bernhardt explained that staff did not dispute the facts presented for the fee waiver.

Mr. Clifton moved and Mr. Loring seconded the motion, which passed unanimously, to waive their rules and grant the fee waiver requiring the applicant to pay a fee of only \$426.00 for their application based on the merits of this case. **(8-0)**

32. Contract between EDAW Inc. and the Nashville-Davidson County Metropolitan Planning Commission acting on behalf of the Nashville Area MPO for professional services related to the Northeast Corridor Major Investment Study.”

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

33. Notation of decision by the Chairman and Executive Director pursuant to the Rule VI.K.2. that the request from Mr. Albert Bender for a rehearing on #2007SP-079U-13, Campbell Crossing, is without merit and should not be heard by the Commission. The request did not present any conditions that have changed nor did it include any new information that became available to serve as cause for rehearing.

34. Executive Director Reports

35. Legislative Update

XV. ADJOURNMENT

The meeting was adjourned at 7:10 p.m.

Chairman

Secretary



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