



**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**

October 25, 2007

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

Mayor Karl Dean
James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Ann Nielson
Victor Tyler
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner I
Bob Leeman, Planner III
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
Bob Eadler, Planner III
Steve Mishu, Water Services
Jonathan Honeycutt, Public Works

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Hammond announced that Item #21, 2006SP-161U-09, The Pinnacle at Symphony Place was added to the agenda. She explained that this item was a request for partial approval of a SP final site plan to authorize issuance of a foundation permit for construction of a 28 story office/retail tower on 1.59 acres bounded by Second Avenue South, Demonbreun Street, Third Avenue South and the Shelby Street Pedestrian Bridge. She further explained that this item could be placed on the consent agenda for approval.

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously to adopt the agenda a presented. (7-0)

Mayor Dean briefly addressed the Commission to formally introduce Ms. Andrée Lequire to the Commission. He explained that Ms. LeQuire has been appointed by his office and will serve as his representative on the Commission.

III. APPROVAL OF OCTOBER 11, 2007, MINUTES

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously to approve the October 11, 2007, minutes as presented. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Coleman thanked the Commission for their dedication and service to the community. He spoke in favor of Items #3 and 7, 2007SP-163U-13 and 2006SP-081U-13 which were on the Consent Agenda, scheduled for approval with conditions. He then spoke regarding Item #18, 95P-025U-12, Millwood Commons. He briefly explained the history of this proposal and mentioned the issues associated with the request. He requested that the Commission defer the proposal in order to allow additional time for he, and the community members, to meet with the developer.

Ms. Jones arrived at 4:08 p.m.

Councilmember Hunt spoke in favor of Item #1, 2007CP-18G-02, Parkwood-Union Hill Community Plan amendment. However, he requested that the amendment exclude any language or text that addresses the Davidson Academy in relation to this amendment; as it will be studied further at a later date.

Councilmember Toler thanked the Commission for their service to the Community. He stated he would address the Commission only if his items were removed from the Deferred or Consent Agenda.

Councilmember Crafton spoke in favor of Item #17, 94-71-G-06, Bellevue Center, which was on the Consent Agenda for approval with conditions. Spoke of the many assets this development would bring to both Bellevue as well as the City of Nashville. He requested its approval.

Councilmember Forkum thanked the Commission for their service to the community. He spoke in favor of Item #10, 2007SP-165G-04, Myatt Drive – Anderson Lane which was on the Consent Agenda for approval with conditions. Councilmember Forkum then spoke of Item #11, 2007Z-168G-04 which was scheduled for disapproval. He explained that if the applicant was able to provide “just cause”, and the Commission was in agreement, he would support this application for non-conforming use.

Councilmember Stanley spoke regarding Item #9, 2007SP-148U-14, Lebanon Pike. He spoke of the reservations expressed by his community members regarding this application. He stated that the request is in direct conflict with the Subarea 14 plan. He also mentioned that he will be holding a community meeting at the Donelson Senior Citizen’s Center regarding this bill, prior to its third reading in Council.

Comouncilman Tygard spoke in favor of Item #17, 94-71-G-06, Bellevue Center. He spoke of the importance this redevelopment plan would have for the Bellevue Community, as well as the City of Nashville.

Councilmember Claiborne spoke on Item #9, 2007SP-148U-14, Lebanon Pike. He explained that he had also received community concerns regarding this request as it did not support the Donelson Town Center concept as proposed in the Subarea 14 plan. He requested that this application be disapproved as recommended by the Planning staff.

Councilmember Mitchell spoke in favor of Item #17, 94-71-G-06, Bellevue Center. He too spoke of the unanimous support by the community members and requested its approval.

Ms. Hammond announced the following: “As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission’s decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.”

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

- | | | | |
|-----|---------------|--|--|
| 4. | 2007P-003U-12 | Cotswold Trail - Request for preliminary PUD approval for property located at 749 Hill Road, to permit 8 single-family lots in a cluster-lot PUD | – deferred indefinitely at the request of the applicant |
| 13. | 2007S-264G-12 | Christiansted Valley Reserve (formerly Holt Hills, A request for concept plan approval to create 24 lots within a cluster lot development on property located at 265 Holt Hills Road, at the end of Christiansted Lane (10.02 acres), zoned RS15 | – deferred to November 8, 2007, at the request of the applicant. |

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously to approve the Deferred and Withdrawn Items. **(9-0)**

Mr. Derrick Dalton arrived at 4:20 p.m.

**VI. PUBLIC HEARING: CONSENT AGENDA
PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING
ZONING MAP AMENDMENTS**

- | | | | |
|----|----------------|--|--|
| 3. | 2007SP-163U-13 | Lavergne Super Speed Carwash - Request to change from CS to SP-A zoning for property located at the southwest corner of Murfreesboro Pike and Hurricane Creek Boulevard to permit a 2,880 square foot full-service car wash facility and an eight foot tall pylon sign with message board. | - Approve with conditions including the sidewalk variance with the elimination of conditions #1 and #2 |
|----|----------------|--|--|

ZONING MAP AMENDMENTS

- | | | | |
|-----|----------------|---|---|
| 5. | 2005Z-081G-14 | A request to rezone from residential single-family (RS15) district to residential single-family (RS40) district property located at 818 and 840 Old Lebanon Dirt Road and 6340 and 6344 North New Hope Road (13.2 acres) | - Approve |
| 6. | 2006SP-007U-10 | Glen Echo - Request for final SP approval for property located at 1749 Glen Echo Road to construct 4 single-family homes and to revise the setbacks in Phase 1. | - Approve w/conditions |
| 7. | 2006SP-081U-13 | Davenport Downs - Request for a revision to the preliminary and final SP approval for Phase I for property located at Maxwell Road (unnumbered), approximately 430 feet east of Flagstone Drive, to permit a total of 61 dwelling units consisting of 18 single-family homes and 43 townhomes. | - Approve w/conditions |
| 10. | 2007SP-165G-04 | Myatt Drive – Anderson Lane - Request to rezone from RS7.5 and CS to SP-MU zoning on 88 properties abutting Myatt Drive from State Route 45 (Old Hickory Boulevard) to Anderson Lane, and abutting Anderson Lane from May Drive to Rio Vista Drive, to permit mixed uses along Myatt Drive, and mixed uses and mixed housing types along Anderson Lane. | - Approve with conditions, including the proposed revisions to the Plan |

12. 2007Z-169T A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend the requirements that allow the floor area of parking garage liner buildings fronting a public street or public space to be exempt from the calculation of floor area ratio by establishing different requirements for residential and non-residential uses. - Approve

CONCEPT PLANS

14. 2007S-276U-03 The Woods at Monticello - Request for a major revision to the concept plan, and for development plan approval, to create 38 lots on properties located at 437 Monticello Street, Monticello Street (unnumbered), and W. Trinity Lane (unnumbered). - Approve w/conditions

FINAL PLATS

15. 2007S-257G-06 Harpeth Valley Park, Section 1, Revision - Request for final plat approval to shift lot lines between 13 properties and public Right-of-Way, creating 12 new lots located on the south side of Harpeth Bend Drive, and Harpeth Parkway East. - Approve with conditions, including approval for a variance from Section 3-4.2.a of the Subdivision Regulations.
16. 2007S-274G-12 Oakmont Subdivision, Phase 3, 1st Revision - Request for a sidewalk variance for 13 properties fronting Red Feather Lane, approximately 260 feet east of Grand Oak Way and within a Planned Unit Development district. - Approve, including a variance to Section 3-8 of the Subdivision Regulations for sidewalks and the elimination of conditions one and two

REVISIONS AND FINAL SITE PLANS

17. 94-71-G-06 Bellevue Center - Request to revise a portion of the Commercial Planned Unit Development Overlay for properties located at 7616, 7620, 7624, 7632, and 7634 Highway 70 South, south of I-40 to permit the development of 1,166,670 square feet of retail/restaurant/office space replacing 1,462,854 square feet of same uses. - Approve w/conditions
19. 2005UD-006U-10 31st and Long UDO - An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending the 31st Avenue/Long Boulevard UDO, to establish parking location and maximum raised foundation heights for particular building types, clarify when architectural treatment standards apply and establish additional stormwater management requirements, and establish a design review committee. - Approve
20. 2006IO-002U-10 Belmont University IO - Request for final approval for a portion of the Belmont University Institutional Overlay district located at 1900 Belmont Boulevard to permit six-story, 194-bed dormitory containing 45,000 square feet. - Approve w/conditions
21. 2006SP-161U-09 The Pinnacle at Symphony Place - Request for **partial approval** of a SP final site plan to authorize issuance of a foundation permit for construction of a 28 story office/retail tower on 1.59 acres bounded by Second Avenue South., Demonbreun Street, Third Avenue South, and the Shelby Street Pedestrian Bridge. - Approve w/conditions

OTHER BUSINESS

- 22. Adoption of the Planning Commission Schedule of meetings for 2009. - Approve
- 23. Grant Agreement between TDOT and MPC for the MPO for Transportation Planning and Coordination in the Nashville Urbanized Area for the 2008 Federal fiscal year. - Approve
- 24. Grant Agreement between TDOT and MPC for the MPO Transportation Planning and Coordination outside the Nashville Urbanized Area FY 2008 - Approve

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to adopt the Consent Agenda as presented. (10-0)

VII. COMMUNITY PLANS

1. 2007CP-18G-02

Amend the Parkwood – Union Hill Community Plan: 2006 Update by changing the language of Special Policy Area # 1 to provide greater flexibility in the timing of development based on Neighborhood General land use policy in portions of the special policy area. This proposal is being treated and processed as a minor plan amendment.

Staff Recommendation: Approve

APPLICANT REQUEST - Amend the Parkwood – Union Hill Community Plan: 2006 Update by changing the language of Special Policy Area # 1 to provide greater flexibility in the timing of development based on Neighborhood General land use policy in portions of the special policy area. This proposal is being treated and processed as a minor plan amendment.

PARKWOOD – UNION HILL COMMUNITY PLAN

Existing Policies

Residential Low Density (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. Based on the language of Special Policy Area #1, RL is the applicable land use policy for all of the special policy area unless the conditions of “Special Policy Area #1” are met.

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. Where design controls are not in place, proposals in NG policy areas should be implemented through design-based zoning, such as SP, Urban Design Overlay or Planned Unit Development Overlay zoning, to assure appropriate design and that the type of development conforms to the intent of the policy. Based on the language of Special Policy Area #1, NG is the applicable land use policy only when the conditions of “Special Policy Area #1” are met.

Special Policy Area #1 - The “NG” (Neighborhood General) policy for this special policy area applies only if:

- 1) Davidson Academy relocates and
- 2) the Davidson Academy facilities and campus will redevelop, rather than be used by another institutional, civic or public benefit use.

“NG” type redevelopment and rezoning should be based on a single unified plan for the entire special policy area. Proposals should be implemented only through the “SP” (Specific Plan) base zone district or a “UDO” (Urban Design Overlay) district combined with appropriate base districts. Without a single unified plan, partial rezoning and redevelopment of this area based on “NG” policy is not recommended. Instead RL (Residential Low Density) should be the applicable policy.

PROPOSED LAND USE POLICY

Revised Special Policy Area #1 - For properties not fronting on Old Hickory Bv., the “NG” (Neighborhood General) policy for this special policy area applies only if:

- 1) Davidson Academy relocates and
- 2) the Davidson Academy facilities and campus will redevelop, rather than be used by another institutional, civic or public benefit use.

Development and zoning proposals based on “NG” policy and guidelines should be implemented only through the “SP” (Specific Plan) base zone district or a “UDO” (Urban Design Overlay) district combined with appropriate base districts.

“RL” (Residential Low Density) policy shall apply to properties not fronting on Old Hickory Bv. until the conditions for development based on “NG” policy exist.

BACKGROUND - The zone change associated with this case involves a proposal to build an assisted living complex at a higher intensity than what the current RL land use policy supports. While the NG land use policy would support the proposed assisted living complex, since Davidson Academy has not relocated, the Special Policy #1, as currently written, does not permit the development, since the conditions for supporting development based on NG land use policy have not been met.

COMMUNITY PARTICIPATION -Property owners inside and within 500 feet of Special Policy Area # 1 were notified by mail of both this proposed minor plan amendment, the associated proposed zoning change, and the Planning Commission meeting at which these cases would be considered in a public hearing. Recipients of the notification were encouraged to attend and express their views, and to write or email their views about the proposed plan amendment to staff if they did not expect to attend the Planning Commission meeting and participate in the public hearing. Community meetings are not required for minor plan amendments.

ANALYSIS - At the time the Parkwood – Union Hill Community Plan was being updated in 2006, Davidson Academy was exploring the possibility of relocating. That raised the issue about the future land use for the Davidson Academy site and surrounding area in the event the institution relocated. In response, the plan applied NG land use policy, conditioned on the relocation of the academy and redevelopment of the site, to provide an opportunity for a designed-based alternative to low density development in the community. Until Davidson Academy’s relocation and the redevelopment of the property, however, RL is the applicable land use policy for the entire special policy area

Currently, development in Special Policy Area #1 based on “NG” land use policy is an “all-or-nothing” proposition -- either all of the area goes NG or none of it does until/unless Davidson Academy relocates and that site redevelops.

The Grace Adult Homes Assisted Living development proposal prompted staff to review the provisions of Special Policy Area #1 to explore an acceptable alternative to the current “all-or-nothing” approach. The key issue addressed by staff was timing, whether NG type development throughout the special policy area should remain linked to what happens with Davidson Academy, or be allowed in certain locations independent of what happens to Davidson Academy.

While most impacts of NG type development will be the same regardless of timing, traffic is the one factor the impact of which could vary depending on whether and when Davidson Academy relocates and the property redevelops. Access through the special policy area to Old Hickory Boulevard is preferable for development based on NG policy at the time that development occurs. Allowing NG type development with temporary access via streets other than Old Hickory Boulevard could become an undesirable long-lasting condition if Davidson Academy were to remain at the current location.

Of the nine properties in the special policy area, three do not have frontage on Old Hickory Boulevard. Of those three, two have frontage on Brick Church Pike (a collector street), but access to that street is an issue because of topography. The third property has frontage on Hunter’s Lane and access to two other streets, Naples Avenue and Bella Vista Boulevard in the Grande Villa subdivision to the east, all of which are local streets. Together, these three properties account for about one-third of the acreage in the special policy area. Access of these properties to Old Hickory Boulevard via streets within the special policy area is dependent on redevelopment of Davidson Academy or another property that has frontage on Old Hickory Boulevard. Without such access, NG type development of those three properties would be inappropriate and, therefore, development of those three properties should remain linked to redevelopment of Davidson Academy.

Besides Davidson Academy, five properties in the special policy area, including the proposed site of the Grace Baptist Assisted Living complex, have frontage on Old Hickory Boulevard and can develop without relying solely on other streets for access. Those five properties contain about one-fourth of the estimated 147 acres in the special policy area. Development based on NG policy can be satisfactorily accommodated on those five properties prior to, or in the absence of, Davidson Academy relocating and the property redeveloping.

STAFF RECOMMENDATION - Approval is recommended of the revised language for Special Policy Area #1 as presented above.

Mr. Eadler presented and stated that staff is recommending approval of both plans, including an alternative plan, which would limit the amendment to only the properties owned by Grace Baptist and the LLC which he submitted to the Commission prior to this meeting.

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

Ms. Anne McNair, 104 Bella Court, spoke in opposition to the proposed development, however was in favor of the alternative plan.

Ms. Carolyn Baldwin Tucker, 1521 Naples Avenue, spoke in opposition to the publicized plan, however, spoke in favor of the alternative plan.

Ms. Nielson spoke in favor of the alternative plan as submitted.

Ms. Cummings spoke in favor of the development and of the alternative plan as submitted.

Mr. Tyler spoke in favor of the alternative plan.

Mr. Gotto spoke in favor of the alternative plan.

Mr. Ponder questioned the number of properties included in the proposal.

Mr. Eadler further explained the number of parcels included in the plan.

Mr. Dalton spoke in favor of the alternative amendment. He thanked the community members for expressing their issues and concerns.

Ms. LeQuire thanked the community members and spoke in favor of the alternative plan

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the alternative plan amendment for the Parkwood – Union Hill Community Plan: 2006 Update, as well as approve with conditions Zone Change 2007SP-146G-02, Grace Adult Homes Assisted-Living Facility. **(10-0)**

[Note: Item #1 and Item #8 were discussed by The Metropolitan Planning Commission together. See Item #8 for actions and resolutions.]

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

ZONING MAP AMENDMENTS

- 2. 2007SP-150G-14**
Evans Hill
Map 086-00, Parcels 113, 327, 348
087-00 025, 195
Subarea 14 (2004)
Council District 12 - Jim Gotto

A request to change approximately 71.69 located at 1209, 1213 Tulip Grove Road, Tulip Grove Road (unnumbered), Valley Grove Drive (unnumbered), approx. 200 feet north of Rockwood Drive from RS7.5 and RS15 to SP-MR, to permit a residential development with 340 dwelling units, requested by Wamble & Associates, applicant, for H Group LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change approximately 71.69 acres located at 1209, 1213 Tulip Grove Road, Tulip Grove (unnumbered) and, Valley Grove Drive (unnumbered), from Single-Family Residential (RS7.5) and Single-Family Residential (RS15) to Specific Plan - Mixed Residential (SP - MR) zoning to permit a residential development with a total of 340 dwelling units.

History This application was heard at the September 27, 2007, Planning Commission meeting. During the meeting many citizens voiced concerns, and the area's Council representative announced that there would be a community meeting. Since the community meeting had not taken place the Commission deferred the application two meetings to allow the meeting to take place prior to giving their recommendation.

Existing Zoning

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

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.

Proposed Zoning

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

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

DONELSON/HERMITAGE/OLD-HICKORY COMMUNITY PLAN

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

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

Street Plan - The Donelson/Hermitage/Old Hickory Community Plan also includes a transportation element which identifies locations for needed street connections. The plan identifies north south and east west connections across this property.

Consistent with Policy? Yes. The project falls within RLM and RM policies. As proposed, the density of the SP does not exceed what the two policies combined would allow. The plan goes beyond the two policies and provides a community oriented development that is in keeping with sound planning principals and provides for needed street connections within the area.

PLAN DETAILS

General - The plan calls for a total of 340 dwelling units with an overall density of approximately 4.7 units per acre. Lots are arranged in a logical way to minimize disturbance of environmentally sensitive lands, provide accessible and usable open space, and create a well connected street system.

The existing properties are mostly vacant and consist of densely wooded forest and some rolling hills that include some steep slopes in excess of 25%. Dry Creek runs along the northern property boundary and a tributary of Dry Creek also bisects the site.

Housing Types - The SP calls for four housing types:

- single-family lots with street access (front loaded);
- single-family with alley access (rear loaded);
- rowhouses; and
- townhomes.

As proposed, there will be 159 single-family lots, 119 rowhouses, and 62 townhomes. Out of the 239 single-family lots, 37 (15%) will be front loaded.

Both single-family lot types and rowhomes will front new public streets. The townhomes will front court yards. The townhome units proposed closer to Tulip Grove Road will be situated on the top of a hill and will look over the site to the north and east.

Bulk Standards - The proposed bulk standards are as follows:

Single-Family Front Loaded

Min. Lot Area	4,000 Sq. Ft.
Min. Lot Width	40 Ft.
Min. Front Setback (Principle Building)	10 Ft.
Min. Garage Front Setback	20 Ft.
Min. Side Setback	5 Ft.
Min. Side Setback (Street)	10 Ft.
Rear Setback	5 Ft. Min. or > 15 Ft. for garage
Max Height Principal Building	2 1/2 Stories
Max Height Out Building	2 Stories

Single-Family Rear Loaded

Min. Lot Area	4,000 Sq. Ft.
Min. Lot Width	40 Ft.
Min. Front Setback	10 Ft.
Max Front Setback	20 Ft.
Min. Side Setback	5 Ft.
Min. Side Setback (Side)	10 Ft.
Min. Rear Setback	10 Ft.
Max Height Principal Building	2 1/2 Stories
Max Height Out Building	2 Stories

Rowhouse

Min. Lot Area	2,000 Sq. Ft.
Min. Lot Width	20 Ft.
Min. Front Setback	10 Ft.
Min. Porch Setback	5 Ft.
Min. Side Setback	0 Ft.
Min. Side Street Setback	5 Ft.
Min. Rear Setback	5 Ft.
Alternative Rear Setback	20 Ft.
Min. Distance B/T Detached Building	10 Ft.
Min. Raised Foundation	2 Ft. above entry sidewalk
Max Height Principal Building	2 1/2 Stories*
Max Height Out Building	2 Stories

* See SP Document for specific details.

Townhome

Min. Lot Area	2,000 Sq. Ft.
Min. Lot Width	20 Ft.
Front Setback	5 Ft. Min/15 Ft. Max
Min. Porch Setback	5 Ft.
Min. Side Setback	0 Ft.
Min. Side Street Setback	5 Ft.
Min. Rear Setback	5 Ft. or >15 Ft. for garage
Min. Distance B/T Detached Building	10 Ft.
Min. Raised Foundation	2 Ft. above entry sidewalk
Max Height Principal Building	2 1/2 Stories*
Max Height Out Building	2 Stories

*See SP Document for specific details.

Elevations - While elevations have not been provided, the Evan’s Hill SP document does set architectural standards. Elevations may be required at the final review.

Street Connectivity/Access - The plan provides a well connected street system which will allow for traffic to move efficiently throughout the site. The plan also provides connections to adjacent properties which will improve street connectivity within the area. All streets will include sidewalks along both sides of street which will allow for safe and efficient pedestrian movement.

The plan provides access for all lots from new public streets and alleys. New streets are shown on the plan that are proposed to connect to Tulip Grove Road, Myra Drive, Elijah Court and Woodway Lane. A stub street for a future connection to the north is also provided and will allow for connectivity should the vacant property to the north develops. Staff does not recommend a second internal street connection in the western area of the site between the northern and southern halves because of the stream that bisects the site, but a pedestrian connection should be provided in that area.

Environmental Sensitive Areas - The site contains some natural environmentally sensitive areas such as steep hill sides and streams. According to the SP document, a majority of the site (approximately 81%) contains slopes of less than 20%. Slopes greater than 20% should generally be minimally disturbed, and slopes of 25% or greater should be undisturbed. The plan is arranged in a way to minimize grading and, as proposed, no lots will be located on slopes of 25% or greater. If, upon submission of a final site plan, it is determined that lots will be on slopes of 25% or greater, then those lots should be removed and shown as open space. Grading on single-family lots with slopes 20% or greater should be minimized and be in keeping with the hillside development standards stipulated in Section 17.28.030 of the Metro Zoning Code. These lots need to be identified as Critical Lots on the final plat.

The plan minimizes impacts on Dry Creek and its tributary by providing appropriate buffering for both streams. There will be some stream and buffer disturbance required to provide street connectivity. Stream and buffer disturbances will likely require approval from the Stormwater Management Committee.

Open Space - As proposed, approximately 21 acres (30% of the site) will be provided as formal and informal open space. These areas will provide for active and passive recreation and preservation of the site's natural features. Of the 21 acres, approximately 14% will be informal green areas, such as pocket parks, and court yards.

Buffering/Landscaping - As proposed, no lot or unit will be adjacent to an existing lot or property line. The minimum distance shown between any new lot within the development and any existing adjacent lot is 20 feet. While no specific buffer yards are proposed, buffers may be required. A detailed landscaping plan is required with the final SP site plan, and if upon review it is determined that additional landscaping/buffering is needed then a specific landscape buffer yard will be required.

STORMWATER RECOMMENDATION - Approved

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. Plan proposes a connection to Hermitage Creek Subdivision. Construct roadway (Hermitage Creek Court) per ST-252. Resubmit construction plans for the Department of Public Works review and approval. Coordinate street name with the Department of Public Works mapping section.
3. Proposed solid waste collection and disposal plan to be reviewed and coordinated with the Department of Public Works Solid Waste Section.
4. Show and dimension right of way along Tulip Grove Road. Label and dedicate right of way 30 feet from centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).

In accordance with the recommendations of the traffic impact study, the following improvements are required:

1. Construct a southbound left turn lane on Tulip Grove Rd at the site access #1 with 75 ft of storage and transitions per AASHTO/MUTCD standards.
2. Construct a southbound left turn lane on Tulip Grove Rd at the site access #2 with 75 ft of storage and transitions per AASHTO/MUTCD standards.
3. Construct the site access #1 at Tulip Grove Rd with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
4. Construct the site access #2 at Tulip Grove Rd with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
5. Construct a northbound left turn lane on New Hope Rd at Myra Drive with 75 ft of storage and transitions per AASHTO/MUTCD standards.

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	71.69	2.47	177	1,759	134	180

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	71.69	n/a	181	1,795	137	183

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	71.69	n/a	159	953	75	88

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
				989	78	91

METRO SCHOOL BOARD REPORT

Projected student generation 52 Elementary 33 Middle 32 High

Schools Over/Under Capacity - Students would attend Dodson Elementary School, Dupont-Tyler Middle School and McGavock High School. Dupont-Tyler Middle School and McGavock High School have been identified as full by the Metro School Board but there is additional capacity within the adjacent Stratford, Glencliff clusters. This information is based upon data from the school board last updated April 2007.

School site dedication -Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer, for dedication, a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students.

The land dedication requirement is proportional to the development's potential student generation. Any site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. Failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements, however, shall constitute a waiver of this requirement by the Board of Education.

STAFF RECOMMENDATION - The proposed SP meets and exceeds the standards of the land use policies by providing a development that is well connected internally and to the surrounding area, protects environmentally sensitive lands, and provides a variety of housing types. Staff recommends approval with conditions.

CONDITIONS

1. No lots or residential unit shall be located on slopes greater than 25%. If upon further analysis it is found that proposed lots will be located on slopes greater than 25%, then those lots shall be removed and shown as open space.
2. Single-family lots on slopes 20% or greater shall minimize grading and be in keeping with the hillside development standards stipulated in Section 17.28.030 of the Metro Zoning Code, and shall be identified as Critical Lots on the final SP site plan.
3. Front yard setbacks for Single-Family, front loaded types shall be changed to 15 Ft. Minimum and 20 Ft. Max. Front yard setbacks for Single-Family, rear loading types shall be changed to 10 Ft. Minimum and 15 Foot Maximum.
4. The bulk standards for rowhouse and townhome development shall be revised to require a raised foundation that is a minimum of 18" above the entry sidewalk and a maximum of 3' above the entry sidewalk.
5. A pedestrian connection shall be provided within the western portion of the site between the northern and southern halves bisected by the stream. Further study into the feasibility of a trail system around this stream shall also be required prior to final approval. If it is determined that a trail system would be feasible within this area then it shall be provided and shown on the final SP site plan.
6. No specific buffer yards are proposed but may be required with the final SP site plan. A detailed landscaping plan is required with the final SP site plan, and if upon review it is determined that additional landscaping/buffering is needed, then appropriate landscape buffer yards or equivalents to the standard buffer yards specified in Section 17.24.240 of the Metro Zoning Code shall be required.
7. While this request is within the General Services District and is not currently serviced by Metro garbage pickup, a solid waste collection and disposal plan must be approved by the Waste Management Division of Public Works. As proposed the SP calls for trash pick-up/collection that is not consistent with Metro Standard. Prior to final SP plan approval the trash collection plan must be approved by the Waste Management Division of Public Works. If the proposed trash pick-up/collection plan is not approved then the plan shall be revised to accommodate Metro trash pick-up/collection requirements, and could result in the reduction of the total number of units. Any changes that are not consistent with the concept of the original plan shall require approval from Metro Council.
8. Solid waste disposal notes shall be removed from the SP document.
9. All parking, utilities, meter boxes, back flow preventers, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located away from public view.
10. Due to the potential impact of this development on the public school system, the applicant shall offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students.
11. The stub street to the north shall only be constructed to where the bridge would begin. A bond shall be required with the bonding or construction of Myra Drive for the portion of the bridge on this property.
12. Plan proposes a connection to Hermitage Creek Subdivision. Construct roadway (Hermitage Creek Court) per ST-252. Resubmit construction plans for the Department of Public Works review and approval. Coordinate street name with the Department of Public Works mapping section.
13. Proposed solid waste collection and disposal plan to be reviewed and coordinated with the Department of Public Works Solid Waste Section.
14. Show and dimension right of way along Tulip Grove Road. Label and dedicate right of way 30 feet from

centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).

15. Construct a southbound left turn lane on Tulip Grove Rd at the site access #1 with 75 ft of storage and transitions per AASHTO/MUTCD standards.
16. Construct a southbound left turn lane on Tulip Grove Rd at the site access #2 with 75 ft of storage and transitions per AASHTO/MUTCD standards.
17. Construct the site access #1 at Tulip Grove Rd with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
18. Construct the site access #2 at Tulip Grove Rd with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
19. Construct a northbound left turn lane on New Hope Rd at Myra Drive with 75 ft of storage and transitions per AASHTO/MUTCD standards.
20. This SP district is limited to residential uses as described in the SP document. No other uses shall be permitted.
21. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district as of the date of the applicable request or application.
22. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
23. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
24. The requirements of the Metro 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.

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

Mr. Gotto explained that he held a community meeting regarding this proposal and explained the issues resulting from the meeting. The issues included traffic, overcrowded schools, connectivity, density, as well infrastructure. He stated he would hold additional meetings if needed and would continue to monitor the SP zoning and possibly add additional conditions as the bill moved through Council.

Ms. Cummings expressed issues with the public hearing being closed for this item when the proposal was deferred to allow additional input from the community. However, she thanked Councilmember Gotto for the information he provided that resulted from his community meeting.

Mr. Clifton requested additional clarification on the collector street accesses included in the plan in relation to the policies for this area.

Mr. Swaggart explained this concept to the Commission.

Mr. Clifton then requested additional clarification regarding the connectivity included in the proposal.

Mr. Bernhardt offered that the connectivity included in this development is important for both vehicular and pedestrian traffic and it weaves two areas together.

Ms. Nielson requested additional clarification regarding connectivity.

Mr. Ponder stated that he was in favor of approving the proposed development as many of the issue are currently being addressed.

Mr. Ponder moved and Ms. Nielson seconded the motion, to approve with conditions Zone Change 2007SP-150G-14. **(10-0)**

Resolution No. BL2007-345

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-150G-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. No lots or residential unit shall be located on slopes greater than 25%. If upon further analysis it is found that proposed lots will be located on slopes greater than 25%, then those lots shall be removed and shown as open space.
2. Single-family lots on slopes 20% or greater shall minimize grading and be in keeping with the hillside development standards stipulated in Section 17.28.030 of the Metro Zoning Code, and shall be identified as Critical Lots on the final SP site plan.
3. Front yard setbacks for Single-Family, front loaded types shall be changed to 15 Ft. Minimum and 20 Ft. Max. Front yard setbacks for Single-Family, rear loading types shall be changed to 10 Ft. Minimum and 15 Foot Maximum.
4. The bulk standards for rowhouse and townhome development shall be revised to require a raised foundation that is a minimum of 18” above the entry sidewalk and a maximum of 3’ above the entry sidewalk.
5. A pedestrian connection shall be provided within the western portion of the site between the northern and southern halves bisected by the stream. Further study into the feasibility of a trail system around this stream shall also be required prior to final approval. If it is determined that a trail system would be feasible within this area than it shall be provided and shown on the final SP site plan.
6. No specific buffer yards are proposed but may be required with the final SP site plan. A detailed landscaping plan is required with the final SP site plan, and if upon review it is determined that additional landscaping/buffering is needed, then appropriate landscape buffer yards or equivalents to the standard buffer yards specified in Section 17.24.240 of the Metro Zoning Code shall be required.
7. While this request is within the General Services District and is not currently serviced by Metro garbage pickup, a solid waste collection and disposal plan must be approved by the Waste Management Division of Public Works. As proposed the SP calls for trash pick-up/collection that is not consistent with Metro Standard. Prior to final SP plan approval the trash collection plan must be approved by the Waste Management Division of Public Works. If the proposed trash pick-up/collection plan is not approved then the plan shall be revised to accommodate Metro trash pick-up/collection requirements, and could result in

the reduction of the total number of units. Any changes that are not consistent with the concept of the original plan shall require approval from Metro Council.

8. Solid waste disposal notes shall be removed from the SP document.
9. All parking, utilities, meter boxes, back flow preventers, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located away from public view.
10. Due to the potential impact of this development on the public school system, the applicant shall offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students.
11. The stub street to the north shall only be constructed to where the bridge would begin. A bond shall be required with the bonding or construction of Myra Drive for the portion of the bridge on this property.
12. Plan proposes a connection to Hermitage Creek Subdivision. Construct roadway (Hermitage Creek Court) per ST-252. Resubmit construction plans for the Department of Public Works review and approval. Coordinate street name with the Department of Public Works mapping section.
13. Proposed solid waste collection and disposal plan to be reviewed and coordinated with the Department of Public Works Solid Waste Section.
14. Show and dimension right of way along Tulip Grove Road. Label and dedicate right of way 30 feet from centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
15. Construct a southbound left turn lane on Tulip Grove Rd at the site access #1 with 75 ft of storage and transitions per AASHTO/MUTCD standards.
16. Construct a southbound left turn lane on Tulip Grove Rd at the site access #2 with 75 ft of storage and transitions per AASHTO/MUTCD standards.
17. Construct the site access #1 at Tulip Grove Rd with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
18. Construct the site access #2 at Tulip Grove Rd with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
19. Construct a northbound left turn lane on New Hope Rd at Myra Drive with 75 ft of storage and transitions per AASHTO/MUTCD standards.
20. This SP district is limited to residential uses as described in the SP document. No other uses shall be permitted.
21. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district as of the date of the applicable request or application.
22. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development

application for the property.

23. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
24. The requirements of the Metro 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.

The proposed SP-MR district is consistent with the Donelson/Hermitage/Old Hickory Community Plan's Residential Low Medium and Residential Medium policies, which are intended for residential development with a density between 2 and 9 units per acre."

3. **2007SP-163U-13**
Lavergne Super Speed Wash
Map 175-00 Part of Parcel 173
Subarea 13 (2003)
Council District 32 - Sam Coleman

A request to change from CS to SP-A zoning for property located at 4201 Hurricane Creek Boulevard, at the southwest corner of Murfreesboro Pike and Hurricane Creek Boulevard (1.0 acres), to permit a 2,880 square foot full-service car wash facility and an eight foot tall pylon sign with message board, requested by Barge Cauthen & Associates, applicant, for Larry Snedeker Trustee, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from Commercial Service (CS) to Specific Plan-Auto (SP-A) zoning property located at 4201 Hurricane Creek Boulevard, at the southwest corner of Murfreesboro Road and Hurricane Creek Boulevard (1.0 acres), to permit a 2,880 square foot full-service car wash facility and an eight foot tall pylon sign with message board.

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

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

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

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

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

Consistent with Policy? Yes, given the surrounding context. CC policy permits commercial retail and services. The retail and service uses should generally be those appropriate to a mixed use development, with offices and/or residential above ground level retail shops. This mixture of uses, with other urban design elements such as buildings brought to the street, pedestrian-scale signage, and wide sidewalks buffered from the street, create a pedestrian friendly "main street feel" that transitions conventional strip development to the "town center" development envisioned in the Antioch-Priest Lake Community Plan.

Because the site of the proposed car wash is surrounded by properties zoned and/or developed with IR and CS uses, it is unlikely to be incorporated into a mixed use development. A car wash that meets the conditions below, however, will improve the pedestrian environment and the transition from conventional strip development to the north into the Hickory Woods “Town Center” envisioned in the Community Plan and zoned to a Specific Plan district in 2006.

RECENT REZONINGS - In December 2006, the Metro Council approved the rezoning of 51.85 acres from AR2a, CL, R10, RS10, CS, and IR to SP-MU on various properties on tax maps 175 and 176. The Hickory Woods Town Center SP, across Murfreesboro Pike from 4201 Hurricane Creek Boulevard, includes mixed-use, live/work, townhouse, townhouse courts, stacked flats (multi-family), and courtyard flat types of housing units.

PLAN DETAILS - The plan calls for the development of a 2,880 square foot, full service car wash tunnel fronting Murfreesboro Road. Automobiles will have access to the car wash tunnel via an 11-foot canopy pre-pay station. Twenty-one vacuuming stalls lie to the south of the proposed tunnel.

Adjacent to the carwash site is a 0.97 acre property identified for future development. This property is not part of the SP request. An access easement which is located to the west of the primary entrance off Hurricane Creek Boulevard will be provided to the site identified for future development.

The proposed carwash site and the adjacent 0.97 acres of land total 1.97 acres and is currently one lot. The property will need to be subdivided in the future, prior to the issuance of building permits.

Signage The site plan proposes an 8-foot high pylon sign with a message board, located at the corner of Hurricane Creek Boulevard and Murfreesboro Road.

Sidewalks - Sidewalks are required and are shown on the site plan.

Parking & Access - The plan calls for a total of two parking spaces, plus one handicap parking space. Main access to site is located off Hurricane Creek Boulevard.

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

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	1.0	0.168	7,318	351	14	40

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Car Wash (948)	1.0	NA	2,880	na	na	36

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			-4,438			-4

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
Strip Shopping(814)	1.0	0.60	43,560	1902	42	127

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Car Wash (948)	1.0	n/a	2,880	na	na	36

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--						-91

STAFF RECOMMENDATION - Because the site of the proposed car wash is surrounded by properties zoned and/or developed with IR and CS uses, it is unlikely to be incorporated into a mixed use development. A car wash that meets the conditions below, however, will improve the pedestrian environment and the transition from conventional strip development to the north into the Hickory Woods “Town Center” envisioned in the Community Plan and zoned to a Specific Plan district in 2006.

CONDITIONS

1. There shall be no outdoor loudspeakers or public address systems.
2. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.
3. If located within 100 feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to 8:00 a.m. or after 10:00 p.m. on any day of the week.
4. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located at least fifty feet away from any residential zone district or district permitting residential use. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access.
5. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than 6 feet nor more than 8 feet in height. If the adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purposes of this section.

6. No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct ambient light.
7. Show and dimension right of way along Murfreesboro Road at property corners. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property
10. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro 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.

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. BL2007-346

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-163U-13 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. There shall be no outdoor loudspeakers or public address systems.
2. No vehicle may be stored or parked on the premises for the purpose of offering it for sale.
3. If located within 100 feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to 8:00 a.m. or after 10:00 p.m. on any day of the week.
4. Whether automatic, free, self-service or by hand, the car wash structure (including wash bays) and any outdoor vacuuming machines or areas, shall be located at least fifty feet away from any residential zone district or district permitting residential use. All washing facilities shall be located within a structure which is enclosed except those openings necessary for vehicular and pedestrian access.
5. Car washing facilities shall be separated from adjacent property other than street frontage by a masonry wall of not less than 6 feet nor more than 8 feet in height. If the adjacent property is commercially developed and a solid wall already exists on the property line, the zoning administrator may modify or waive this requirement as necessary to achieve the purposes of this section.

6. No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct ambient light.
7. Show and dimension right of way along Murfreesboro Road at property corners. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property
10. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro 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.

The proposed SP-A district is consistent with the Antioch/Priest Lake Community Plan's Community Center policy, which is intended for areas that could serve as a town center providing a variety of uses including office, commercial, retail and residential."

REVISIONS AND FINAL DEVELOPMENT PLANS

4. **2007P-003U-12**
Cotswold Trail
Map 160-00 Parcel 024
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for preliminary PUD approval for property located at 749 Hill Road, approximately 1,820 feet east of Franklin Pike Circle (7.77 acres), zoned R40, to permit 8 single-family lots in a cluster-lot PUD, requested by Gresham, Smith and Partners, applicant, for Henry King McGee.

Staff Recommendation: Disapprove as submitted. Approve with conditions, including a variance along the property frontage of Hill Road to provide the sidewalk in an alternate location, if a street connection to Hill Road and a future connection to the east built to the edge of the property are provided.

The Metropolitan Planning Commission DEFERRED Planned Unit Development 2007P-003U-12 indefinitely at the request of the applicant. (9-0)

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS

5. 2005Z-081G-14

Map 087, Parcels 005, 006, 007, 164
Subarea 14 (2004)
Council District 12 - Jim Gotto

A request to rezone from residential single-family (RS15) district to residential single-family (RS40) district property located at 818 and 840 Old Lebanon Dirt Road and 6340 and 6344 North New Hope Road (13.2 acres), requested by Councilmember Gotto for William A Wright, Jr, Trustee, Thomas Barry Wright, etux, Pamela Evetts, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone from Single-Family Residential (RS15) district to Single-Family Residential (RS40) district property located at 818 and 840 Old Lebanon Dirt Road and 6340 and 6344 North New Hope Road (13.2 acres).

Existing 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.

Proposed Zoning

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

DONELSON/HERMITAGECOMMUNITY PLAN POLICY

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

History - This property was approved for a rezoning from AR2a to RS15 at the January 8, 2004, Planning Commission meeting. Metro Council approved this rezoning on third reading at the March 15, 2005, Council meeting.

The request to rezone from RS15 to RS40 was originally approved by the Planning Commission at its June 9, 2005 meeting. The original Council Bill was deferred indefinitely by the Councilmember in the previous Council term. The Councilmember has reintroduced the Council Bill for November 6, 2007, Council Public hearing. As the original Planning Commission approval was longer than two years ago, it has expired and the Planning Commission needs to rehear this request.

Consistent with Policy? Although the proposed RS40 zoning provides for less density than what is called for by the RLM policy, the existing zoning pattern in the area is AR2a and RS15. The proposed RS40 will be consistent with the AR2a, larger-lot pattern and the AR2a zoning that existed on this property prior to March 2005.

PUBLIC WORKS RECOMMENDATION - No Exception Taken

Typical Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	13.2	2.47	33	355	33	40

Typical Uses in Proposed Zoning District: RS40

Land Use (ITE Code)	Acres	Density per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	13.2	0.93	12	149	18	16

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			-21	-206	-15	-24

METRO SCHOOL BOARD REPORT

Projected student generation 2 Elementary 1 Middle 1 High

Schools Over/Under Capacity -Students would attend Dodson Elementary School, Dupont-Tyler Middle School, or McGavock High School. Dupont-Tyler and McGavock High School have been identified as full by the Metro School Board but adjacent clusters of Stratford and Glencliff have capacity. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION -The Planning Commission recommended approval of this request on June 9, 2005. As there have been no changes that would warrant an alternative recommendation, staff is recommending approval of this request.

Approved (10-0), *Consent Agenda*

Resolution No. BL2007-347

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-081G-14 is **APPROVED. (10-0)**

The proposed RS40 district is consistent with the Donelson/Hermitage/Old Hickory Community Plan’s Residential Low Medium policy, which is intended for residential development with a density between 2 and 4 units per acre.”

- 6. **2006SP-007U-10**
 Glen Echo (final)
 Map 117-15 Parcel 060
 Subarea 10 (2005)
 Council District 25 - Sean McGuire

A request for final SP approval for property located at 1749 Glen Echo Road, along the southeast corner of Glen Echo Road and Hillmont Drive (0.98 acres), zoned SP-R, to construct 4 single-family homes and to clarify the street setbacks in Phase 1, requested by C. Michael Moran, applicant, for Bob Haley, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Final Site Plan

A request for Specific Plan-Residential (SP-R) final site plan approval for property located at 1749 Glen Echo Road, along the southeast corner of Glen Echo Road and Hillmont Drive (0.98 acres), to permit 4 single-family homes and a stormwater detention facility and to clarify the street setbacks.

Plan Details -The Glen Echo SP was originally approved for 12 lots by the Planning Commission on August 10, 2006. The staff report and Commission minutes for the original SP stated that the setbacks on the internal streets were two to five feet while the approved plan shows setbacks of five and ten feet. The applicant initially applied only for approval of the final site plan for the new portion of the project, but staff has expanded the applicant’s

request in order to clarify that the approved street setbacks for internal streets within the project are five and ten feet in both the original SP and the new portion of the project.

The proposed plan is consistent with the preliminary SP plan approved by the Planning Commission on February 8, 2007, to add four lots to the Glen Echo SP. The proposed plan includes four single-family lots with a minimum front setback of 30 feet on Glen Echo Road. The one internal street includes setbacks of five to ten feet and connects the previous stub street to Hillmont Drive. The plan also includes sidewalks on both sides of all new streets, and along the frontages of Glen Echo Road and Hillmont Drive. The stormwater detention for this development will be relocated to the southeast corner of Glen West Drive and Hillmont Drive.

Building Elevations - The plan also includes the proposed architectural renderings (elevations) for buildings to be placed on the four lots within this phase. The elevations are consistent with the elevations approved with the original SP plan, as was called for with this phase.

STORMWATER RECOMMENDATION -Approved

PUBLIC WORKS RECOMMENDATION -No Exception Taken

STAFF RECOMMENDATION -Staff recommends approval with conditions of the Glen Echo, Phase 2 final site plan.

CONDITIONS

1. The uses in this SP are limited to four single-family residences and a stormwater detention facility.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.
3. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. BL2007-348

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-007U-10 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. The uses in this SP are limited to four single-family residences and a stormwater detention facility.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district as of the date of the applicable request or application.

3. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.”

7. **2006SP-081U-13**
Davenport Downs (Revision to preliminary and Phase I final)
Map 165-00 Part of Parcels 073, 105, 106
Subarea 13 (2003)
Council District 32- Sam Coleman

A request for a revision to the preliminary and final SP approval for Phase I for property located at Maxwell Road (unnumbered), approximately 430 feet east of Flagstone Drive, to permit a total of 61 dwelling units consisting of 18 single-family homes and 43 townhomes, requested by Dale & Associates, applicant, for Jerry Butler Builders, LLC.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Revise Preliminary SP& Final Site Plan - A request for a revision to the preliminary Specific Plan – Mixed Residential (SP-MR) and final site plan approval for Phase I for property located at Maxwell Road (unnumbered), approximately 430 feet east of Flagstone Drive, to permit the development of 61 dwelling units consisting of 18 single-family homes and 43 townhomes.

PLAN DETAILS

History - This Specific Plan was originally approved by the Metro Planning Commission on July 13, 2006, for 328 single-family attached and detached units on 74.26 acres, north of Maxwell Road. The SP was amended by Council on March 5, 2007, to reduce the unit count from 328 to 318 single-family attached and detached units.

The applicant was required under the approved preliminary SP to submit a revised site plan to the Planning Department showing all amendments to the preliminary site plan including the dedication of five acres to be used as open space and/or a public park. Revised site plans were received on March 14, 2007, and approved by Council on March 21, 2007, on third reading.

Revised Preliminary Plan - On October 5, 2007, the applicant submitted a revised preliminary site plan showing a reduction in the single-family attached and detached units. The revised preliminary site plan reduced the residential unit count from 318 to 301 single-family attached and detached units on 73.70 acres with a density of 4.1 units an acre.

There are sinkhole boundaries included in lots in future phases. Sinkhole boundaries cannot be shown within lots and need to be within designated openspace.

Phase I Final Site Plan -Phase I of the final site plan proposes a total of 61 dwelling units consisting of 18 detached single-family homes and 43 townhomes on 16.95 acres.

The front setbacks for front loaded single family units are 20 feet. The front setbacks for rear loaded single family units and townhomes are 10 feet.

Access - As proposed the development will be from Maxwell Road, and Trail Water Drive. Lots will be accessed from new public streets and public alleys.

Open Space - Phase I has a total of 6.88 acres of open space. The open space is distributed throughout the development, and the majority is situated in locations that will be easily accessible by residents.

Parking - The plan proposes a total of 602 parking spaces, 2 spaces per unit. 122 parking spaces will be built with Phase I.

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.

- Identify solid waste collection / storage locations. Provide dedicated space on the curb for the collection of one 96 gallon trash cart and one 96 gallon recycling cart, no more than 3 feet from any stationary object.
- Improve Maxwell Road along the property frontage to provided one-half of Metros standard ST-252 cross section.
- Construct turnaround at the existing dead-end of Maxwell Road if an easement / right-of-way is available, or at the end of the areas reserved for a public park.
- Prior to platting the 150th lot, Maxwell Road is to receive a full width pavement overlay from Lavergne/Couchville Pike to the new cul-de-sac. The paving is to be a minimum of 2 ea. 11 feet stripped travel lanes with a minimum of 2 feet gravel shoulders. This work is to be coordinated with the Public Works Paving section inspector.
- Submit slope easements for grading on adjacent properties.
- Submit geotechnical report as to the suitability of roadway location in proximity to sinkholes. Identify any mitigation, if required.
- Provide turnaround at terminus of Alley along lots 115-112. (ie. provide turnaround, connectivity, adjust phase boundary, etc.)9/21/2007 Traffic Comment
- Prior to platting the 150th lot, construct left turn lanes on Maxwell Road for eastbound and westbound traffic at Lavergne/Couchville Pike. Each lane shall be designed with 75ft of storage and transitions per AASHTO/MUTCD standards.
- Prior to platting the 150th lot, construct a dedicated right turn lane for southbound traffic on Old Hickory Boulevard at Murfreesboro Road. This lane shall be designed with 100ft of storage and a taper per AASHTO standards.

WATER SERVICES -Approval is contingent upon the construction and completion of public water and sewer line extension. Furthermore, a sewer pumping station must be constructed. A perpetual maintenance fee will be owed for the construction of this station. Review and approval of these plans must also be completed.

STAFF RECOMMENDATION -The request is consistent with the revised SP preliminary plan and staff recommends that the request be approved with conditions.

CONDITIONS

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

2. Prior to platting the 150th lot, construct a dedicated right turn lane for southbound traffic on Old Hickory Boulevard at Murfreesboro Road. This lane shall be designed with 100ft of storage and a taper per AASHTO standards.
3. Prior to platting the 150th lot, construct left turn lanes on Maxwell Road for eastbound and westbound traffic at Lavergne/Couchville Pike. Each lane shall be designed with 75ft of storage and transitions per AASHTO/MUTCD standards.
4. Provide turnaround at terminus of Alley along lots 115-112. (ie. provide turnaround, connectivity, adjust phase boundary, etc.)9/21/2007 Traffic Comment
5. Minimum lot area for front-loaded houses shall be 6,000 square feet.
6. Sight triangle provisions shall be applicable to this development.
7. Sinkhole boundaries shall not be within any lots and shall be designated within open space.
8. All parking, utilities, meter boxes, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located from public view.
9. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education, in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students, or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. The uses in this SP are limited to Mixed Residential.
12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application for the detached units and RM4 for the attached units.
13. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
14. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

DRAFT

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. BL2007-349

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-081U-13 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Prior to platting the 150th lot, construct a dedicated right turn lane for southbound traffic on Old Hickory Boulevard at Murfreesboro Road. This lane shall be designed with 100ft of storage and a taper per AASHTO standards.
3. Prior to platting the 150th lot, construct left turn lanes on Maxwell Road for eastbound and westbound traffic at Lavergne/Couchville Pike. Each lane shall be designed with 75ft of storage and transitions per AASHTO/MUTCD standards.
4. Provide turnaround at terminus of Alley along lots 115-112. (ie. provide turnaround, connectivity, adjust phase boundary, etc.)9/21/2007 Traffic Comment
5. Minimum lot area for front-loaded houses shall be 6,000 square feet.
6. Sight triangle provisions shall be applicable to this development.
7. Sinkhole boundaries shall not be within any lots and shall be designated within open space.
8. All parking, utilities, meter boxes, heating and cooling units and other mechanical systems shall be screened to a minimum height of 3 feet, or located from public view.
9. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education, in compliance with the standards of Section 17.16.040 for elementary schools with capacity of 500 students, or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education
10. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. The uses in this SP are limited to Mixed Residential.
12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application for the detached units and RM4 for the attached units.
13. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

14. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.”

8. 2007SP-146G-02

Grace Adult Homes Assisted-Living Facility
Map 032-00 Part of Parcel 053
Subarea 2 (2006)
Council District 3 - Walter Hunt

A request to change from R20 to SP-R zoning a portion of property to permit a 49,700 square foot assisted-living facility with 69 units, located at 1500 Old Hickory Boulevard, approximately 485 feet west of Brick Church Pike (3.89 acres), requested by George S. Thompson, applicant, for Grace Baptist Church, owner.

Staff Recommendation: Approve with conditions, subject to approval of the associated Community Plan amendment

APPLICANT REQUEST - Preliminary SP

A request to change from One and Two Family Residential (R20) to Specific Plan-Residential (SP-R) zoning to permit a 49,700 square foot assisted-living facility with 69 units on 3.89 acres located at 1500 Old Hickory Boulevard, approximately 485 feet west of Brick Church Pike.

Existing Zoning

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. The existing zoning permits a maximum of six lots, or a total of eight units with 25% duplex.

Proposed Zoning

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

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

PARKWOOD-UNION HILL COMMUNITY PLAN

Existing Policy

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

Special Policy Area #1-The “NG” (Neighborhood General) policy for this special policy area applies only if:

1. Davidson Academy relocates and
2. the Davidson Academy facilities and campus will redevelop, rather than be used by another

institutional, civic or public benefit use.

“NG” type redevelopment and rezoning should be based on a single unified plan for the entire special policy area. Proposals should be implemented only through the “SP” (Specific Plan) base zone district or a “UDO” (Urban Design Overlay) district combined with appropriate base districts. Without a single unified plan, partial rezoning and redevelopment of this area based on “NG” policy is not recommended. Instead RL (Residential Low Density) should be the applicable policy.

Proposed Policy

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

Revised Special Policy Area #1 - For properties not fronting on Old Hickory Boulevard, the “NG” (Neighborhood General) policy for this special policy area applies only if:

1. Davidson Academy relocates and
2. the Davidson Academy facilities and campus will redevelop, rather than be used by another institutional, civic or public benefit use.

Development and zoning proposals based on “NG” policy and guidelines should be implemented only through the “SP” (Specific Plan) base zone district or a “UDO” (Urban Design Overlay) district combined with appropriate base districts.

“RL” (Residential Low Density) policy shall apply to properties not fronting on Old Hickory Boulevard until the conditions for development based on “NG” policy exist.

Consistent with Policy? Yes. The SP-R district will be consistent with policy if the associated community plan amendment is approved. An amendment to change the community plan’s conditions for transitioning from Residential Low (RL) to Neighborhood General (NG) policy accompanies this zone change request. The Special Policy #1 for the Davidson Academy area is being revised to allow development and zoning proposals on certain properties to proceed prior to redevelopment of the Davidson Academy site, if implemented through the SP base zone district. Neighborhood General policy encourages development that incorporates good neighborhood design and that is appropriate to the site. If approved, the SP district to permit an assisted living facility would be consistent with NG policy and the special policy designated for this area.

PLAN DETAILS

Site Plan - The site has been designed to accommodate a 69 unit assisted living facility. Phase one of the plan includes a 33,100 square foot structure with 41 units. Phase two is planned for a total of 16,600 square feet with 28 units, eight of those units will be constructed as an addition to the Phase one building. Each building is planned to be one story in height with a minimum height of 23 feet. The plan does not include any architectural standards.

Sidewalks - The site plan includes a concrete path between the parking areas and the building. No additional sidewalks or walking paths are shown on the site.

Access - A private driveway will provide a direct connection to Old Hickory Boulevard, and a future connection is proposed to the west.

Parking - The proposed 42 parking spaces meet the minimum required spaces per the Metro Zoning Code. Six of those spaces are reserved for handicap parking. Two rows of parking are shown fronting the Phase one building and one row of parking is provided in the rear of the building.

Landscaping - A landscaping buffer surrounds the property to the north and to the west. A 30 foot stream buffer is shown on the eastern boundary of the site.

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

Maximum Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	3.59	1.85	7	67	6	8

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Assisted-Living(254)	3.59	n/a	61 beds (20 dwelling units)	216	9	14

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+13	149	3	6

STORMWATER RECOMMENDATION - Preliminary SP approved.

FIRE MARSHAL RECOMMENDATION

1. Fire department access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.
2. The fire hydrant flow data must be provided before a permit can be issued.

STAFF RECOMMENDATION - Staff recommends approval of the SP-R district and the preliminary site plan with conditions, subject to the approval of the associated Community Plan amendment. An assisted living facility at this location would be compatible with the moderately intense uses that presently surround the site. Davidson Academy abuts the property to the north and to the east, and Grace Baptist Church is immediately adjacent to the west. This project would also help advance the goals of the Parkwood-Union Hill Community Plan by diversifying the housing mix and meeting the needs of the community.

CONDITIONS

1. Prior to approval of the final site plan, a note shall be added that states future access drives connecting the western property boundary shall be constructed in phase one.
2. The use for this SP site plan shall be limited to an assisted living facility
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be

presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

5. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
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.

Approved with conditions Zone Change 2007SP-146G-02, Grace Adult Homes Assisted-Living Facility. (10-0)

Resolution No. BL2007-343

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-18G-02 is **APPROVED alternative Plan Amendment limiting NG development independent of the Davidson Academy redeveloping to the two properties that front on Old Hickory Boulevard and are to the west of Davidson Academy. (10-0)**”

Resolution No. BL2007-344

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-146G-02 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to approval of the final site plan, a note shall be added that states future access drives connecting the western property boundary shall be constructed in phase one.
2. The use for this SP site plan shall be limited to an assisted living facility
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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.

The proposed SP-R district is consistent with the Parkwood/Union Hill Community Plan's Neighborhood General policy which is intended to meet a spectrum of housing needs providing a variety of housing types that are carefully arranged, and the special policy which allows development and zoning proposals on certain properties if implemented through a SP, PUD or UDO."

9. **2007SP-148U-14**
Lebanon Pike
Map 096-01, Parcel 062-01
Subarea 14 (2004)
Council 14- James Bruce Stanley

A request to change from CS to SP-A zoning property located at 2801 Lebanon Pike, at the southeast corner of Lebanon Pike and Donelson Pike (0.31 acres), to permit an existing structure to be used for used automobile sales, requested by Leroy J. Humphries and Beverly Beam, owners.

Staff Recommendation: Disapprove

Mr. Bernhardt announced that the applicant has agreed to defer Zone Change 2007SP-148U-14, indefinitely.

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously to defer Zone change 2007SP-148U-14, indefinitely. **(10-0)**

Resolution No. BL2007-350

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-148U-14 is DEFERRED INDEFINITELY. (10-0)"

10. **2007SP-165G-04**
Myatt Drive – Anderson Lane
Map 043-06, Various Parcels
Map 043-07, Various Parcels
Map 043-11, Various Parcels
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request to rezone from RS7.5 and CS to SP-MU zoning on 88 properties abutting Myatt Drive from State Route 45 (Old Hickory Boulevard) to Anderson Lane, and abutting Anderson Lane from May Drive to Rio Vista Drive (34.04 acres), to permit mixed uses along Myatt Drive, and mixed uses and mixed housing types along Anderson Lane, requested by the Councilmember Jim Forkum.

Staff Recommendation: Approve with conditions, including the proposed revisions to the Plan

APPLICANT REQUEST - Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) and Commercial Service (CS) to Specific Plan-Mixed Use (SP-MU) zoning on 88 properties abutting Myatt Drive from State Route 45 (Old Hickory Boulevard) to Anderson Lane, and abutting Anderson Lane from May Drive to Rio Vista Drive (34.04 acres), to permit mixed uses along Myatt Drive and the portion of Anderson Lane east of Myatt Drive, and mixed housing types along the portion of Anderson Lane west of Myatt Drive, requested by Councilmember Jim Forkum.

Existing Zoning

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

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

Proposed Zoning

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

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

MADISON COMMUNITY PLAN

Structure Policy

Mixed Use (MU) MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Detailed Policies

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

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

Consistent with Policy? Yes. The proposed SP district is designed expressly to implement the detailed land use policies for this area outlined in the Madison Community Plan. The SP document includes provisions that tie land uses, building regulations, infrastructure requirements, and signage regulations directly to the detailed community plan policies for property included within the boundaries of the SP-MU district.

PLAN DETAILS - This SP district was requested by Councilmember Forkum after working with Planning Department staff to amend the Madison Community Plan in spring 2007 to provide detailed land use policies for Myatt Drive and Anderson Lane. That amendment was adopted by the Planning Commission on May 10, 2007, following a series of three community meetings held in Madison. At that time, there was strong community interest in implementing the MxU and MH policies put in place by the plan amendment

through an SP. Councilmember Forkum requested that Planning Department staff return at a later date to work with the community to develop the SP rezoning request. Three more community meetings were held in August 2007 to develop the SP.

The SP includes every parcel of land that abuts both sides of Myatt Drive from Anderson Lane to State Route 45, the south side of Anderson Lane from May Drive to Myatt Drive, both sides of Anderson Lane from Myatt Drive to the Metro recycling facility, and the south side of Anderson Lane from the recycling facility to Rio Vista Drive, except for those parcels located within the Myatt Drive Thornton's SP at the southeast corner of Myatt Drive and Anderson Lane adopted pursuant to BL2007-1512.

Goals - The plan is intended to implement several goals that relate to the detailed land use policies adopted in May, 2007. The goals of the SP are:

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

Structure of the Plan - The SP district establishes land use and urban design standards (addressing the relation of the building to the street and to open space, *not* architectural design) for properties contained within SP boundaries. The SP district is divided into three separate subdistricts that reflect the character of each section. These subdistricts are identified on maps contained in the SP document. Within each subdistrict, the following issues are addressed:

- **Development guidelines** explain the urban design intent of the SP district. Future development is intended to be consistent with the development guidelines, but they are not regulatory in nature.
- **System regulations** address transportation, parking, access, streetscape, signage, and landscaping and buffering. For each category, goals and standards are provided. The goals describe the intent of the SP for each system and the standards provide the framework to achieve the goals. The standards are regulatory for each subdistrict and future development within the SP district must be consistent with them.
- **Building standards** set requirements for height, physical configuration, and urban design that are required for structures within the SP district. Many different building types are permitted within each subdistrict, but there are requirements that new buildings within the SP district must meet. The standards are presented through text, graphic representations, and photographic examples of buildings consistent with the standards. The standards are regulatory for each subdistrict and future buildings within the SP must be consistent with them.
- **Land Uses** that establish the permitted and excluded land uses for each subdistrict. The permitted and excluded land uses are regulatory for each subdistrict and future development within the SP district must be consistent with them.
- **Signage** – In addition to the specific standards for each subdistrict, the SP includes general sign standards in a separate section. The sign standards are regulatory and all future development within any portion of the SP must be consistent with them.

When do the provisions of the SP apply? The SP was crafted to ensure that new development within its boundaries is not discouraged by applying new standards to relatively minor development permit applications. The design guidelines, system regulations, building standards, land uses, and signage standards apply to all property located within the SP district, except that individual single and two family residences shall be exempt from the system regulations.

Otherwise, the system regulations and building standards contained in the SP district apply when:

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

Proposed Plan Revisions - A draft of the SP document has been posted to the Planning Department website since August 3, 2007, was presented at public meetings on August 15, 22, and 29 and is being delivered to the members of the Commission with this staff report. The revised SP document will be filed as an amendment to the SP ordinance at Council prior to its passage on third reading. There are changes required to the document before it is presented to the Council, including:

1. Clarification that the system regulations of the SP do not apply to individual single and two family residences.
2. Clarification that the trigger provision is for improvements rather than simply for expansions.
3. Change “planted medians” to “pedestrian islands” in the System Regulations for Subdistricts 1 and 2.
4. Add a reference to the Conceptual Access Management Plan in the System Regulations for all three Subdistricts and add Figure 3 Conceptual Access Management Plan.
5. Add a requirement that all required improvements be bonded in accordance with a Phasing Plan and add Figure 4 Phasing Plan.
6. Add “45’” as the maximum building height in feet for 3-story buildings in Subdistricts 1 and 2.
7. Add “35’” as the maximum building height in feet for 3-story buildings in Subdistrict 3.
8. Add a condition that multi-tenant buildings be permitted a maximum of six signs per building to the Signage Standards.
9. Clarify that individually lit letters are permitted on signs in the Signage Standards.

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

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

FIRE MARSHAL RECOMMENDATION -No comments received

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

METRO SCHOOL BOARDREPORT

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

STAFF RECOMMENDATION - Staff recommends approval with conditions of the Myatt Drive – Anderson Lane SP zoning district including the proposed plan revisions.

CONDITIONS

1. Revise the Myatt Drive – Anderson Lane SP to include the proposed plan revisions.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district for Subarea 1 and Subarea 2 of the SP plan and RM20 zoning district for Subarea 3, as of the date of the applicable request or application.
3. Except as otherwise noted herein, the SP document prepared by the Planning Department, supplemental information, and conditions of approval shall be used by the Planning Department and Department of Codes Administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission or its designee and in some instances approval by the Metropolitan Council.
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.

Approved with conditions, including the proposed revisions to the plan **(10-0) Consent Agenda**

Resolution No. BL2007-351

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-165G-04 is **APPROVED WITH CONDITIONS, including the proposed revisions to the Plan. (10-0)**

The proposed SP-MU district is consistent with the Madison Community Plan’s Mixed Use and Mixed Housing policies, which are intended for a variety of uses including office, retail, commercial, and residential that are appropriately mixed.”

11. **2007Z-168G-04**
MVE: Automasters Of Gallatin
Map 043-05, Parcel 139
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request to approve a motor vehicle business establishment as required by Public Chapter No. 141 of Tennessee Code through a show cause hearing on property located at 712 Gallatin Pike, at the southeast corner of Gallatin Pike and Roosevelt Avenue (0.49 acres), requested by Mehran Jambaksh, applicant, for Gerald and Melissa McFarland, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to approve a motor vehicle business establishment as required by Public Chapter No. 141 of Tennessee Code through a show cause hearing on property located at 712 Gallatin Pike, at the southeast corner of Gallatin Pike and Roosevelt Avenue (0.49 acres).

Existing Zoning

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

Public Chapter 141 - SECTION 2. Tennessee Code Annotated, Section 13-7-208, is amended by adding the following language as new subsection (I):

(1) As used in this subsection “motor vehicle business establishment” means a business establishment which sells motor vehicles and all such motor vehicles have been previously titled.

(2) In any municipality having a metropolitan form of government and a population of over three hundred thousand (300,000) according to the 2000 federal census or any subsequent federal census, if:

(A) A motor vehicle business establishment is operating and is permitted to operate or continue operating under zoning regulations, or nonconforming uses or exceptions thereto, in effect immediately preceding a change in zoning; and

(B) The operation of the motor vehicle business establishment either:

(i) Ceases for a period not to exceed thirty (30) continuous months but following such period of non-operation, the owner intends to resume operations in the same location as a motor vehicle business establishment; or

(ii) Changes ownership and the new owner intends to operate at such location as a motor vehicle business establishment;

then the owner of such motor vehicle business establishment shall appear before the local planning commission to show cause why the nonconforming zoning applicable to the previous motor vehicle business operation or establishment should continue to apply.

Analysis - The previous business at this location sold pre-owned vehicles which, prior to Public Chapter 141, could continue as a legal non-conforming use in a CS zoning district. According to Public Chapter 141, the owner of a motor vehicle business establishment operating as a non-conforming use, which ceases operations for more than 30 days or which transfers ownership, must show cause to continue operating as a nonconforming use. The applicant has not presented any evidence to show cause why the nonconforming use should be permitted to continue.

In April 2006, Metro Council passed legislation that defines different types of “auto uses” and requires that many auto uses only be allowed on industrial zoned property or on property zoned to Specific Plan (SP). In light of the Council-adopted requirements for auto uses, including used car lots, the applicant has not shown cause why the used car lot should be permitted to continue as a non-conforming use.

Staff recommends that the applicant bring the property into compliance with the standards established by the Metro Council by applying for Specific Plan zoning on this property. If an application is received, staff will evaluate consistency of the request with land use policy, the number and concentration of similar uses in the area, and the impact of the use relative to the surrounding area. Staff will further require the applicant to comply with the standard design requirements applied by staff to used car lot SP applications.

MADISON COMMUNITY PLAN

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

The area designated as 9G in the Madison Community Plan applies CAE policy to properties along the east side of Gallatin Pike. The plan states that for this area, commercial zoning should be contained in its current boundaries and not be allowed to expand into the residential area to the east.

Consistent with Policy? Automobile uses are generally permitted in areas with Commercial Arterial Existing (CAE) policy. Because the Metro Code now requires auto uses to be located within an SP zoning district, however, the existing nonconforming use should not be permitted to continue under the existing CS zoning.

STAFF RECOMMENDATION - Staff recommends disapproval of the motor vehicle business establishment request. A request to zone the property SP and allow an auto related use should be considered with respect to consistency with land use policy, the number and concentration of similar uses in the area, and the impact of the use relative to the surrounding area.

Mr. Kleinfelter presented information regarding Public Chapter No. 141 of the Tennessee Code to the Commission.

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

Mr. Bernhardt offered additional information regarding the staff's recommendation to the Commission.

Ms. Jones requested additional information regarding the policy and the interpretation of ownership transfers.

Mr. Gotto questioned whether an SP zoning analysis was completed on this request.

Mr. Bernhardt offered that the applicant did not provide the "just cause" that was necessary for staff to recommend an approval on this application.

Mr. Gerald McFarland, 7513 E. Whistling Windway, spoke in favor of the proposed rezoning.

Mr. Amir Rosham, 1205 Derems Drive, spoke in favor of the proposed rezoning.

Mr. Dalton requested additional information regarding the new law and its application as mentioned with this request.

Mr. Kleinfelter briefly explained this concept to the Commission.

Mr. Bernhardt explained that the law addresses applications that fall within non-conforming uses and he further explained that the law also is requiring a review process for those who have this type of establishment and want to change ownership.

Mr. Dalton questioned whether the Commission could approve this type of application without violating the new State law.

Mr. Morrissey explained that the new law establishes that a local planning commission can determine whether "good cause" has been shown.

Mr. Gotto acknowledged that due to the confusing facts associated with the request, he recommended that the Commission approve with the understanding that "just cause" has been shown for this request.

Mr. Gotto moved and Ms. Cummings seconded the motion, to approve Zone Change 2007Z-168G-04.

Ms. Jones questioned whether this law would affect a lease change as opposed to an ownership change.

Mr. Morrissey explained that the law states that, "the operation of a Motor Vehicle Business Establishment either ceases for a period under 30 months or ownership of the Motor Vehicle operation changes ownership".

Mr. Morrissey further explained the various facts that the Commission could utilize in order to make a recommendation of approval for these types of requests.

Mr. Bernhardt explained the two tier review process that staff would use to determine whether "just cause" has been provided by the various applicants.

Mr. Kleinfelter suggested that staff provide an informal work session to cover this law with the Commissioners.

Ms. Nielson spoke of the precedent that could be set by the Commission if this request was approved.

Mr. Ponder requested clarification on whether this state law only applies to Davidson County.

Mr. Kleinfelter clarified that the law is intended for metropolitan counties that have a population of 300,000 or more.

Mr. Ponder suggested the Commission defer this request for one meeting in order to allow the owner to provide the information being requested of him.

Mr. Gotto offered that the applicant has already waited over 90 days and did not want to delay his income any additional time.

Mr. Ponder requested further clarification on any legal ramifications if the Commission were to approve the request.

Mr. Morrissey explained that it is the discretion of the Commission to determine if “show cause” has been provided which would justify the continuation of non-conforming use at this location.

Mr. Bernhardt offered clarification for the motion. He suggested the Commission include the condition that states the request has been approved based on a presentation of cause at this hearing at this time, pending the development of more specific criteria as to the showing of cause for future cases and shall not be deemed to be a precedent for future cases.

Mr. Clifton spoke of the new law and the possible reasons for its enforcement. He stated he was in favor of approving the motion as stated.

Ms. Cummings acknowledged the motion with the suggested condition and stated she was in favor of moving approval.

Mr. Gotto moved and Ms. Cummings seconded the motion to approve Zone Change 2007Z-168G-04, MVE: Automasters Of Gallatin with the condition that the approval is based on presentation of cause at this hearing at this time pending the development of more specific criteria as to showing of cause for future cases and shall not be deemed to be a precedent for future cases. (9-1) No Vote – Nielson

Resolution No. BL2007-352

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-168G-04 is **APPROVED, based on presentation of cause at this hearing at this time pending the development of more specific criteria as to showing of cause for future cases and shall not be deemed to be a precedent for future cases. (9-1)**

12. 2007Z-169T
Parking Garage Liner Buildings Revision

A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend the requirements that allow the floor area of parking garage liner buildings fronting a public street or public space to be exempt from the calculation of floor area ratio by establishing different requirements for residential and non-residential uses.
Staff Recommendation: Approve

REQUEST- A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend the requirements that allow the

floor area of parking garage liner buildings fronting a public street or public space to be exempt from the calculation of floor area ratio by establishing different requirements for residential and non-residential uses.

ANALYSIS - "Liner Building" is a term that describes a thin building that is wide to the street but shallow to the block depth. These buildings can be used to hide long blank walls of a parking garage and create new mixed-use spaces in small increments. When done in continuous sections, these buildings can provide an active continuous street frontage while keeping most of a site in parking.

In this recent update to the Downtown Community Plan, there is a recommendation to amend the zoning code to allow the floor area of liner buildings not already mandated by the Zoning Ordinance to be exempt from a project's primary Floor Area Ratio (FAR) calculation. FAR is the total square footage of all structures on a lot, divided by the total horizontal area of the lot. This recommendation is a way to achieve the vision of a "24/7" downtown with strategic mixed use. This amendment is an incentive based way to implement that vision.

An ordinance was enacted by Metro Council in July 2007 that allowed the floor area of parking garage liner buildings fronting a public street or public space to be exempt from the calculation of FAR in the CC, CF, ORI and all mixed use districts. That bill specified that parking garages or structures fronting a public street or public space may be masked by a liner building a minimum of 20 feet deep. The first 20 feet of depth of the liner building shall be occupied by office, residential or other non-parking commercial uses. That bill did not specifically envision residential uses as the ground floor use. Glazing standards differ for residential and non-residential buildings; therefore, it is necessary to expand that previous ordinance. This proposal provides standards for residential and non-residential uses:

- For non-residential uses on the first floor, a minimum of 40 percent of the front façade of the first floor shall be clear or lightly tinted windows and doors. The first floor transparent glazing area calculation shall be measured from the finished grade at the setback to the finished floor elevation of the second floor, or to a height of 16 feet, whichever is less. Upper floors, regardless of use, shall have a minimum of 25 percent of glazing to be eligible for square footage calculation exemption.
- For residential uses on the first floor, a minimum of 20 percent of the front facade of the first floor shall be openings. Openings shall be clear or lightly tinted windows or main entrance doors. The first floor opening area calculation shall be measured from the finished floor elevation of the first floor to the finished floor elevation of the second floor, or to a height of 12 feet, whichever is less. Upper residential floors shall have a minimum of 25 percent glazing to be eligible for square footage calculation exemption. Residential uses on the first floor shall have a minimum finished floor elevation one and one half feet above the finished grade at the setback.

Additionally, this proposal requires that projects receive Planning Commission review and approval prior to the issuance of a building permit. Staff recommends that the review of these applications be delegated to the Planning Staff.

Staff Recommendation - Staff recommends approval of the proposed text amendment because it supports the vision of a 24/7 mixed use urban neighborhoods and provides incentives to buildings working to make that vision a reality.

ORDINANCE NO. BL2007-36

A request to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of the Metropolitan Government of Nashville and Davidson County, to amend the requirements that allow the floor area of parking garage liner buildings fronting a public street or public space to be exempt from the calculation of floor area ratio by establishing different requirements for residential and non-residential uses. (Proposal No. 2007Z-169T)

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

SECTION 1 By amending Section 17.12.070 "Special Floor areas ratio (FAR) provisions" by **deleting** "Section F" as follows:

F. Parking Garage Liner Buildings. Within the CC, CF, ORI and all mixed use districts, parking garages or structures fronting a public street or public space may be masked by a liner building a minimum of 20 feet deep. The first 20 feet of depth of the liner building shall be occupied by office, residential or other nonparking commercial uses. A minimum of 50 percent of the wall area of the street level or public space level shall be glazed, and a minimum of 25 percent of that wall area of upper levels shall be glazed. The floor area of any liner building shall be excluded from the calculation of floor area ratio.

And **adding** a new “Section F” as follows:

F. Parking Garage Liner Buildings. Within the CC, CF, ORI, and all mixed-use districts, parking garages fronting a public street or public space may be masked by a liner building that is a minimum of 20 feet deep. To be eligible for the square footage exemption of this ordinance, the following criteria must be met. This provision shall be enforced pursuant to the final site plan review procedures in Section 17.12.170.B.

The first 20 feet of depth of the liner building shall be occupied by office, residential, or other non-parking commercial uses.

1. For non-residential uses on the first floor, a minimum of 40 percent of the front façade of the first floor shall be clear or lightly tinted windows and doors. The first floor transparent glazing area calculation shall be measured from the finished grade at the setback to the finished floor elevation of the second floor, or to a height of 16 feet, whichever is less. Upper floors, regardless of use, shall have a minimum of 25 percent of glazing to be eligible for square footage calculation exemption.

2. For residential uses on the first floor, a minimum of 20 percent of the front facade of the first floor shall be openings. Openings shall be clear or lightly tinted windows or main entrance doors. The first floor opening area calculation shall be measured from the finished floor elevation of the first floor to the finished floor elevation of the second floor, or to a height of 12 feet, whichever is less. Upper residential floors shall have a minimum of 25 percent glazing to be eligible for square footage calculation exemption. Residential uses on the first floor shall have a minimum finished floor elevation one and one half feet above the finished grade at the setback.

SECTION 2 By amending Section 17.12.170. “Final Site Plan” by **amending** “Section B” as follows:

B. Final Approval by the Planning Commission. Planning Commission approval shall be required for a final site plan within a planned unit development (PUD) district, an urban design overlay district, a specific plan (SP) district, an institutional overlay district, **or a parking garage liner building floor area ratio exemption.**

SECTION 3 BE IT FURTHER ENACTED, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Councilmember Jameson

Approved, (10-0) *Consent Agenda*

Resolution No. BL2007-353

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-169T is **APPROVED. (10-0)**”

X. CONCEPT PLANS

13. 2007S-264G-12

Christiansted Valley Reserve (formerly Holt Hills, Section 3)
Map 172-00, Parcel 149
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for concept plan approval to create 24 lots within a cluster lot development on property located at 265 Holt Hills Road, at the end of Christiansted Lane (10.02 acres), zoned RS15, requested by Rubel Shelly et ux, owners, Clinard Engineering Associates LLC, surveyor.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Concept Plan to November 8, 2007, indefinitely at the request of the applicant. (9-0)

14. 2007S-276U-03

The Woods At Monticello
Map 071-01 Parcel 075, 076, 088, 089, 143
Subarea 3 (2003)
Council District 2 - Frank R. Harrison

A request for a major revision to the concept plan, and for development plan approval, to create 38 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), zoned RS7.5, requested by Metropolitan Development and Housing Authority, owner, Barge, Waggoner, Sumner and Cannon, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan and Development Plan (Phase 1)

A request for a major revision to the concept plan, and for development plan approval for Phase 1, to create 38 lots in a cluster lot subdivision 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), zoned Single-Family Residential (RS7.5).

ZONING

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

PLAN DETAILS - The concept plan proposes 38 single-family lots ranging in size from 4,000 sq. ft. to 8,869 sq. ft. This application proposes 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 two 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 - This development is using the cluster lot option to cluster around steep slopes on the site. When the cluster lot option is utilized to preserve natural features, the applicant may not be required to provide usable open space.

Pursuant to 17.12.090.G, recreation facilities are required in cluster lot developments over 25 units. A playground is shown on the plan. This meets the requirement for one recreation facility for this development.

Phasing Plan - The concept plan includes two phases. Phase 1 includes 36 lots along the connection to the existing Monticello Street. Phase 2 includes two lots along the stub street to the east. The development plan is only for Phase 1.

PUBLIC WORKS RECOMMENDATION- No Exception Taken

STORMWATER RECOMMENDATION - Approved with conditions

1. Provide a completed Detention Agreement (with signatures).
2. Provide NOC.
3. For the retaining walls, provide more TOW / BOW elevations.
4. For the initial erosion control measures, provide temporary diversion ditches / swales routing runoff to a sediment basin (this may help eliminate some silt fence). The sediment basin was shown with retaining walls. Show TOW / BOW elevations and show that runoff will enter the sediment basin. See mark up. For sheet C1.02, show outlet protection to HW's 17 and 20.
5. Provide all civil details (storm manhole, etc.).
6. For the storm structures, double check Tc calculations. For inlets 5, 6, and 9, it appears that sheet flow should only be used for 20' (then shallow).
7. For the inlet / outlet controls for the culvert (22 – 23), the outlet control headwater elevation is at 537.22. This elevation should be 1.5' below the edge of the shoulder of the road.
8. For the grass channel, a constraint in the design considerations states that it is not appropriate for impermeable soils. D-series soils are very impermeable.
9. For the water quality calculations (Rv), double check "I". 2.92 was used for the impervious areas (pavement areas only). The residential portion of the site also contains imperviousness. This should be included within the "I".

STAFF RECOMMENDATION - Staff recommends approval with conditions.

CONDITIONS

1. Show a public access easement and construct a path to the playground.
2. Show lots in Phase 2 on the concept plan.
3. Add a note to the concept plan and development plan that no access from Monticello Drive for Lots 17-20 will be permitted.
4. Change subdivision number on both concept plan and development plan to 2007S-276U-03.
5. Comply with all Stormwater requirements.
6. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the above 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 date of conditional approval by the Planning Commission.

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. BL2007-354

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-276U-03 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Show a public access easement and construct a path to the playground.
2. Show lots in Phase 2 on the concept plan.
3. Add a note to the concept plan and development plan that no access from Monticello Drive for Lots 17-20 will be permitted.
4. Change subdivision number on both concept plan and development plan to 2007S-276U-03.
5. Comply with all Stormwater requirements.
6. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the above 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 date of conditional approval by the Planning Commission.”

XI. FINAL PLATS

15. 2007S-257G-06

Harpeth Valley Park, Section 1, Revision
Map 142-15, Parcels 046, 047, 048, 049, 050, 051, 057, 058, 059, 061, 117
Map 156-03, Parcel 002, 003
Subarea 6 (2003)
Council District 35 - Bo Mitchell

A request for final plat approval to shift lot lines between 13 properties and public Right-of-Way, creating 12 new lots located on the south side of Harpeth Bend Drive, and Harpeth Parkway East (10.3 acres), zoned RS15, requested by Tony Reasons II, surveyor for various property owners.

Staff Recommendation: Approve with conditions, including approval for a variance from Section 3-4.2.a of the Subdivision Regulations

APPLICANT REQUEST - Final Plat

A request for final plat approval to shift lot lines between 13 properties and public Right-of-Way, creating 12 new lots located on the south side of Harpeth Bend Drive, and Harpeth Parkway East (10.3 acres).

ZONING

RS15 - 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.

SUBDIVISION DETAILS - The plat will allow for the movement of lot lines between 13 properties and public right-of-way for the creation of 12 newly configured lots. As proposed, 12 existing lots that were originally recorded in 1965 with the Harpeth Valley Park plat will be expanded with the split of an adjacent vacant parcel and the abandonment of public right-of-way. While the Subdivision Regulations allow for this type of request, and similar requests are often approved at an administrative level, not all of the new lots proposed by this subdivision will fully meet the regulations and, therefore, will require a variance that must be approved by the Planning Commission.

With this plat the right-of-way that was recorded with the original plat between lots 1 and 2 will be removed. The property immediately south of this right-of-way is completely within the Harpeth River

floodplain and floodway. This land is not suitable for additional development and the right-of-way is not needed as it would encourage development in an inappropriate location.

Variance from Section 3-4.2.a - Section 3-4.2.a of the Subdivision Regulations requires that lot lines be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. As proposed lots 2, 5, 10, 16, 18 and 20 will not meet this requirement. Each property owner in this section of the Harpeth Valley Park subdivision was offered the opportunity to purchase the portion of a land-locked parcel directly to the rear of their lot. Several of the lot owners did not purchase the property and those portions were purchased by adjacent property owners resulting in "L" shaped lots.

STORMWATER RECOMMENDATION - Approved

PUBLIC WORKS RECOMMENDATION - No Exception Taken

STAFF RECOMMENDATION - The request will not create any new development rights, and removes a vacant landlocked property. Staff recommends that the request be approved with conditions including approval for a variance from Section 3-4.2.a of the Subdivision Regulations.

CONDITIONS

1. All Stormwater conditions listed above must be shown on the plat and approved by Stormwater Staff prior to the recordation of the plat.
2. A Mandatory Referral application for the abandonment of the right-of-way between lots 1 and 2 must be submitted to the Public Works Department for approval from Metro Council. The plat may be recorded prior to Council approval.

Approved with conditions, including approval for a variance from Section 3-4.2.a of the Subdivision Regulations (10-0) **Consent Agenda**

Resolution No. BL2007-355

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-257G-06 is **APPROVED WITH CONDITIONS, including approval for a variance from Section 3-4.2.a of the Subdivision Regulations for lot line configuration. (10-0)**

Conditions of Approval:

1. All Stormwater conditions listed above must be shown on the plat and approved by Stormwater Staff prior to the recordation of the plat.
2. A Mandatory Referral application for the abandonment of the right-of-way between lots 1 and 2 must be submitted to the Public Works Department for approval from Metro Council. The plat may be recorded prior to Council approval."

-
- 16. 2007S-274G-12**
Oakmont Subdivision, Phase 3, 1st Revision
Map 172-05-0-A, Various Parcels
Map 172-05-0-A, Various Parcels
Map 172-05-0-A, Various Parcels
Subarea 12 (2004)
Council District 31-Parker Toler

A request for a sidewalk variance in Phase 3 of the Oakmont Subdivision for 13 properties fronting Red Feather Lane, approximately 260 feet east of Grand Oak Way (3.72 acres), zoned R30 and within a Planned Unit Development district, requested by Tiara Development LLC, Teresa & Ryan T. Ricks, William T. Black III, Judith J. Black, David & Majorie Hunsucker, Patrick & Tara Maddux, Frank & Tamera Gordon, Scott & Lori Winters, Jerry & Nancy Harris, James & Alice Harris, Stephen Perez, and John & Eliabeth Croley, owners, Wamble & Associates, surveyor.

Staff Recommendation: Approve with condition, including a variance to Section 3-8 of the Subdivision Regulations for sidewalks

APPLICANT REQUEST - A request to revise the final plat to remove a sidewalk along the frontage of Red Feather Lane for the eight lots within this phase consisting of 13 total lots that were originally platted with a sidewalk.

ZONING

R30 District - R30 requires a minimum 30,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 1.54 dwelling units per acre including 25% duplex lots.

History - The Oakmont development is within a Residential Planned Unit Development district approved in 1991. At the time this PUD was approved, sidewalks were only required on one side of each new street. However, the original PUD plan included sidewalks on both sides of Red Feather Lane. Due to the topographic constraints, the applicant subsequently revised the plan to include sidewalks on only one side of the road. The currently approved final plat for Phase 3 includes a sidewalk on the west side of Red Feather Lane, in front of lots 31 to 34 with a cross-over to the east side of the road where the sidewalk is in front of lots 44 to 47. The sidewalk crosses over to try to avoid the steeper topography.

Previous Sidewalk Variance Request - On May 22, 2003, the Planning Commission denied a request for a sidewalk variance for these properties, but approved flexibility to allow applicant to move sidewalk to either side of roadway. At that time, the staff recommendation was to approve the variance due to topographic conditions on the site and concerns that, if the sidewalk were to be constructed, it would create steeper driveways than what already exist. Staff was also concerned that, if built, the sidewalk may create safety concerns due to a mid-block crossing and ADA concerns with sidewalks on steep slopes.

Section 3-8, Sidewalks - The applicant is now requesting a sidewalk variance for reasons of topography and the location of an existing creek – and its associated drainage structures. The applicant contends that neither side of the street will accommodate the construction of a sidewalk. The applicant also states: “Difference in elevation between street and houses on each side results in steep driveways. Installation of sidewalks on either side of the street would make driveways even steeper and problematic.”

Should an applicant believe that the installation of sidewalks creates an undue hardship; a variance may be sought before the Planning Commission. In making a recommendation to the Planning Commission, staff has reviewed the four criteria outlined in the Metro Subdivision Regulations and determined that:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located. The traffic along Red Feather Lane appears to be existing residents only, and the roadway does not support usage by any other traffic.
- The conditions upon which the request for this variance is based are unique to the subject area and are not applicable to other surrounding properties.
- If the strict letter of these regulations were carried out, a particular hardship would be created for the following reasons: First, continuing the sidewalk from its current location across the fronts of lots 31 through 34 will require significant roadway and drainage improvements because the grade drops significantly from the roadway to the bottom of the creek – with banks six-plus feet deep on slopes greater than 25%. Second, installation of the sidewalk along lots 47 through 44 would require significant cutting into the upslope in order to meet ADA compliance.
- If granted, the variance will not vary from the provisions of the adopted General Plan, Major Street Plan, or Zoning Regulations.

Construction of the Sidewalk - The developer of this subdivision was required to post a bond for construction of this sidewalk and other infrastructure with the recording of the final plat. The current amount held by the Planning Department for the sidewalk bond for this subdivision is \$36,000. If the variance request is denied and Metro has to build the sidewalk, it could cost Metro much more than the \$36,000 that was remaining in the bond. The Planning Department has “called” the bond because the developer violated the bond agreement by failing to construct the sidewalk in a timely manner. The proceeds from the bond are being held by the Planning Department until this issue can be resolved. Due to the topography, it is unlikely that the sidewalk can be constructed for under \$36,000. In addition, residents and the homeowners’ association for this subdivision have told Planning staff that they do not want the sidewalks to be constructed because of the problems that would be caused by the currently existing topographic conditions.

STORMWATER RECOMMENDATION - Approve except as noted:

1. Add the subdivision number, i.e., 2007S-274G-12.
2. Strike plat note #7 and replace with the Standard MWS Stormwater Division 78-840 Note: "Any excavation, fill or disturbance of the existing ground elevation must be done in accordance with stormwater management ordinance no. 78-840 and approved by The Metropolitan Department of Water Services."
3. Oakmont Phase 3 was constructed under issued Grading Permit/Construction Document Number 1997-S-31. As such, as Stormwater Detention Agreement was executed as a part of the plan review process. Cite the associated Stormwater Detention Agreement Instrument Number.
4. Cite any appeals applicable to Oakmont Phase 3.

PUBLIC WORKS RECOMMENDATION -Developer to make payment in-lieu of construction of sidewalks.

STAFF RECOMMENDATION -Staff recommends approval of the sidewalk variance based on staff response to the four criteria listed above. A portion of the topographic conditions that make it difficult for the sidewalk to be built at this time were created by the developer's failure properly to grade the right of way for Red Feather Lane. Accordingly, staff recommends that the Commission include a condition of approval for the variance that would require the developer to contribute funds to Metro Government in an amount equal to the bond proceeds currently held by the Planning Department, which contribution would be used by the Department of Public Works to construct a sidewalk in the same Pedestrian Benefit Zone.

CONDITIONS

1. All Stormwater Management conditions shall be satisfied prior to final plat recordation.
2. A contribution equal to the remaining bond shall be made for a sidewalk to be constructed in the same Pedestrian Benefit Zone, as outlined in the Subdivision Regulations.

Approved with conditions, including a variance to Section 3-8 of the Subdivision Regulations for sidewalks and the elimination of conditions one and two. (10-0) *Consent Agenda*

Resolution No. BL2007-356

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-274G-12 is **APPROVED**, including a variance to Section 3-8 of the Subdivision Regulations for sidewalks. (10-0)"

XII. REVISIONS AND FINAL DEVELOPMENT PLANS

17. **94-71-G-06**
Bellevue Center (Bellevue Mall Redevelopment)
Map 128-00, Parcels 152, 170
Map 142-00, Parcels 001, 297, 298, 301, 356
Subarea 6 (2003)
Council District 22 - Eric Crafton

A request to revise a portion of the Commercial Planned Unit Development Overlay for properties located at 7616, 7620, 7624, 7632, and 7634 Highway 70 South, south of I-40 (87.34 acres), classified SCR and MUL, to permit the development of 1,166,670 square feet of retail/restaurant/office space replacing 1,462,854 square feet of same uses, requested by Barge Waggoner Sumner & Cannon, applicant, for Bellevue Properties LLC, Bellevue Parcel LLC, Bellevue Parcel II LLC, The May Department Stores Co., Dillard's Tennessee Operating Limited Partnership, Charles & Esther Frost, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise PUD

A request to revise a portion of the Commercial Planned Unit Development district for properties located north of Highway 70 S, west of Sawyer Brown Road and south of I-40 (87.34 acres), classified Shopping Center Regional (SCR) and Mixed Use Limited (MUL), to permit the development of 1,166,670 square

feet of retail/restaurant/office space replacing 1,462,854 square feet of same uses.

PLAN DETAILS

History - The entire Bellevue Center PUD consists of 102.60 acres, while this revision includes only 87.34 acres. The PUD was originally approved in the 1970's and was most recently revised in 2005, to permit a 212,305 square foot retail use on approximately 11.95 acres.

Proposed Plan - This proposed revision includes the demolition of most of the existing mall, with the exception of the existing 146,000 square foot Sears store, the Sears Service Center, and the existing 147,245 square foot Macy's store. The existing Publix grocery store and two outparcels will also remain. The remainder of the mall site is proposed for redevelopment for a total square footage of 1,166,670 square feet of restaurant, retail and office uses.

The proposed plan includes six new restaurants with a total of 27,526 square feet, 96,031 square feet of office uses, and 1,043,113 square feet of retail uses. The proposed plan utilizes the existing infrastructure on site to allow a similar development plan to what was originally approved by Council. The plan does not expand development on the site above 10% of the total square footage originally approved by Council, and maintains all of the existing access points. Although the enclosed mall is to be demolished, the new development plan retains some pedestrian and public space amenities that characterized the original mall. Since the uses and general characteristics of the shopping center are the same, staff recommends that this proposal be treated as a revision to the Preliminary PUD plan, not an amendment which would require Metro Council approval.

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

Show and dimension right of way along Highway 70S at property corners. Dimension from centerline. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved Major Street Plan (U6-108' ROW).

STORMWATER RECOMMENDATION - Revision approved.

STAFF RECOMMENDATION - Staff recommends approval with conditions because this proposal is generally consistent with the Council approved PUD plan and it does not meet any of the requirements for a major amendment. The proposed shopping center will remain an auto-oriented regional destination, as was the original concept of the Bellevue Center mall.

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro 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.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. BL2007-357

“BE IT RESOLVED by The Metropolitan Planning Commission that 94-71-G-06 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro 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.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.”

- 18. 95P-025U-12**
Millwood Commons
Map 162-00 Parcels 117, 118, 119, 120, 122, 222, 250
Subarea 12 (2004)
Council District 32 - Sam Coleman

A request to revise the preliminary plan for a Planned Unit Development located at Bell Road (unnumbered), Blue Hole Road (unnumbered), and 5439 Blue Hole Road, southwest corner of Bell Road and Blue Hole Road (159.38 acres), zoned RS7.5, R15, and RS20 districts, to modify Phases I and II to permit 884 multi-family units and 116 single-family lots in Phase III totaling 1,000 dwelling units where 908 multi-family units and 116 single-family lots were previously approved totaling 1,024 dwelling units, requested by LandDesign Inc., applicant, for Bell Road Vacant LLC, Bell Road L.P., and Kristi L. Warren owners.

Staff Recommendation: Defer unless the plan has received Stormwater approval. If Stormwater approves plan prior to the meeting and the approval does not require the relocation of units and or roadways, then staff can recommend approval with conditions

Mr. Swaggart presented and stated that staff is recommending approval with conditions, including all public works traffic conditions.

Ms. Kathy Gregg, 4721 crystal Brook Drive, spoke in opposition to the proposed development.

Mr. Gotto suggested the Commission defer this proposal to allow the Councilmember to hold a public meeting.

Mr. Tyler agreed that this proposal should be re-presented to the community members due to its original inception date.

Ms. Cummings agreed that this proposal should be deferred to allow the community members to meet with the Councilmember.

Mr. Clifton requested clarification on the logistics of the proposal in relation to the requirement of whether it was considered an amendment or a revision.

Mr. Swaggart explained this concept to the Commission.

Mr. Clifton acknowledged the density of the proposal. He also acknowledged the environmental issues associated and the recommendations made by the various Metro departments.

Mr. Bernhardt explained that the environmental issues would be addressed when Phase 2 and Phase 3 are ready for development.

Mr. Bernhardt further offered that Council did pass an ordinance regarding older PUDs and briefly explained this bill. However, Ms. Hammond stated that this bill would not be enacted until after 270 days of its inception date.

A brief discussion ensued regarding the direction the Commission wanted to take on this proposal.

Mr. Clifton offered that there were very few legitimate reasons the Commission could defer this proposal. However, he noted that no one was present to speak against the deferral.

Ms. Jones offered that this could be enacted as submitted. She mentioned there were less units included in the PUD and more thoughtfulness included.

Mr. Ponder stated he was in favor deferring the proposal one meeting.

Mr. Dalton moved and Mr. Ponder seconded the motion to defer Preliminary Plat 95P-025U-12, Millwood Commons to November 8, 2007 to allow additional time for the Councilmember to meet with the developer and community members.

Ms. LeQuire stated that the developer has made improvements to the PUD including connectivity, density, environmental awareness and she was in favor of approving the proposal. \

Mr. Dalton moved and Mr. Ponder seconded the motion to defer Preliminary Plat 95P-025U-12, Millwood Commons to November 8, 2007 to allow additional time for the Councilmember to meet with the developer and community members. **(7-2-1) No Votes - LeQuire, Jones Abstained – Clifton**

Resolution No. BL2007-358

“BE IT RESOLVED by The Metropolitan Planning Commission that 95P-025U-12 is DEFERRED to the November 8, 2007, Planning Commission meeting. (7-2-1)”

- 19. 2005UD-006U-10**
31st and Long Urban Design Overlay
Map 092-14, Various Parcels
Map 104-02, Various Parcels
Map 104-06, Various Parcels
Subarea 10 (2005)
Council District 21- Edith Taylor Langster

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending the 31st Avenue/Long Boulevard Urban Design Overlay (UDO) district, to establish parking location and maximum raised foundation heights for particular building types, clarify when architectural treatment standards apply and establish additional stormwater management requirements, and establish a design review committee, requested by the Metropolitan Planning Department.

Staff Recommendation: Approve

REQUEST - An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending the 31st Avenue/Long Boulevard Urban Design Overlay (UDO) district, to establish parking location and maximum raised foundation heights for particular building types, clarify when architectural treatment standards apply and establish additional stormwater management requirements, and establish a design review committee.

HISTORY - The 31st and Long Urban Design Overlay (UDO) was adopted in 2004 after a year long public participatory process. In the 1970s the area had been rezoned to allow 20 units per acre and was experiencing a transformation from the once grand neighborhood of large single-family homes and stately apartment buildings to a haphazard character of randomly placed new apartments, condominiums and offices, as well as the conversion of large single-family homes into multiple student apartments. Additionally, I-440 cut a wide path through the neighborhood.

Mounting development pressures and rezoning requests for additional density led the Planning Commission to request that staff study the area. The UDO was then developed through a “charrette” or public design process that included owners, residents and members of the development community. The process identified the issues affecting the area and put recommended solutions into a plan form that was ultimately adopted as the UDO.

AMENDMENT DETAILS- The amendment will correct weaknesses and omissions in the original language. The amendment covers parking location, maximum raised foundation heights and building heights for particular building types, clarifies when architectural treatment standards apply, establishes additional stormwater management requirements, and establishes a design review committee. The proposed amendment is a refining of the already adopted goals that have been in place since 2004.

Establish Parking location - All parking structures, below grade or above grade, shall stay within the front yard, side yard and rear yard setbacks. There is a “loophole” in the zoning code that has allowed below-ground parking to extend all the way to the property line, even though the intent was never to allow parking structures to encroach into setbacks. Re-establishing the required setback will allow older homes to compatibly co-exist with the new developments.

Maximum raised foundation heights and building heights for particular building types - The original document referred to building heights in number of stories only. The 2005 amendment clarified building heights for residential buildings by adding maximum heights in feet. This clarification needs to be added for commercial/mixed use buildings that are allowed at the intersection of 31st Avenue and Long Boulevard and east of 31st Avenue to set a maximum of 4 stories and a maximum height of 50 feet. This amendment also requires that mixed use buildings have a flat roof. Additionally, this amendment proposes maximum raised foundations as follows: Commercial/mixed-use: Not applicable, Live/work: Not applicable, Stacked Flat: 5 feet, Courtyard Flats: 5 feet, Townhouse: 5 feet, Cottage: 5 feet, House: 5 feet, Civic/Institutional: Not applicable. It is necessary to set a maximum as well as a minimum foundation height to maintain an appropriate pedestrian streetscape.

Clarify when architectural treatment standards apply - The amendment clarifies that all sides of a building, not just those facing a public way, shall be required to meet the Architectural Treatment Standards and are subject to review by Planning staff and the design review committee.

Establish additional stormwater management requirements - This amendment will make all sites subject to stormwater review regardless of the size of the property or the disturbance area. Typically, stormwater review is not required on a project that disturbs less than 10,000 square feet of land. Because of the aging infrastructure in this neighborhood and the cumulative effect of multiple small-footprint projects, that requirement is no longer appropriate for the amount of impervious surface area that is being added with new development.

Establish a Design Review Committee - The Planning Commission shall establish a UDO Design Review Committee with members nominated by the District Council Member and confirmed by the Planning Commission. All projects requiring a building permit will be reviewed by this committee. Design Review Committees are generally comprised of residents, property owners, business owners, developers and institutional representatives who live, work or own property within the boundary of the UDO. The

composition of the committee will afford developers and residents an opportunity to work together and create a shared vision of how this neighborhood should develop.

Staff Recommendation - Staff recommends approval of the proposed UDO amendment because it will correct weaknesses and omissions in the original language and provide the area with a design review committee that will bring developers and residents together with staff to work together to implement the shared vision of how this neighborhood should develop.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2007-359

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-006U-10 is **APPROVED**. (10-0)

The proposed amendment is consistent with the intent of the original UDO, and will correct weaknesses and omission in the original language and provide the area with a design review committee that will bring developers and residents together with staff to work together to implement the shared vision of how the neighborhood should develop.”

20. Institutional Overlay 2006IO-002U-10

Belmont University
Map 104-12, Part of Parcel 312
Subarea 10 (2005)
Council District 18 – Keith R. Durbin

A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1900 Belmont Boulevard next to the existing Hail Dormitory (21.01 acres), zoned RM20, to permit six-story, 194-bed dormitory containing 45,000 square feet. requested by Ingram Civil Engineering Group LLC, applicant, for Belmont University, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Final Site Plan

A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1900 Belmont Boulevard next to the existing Hail Dormitory (21.01 acres), zoned RM20, to permit six-story, 194-bed dormitory containing 45,000 square feet

ZONING

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

RM20 District - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

PLAN DETAILS - This plan for a dormitory falls within the Academic Core Zone of the overlay. The range of activities intended for this area include mixed use of assembly, instructional, student support, residential and plant operations. The proposed plan includes a new dormitory with 194 beds, which is situated on East Belmont Circle.

Condition from Council Bill

The council bill included specific conditions that have been addressed, where applicable, with this proposal. The conditions are as follows:

1. A Belmont University Neighborhood Advisory Group will be formally established to work with the neighborhood, Belmont University, and Metropolitan Planning staff on issues associated with implementing the institutional overlay and its' associated Master Development Plan. The Advisory Group will include nine members serving staggered two-year terms. Four recommendations for persons to serve on the Advisory Group will be presented by Belmont University and four recommendations presented by the Metro Councilmember in whose district Belmont University is located. The final member of the Advisory group will be the president of Belmont Hillsboro Neighbors, or his/her designee. Within six months of the passage of BL 2005-555, the Councilmember and Belmont University will recommend appointees to the Metropolitan Planning Commission for confirmation. Members must live or operate/own a business or commercial property in the vicinity of the campus, which may include, but is not limited to 15th Avenue South, Acklen Avenue, 14th Avenue South, 12th Avenue, Caldwell Avenue, Ashwood Avenue, Belmont Boulevard, and 18th Avenue South.
2. The Belmont University Neighborhood Advisory Group and Belmont representatives will meet on a quarterly basis to discuss matters of common concern. In addition, the planning department staff will convene a meeting of the Advisory Group to gather input on any project that requires final site plan application for property lying within the Belmont I-O district and on any project that constitutes a "major modification" of the I-O district as that term is defined in Section 17.40.140(e.2) of the Metro Code. The Belmont University Neighborhood Advisory Group will review the proposed development in light of the objectives of the campus Master Development Plan and this amendment to the Master Development Plan. In advance of final design/outset of construction, Belmont will provide the Advisory Group with information about the development and any impact it may have on the neighborhood such as timing, construction traffic, construction hours, construction worker parking, lighting, landscaping, and plans to communicate with the community, etc. Belmont will, in good faith, work with the Advisory Group to come to consensus on how to address any aspects of the projects that are of concern to a majority of the members of the Advisory Group. As such, the Planning Commission staff member reviewing the request for a building permit will meet or in some case electronically communicate with the Advisory Group and the university to ensure that the Master Development Plan, this amendment, and neighborhood construction issues have been adequately addressed.
3. To facilitate the smooth integration of university construction activities with the neighborhood, Belmont will require its general contractors and all acting on its behalf to conform to all applicable Metro ordinances regarding noise levels, work hours, and external lighting. In addition, when establishing routes for construction vehicles entering and exiting building sites on Belmont's campus, Belmont will place a priority on keeping construction traffic off residential streets wherever possible. Further, Belmont commits to maintain the homes it owns in residential areas to neighborhood standards. Specifically, Belmont will not board up any windows on residential properties it acquires (unless the structure is to be razed within one month's period of time). In addition, Belmont will not store construction debris outside the perimeter of a construction fence on residential property and will attempt to keep such debris out of the sight of the surrounding residential community.
4. Belmont is actively acquiring residential properties within its Master Development Plan. When Belmont rents residential property to tenants in the residential buffer area on 15th Avenue South, it will exercise preferences in favor of Belmont's faculty, staff, and graduate students and will not rent to undergraduate students unless there is an existing lease in place.
5. In an effort to recognize the unique role the university and the surrounding neighborhoods to the university have with one another, Belmont will establish a Community Outreach Scholarship program. The university will award biennially a scholarship fund equal to one half of the full time undergraduate tuition to an eligible student. Eligibility requirements include the following:

" Permanent address located within geographic boundaries:

" Natchez Trace to I-65

" I-440 to I-40

- " Academic credentials (GPA and Test Scores) at or above university average
- " Demonstrated financial need
- " Preference given to public high school graduates
- " Commitment to community service demonstrated through activities on leadership resume

6. Belmont will continue to communicate on a neighborhood wide basis bi-annually or more frequently as needed. Communication will take the form of open meeting and/or newsletter. Such communication should include changes occurring on the campus, construction, major events, and other items of interest for the neighborhood.

7. For residents on 15th Avenue South in order to guarantee a fair price to those residents, Belmont University will pay for two appraisals prior to the purchase of their property. The University will select one appraiser and the property owner will select one. At the point at which Belmont has purchased the West side of the first block of 15th Avenue South and Wedgewood, Belmont will make every reasonable attempt to purchase the homes in that block on the East Side of 15th Avenue South, prior to undertaking construction of the academic building designated in the Master Development Plan for the corner of 15th Avenue South and Wedgewood Avenue.

8. The architectural guidelines for development along 15th Avenue and Ashwood shall extend the entire length of 15th Avenue, with the exception of any new building situated on the corner of 15th Avenue and Wedgewood. A building on the corner of 15th Avenue and Wedgewood may be exempt from the vertical articulation requirements of the architectural guidelines established in the overlay if Belmont makes every reasonable attempt to purchase the homes in the first block on the East side of 15th Avenue South. The Planning Commission staff in consultation with the Neighborhood Advisory Group and Belmont University will make the determination of whether the "reasonable attempt" standard has been met.

9. There shall be no parking allowed in front of buildings, excluding existing parking and on-street parking, in the Arts and Entertainment Zone.

10. Lighting shall be internally directed and shall minimize light trespass and pollution onto adjacent residential properties.

11. Portable buildings shall be allowed for construction-related uses, with Planning Department review of the location. Portable buildings shall be allowed for other uses only with approval by the Planning Commission.

12. The University shall not count on-street parking in meeting parking requirements for new development.

13. When there is a change in the use of a building, a study shall be conducted to determine if there is a need for additional parking related to the new use. Such study shall consider available parking.

14. Access to the proposed parking structure near Bruin Hills shall be limited to 12th Avenue and 15th Ave.

15. East Belmont Circle and Belmont Boulevard shall not be closed to motorized traffic until a Traffic Impact Study is conducted for both streets, and East Belmont Circle must also be referred to the Planning Commission for review before closing.

16. Provide a minimum of the 5 foot wide B-5 landscape buffer to non-university owned properties adjacent to the new Health Sciences building and the proposed parking structure at the Bruin Hills dormitory.

17. When development site 3 is redeveloped, the maximum building height shall not exceed that of the existing apartment building.

18. As new development occurs, buildings at the corners of Belmont and Ashwood as well as 15th Avenue and Ashwood shall be configured so as to create a "pocket park" with a minimum area of 1,500 square feet for university and public use.

19. Loading and refuse areas shall not face public streets along the perimeter of the overlay district.
20. Approval of the IO overlay does not require the installation of a traffic signal at 15th Ave., South, and Wedgewood Avenue by Belmont University. If Belmont University proposes or otherwise agrees to provide for the installation of a traffic signal at that location, the Planning Commission must review the approved development plan and provide a recommendation to Council as to the impact on the neighborhood and whether the IO should be continued.
21. In order to lessen traffic and parking issues associated with university growth, and to maintain the viability of the surrounding neighborhood, Belmont University will fund a traffic calming/parking/streetscape/aesthetics study to make improvement to the streets surrounding the university including: 15th Avenue South, Acklen Avenue, Caldwell Avenue, Ashwood Avenue, Belmont Boulevard, 18th Avenue South, 19th Avenue South, and on Villa Place from Wedgewood Avenue to Horton Avenue (with recognition that Villa is already participating in Metro's Traffic Calming program). This study will be initiated within two months of the date of passage of BL 2005-555 and submitted to the Belmont University Neighborhood Advisory Group and Metro Public Works for approval of the recommendation. Such recommendations will be finalized within five months of the passage of this legislation. Once approved by the Advisory Group, Public Works, and if needed, the Metro Traffic and Parking Commission, Belmont will implement the recommendations within two months of the mandatory approvals by Metro. At a minimum the plan will include improvements of \$25,000 already obligated by Belmont University as a condition of the Board of Zoning Appeals' approval of the Health Science Center.
22. In recognition of the traffic and congestion concerns Belmont University will collaborate with MTA to determine the feasibility of offering incentives to employees and students to utilize mass transit.
23. To further protect the viability of the neighborhoods surrounding the university, Belmont will create a plan for a main entrance to the campus at Wedgewood and East Belmont Circle, with the understanding that the plan should seek to minimize any increased impact to Villa Place. This may include additional turn lanes, lights, or other recommendations for changes at the intersection as required by Public Works and/or Metro Traffic and Parking Commission. At a minimum, East Belmont Circle will continue to be open to vehicular and pedestrian traffic, unless otherwise approved by Metro Planning Commission, improvements will include the addition of a left turn lane from East Belmont Circle to Wedgewood, and monument signs directing students, faculty, and visitors to the entrance and parking garage. This plan will be presented to the Belmont University Neighborhood Advisory Group and to Metro Public Works. Improvements to this intersection will be completed within one year of approval from Public Works and/or the Metro Traffic and Parking Commission.
24. Upon adoption of Ordinance No. BL2005-555, as amended, by the Metropolitan Council, Belmont University will make these changes and the changes required by the Metropolitan Planning Commission to the Master Development Plan. The revised Master Development Plan will be posted on the university's website, with a printed copy provided to the Metropolitan Planning Commission, Metro Public Works, the district Councilmember, Metro Codes, Belmont Hillsboro Neighbors, Sunnyside Neighbors, members of the Advisory Group, and to residents on streets surrounding the university at their request.

PUBLIC WORKS RECOMMENDATION -A parking analysis has been submitted and reviewed and no exceptions are taken to this request.

STORMWATER RECOMMENDATION

1. Provide completed Detention Agreement, Long Term Maintenance plan, Dedication of Easement forms and recording fees.
2. Provide NOC.
3. For the construction entrance, provide filter fabric under stone and 20' turning radius.
4. Provide an initial erosion control measures on a separate sheet. This should be done on a separate sheet on existing contours. May incorporate a sediment trap at the proposed bioretention area.

5. For the erosion control measures, place silt fence on level contours.
6. Add note on erosion control sheet stating: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."
7. Reference our BMP's for the erosion control measures.
8. For the storm calculations, the coefficient for pervious areas is 0.35 (not 0.05). The intensity for the 10 year is 6.97. A one hour frequency was used. A 5 minute frequency is usually used.
9. For the storm structures, it is unsure to the locations of each structure and pipe. Show and label the structures differently to better depict the locations (it is unsure to which pipes are existing and which are being proposed).
10. For the storm structure calculations, most of the design flows are identical to the full capacity flow. Also, several hgl elevations are identical to the rim elevation. Double check storm structure calculations.
11. For the detention calculations, show the complete pre and post Tc calculations.
12. For the detention calculations, show all the program printouts (hydrographs, stage-storage-elevations, opening size sheet, etc.).
13. For the water quality calculations, provide a separate drainage map depicting the area flowing to the bioretention area.
14. For the water quality feature, provide a detailed cross section of the actual bioretention area being used (including depths, elevations, media type, underdrain, plantings, etc.).
15. For the water quality feature, the inflow to outflow differential should be 5' minimum.

STAFF RECOMMENDATION -Staff recommends approval with conditions since the proposed plan is consistent with the standards of the Academic Core zone within the Institutional Overlay.

CONDITIONS

1. Change references to "Core Academic" and "CA" to "Academic Core" and "AC."
2. Change proposed square footage in Academic Core zone to 300,000.
3. Comply with Stormwater requirements.
4. Within 30 days, submit revised plans showing the above conditions.

Approved with conditions, (10-0) *Consent Agenda*

Resolution No. BL2007-360

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006IO-002U-10 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Change references to "Core Academic" and "CA" to "Academic Core" and "AC."
2. Change proposed square footage in Academic Core zone to 300,000.
3. Comply with Stormwater requirements.
4. Within 30 days, submit revised plans showing the above conditions."

21. **2006SP-161U-09**
The Pinnacle at Symphony Place
Map 093-064, Parcel 063
Subarea 9 (2007)
Council District 6 – Mike Jamison

A request for **partial approval** of a SP final site plan to authorize issuance of a foundation permit for construction of a 28 story office/retail tower on 1.59 acres bounded by Second Avenue South., Demonbreun Street, Third Avenue South., and the Shelby Street Pedestrian Bridge with 574,484 square feet of floor area, including 554,941 square feet of office space, 15,258 square feet of retail, and 4,285 square feet of restaurant uses.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST - Limited Final SP Site Plan Approval

A request for **partial approval** of a SP-MNR final site plan to authorize issuance of a foundation permit for construction of a 28 story office/retail tower on 1.59 acres bounded by Second Avenue South, Demonbreun Street, Third Avenue South, and the Shelby Street Pedestrian Bridge with 574,484 square feet of floor area, including 554,941 square feet of office space, 15,258 square feet of retail, and 4,285 square feet of restaurant uses.

PLAN DETAILS

History Specific Plan – Mixed Non Residential (SP-MNR) zoning was approved for this SoBro block in January, 2007 to permit an office tower with lower floor retail. A number of design and environmental conditions are associated with the approved SP. Grading and excavation are complete. The applicant has applied to the Codes Department for a foundation permit.

Existing Zoning

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

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

REQUEST -SP zoning requires final site plan approval by the Planning Commission before any permanent structure can receive a permit. The applicant has indicated the intent to submit a complete final site plan packet by the Planning Commission’s November 1, 2007, filing deadline, tracking for complete SP final site plan consideration by the Planning Commission at its meeting on December 13, 2007.

In the interim, the applicant is requesting limited site plan approval by the Planning Commission for the purpose of authorizing the Executive Director to approve a foundation permit only, so that foundation work can begin and building construction can stay on schedule.

A number of design and environmental conditions are included in this SP zoning district. Compliance with these conditions will be reviewed and evaluated once the complete SP final plan application is submitted.

STAFF RECOMMENDATION -Approve with conditions SP final site plan for purposes of foundation permitting only.

CONDITIONS

1. Prior to issuance of a foundation permit, the following conditions must be met:
 - The foundation construction plans and site section(s) shall be consistent in concept with the council-approved SP documents.
 - The foundation permit shall have been reviewed and approved by all affected Metro reviewing agencies.
 - Receipt shall be provided for payment of required water and sewer capacity fees.
 - Signature of property owner shall be included on the application.
2. The full SP final site plan and all supporting documentation shall be submitted in complete form no later than 3:30 PM on November 1, 2007.
3. All applicable conditions of the approved SP zoning shall be met prior to approval of the full final site plan and/or building permit, whichever applies.
4. Final site plan approval by the Planning Commission for foundation permit issuance in the absence of a complete set of final site plan documents is at the owner's risk.

Approved with conditions, *Consent Agenda (10-0)*

Resolution No. BL2007-361

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-161U-09 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to issuance of a foundation permit, the following conditions must be met:
 - The foundation construction plans and site section(s) shall be consistent in concept with the council-approved SP documents.
 - The foundation permit shall have been reviewed and approved by all affected Metro reviewing agencies.
 - Receipt shall be provided for payment of required water and sewer capacity fees.
 - Signature of property owner shall be included on the application.
2. The full SP final site plan and all supporting documentation shall be submitted in complete form no later than 3:30 PM on November 1, 2007.
3. All applicable conditions of the approved SP zoning shall be met prior to approval of the full final site plan and/or building permit, whichever applies.
4. Final site plan approval by the Planning Commission for foundation permit issuance in the absence of a complete set of final site plan documents is at the owner's risk.”

XIII. OTHER BUSINESS

22. Adoption of the Planning Commission Schedule of meetings for 2009.

Approved, **(10-0) Consent Agenda**

23. Grant Agreement between TDOT and MPC for the MPO for Transportation Planning and Coordination in the Nashville Urbanized Area for the 2008 Federal fiscal year.

Approved, **(10-0) Consent Agenda**

24. Grant Agreement between TDOT and MPC for the MPO Transportation Planning and Coordination outside the Nashville Urbanized Area FY 2008

Approved, **(10-0) Consent Agenda**

25. Executive Director Reports
26. Legislative Update

ADMINISTRATIVELY APPROVED SUBDIVISIONS


SUBDIVISION LIST	
MPCNUMB	NAME
2007S-087U-13	CARROLTON STATION, PH. 1
2007S-236G-12	OCTOBER WOODS, REV. PH. 5, SEC. 11
2007S-221G-12	JACKSON VALLEY, SEC. 2
2007S-270G-12	BARNES BEND ESTATES, PH. 1, RESUB. LOTS 119 & 120
2007S-249G-10	BETHEL CHAPEL, INC. SUBDIVISION (formerly Granny White Pike)
2007S-255U-11	RAGAN SUBDIVISION

XIV. ADJOURNMENT

The meeting adjourned at 6:10 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, 2 nd . 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.
