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
November 8, 2007
****
4:00 PM

Metro Southeast at Genesco Park
1417 Murfreesboro Road

PLANNING COMMISSION:
James McLean, Chairman
Stewart Clifton
Judy Cummings
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
Steve Mishu, Water Services
Jonathan Honeycutt, Public Works

Commission Members Absent:
Phil Ponder, Vice Chairman
Derrick Dalton

I. CALL TO ORDER

The meeting was called to order at 4:07 p.m**.**

II. ADOPTION OF AGENDA

Mr. McLean explained that it has been requested that Items #1, 2 and 5, 2007CP-19U-13, 95P-025U-12 and 2007Z-161U-13 be moved to the end of the agenda.

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

III. APPROVAL OF OCTOBER 25, 2007, MINUTES

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the October 25, 2007 minutes as presented. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Langster spoke in opposition to Item #12, 2007S-289U-08, Hallmark at River View Homes. She explained various issues associated with the proposal, including infrastructure, access points to the development, floodplain and stormwater issues, as well as environmental issues. She requested that this proposal be disapproved. She stated that she would submit a petition containing signatures of opposition to Ms. Logan.

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

Councilmember Moore stated she would address the Commission once her item was presented for discussion.

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

11.	2005S-261G-04	Liberty Downs - Request to extend the preliminary approval to September 22, 2008, where the preliminary approval expired on September 22, 2007, for 59 lots in a cluster lot subdivision located on the east side of Liberty Lane	– deferred to December 13, 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. **(6-0)**

VI. PUBLIC HEARING: CONSENT AGENDA

PUBLIC HEARING: ZONING MAP AMENDMENTS

4.	2007SP-122U-05	Gallatin Pike (Final: Fifth Third Bank) - Request for final SP site plan approval and on properties located at 4704 and 4706 Gallatin Pike, to permit a 4,137 square foot bank.	- Approve/w conditions

REVISIONS AND FINAL SITE PLANS

9.	2007P-005U-13	A request for preliminary Planned Unit Development approval for a portion of property located at Bell Road (unnumbered), approximately 520 feet north of Bell Forge Lane (5.2 acres), zoned MUL and RM9 and currently located within the Ridgeview Urban Design Overlay, to permit 40,411 square feet of retail space in three buildings	- Disapprove
10.	2003UD-003U-13	A request to cancel a portion of the Ridgeview Urban Design Overlay district located at Bell Road (unnumbered), zoned RM9 and MUL (5.2 acres), requested by Dale and Associates	- Disapprove
13.	116-74-G-12	A request for a variance to Table 17.12.020A of the Zoning Code for property within the Oak Highlands Residential Planned Unit Development district located at 5701 Sonoma Trace, at the southwest corner of Sonoma Trace and Oak Chase Drive, classified R15 district, (0.22 acres), to allow a 10 foot rear setback where 20 feet is required by the Zoning Code	- Approve

14.	66-78-U-12	Bethany Health and Rehabilitation Center - Request to revise a portion of the preliminary plan and for final approval of a Residential Planned Unit Development located at 421 Ocala Drive, to permit a 1,700 square foot addition for office space and a revised parking layout.	- Approve/w conditions.
15.	18-84-U-10	Burton Hills (Covenant Presbyterian Church) - Request to revise the preliminary plan and final approval for the Burton Hills Residential Planned Unit Development located abutting the northeast margin of Hillsboro Pike and Harding Place, to permit the removal of mature trees for a lawn area (playground).	- Approve/w conditions
16.	2003P-009U-08	Parc at Metro Center (PUD Amendment) - Request to amend the Parc at Metro Center Residential Planned Unit Development district located abutting the north side of Dominican Drive and the west side of Athens Way, to increase from 98 to 118 multi-family units in Phase 2.	- Approve/w conditions.
17.	2004P-036U-07	Nashville West Shopping Center - Request to revise the preliminary plan and PUD final site plan approval for the Planned Unit Development district located at 6708, 6806, and 6816 Charlotte Pike and Charlotte Pike (unnumbered) increase the overall PUD square footage from 508,456 square feet to 521,852 square feet by rearranging and increasing the retail, restaurant, and office uses.	- Approve/w conditions.
18.	2005P-023G-02	Victory Village (1st Revision) - Request to revise the preliminary plan for the Planned Unit Development, located at 3549 Brick Church Pike and Westchester Drive, to permit a total of 371 dwelling units consisting of 135 single-family lots, 164 townhome units and cottage units, and 36 duplex lots.	- Approve w/ conditions.

MANDATORY REFERRALS

19.	2007M-179U-10	Request to abandon the right-of-way for Alley #236, which runs approximately 145 feet southwesterly from 17th Avenue South to a dead end, located between Broadway and Division Street.	- Disapprove, but approve if existing parcels are consolidated into a single parcel.

OTHER BUSINESS

21. Adoption of the Planning Commission Schedule of meetings for 2009. - Approve

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. **(6-0)**

VII. COMMUNITY PLANS

1. 2007CP-19U-13

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update for property adjacent to the Cane Ridge High School on Old Hickory Boulevard.
STAFF RECOMMENDATION: Approve Plan Amendment.

APPLICANT REQUEST - A request to amend the Antioch-Priest Lake Community Plan: 2003 Update for property adjacent to the Cane Ridge High School on Old Hickory Boulevard.

CURRENT LAND USE POLICIES
Open Space (OS) and Potential Open Space (POS) - OS is a land use policy encompassing a variety of

public, private not-for-profit, and membership-based open space and recreational activities. There are two subcategories of Open Space policy. The designation OS indicates that the area in question has already been secured for open space use. The designation POS indicates that the area in question is intended to be in open space use, but has not yet been secured for that use. Types of uses intended within OS and POS areas range from active and passive recreational areas, reserves, land trusts and other open spaces, to civic uses and public benefit activities deemed by the community to be "open space" such as school play grounds. OS and POS areas can range from large sites encompassing thousands of acres to small sites that are a fraction of an acre.

Neighborhood
General (NG) - NG is a land use policy for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located. Civic and public benefit activities are also characteristic of NG areas.

Neighborhood
Urban (NU) - NU is the land use policy for fairly intense, expansive areas that are intended to be mixed use in character with a significant amount of residential development. Types of uses intended within NU areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. Some NU areas also contain light industrial development. NU land use policy is frequently used in areas that are transitioning from industrial to mixed use.

Community
Center (CC) - CC is the classification for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Generally, CC areas are intended to contain predominantly commercial and mixed-use development with offices and/or residential above ground level retail shops. Neighborhood and community oriented public and public benefit activities and residential uses are also appropriate in CC areas. Residential development in CC areas that is not above retail or offices is typically higher intensity townhomes and multi-family housing.

PROPOSED LAND USE POLICY
Industrial (IN) - IN is a classification for one of several types of special districts. IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

Special Policy Area 2
Industrial, mixed use or residential development may take place within this Special Policy area subject to the approval of site plan based zoning such as a Planned Unit Development, Urban Design Overlay, or Specific Plan. IWD base zoning is the only base district that may be used without a site plan overlay to implement the land use policies for this area.

ANALYSIS - This plan amendment request came about because of a change in circumstances in the amendment area. On February 22, 2007, the Commission approved a plan amendment for this area that resulted in the area’s Industrial policy being changed to add OS, POS, NG, and NU policies for a large portion of the site. Despite the fact that the majority of the area is zoned Industrial Warehousing/Distribution (IWD), this prior plan amendment was requested by a group of developers who were interested in doing residential and mixed use development in this area, which is adjacent to the new Cane Ridge High School site. Since that time, the developers are no longer involved with this property. The large, vacant area remains industrially zoned with a few remaining parcels zoned Agricultural/Residential (AR2a).

At this time, a new group of developers have filed a zone change from AR2a to IWD (see 2007Z-161U-13). A second zone change request from AR2a to IWD is awaiting the results of this plan amendment.

STAFF RECOMMENDATION - Given the large amount of industrial zoning that is already present in the area, the interest in industrial development (with an accompanying zone change, which was not present

in the plan amendment requested by the prior group of developers), the lack of interest in residential development, and the area's suitability from a physical and access standpoint for many different types of development, staff recommends approval of returning the area to Industrial policy.

Staff further recommends that a Special Policy be put in place to allow mixed use development to occur within the area similar to the pattern that has occurred with The Crossings business park to the north. The Crossing contains retail development and adjoins a residential development, in addition to having light industrial development.

IN policy generally requires site plan based zoning. Staff recommends that IWD be permitted to implement the policy in this case as much of the area is presently zoned IWD.

[Note: Items #1 and #5 were discussed by The Metropolitan Planning Commission together. See Item #5 for actions and resolutions.]

VIII. PREVIOUSLY DEFERRED ITEMS

REVISIONS AND FINAL DEVELOPMENT PLANS

2. 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, at the 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: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD
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, at the southwest corner of Bell Road and Blue Hole Road (159.38 acres), zoned Single-Family Residential (RS7.5), One and Two Family Residential (R15), and Single-Family Residential (RS20) districts, to permit 884 multi-family units and 116 single-family lots totaling 1,000 dwelling units, where 908 multi-family units and 116 single-family lots were previously approved.

History - This application was heard at the October 25, 2007, Planning Commission meeting. The application was deferred by the Planning Commission to allow the Councilmember time to meet with the community prior to the Planning Commission's decision. The public hearing was closed by the Commission.

PLAN DETAILS
General - The request is to revise the previously approved preliminary PUD plan. Currently no development has taken place and the seven properties that make up the PUD remain vacant. The PUD consists of approximately 159 acres located on the south side of Bell Road and west of Blue Hole Road.

The application was originally submitted for phase 1 only, but staff is requiring changes that have minor effects on Phase 2 and Phase 3. Since the required changes will have minor implications on other phases in the PUD, staff has required that the entire PUD be shown. While the site plan review addresses details for the entire PUD, staff's comments are limited to Phase 1, and staff does not recommend that any significant changes to Phases 2 or 3 be required at this time. Since this is a request for a revision to the preliminary plan only, a subsequent final site plan application request must be approved by the Planning Commission prior to the development for any phase within the PUD.

Site Plan - The overall PUD calls for 1,000 residential units. Units include 884 multi-family units, and 116 single-family lots. The overall density will be approximately 6.3 units per acre. The multi-family units are all located within the northern section of the overlay and the single-family lots to the south.

The overall development will be accessed by private drives and new public streets that will connect to Bell Road and Blue Hole Road. The multi-family units will be accessed by gated private drives off Bell Road and a new public street. The single-family lots will be accessed by new public streets that will connect to both Bell Road and Blue Hole Road. A stub street will be provided to the west and will allow for a future public street connection should the property to the west develop. Sidewalks are provided on both sides of the new public streets and along the private drives.

The PUD contains areas with steep slopes and some drainage areas that have been classified as wet weather conveyances. Major changes for Phase 1 have been made to minimize the impact to these sensitive areas leaving a large portion of the land within Phase 1 as open space that will be left undisturbed.

There are other environmental features that may limit development in both Phase 2 and phase 3. These features include a stream that bisects a northern portion of Phase 2, and possible sinkholes in Phases 2 and 3. Planning staff is not including a recommendation regarding the layout and design of Phases 2 and 3 at this time. The Stormwater Division has, however, noted these environmental features, and is recommending disapproval.

Planning staff notes that while Stormwater's concerns are legitimate, the concerns will be addressed with subsequent applications for Phases 2 and 3. Development *cannot* occur within the PUD for any phase until a final PUD plan has been approved by the Planning Commission. Planning staff is recommending approval of this PUD revision request, but it is important to note that the above mentioned constraints will likely have significant impacts on Phase 2 and 3, and may result in the loss of units, and could require reapproval from Council if these constraints require a significant redesign of those phases of the PUD.

Preliminary Plan - The original preliminary plan was approved by Council in 1996, and has had no changes since that approval. The original plan was approved for 1,024 residential units, which included 908 multi-family units, and 116 single-family lots. The new plan will decrease the density, as well as provide a new public street that was not approved with the original preliminary plan. The originally approved plan had multi-family units widely distributed across the northern and central section of the PUD, while the proposed plan will concentrate units more along the northern and western side of the overlay.

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

STORMWATER RECOMMENDATION - *Disapprove* until the following comments are adequately addressed and shown on the plan:

1. Streams were identified within the PUD boundary. Show 2 zoned buffers and remove all disturbances from the buffered areas.
2. Karst features were identified within the PUD boundary. Show buffers and remove all disturbances from the buffered areas.

STAFF RECOMMENDATION - Staff recommends approval with conditions. The new plan is consistent with the originally approved development concept and will provide a more sensitive development for the site by reducing the overall density and removing units from steeper slopes and wet weather conveyances. Staff has reviewed the overall PUD, but technical review has been reserved to Phase 1 only. While staff recognizes the environmental constraints on Phase 2 and 3, those constraints can be addressed with subsequent preliminary or final plans for said phases.

CONDITIONS

1. Stormwater has indicated that a stream bisects the area shown as Phase 2, and that there may also be sinkholes within Phase 2 and Phase 3. Any subsequent preliminary or final plan shall address

all streams and sinkholes on the site. The presence of these features may require substantial changes to plans for Phase 2 and Phase 3, and may result in the loss of units.

2. 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.

3. 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.

4. 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.

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.

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

Councilmember Coleman spoke in opposition to the proposed development. He spoke of the presentation only addressing phase one of a three phase development and expressed issues with infrastructure, increased traffic and overcrowded schools in this area. He then expressed issues with this request being considered a revision as opposed to an amendment; as he would like for this development request be presented to the community members. He then requested that if the Commission were to approve this request, he would like for the Commission to apply today's standards to the issues relating to school conditions and infrastructure for this area.

Mr. Bernhardt offered an additional explanation of planned unit developments and the determinations used to make the decision on whether a planned unit development change is considered an amendment or a revision. He then stated that a portion of this development lies in an area considered to be infrastructure deficient, and if today's standards were applied, this development would require a school site dedication, as well as road improvements. However, due to the fact the planned unit development was approved in 1996, those standards would not apply. He then suggested that the Commission recommend that the Councilmember consider an amendment to address the traffic and schools issues.

Ms. Nielson asked whether the Commission could recommend application of today's standards to this planned unit development.

Mr. Bernhardt explained that the types of changes included in this request are similar to other revisions the Commission has reviewed in the past and would not be considered an amendment.

Ms. Nielson questioned whether a traffic study was recently submitted for this request.

Mr. Swaggart stated that they did have a current traffic study on file.

Mr. Kleinfelter offered that amendments to traffic and infrastructure would have to be addressed at the Council level and not at the Commission level.

Ms. LeQuire requested clarification on the policy addressing school site dedication.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton acknowledged the issues associated with determining whether a planned unit development is being revised or amended.

Mr. Bernhardt further explained the method used to determine whether the change to a planned unit development is considered an amendment or a revision to the Commission.

Mr. Morrissey read the corresponding Metro code regarding revisions and/or amendments to the Commission.

Mr. Clifton acknowledged that the developer could begin developing the original plan without a recommendation from the Commission.

Mr. Bernhardt stated that this development could be built out as originally proposed, however, they would have to adhere to current traffic impact studies.

Ms. Nielson expressed concerns with setting a precedent with this application.

Mr. Bernhardt further clarified the issues associated with the original planned unit development in relation to its approval with today's standards with regard to traffic and infrastructure.

Mr. Swaggart verified that current standards would have to be met with relation to placement of units, stormwater, etc.

Ms. Cummings assured the Councilmember that the Planning Commission does in fact consider schools while deliberating applications.

Mr. Gotto requested clarification on the developer's total number of units proposed today in relation to the total number of units proposed in the original application.

Mr. Swaggart explained these numbers, as well as the procedures the developer would have to follow if in fact they were to alter the number of units in this application.

Mr. Gotto explained the new bill Council passed that would address the older planned unit developments. He also acknowledged the issues and concerns with the proposed development.

Mr. Clifton questioned whether there was a legal impediment on whether the Commission could place today's standards with regard to schools and infrastructure, on this application.

Mr. Morrissey offered that there currently is an ordinance available approving the original planned unit development with the original conditions. He further stated that if this were considered an amendment, the Council would have to make the necessary changes.

Mr. Clifton questioned whether the Commission could legally place today's standards on this PUD.

Mr. Bernhardt offered that he was unsure as to whether the applicant has been asked to apply today's standards to this request. He further spoke on the issue of this particular application in relation to its impact on this community.

Mr. Clifton questioned whether the Councilmember could file a bill to modify this PUD application.

Mr. Bernhardt stated that the Councilmember could file legislation.

Mr. Clifton moved that the Commission approve the application as a revision and recommended that the Councilmember apply today's standards to this application through a separate amendment.

There was a brief discussion regarding this motion.

Mr. Bernhardt offered a summary of the requested motion made by Mr. Clifton.

Mr. Swaggart offered the current regulations contained in the zoning code in relation to amending a planned unit development.

Mr. Gotto offered that the Councilmember could continue negotiations with the developer on this proposal.

Ms. LeQuire acknowledged the original planned unit development and the requested revision in that the requested PUD has a lower number of units and the environmental issues are being addressed. She questioned whether today's standards could be implemented on the already revised plan.

Mr. Morrissey advised the Commission that there could be legal issues if the Commission were to include requirements for a school site. Mr. Morrissey said that type of action be something the Council would have the authority to do through an amendment to the PUD. He continued by stating that the Commission does not have the authority to add conditions to the bill.

Mr. Bernhardt offered that if the Councilmember were to amend the conditions as recommended by the Commission, that the conditions are, in fact, supported by the Commission.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the preliminary plan for Planned Unit Development 95P-025U-12 with conditions as recommended by staff, as a revision. It is further recommended, the Commission recommend approval of a Council amendment to this Planned Unit Development to apply current policy standards of the Commission. In particular, this PUD should be amended to require that the property owner must offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the locational 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 or final PUD site plan for development of any residential uses on the site will 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. Prior to recording of the final plat or approval of the first PUD final site plan, the Infrastructure Deficiency Area requirements must be completed or bonded for 557 linear feet of roadway. The section of roadway to be improved will be determined by the Metro Public Works Department. **(7-0)**

Resolution No. BL2007-364

"BE IT RESOLVED by The Metropolitan Planning Commission that 95P-025U-12 is **APPROVED WITH CONDITIONS AS REVISION. The Commission recommends approval of a Council amendment to this PUD to apply current policy standards of the Commission. In particular, the Commission approves an amendment to require that the property owner must offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students. This land dedication requirement would be proportional to the development's student generation potential. Such site shall be in accordance with the locational 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. If such an amendment is adopted by the Council, then no final plat or final PUD site plan for development of any residential uses on the site will 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. If included as an amendment by Council, the prior to recording of the final plat or approval of the first PUD final site plan, the Infrastructure Deficiency Area requirements must be completed or bonded for 557 linear feet of roadway. The section of roadway to be improved will be determined by the Metro Public Works Department. (7-0)**

Conditions of Approval:

1. Stormwater has indicated that a stream bisects the area shown as Phase 2, and that there may also be sinkholes within Phase 2 and Phase 3. Any subsequent preliminary or final plan shall address all streams and sinkholes on the site. The presence of these features may require substantial changes to plans for Phase 2 and Phase 3, and may result in the loss of units.

2. 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.

3. 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.

4. 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.

Following are review comments for the submitted Millwood Commons preliminary PUD (95P-025U-12). Public Works' comments are as follows:

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

Phase I north / south public connector roadway:
Dedicate right of way and construct roadway from Bell Road to future connection (Phase I and Phase III). Connect the proposed public roadway to an existing public right of way / roadway.

Coordinate solid waste collection and disposal with the Department of Public Works.

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

1. Construct Site access driveway with 2 exit lanes for left and right turns with 200 ft of storage for each and 1 entering lane

2. Construct EB right turn lane on Bell Rd at site access driveway with 100 ft of storage and 180 ft transition.

3. Construct Public Access Rd opposite Brittany Park Drive with 1 entering and 2 exiting lanes for left turns and rights with 150 ft of storage . Provide adequate sight distance by trimming vegetation to the west."

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

CONCEPT PLANS

3. 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.

APPLICANT REQUEST - Concept Plan
A request for concept plan approval to create 24 lots within a cluster lot development on property located at 265 Holt Hills Road (10.02 acres), at the end of Christiansted Lane, zoned Single-Family Residential

(RS15).

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

PLAN DETAILS - The plan proposes 24 single-family residential lots in Christiansted Valley Reserve, a cluster lot development. The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Zoning Code. The proposed lots range in size from 7,517 square feet to 12,189 square feet.

Open Space - Pursuant to Section 17.12.090(D) of the Zoning Code, cluster lot subdivisions require a minimum of 15% open space per phase. The plan identifies 3.51 acres of common open space (35% of the site).

Steep Slopes - Section 17.28.030 of the Zoning Code requires developments utilizing this option cluster the lots on portions of the site that have natural slopes of less than 20%. Several areas on the site have slopes of 20% or greater. The lot layout is sensitive to those slope limitations and the plan has been designed to preserve these areas in their natural state.

Critical lots - Section 3-3.2 of the Subdivision Regulations requires lots created on slopes 20% or greater to be designated as critical lots. The concept plan identifies four lots as critical lots on the site. A critical lot plan will be required for these lots and a minimum width of 75 feet at the building line is required for lots where slope rises away or is parallel to the street.

Access/Street Connectivity - The development is accessible by a public road that extends through the adjacent subdivision, Christiansted Valley, which connects to Mt. Pisgah Road. An internal public road extends both to the west, ending in a cul-de-sac, and to the north with a stub street for a future connection. The proposed plan does not show a connection to the east, but the Adopted Major Street and Collector plan calls for a street connection that will ultimately lead to a connection with Nolensville Pike.

Sidewalks - Sidewalks are proposed on both sides of all streets.

Analysis - The purpose of the cluster lot option is to provide for flexible design, the creation of common open space, the preservation of natural features or unique or significant vegetation (Section 17.12.090). In exchange for alternative lot sizes, the development must include “common open space” that provides “use and enjoyment” value, that is, recreational, scenic or passive use value to the residents.

The cluster lot option provides design flexibility when the natural features and topography restricts development on the site. This concept plan successfully addresses the slope limitations and constraints to development by preserving those areas of the site and designating 35% of the site as open space. The plan, however, fails to address the need for a street connection to the east as required in the Southeast Community Plan. The Southeast Community Plan designates this area as a transportation deficiency area. Due to the lack of connectivity and an existing road system that is supportive of a more rural development pattern, traffic congestion and limited alternative routes are prevalent in the area.

The Southeast Community Plan states, specifically, that the planned connection of Christiansted Lane to Holt Hills Road, Bradford Hills Drive, and Mt. Pisgah Road should be implemented with the greatest sensitivity to the quality of life of area residents. Methods such as indirect connections and traffic calming measures should be employed to keep vehicle speeds low and to minimize traffic volumes. The recommended street connection to the east will continue an indirect street connection that reduces vehicle speed and minimizes traffic volumes, while still providing the needed connectivity. The stub street shown for a future connection to the north is also desirable, but a future connection to the east is preferred.

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

STORMWATER RECOMMENDATION - Approved

FIRE MARSHAL RECOMMENDATION - This stage of the project is approved. More information will be needed for development beyond this point.

1. Any fire flow less than 20 psi will require a fire sprinkler system.
2. Fire Hydrants shall be in-service before any combustible material is brought on site.
3. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
4. Metro Ordinance 095-1541 Sec: 1568.020 B

STAFF RECOMMENDATION - Staff recommends approval with conditions of the proposed concept plan for Christiansted Valley Reserve. The concept plan adequately satisfies the provisions of the cluster lot development, but neglects the required street connection to the east as outlined in the Southeast Community Plan.

CONDITIONS

1. The concept plan shall be revised to provide the required street connection to the east. A guardrail shall be provided to prevent access from the private drive (Holt Hills) to the east until a public street connection is provided as part of future development of the property to the east.

2. The concept plan shall be revised to include a note that states lots 104 and 118 will incorporate house plans that are oriented to address both streets at the corner.

3. 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 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.

Mr. Tyler arrived at 4:24 p.m.

Ms. Nedra Jones presented and stated that staff is recommending approval with conditions including the plan be revised to provide the required street connection to the east.

Mr. Bernhardt briefly explained the history regarding this concept plan in relation to previous actions taken by Council in conjunction with street connectivity included in the development.

Mr. Doug Schenkel, 6121 Nolensville Pike, spoke in favor of the proposed development, however, he spoke against the recommended amendment proposed by staff.

Mr. Clifton arrived at 4:32 p.m.

Mr. Greg Bouchillon, 6740 Christiansted Lane, spoke in opposition to the staff recommendation.

Mr. John Miller, 270 Holt Hills Road, spoke in opposition to the staff recommendation.

Ms. Sherry Force, 280 Holt Hill Road, spoke in opposition to the staff recommendation.

Councilmember Toler briefly explained the issues and concerns the community members had regarding the staff recommendation that requires a road connection to the east of the development. He explained the support the residents had for locating this road to the north as proposed by the developer. He stated he too was in favor of the north connection and requested that the Commission support the developer's request.

The public hearing was closed on this item.

Councilmember Gotto acknowledged the concern from the residents in that they were not in favor of the

eastern connection. He then spoke of his support for locating the connection to the north.

Mr. Tyler requested clarification on the benefits of placing the road connection to the east as opposed to the north.

Mr. Bernhardt explained that the connection that leads to an existing home was the choice of the developer. He further explained that it could be located further south to avoid the existing home.

Mr. Bernhardt explained that if the connection were to be placed further east, it would benefit the traffic situation for the area. He further explained additional issues associated with the proposal and suggested that the Commission may want to consider disapproving this request until a more comprehensive plan for this area could be obtained. He spoke of the traffic issues associated with Holt road, Edmondson Pike and Nolensville Road.

Mr. Clifton stated he would not participate in the discussion due to his late arrival and not hearing the entire presentation.

Ms. Nielson questioned how the developer would proceed if the Commission were to disapprove this application.

Mr. Bernhardt explained that the developer would have to obtain permission from at least four property owners in order to place the connection of this development to the north. He explained the issues of placing the connection to the north, in particular, the topography of the area.

Ms. LeQuire questioned whether the community plan would support this development.

Ms. Cummings requested additional explanation for the eastern connection to this development.

Mr. Bernhardt explained these concepts to the Commission.

Ms. Cummings moved and Ms. Nielson seconded the motion, to disapprove Concept Plan 2007S-264G-12, due to the lack of the necessary infrastructure to support this plan and to allow additional time for a more comprehensive plan for the area.

Ms. LeQuire requested additional information on easements and the alternative possibilities for connection.

Mr. Bernhardt explained the concept of alternative connections to this development. He further explained that it may be necessary to disapprove this request in order to allow additional time for the developer to obtain the necessary easements to implement the northern connection.

Mr. McLean requested clarification of the staff recommendation in relation to the proposed connectivity locations.

Mr. Bernhardt explained that the northern connection requires the development of additional properties prior to implementing the eastern connection.

Ms. Nedra Jones further explained this concept.

Mr. Bernhardt further explained the reason staff recommended the eastern connectivity for this request.

Ms. LeQuire suggested placing a condition on the motion that would require that an easement be obtained from the property owner of Parcel 151 in order to facilitate the northern connection of this development.

Mr. Gotto stated he was not in favor of disapproving this request and suggested the Commission defer the plan in order for the developer to meet with additional property owners to find resolution for placing the connectivity to the north.

Mr. Bernhardt stated that staff would favor deferring this request, however, the deferral would need to be

requested by the applicant.

Mr. Gotto requested additional information regarding the easement of Parcel 151.

Ms. Nedra Jones explained this concept to the Commission.

Ms. Cummings and Ms. Nielson withdrew their original motions.

Mr. Bernhardt suggested a motion that would address the issues of placing the connection to the north.

Mr. Gotto requested clarification on the motion.

A brief discussion regarding the motion ensued among the Commission.

Ms. Nielson clarified the motion which was to approve with conditions Concept Plan 2007S-264G-12 as recommended by staff; or to approve with conditions and allow the applicant to secure access to the north.

Mr. Gotto requested permission to address the applicant. He then asked the applicant if he in fact, would favor deferring this request for at least one meeting.

The applicant requested clarification on the reason for the deferral as well as the motion to approve it were in fact approved.

Mr. Bernhardt explained the motion to the applicant.

The applicant agreed to request the deferral.

Mr. Gotto moved, and Ms. Nielson seconded the motion, to defer Concept Plan 2007S-264G-12, to December 13, 2007 as requested by the applicant. **(7-0-1) Abstain – Clifton**

Resolution No. BL2007-365

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-264G-12 is **DEFERRED TO DECEMBER 13, 2007, PLANNING COMMISSION MEETING AT THE REQUEST OF THE APPLICANT. PUBLIC HEARING CLOSED. (7-0-1)"**

X. PUBLIC HEARING:

ZONING MAP AMENDMENTS AND FINAL SITE PLANS

4. 2007SP-122U-05
Gallatin Pike (Final: Fifth Third Bank)
Map 061-03, Parcels 151, 152
Subarea 5 (2006)
Council District 8 - Karen Bennett

A request for final SP site plan approval and on properties located at 4704 and 4706 Gallatin Pike, at the southeast corner of Gallatin Pike and Haysboro Avenue (0.88 acres), to permit a 4,137 square foot bank, requested by Littlejohn Engineering Associates, applicant, for WMH Gallatin Road Partnership, owner.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Final SP Site Plan
A request for final Specific Plan (SP) site plan approval on properties located at 4704 and 4706 Gallatin Pike, at the southeast corner of Gallatin Pike and Haysboro Avenue (0.88 acres), to permit a 4,137 square foot bank.

PLAN DETAILS
Site Plan - The proposed plan is for a 4,137 square foot bank on two existing parcels. The bank includes four drive-through lanes at the rear of the site.

Land Use - The proposed bank is consistent with the uses allowed within the Mixed-Use area of Sub-district 3 of the Gallatin Pike SP. Because the Gallatin Pike SP encompasses such a large area, the plan divides the properties into three districts. Each district includes a regulating plan with different land use areas. The two parcels included in this SP fall within the Mixed-Use area which allows most uses typically allowed under the MUL zoning district, including financial institutions.

Setbacks - The proposed building is setback approximately 10 feet from the Gallatin Pike Property line and approximately 10 feet from the Haysboro Avenue property line. The Gallatin Pike SP regulating plan calls for a "build-to line" of between 5 and 10 feet. The proposed plan is consistent with the Regulating Plan requirements.

Access/sidewalks - The plan includes one ingress/egress point on Gallatin Pike and one ingress/egress point on Haysboro Avenue. The plan includes eight-foot wide sidewalks on Gallatin Pike and a six-foot wide sidewalk on Haysboro Avenue.

Parking - Twenty-one parking spaces are proposed, which is consistent with the parking requirements for the SP district for this type of use, and consistent with the Zoning Code parking requirements for a bank.

Landscaping -The plan also proposes a 20-foot wide "Type C" landscape buffer yard to separate the bank from the adjacent RS10 district to the east, as required by the Gallatin Pike SP Ordinance.

Signage - Signage within this SP district is limited to building mounted and monument style signage with a maximum square footage of 48 square feet. Wall mounted building signs are to have a maximum area of 48 square feet. Monument signs do not exceed six feet in height. For any portion of the monument sign located within 15 feet of the driveway the maximum height is three feet. No back lit, or internally lit signs are permitted.

Monument Sign -One three-foot tall monument-style sign is proposed along the Gallatin Pike frontage. This sign will not be internally lit, but instead will be spot-lighted. The monument sign is consistent with the SP Ordinance standards.

Building Signs -Two building mounted signs are proposed, including one on the Gallatin Pike façade and one on the Haysboro Avenue façade.

STORMWATER RECOMMENDATIONS -Approved with conditions

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.

Modify the center turn lane pavement markings on Gallatin Pike to allow for a left turn into the site. Provide a minimum of 50 ft of dedicated storage for the existing northbound left turn lane onto Solley Drive.

STAFF RECOMMENDATION - Staff recommends approval with conditions since the proposed SP final site plan is consistent with the requirements of the adopted ordinance.

CONDITIONS
1. Prior to the issuance of any grading or building permits, a "Property Modification" application must be filed with the Planning Department to combine the two existing lots, and documentation must be provided to the Planning Department staff showing that the shared access easement, and right-of-way dedication along Haysboro Avenue, have been recorded at the Register of Deeds.

2. The uses in this SP final site plan are limited to the financial institution use depicted on the

approved plan.

3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.

4. 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.

5. 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, (6-0) ***Consent Agenda***

Resolution No. BL2007-366

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-122U-05 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Prior to the issuance of any grading or building permits, a "Property Modification" application must be filed with the Planning Department to combine the two existing lots, and documentation must be provided to the Planning Department staff showing that the shared access easement, and right-of-way dedication along Haysboro Avenue, have been recorded at the Register of Deeds.

2. The uses in this SP final site plan are limited to the financial institution use depicted on the approved plan.

3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.

4. 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.

5. 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.

5. 2007Z-161U-13
Map 175-00, Part of Parcel 023
Subarea 13 (2003)
Council District 32 - Sam Coleman

A request to rezone a portion of property from AR2a to IWD at 12848 Old Hickory Boulevard, approximately 1,790 feet south of Old Franklin Road (22 acres), requested by Wamble & Associates, applicant, for Amnon Shreibman, Trustee.

STAFF RECOMMENDATION: Approve, subject to the approval of the associated Community Plan Amendment.

APPLICANT REQUEST - Zone Change
A request to change from Agricultural/Residential (AR2a) to Industrial Warehouse/Distribution (IWD) zoning a portion of property located on 12848 Old Hickory Boulevard, approximately 1,790 feet south of Old Franklin Road (22 acres).

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

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

ANTIOCH-PRIEST LAKE COMMUNITY PLAN
Structure Plan
EXISTING POLICY
Neighborhood Urban (NU) -NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities, and mixed-use development. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms to the intent of the policy.

PROPOSED POLICY
Industrial (IN) - IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

Consistent with Policy? Yes, subject to approval of the associated Community Plan amendment.

The existing NU land use policy prohibits industrial type uses and calls for a significant amount of residential development that is mixed use in character. The proposed zone change request would permit a wide range of warehousing, wholesaling, and bulk distribution uses.

There is an associated land use policy amendment from NU to IN policy with this rezoning request. The zone change from AR2a to IWD is consistent with the proposed IN policy which is intended for uses such as warehousing, wholesaling and bulk distribution.

Zoning History - On November 9, 2000, The Planning Commission recommended approval for a request to rezone 249.82 acres, which included this property, from AR2a to IWD.

On January 16, 2001, at Third Reading at Council, this 22 acre portion of the 249.82 acres was removed from the rezoning request in order to be dedicated as right-of-way for the future Southeast Arterial interchange. It is now been determined that the future southeast arterial will not cross this property.

PUBLIC WORKS RECOMMENDATION -No Exception taken.

Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	22	0.5	11	106	9	12

Maximum Uses in Proposed Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	22	0.8	731,808	3,044	342	315

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2,938	333	303

STAFF RECOMMENDATION - Staff recommends approval, subject to approval of the associated Community Plan Amendment.

Ms. Wood presented and stated that staff is recommending approval of the Antioch-Priest Lake Community Plan: 2003 Update.

Mr. Sexton presented and stated that staff is recommending approval on Item #5, 2007Z-161U-13.

Councilmember Coleman spoke in favor of the proposed community plan update. He briefly explained the amendments being made to the policy and then stated that he and the community members were in favor of approving this plan. He then spoke regarding Item #5, 2007Z-161U-13. He expressed concerns with the various uses that are contained with IWD zoning and stated that he would hold additional community meetings in order to discuss these issues with his residents. He also stated he would place restrictions on this bill in order to address the uses for this parcel.

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously, to approve Community Plan 2007CP-19U-13, as well as approve Zone Change 2007Z-161U-13. **(7-0)**

Resolution No. BL2007-362

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-19U-13 is **APPROVED INCLUDING REVISIONS TO SPECIAL POLICY AREA 2. (7-0)"**

Resolution No. BL2007-363

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-161U-13 is **APPROVED. (7-0)**

The proposed IWD district is consistent with the Antioch/Priest Lake Community Plan's Industrial policy, which is intended for areas that are dominated by one or more activities that are industrial in character."

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6. 2007SP-173U-10
931 South Douglas Avenue
Map 105-13, Parcels 283, 284, 443
Subarea 10 (2005)
Council District 17 - Sandra Moore

A request to change from R8 to SP zoning properties located at 931 and 935 S. Douglas Avenue, approximately 260 feet west of 9th Avenue South (1.0 acres), to permit 10 cottage units and a storage building, requested by Barge Cauthen & Associates, applicant, for Carter and Amanda Little, owners.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - A request to change from One and Two Family residential (R8) to Specific Plan-Residential (SP-R) zoning properties located at 931 and 935 S. Douglas Avenue, approximately 260 feet west of 9th Avenue South (1.0 acre), to permit 10 cottage units and a storage building.

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

Proposed Zoning
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.

GREENHILLS/MIDTOWN COMMUNITY PLAN
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 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.

8th South Detailed Neighborhood Design Plan
Single Family Detached (SFD) - SFD is intended for single-family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Consistent with Policy? Yes. This cottage development meets the goals of the DNDP by encouraging an appropriate mix of compatible housing types that provide the opportunity for mixed-income community and by encouraging new development to be sensitive to and compatible with the scale, mass, material and architecture of the historical context of the neighborhood. While the SFD policy calls for single units on a single lot, the creation of individually owned single-family residences in a cottage development pattern complies with the intent of the SFD definition.

PLAN DETAILS
Site Plan - The plan proposes a ten-unit cottage development, with a small storage building on a property one acre in size. The initial plan submitted proposed ten new cottages. This property is within the Waverly Place National Register Historic District and the Historic Commission reviewed the plans. As the

existing house is considered a contributing structure to the Historic District, the applicant revised the plans to include the original portion of the existing house and nine new cottage units. The existing house and the new cottage closest to South Douglas Avenue will be oriented to the street and toward the common open space. The new cottages are proposed to be two stories in height with fiber-cement board siding and front porches. The front setbacks of the new cottage fronting South Douglas Avenue match the setbacks of existing house. The placement of the cottages on the plan has been designed to preserve as many of the existing mature trees as possible.

Access - Vehicular access to the properties will be from the existing alley that loops around the property to the rear. There are sidewalks on South Douglas Avenue and an internal sidewalk system connecting the cottages to the open space and to the parking.

Parking - Twenty parking spaces are provided in four separate clusters to the side and rear of the property. Landscaping is proposed to screen the parking.

Waverly Place National Register
Historic District As noted above, this property is within the Waverly Place National Register Historic District. While this is not a Metro overlay, the Historic Commission staff was given the plans to review and make recommendations. The original portion of the existing house is considered a contributing structure to the Historic District and Historic Commission staff recommended that it be integrated into the plan. The applicant has revised the plan to include the existing house. There is a later addition which is not considered part of the contributing structure and will be demolished. Additional recommendations included orientation of the new front cottage towards Douglas Avenue, moving the storage building to the rear of the property, and modifying the design of the cottages. The applicant has addressed all of these comments.

The Historic Commission also made recommendations regarding the layout of the cottages so that the new units on the eastern side of the property sit behind the existing unit. The placement of the units has been designed so as to preserve as many of the existing mature trees as possible. The proposed plan, as revised, represents a balance between preserving the trees and addressing the Historic Commission staff comments.

RECENT REZONINGS - None

STORMWATER RECOMMENDATIONS -Preliminary SP approved.

URBAN FORESTER RECOMMENDATION -The site needs to meet the Tree Density Unit (TDU) requirements of the Zoning Code.

The note asking for a certified arborist to be on call and make recommendations should be expanded to:

If the measures recommended by the certified arborist are successful in maintaining the health of the existing trees, the Urban Forester may allow the trees to count towards the TDU requirements.

The Urban Forester will need to be on hand to observe the trenching and grading activities.

FIRE MARSHAL RECOMMENDATION -Given that the buildings will be sprinklered, the project appears to comply with the code - NFPA 1 (2006 edit) Section 18.2.3.3.1

A fire department access road shall extend to within 50ft. of a least one exterior door that can be opened from the outside and that provides access to the interior of the building.

NES RECOMMENDATION

1. Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval
2. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning)
3. 20-foot easement required adjacent to all public right of way or behind sidewalk to start 20’ PUE.
4. NES can meet with developer/engineer upon request to determine electrical service options

5. NES needs any drawings that will cover any road improvements to any of the streets that Metro PW might require
6. Developer should work with Metro PW on street lighting required future location(s) due to Metro's requirements
7. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules

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.

Typical Uses in **Existing** Zoning District**: R8**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1	4.63	5	48	4	6

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

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	1	n/a	10	96	8	11

Maximum Uses in **Existing** Zoning District**: R8**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached	1	4.63	5	48	4	6

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

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached	1	n/a	10	96	8	11

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
--	0.32		+5	+48	+4	+5

METRO SCHOOL BOARD REPORT

Projected student generation **1 Elementary** **1 Middle** **1 High**

Schools Over/Under Capacity - Students would attend Norman Binkley Elementary School, Croft Middle School, or Overton High School. Norman Binkley and Overton High School have been identified as being over capacity by the Metro School Board. A high school in a neighboring cluster has capacity. The fiscal liability for one elementary students is $14,000. This is for informational purposes to show the potential impact of this proposal. It is not a staff condition of approval. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION -The proposed SP is consistent with the land use policies. Staff recommends approval with conditions.

CONDITIONS

1. The uses in this SP are limited to ten cottage units and one storage building.

2. Prior to the issuance of any Use and Occupancy permits, all requirements of the Urban Forester shall be met.

3. The electrical boxes shall not be visible from the street.

4. 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 RS3.75 zoning district as of the date of the applicable request or application.

5. 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.

6. Minor modifications 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 modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications 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.

7. 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.

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

Mr. Carter Little, 931 S. Douglas, spoke in favor of the proposed development.

Ms. Arelene Lane, 911 Benton Avenue, spoke in opposition to the proposed development.

Councilmember Moore explained that the developer did meet with the community members affected by this development, as she had requested. However, due to the low attendance, she explained she would like to hold another meeting to receive additional input. She expressed some concerns with the development.

Ms. Cummings requested clarification on the scale of the proposed homes included in this development in relation to the existing homes in this area. She also requested specific information regarding the layout of the development.

Ms. Bernards explained these concepts to the Commission.

Mr. Gotto moved and Ms. LeQuire seconded the motion, which passed unanimously, to approve with conditions Zone Change 2007SP-173U-10. **(8-0)**

Resolution No. BL2007-367

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-173U-10 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. The uses in this SP are limited to ten cottage units and one storage building.

2. Prior to the issuance of any Use and Occupancy permits, all requirements of the Urban Forester shall be met.

3. The electrical boxes shall not be visible from the street.

4. 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 RS3.75 zoning district as of the date of the applicable request or application.

5. 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.

6. Minor modifications 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 modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications 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.

7. 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-R district is consistent with the Green Hills/Midtown 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 Detailed Neighborhood Design Plan policy that calls for single-family detached housing."

Ms. Jones left the meeting at 5:20 p.m.

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7. 2007Z-175G-12
Map 181-00, Parcel 090
Subarea 12 (2004)
Council District 31 - Parker Toler

A request to change from CL and AR2a to MUL (2.76 acres) and RM15 (5.06 acres) zoning property located at 6365 Nolensville Pike, at the northwest corner of Holt Road and Nolensville Pike(7.82 total acres), requested by Atwell-Hicks, applicant, for General Construction Co. Inc., owner. (See also PUD Proposal No. 2007P-004G-12).

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to change from Commercial Limited (CL) and Agricultural and Residential (AR2a) to Mixed Use Limited (MUL) (2.76 acres), and Single-Family, Two-Family, and Multi-Family Residential (RM15) (5.06 acres) zoning for property located at 6365 Nolensville Pike.

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

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

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

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

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

Corridor General (CG) - CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. 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. Both zoning districts are consistent with the area's policies. While the plan calls for a portion of commercial in the Corridor General policy area, which is not intended for stand alone commercial uses, the overall PUD plan is consistent with both the Corridor General and Neighborhood General policies.

RECENT REZONINGS -None.

PUBLIC WORKS RECOMMENDATION

Maximum Uses in **Existing** Zoning District**: CL and AR2a**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	8.63	0.5	4	54	13	6

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.76	N/A	17,926	356	48	99

Maximum Uses in **Proposed** Zoning District**: RM15 with PUD**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	5.87	15	72	486	40	46

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
--				788	+75	139

METRO SCHOOL BOARD REPORT
Projected student generation **10 Elementary** **7 Middle** **5 High**

Schools Over/Under Capacity -Students would attend Shayne Elementary School, Oliver Middle School and Overton High School. All three schools have been identified as full by the Metro School Board. There is capacity for in the adjacent Glencilff cluster, but only for middle school students. The fiscal liability generated by this request is $140,000 for elementary students and $100,000 for high school students. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION - The requested MUL and RM15 districts as well as the associated preliminary PUD are consistent with the area's policies and staff recommends that the rezoning request be approved.

[Note: Items #7 and #8 were discussed by the Metropolitan Planning Commission together. See item #8 for actions and resolutions.]

8. 2007P-004G-12
Governors Chase II
Map 181-00, Parcel 090
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for preliminary approval for a Planned Unit Development on property located at 6365 Nolensville Pike, at the northwest corner of Nolensville Pike and Holt Road (7.82 acres), zoned CL and AR2a and proposed for MUL and RM15, to permit 72 multi-family units, 17,926 square feet of general office space, and 16,022 square feet of retail space, requested by Atwell-Hicks, applicant, for General Construction Company Inc., owner. (See also Zone Change Proposal No. 2007Z-175G-12).
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary PUD
A request for preliminary PUD approval for property located at 6365 Nolensville Pike, at the northwest corner of Nolensville Pike and Holt Road (7.82 acres), zoned CL and AR2a and proposed for MUL and RM15, to permit 72 multi-family units, 17,926 square feet of general office space, and 16,022 square feet of retail space.

PLAN DETAILS
General - The request is for preliminary approval for a new Planned Unit Development to permit the development of 72 multi-family units, 17,926 square feet of general office space, and 16,022 square feet of retail space. The property is located at the northwest corner of Nolensville Pike and Holt Road. The property is on a large hill that slopes up from the road and is densely wooded except for a small portion along Nolensville Pike. There are two structures along Nolensville Pike, while the remainder is vacant.

The office and retail space will be provided in a two-story structure fronting Nolensville Pike. The floor area ratio (FAR) will be 0.28, well below the 1.0 permitted in the MUL district. The residential portion of the plan will be behind the commercial building and will include 72 units at a density of approximately 14

dwelling units per acre. The residential units will be provided in two 36 unit structures.

The commercial portion will primarily be accessed from Nolensville Pike and the residential portion will primarily be accessed from Holt Road. While access points are provided for both portions of the development, the two sections will be connected by a private drive so the commercial and the residential portions of the development will have access to both Nolensville Pike and Holt Road.

Sidewalks - The plan shows sidewalks along Nolensville Pike. The plan also shows an adequate internal sidewalk system which will allow ease of pedestrian movement between the residential and commercial portions of the development. Sidewalks are not shown along Holt Road, and are not required as this request is outside the Urban Services District and has a Sidewalk Priority Index (SPI) score less than twenty. Because this is a PUD sidewalks can be required, but due to the steepness of the topography along Holt Road, staff is not requiring that a sidewalk be constructed.

Parking - A total of 280 parking spaces are shown on the plan. This meets the parking requirements of the Zoning Code. A majority of the parking will be provided on surface parking. There will also be some garage parking provided beneath the two residential buildings.

Landscape Buffer - A "C" type landscape buffer yard is shown along the northern and western property line. An A type landscape buffer is shown between the commercial portion and residential portion or the PUD.

Environmental - While the property is on a large hill, the proposed plan works well with the existing topography and limits the amount of cut that will be required.

Staff Analysis - The plan is consistent with the area's policies. Furthermore, the proposed plan is sensitive to the environmental challenges of the site, and has been designed to limit cutting of the hill.

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

STORMWATER RECOMMENDATION -Approved with conditions:

1. For the east section of the site, water quality can't be handled through an underground detention system.

STAFF RECOMMENDATION - Staff recommends approval with conditions.

CONDITIONS

1. A second sidewalk connection shall be provided from the commercial portion of the development to the sidewalk along Nolensville Pike. This connection shall near the Nolensville Pike/Holt Road intersection.

2. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.

3. 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.

4. 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.

5. 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.

6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Mr. Swaggart presented and stated that staff is recommending approval of Zone Change 2007Z-175G-12 as well as approval with conditions on preliminary approval of Planned Unit Development 2007P-004G-12.

Ms. Rose Marie Beaster, 6456 Holt Road, spoke in opposition to the proposed development.

Mr. Chad White, 305 Spring Place, spoke in favor of the proposed development.

Ms. Eleanor Dyer, 6357 Nolensville Road, spoke in opposition to the proposed development. Ms. Dyer submitted photos to the Commission for the record.

Ms. Sharon Hackney 6351 Nolensville Road, spoke in opposition to the proposed development.

Mr. Dan Straebel, 208 Timberline, spoke in favor of the proposed development.

Mr. Joe Tuck, 218 5th Avenue South, spoke in favor the proposed development.

Councilmember Toler explained that the developers did hold an informal meeting regarding this request. He further explained that he would continue to hold community meetings in order to resolve some of the neighborhood issues. He briefly discussed some of the issues the community members expressed regarding this development.

The public hearing was closed.

Ms. Nielson requested clarification regarding the access easement located on Holt Road.

Mr. Swaggart explained the access easements to the Commission.

Ms. Nielson then questioned whether a Traffic Impact Study (TIS) was required for this request.

Mr. Swaggart confirmed that a TIS would be required for this development.

Ms. Nielson expressed issues with the site distances for these access points. She also expressed issues with the blasting that would take place to allow this development.

Mr. Clifton acknowledged the staff analysis for this proposal, as it meets the policy for the area. He then mentioned the various issues associated with the proposal such as topography and increased traffic. He then mentioned the fact that many subdivisions have been approved in various parts of the southeast quadrant of the city due to older PUD's and/or because the subdivisions meet the General Policy, which are now becoming a problem. He stated that he has an issue with the density of this request as well as the topography of the land. He too mentioned the blasting that would take place.

Ms. Cummings requested clarification on the various types of buffering included in this request.

Mr. Swaggart explained the buffering to the Commission.

Ms. Nielson requested additional information on the heights of some of the grades of land included in the proposal.

Mr. Swaggart explained the various heights of grades to the Commission.

Mr. Tyler questioned whether grading had been submitted by the applicant.

Mr. Swaggert explained this concept to the Commission.

Mr. Tyler mentioned stormwater and detention areas and their placement within this proposal.

Mr. Swaggart explained the placement of the detention areas to the Commission. He further stated that the developer would have to submit their final plans on stormwater retention prior to its approval.

Mr. Tyler expressed issues with the scale of the development as well as its proximity to existing residential homes in the area.

Mr. Gotto requested clarification as to whether any flooding currently occurs on this property.

There was a response from the audience, however it was inaudible.

Mr. Gotto then stated that if the Planned Unit Development would move forward, that Councilmember Toler would resolve as many issues as possible with his community members. He then stated he had issues with the blasting that would take place as this development begins formation. He spoke of the more stringent blasting rules that will take effect on January 1, 2008 and added that hopefully, the new rules would address future blasting procedures.

Mr. Clifton spoke on the motion being made and the scale of this proposal.

Ms. Nielson moved and Mr. Clifton seconded the motion, which passed unanimously, to defer preliminary approval for a Planned Unit Development 2007P-004G-12 until December 13, 2007, to allow additional time for the Traffic Impact Study to be completed. **(7-0)**

Resolution No. BL2007-368

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-175G-12 is **DEFERRED TO THE DECEMBER 13, 2007, PLANNING COMMISSION MEETING. Public hearing closed. (7-0)"**

Resolution No. BL2007-369

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007P-004G-12 is **DEFERRED TO THE DECMEBER 13, 2007, PLANNING COMMISSION MEETING. Public hearing closed. (7-0)"**

Commission recessed at 6:00 p.m.

The Commission resumed at 6:17 p.m.

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9. 2007P-005U-13
The Shoppes at Ridgeview
Map 163-00, Part of Parcel 122
Subarea 13 (2003)
Council District 33 - Robert Duvall

A request for preliminary Planned Unit Development approval for a portion of property located at Bell Road (unnumbered), approximately 520 feet north of Bell Forge Lane (5.2 acres), zoned MUL and RM9

and currently located within the Ridgeview Urban Design Overlay, to permit 40,411 square feet of retail space in three buildings, requested by Dale & Associates, applicant, for Ridgeview Heights LLC, owner. (See also UDO Proposal No. 2003UD-003U-13).
STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - Preliminary PUD
A request for preliminary Planned Unit Development approval for a portion of property located along the east side of Bell Road, approximately 520 feet north of Bell Forge Lane, (5.2 acres), zoned MUL and RM9 and currently located within the Ridgeview Urban Design Overlay, to permit 40,411 square feet of retail.

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

RM9 District -RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN POLICY
Corridor General (CG) - CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? No. The PUD plan proposes commercial uses only and does not implement the intent of the CG policy which is predominately residential in character. The larger Ridgeview UDO provides for an overall mix of commercial and residential uses that is consistent with the policy. In addition, a portion of the property within the proposed PUD boundary is zoned RM9, and does not permit commercial uses.

PLAN DETAILS
General - The request is for preliminary approval for a new Planned Unit Development to permit the development of 40,411 square feet of retail space. The property is located on the east side of Bell Road, approximately 520 feet north of Bell Forge Lane. The property is also currently within the Ridgeview UDO. There is an associated request to cancel the portion of the UDO covering this property (see UDO proposal 2003UD-003U-13).

The proposed development would consist of three individual buildings. All buildings would be on individual lots, and would require a future subdivision. Two of the buildings would be located closer to Bell Road and the third larger building would be behind the two smaller buildings. The larger building shown on out parcel A is 20,511 square feet. The building on out parcel B would be 6,900 square feet, and the building on out parcel C would be 13,000 square feet.

Access -Access into the development would be provided indirectly from Bell Road via Musial Boulevard, which currently is not completed. A joint access easement is shown across the site and would allow for cross-access between the out parcels, as well as allow for connectivity to the northwest adjacent property.

Parking - Metro Code requires 202 parking spaces for 40,411 square feet of retail, and the plan calls for a total 202 spaces. While the overall development meets the parking requirements, each building is proposed to be on a separate lot and each lot must either provide the minimum number of required parking spaces or utilize parking on the adjacent lots through a shared parking agreement. Outparcel C is required to have 65 parking spaces, but is only providing 61 and must either provide additional parking or utilize a shared parking agreement. A shared parking study would be required by the Zoning Code if shared parking is pursued. A study has not been submitted.

Landscape Buffer-A landscaped buffer is required between the MUL and RM9 zoning districts. The plan shows a 10 foot wide, "C" type landscape buffer, and is in compliance with the zoning requirements.

Staff Analysis - This proposal is currently located within the Ridgeview Urban Design Overlay. While there is a request to cancel UDO for this property, staff recommends that the cancellation request as well as this request for a PUD be disapproved. Staff is recommending disapproval for several reasons. First, this commercial plan is not consistent with the area's CG policy, which calls for predominantly residential uses. While the UDO allows for commercial uses in this area, it requires a mixture of residential and commercial which is more consistent with the policy. Second, the UDO was created to provide a comprehensive development scenario for all the properties in the overlay. This plan removes the UDO from a portion of the overlay and allows it to develop in a way that is inconsistent with UDO and the CG policy. Third, Metro records indicate that a portion of the property within the proposed PUD boundary is zoned RM9 which does not permit commercial uses.

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. Prior to the issuance of any use and occupancy permits, construct a northbound right turn lane on Bell Road at project access drive with 150 ft of storage and transitions per ASSHTO/MUTCD standards.

STORMWATER RECOMMENDATION -Approved

STAFF RECOMMENDATION - Staff recommends that the request be disapproved because it is inconsistent with the policy and proposes commercial uses in an area zoned for residential uses.

CONDITIONS

1. The plan is not admissible under the existing base zoning, and shall be revised to be consistent with existing base zoning, or a new zoning that will allow for this PUD must be approved by Council.

2. If the total number of required parking spaces will not be provided on each lot, then a shared parking study must be approved by the Metro Traffic Engineer, prior to final PUD approval. A shared parking arrangement shall be submitted with the final PUD application.

3. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.

4. 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.

5. 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 total floor area be reduced.

6. 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.

Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

10. 2003UD-003U-13
Ridgeview UDO (Cancellation)
Map 163-00, Part of Parcel 122
Subarea 13 (2003)
Council District 33 - Robert Duvall

A request to cancel a portion of the Ridgeview Urban Design Overlay district located at Bell Road (unnumbered), zoned RM9 and MUL (5.2 acres), requested by Dale and Associates, applicant, for Ridgeview Heights LLC, owner. (See also PUD Proposal No. 2007P-005U-13).
STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - Cancel UDO
A request to cancel a portion of the Ridgeview Urban Design Overlay district located at Bell Road (unnumbered), zoned RM9 and MUL (5.2 acres).

URBAN DESIGN OVERLAY
Section 17.36.270 of the Zoning Code - The purpose of the urban design overlay district is to allow for the application and implementation of special design standards with the intent of achieving a sense of place. This is accomplished by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes the intrusion of the automobile into the urban setting, and provides for the sensitive placement of open spaces in relation to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

The urban design overlay enables the creation of a mixed-use, mixed-income, walkable neighborhood through a mixture of building types and an interconnected compact form. The overlay is different than a typical planned unit development because it allows for the better integration of different uses, building types, and streets, which work together to form a cohesive environment. Furthermore, design standards for streets, buildings, open space, landscape, and streetscape components are specific to the site and intent of the overlay, therefore contributing to the desired end result.

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

RM9 District - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN POLICY
Corridor General (CG) CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? No. A preliminary PUD application has been filed in conjunction with the request to cancel this portion of the UDO that calls for commercial uses only and does not implement the intent of the Corridor General policy, which is predominately residential in character. While the UDO allows for commercial uses in this area, it requires mixture of residential and commercial to be consistent

with the CG policy. The UDO was created to provide a comprehensive development scenario for all the properties in the overlay. This request removes a portion of property from the overlay and would allow it to be developed inconsistent with rest of the UDO and the CG policy. A portion of the property is zoned RM9, and does not permit commercial uses, and would require a zone change.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION - No Exceptions Taken

STAFF RECOMMENDATION - Staff recommends that the request be disapproved because it is inconsistent with the policy and the associated PUD request proposes commercial uses in an area zoned for residential uses.

Mr. Bernhardt announced that the applicant has agreed to place Items #9 and 10, 2007P-005U-13 and 2003UD-003U-13 on the consent agenda for disapproval.

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously, to place 2007P-005U-13 and 2003UD-003U-13 on the consent agenda and disapprove. **(7-0)**

Resolution No. BL2007-370

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007P-005U-13 is **DISAPPROVED. (7-0)**

The proposed commercial PUD overlay district is not consistent with the Antioch/Priest Lake Community Plan's Corridor General and Neighborhood General policies which are both intended for residential development."

Resolution No. BL2007-371

"BE IT RESOLVED by The Metropolitan Planning Commission that 2003UD-003U-13 is **DISAPPROVED. (7-0)**

The proposed request to cancel a portion of property out of the existing Urban Design Overlay will allow for development that is not compatible with surrounding overlay. Furthermore, the commercial PUD (2007P-005U-13) proposed for this portion of property is not consistent with the Antioch/Priest Lake Community Plan's Corridor General and Neighborhood General policies which are both intended for residential development."

XI. PRELIMINARY PLAT

11. 2005S-261G-04
Liberty Downs
Map 026-00, Parcels 032, 033, 131
Subarea 4 (1998)
Council District 10 – Rip Ryman

A request to extend the preliminary approval to September 22, 2008, where the preliminary approval expired on September 22, 2007, for 59 lots in a cluster lot subdivision located on the east side of Liberty Lane, approximately 850 feet north of Peebles Court (17.38 acres), zoned RS10, requested by Austin M. Writesman & Jack Nixon, owners, MEC Inc., surveyor.
STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED Preliminary Plat 2005S-261G-04 to December 13, 2007, at the request of the applicant. (6-0)

XII. CONCEPT PLANS

12. 2007S-289U-08
Hallmark at River View Homes, Ph. 1
Map 081-00, Parcel 045
Subarea 8 (2002)
Council District 21 - Edith Taylor Langster

A request for concept plan approval to create 55 lots of which 41 lots are designated for single-family and 14 lots for duplex units for a total of 69 dwelling units on property located at Clarksville Pike (unnumbered), approximately 790 feet west of Ed Temple Boulevard (14.25 acres), zoned R6, requested by Charles Binkley and Eatherly Family Holdings Co., owners, T-Square Engineering, surveyor.
STAFF RECOMMENDATION: Disapprove

Mr. Bernhardt announced that the applicant has requested to have this proposal deferred to the December 13, 2007 meeting.

The applicant verified the request to defer this item to December 13, 2007.

Mr. Clifton moved to defer this to the December 13, 2007.

Mr. Bernhardt explained the deferral was requested in order to work out technical issues as well as issues of the residents.

Ms. Cummings suggested that the Commission include a condition that would require the developer to meet with the Councilmember as well as the community on this request.

Councilmember Langster agreed with Ms. Cummings and requested that the developer be required to meet with herself and the community on this development prior to this proposal being heard at the December 13, 2007 Planning Commission meeting.

Mr. McLean explained that the Commission could not include that the developer appear at a community meeting and that it was the developer's prerogative to do so.

Mr. Gotto asked, at that time, that the developer meet with the community members on this matter.

The developer responded, however, it was inaudible.

Mr. Clifton moved and Mr. Gotto seconded the motion, to defer Concept Plan 2007S-289U-08 to the December 13, 2007, in order to allow additional time to address the issues associated with the proposal. It was also strongly recommended by the Commission that the developer attend and meet with the community. **(7-0)**

Resolution No. BL2007-372

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-289U-08 is **DEFERRED TO THE DECEMBER 13, 2007, PLANNING COMMISSION MEETING AT THE REQUEST OF THE APPLICANT. (7-0)"**

XIII. REVISIONS VARIANCES AND FINAL DEVELOPMENT PLANS

13. 116-74-G-12
Oak Highlands, Lot 288 Setback Variance
Map 173-04-A, Parcel 317
Subarea 12 (2004)
Council District 32 - Sam Coleman

A request for a variance to Table 17.12.020A of the Zoning Code for property within the Oak Highlands Residential Planned Unit Development district located at 5701 Sonoma Trace, at the southwest corner of Sonoma Trace and Oak Chase Drive, classified R15 district, (0.22 acres), to allow a 10 foot rear setback where 20 feet is required by the Zoning Code, requested by Joe and Dorothy Pendergrast, owner.
STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request for a variance to Table 17.12.020A of the Zoning Code for property within the Oak Highlands Residential Planned Unit Development district located at 5701 Sonoma Trace, at the southwest corner of Sonoma Trace and Oak Chase Drive, classified One and Two-Family Residential (R15) district, (0.22 acres), to allow a 10 foot rear setback where 20 feet is required by the Zoning Code.

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

PLAN DETAILS -Typically, setbacks in PUDs are determined by what is approved on the PUD plan. In this case, the PUD does not address setbacks and the plat indicates that the setbacks are to be determined by the standard requirements of the Zoning Code. The procedure for varying from setbacks required in the Code is to obtain a variance from the Board of Zoning Appeals (BZA). Because this property is within a PUD, the Planning Commission must make a recommendation to the BZA. The proposed setback is consistent with the intent of the PUD. If the BZA finds that the requirements for the variance have been met, staff recommends approval.

The applicant is requesting a 10 foot rear setback where 20 feet is required by the Zoning Code. The building permit application indicates that the applicant is constructing a 10x12 heated sunroom addition to the rear of the residence. There is an existing deck, to which this addition will be attached, that has a rear setback of 10 feet.

STAFF RECOMMENDATION -Staff recommends approval.

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

Resolution No. BL2007-373

"BE IT RESOLVED by The Metropolitan Planning Commission that 116-74-G-12 is **APPROVED. (8-0)"**

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14. 66-78-U-12
Bethany Health and Rehabilitation Center
Map 161-00 Parcel 192
Subarea 12 (2004)
Council District 27 - Randy Foster

A request to revise a portion of the preliminary plan and for final approval of a Residential Planned Unit Development located at 421 Ocala Drive, at the northwest corner of Hickory Plaza and Hickoryview Drive (3.48 acres), zoned RM15, to permit a 1,700 square foot addition for office space and a revised parking layout, requested by Climer & Associates, applicant, for Avalon Health, owners.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Preliminary PUD And Final PUD Approval
A request to revise a portion of the preliminary plan and for final site plan approval of a Residential Planned Unit Development district located at 421 Ocala Drive, at the northwest corner of Hickory Plaza and Hickory View Drive (3.48 acres), zoned RM15, to permit a 1,700 square foot addition for office space and a revised parking layout.

PLAN DETAILS
Site Plan - The Bethany Health and Rehabilitation Center is a nursing home situated on 3.48 acres. The existing building totals 58,445 square feet. The plan includes a 1,700 square foot office addition bringing

the total building square footage to 60,145 square feet. The plan also includes a new parking lot layout.

If was a commercial PUD, then the addition of commercial space would customarily be compared to the approved existing floor area ratio within the PUD. Section 17.40.120 (G) of the Zoning Code stipulates that any change in commercial square footage greater than 10% of the floor area ratio within a commercial PUD requires an amendment and approval by the Metro Council. However, since this is a residential PUD district, the addition of office space would be considered an accessory use and the provisions regarding increases in commercial square footage would not apply.

Access/Parking - The site is accessible by a private drive that connects to Ocala Drive. The plan proposes a redesign to the parking area. The parking lot will be re-striped to include both 90 degree and 60 degree angle parking aisles. A total of 92 parking spaces are planned for the site. Section 17.20.030 of the Zoning Code requires a minimum of five parking spaces for the office addition and 66 parking spaces for the existing structure. The plan proposes a total of 92 parking spaces, exceeding the minimum parking requirements.

Landscaping - The landscaping plan proposes a total of 15 trees and 19 shrubs. Interior planting areas are located along the perimeter of the parking lot and at the end of each parking bay.

Elevations - The site plan includes both front and side elevations. The building addition has a proposed height of 15 feet and will be constructed with materials to match the existing structure.

Preliminary Plan - The PUD was originally approved in 1978 to permit a nine-story retirement center on six acres. In 1988, the preliminary plan was revised to include a one story nursing home and a 14 story elderly apartment building on a total of 15.7 acres. As proposed, the plan is consistent with the intent of the approved preliminary plan and does not require approval from Council.

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

STORMWATER RECOMMENDATION - No permit required.

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

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 the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.

6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

8. A corrected copy of the PUD 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 the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. BL2007-374

"BE IT RESOLVED by The Metropolitan Planning Commission that 66-78-U-12 is A**PPROVED WITH CONDITIONS. (6-0)**

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 the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.

6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

8. A corrected copy of the PUD 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 the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

15. 18-84-U-10
Burton Hills (Covenant Presbyterian Church)
Map131-06-0-A, Parcel 029
Subarea 10 (2005)
Council District 25 - Sean McGuire

A request to revise the preliminary plan and final approval for the Burton Hills Residential Planned Unit Development located abutting the northeast margin of Hillsboro Pike and Harding Place (2.22 acres), zoned R15 and R40, to permit the removal of mature trees for a lawn area (playground), requested by Barge Cauthen and Associates, applicant, for Covenant Presbyterian Church, owner.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary PUD
A request to revise the preliminary plan and final site plan approval for a Residential Planned Unit Development located on the north side of Harding Place east of Hillsboro Pike (2.22 acres), zoned R15 and R40, to permit grading, including the removal of mature trees within open space, for the construction of a playground.

PLAN DETAILS - The request is to revise the approved preliminary plan for a portion of the Burton Hills Planned Unit Development to allow for the construction of a small playground within an area designated as open space.

The area proposed for the playground is on a steep hill that slopes towards Harding Place. The plan proposes that a portion of the hill be graded in order to provide a level play area. There are many mature trees in the open space area, and grading will remove all of the trees in the area designated to be graded. While numerous large and small trees will be lost, a large area with trees will remain between the playground and Harding Place.

Preliminary Plan - The Burton Hills PUD was originally approved in 1984 and includes office, multi-family, single-family, amenities and a church. There have been many revisions to this PUD and the plan was last amended in 1998 for the church on top of Rosebud Hill. This request does not propose any additional building space, and is not in conflict with the overall concept of the Council-approved approved PUD plan. No Special Exception is required as the Zoning Administrator has indicated that a playground is considered an accessory use in the R40 zoning district.

Staff Analysis - The proposed plan does not propose any additional development rights, only that a small area be graded for the purpose of providing a playground. While numerous large trees will be lost, a large area between the proposed playground and Harding Place will remain intact. The plan is in compliance with tree density requirements of the Zoning Code.

PUBLIC WORKS RECOMMENDATION - No Exceptions Taken

STORMWATER RECOMMENDATION - Approved

STAFF RECOMMENDATION - Staff recommends that the request be approved with conditions.

CONDITIONS
1. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

2. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

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

Resolution No. BL2007-375

"BE IT RESOLVED by The Metropolitan Planning Commission that 18-84-U-10 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

2. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council."

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16. 2003P-009U-08
Parc at Metro Center (PUD Amendment)
Map 081-04, Parcel 226
Subarea 8 (2002)
Council District 2 - Frank R. Harrison

A request to amend the Parc at Metro Center Residential Planned Unit Development district located abutting the north side of Dominican Drive and the west side of Athens Way, classified RM20, (.25 acres), to increase from 98 to 118 multi-family units in Phase 2, requested by Bernard L. Weinstein & Associates, applicant, for American Realty and Trust, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST- Amendment to Preliminary PUD
A request to amend the Residential Planed Unit Development district located abutting the north side of Dominican Drive and the west side of Athens Way, classified Multi-Family Residential (RM20), (6.25 acres), to increase from 98 to 118 multi-family units in Phase II.

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

PLAN DETAILS
History - The preliminary PUD was originally approved by the Metro Planning Commission on May 22, 2003, and Metro Council on July 15, 2003, for 242 residential multi-family units on 16.57 acres, abutting the west side of Athens Way, north of Dominican Drive. On October 28, 2004, a final PUD plan for Phase 1 was approved to permit the development of 144 multi-family units on 10.26 acres of land.

Phase II Site Plan - Phase II of the PUD was originally approved for a total of 98 units in four buildings on 6.25 acres of land. The plan amendment proposes to add 12 units to building A for a total of 42 units, and to add 8 units to building B for a total of 28 units. Buildings A and B are proposed to be 4 stories in height. Buildings C and D are each 3 stories in height and contain 24 units. The plan includes 118 units, with 68 one-bedroom units and 50 two-bedroom units.

Parking - A total of 192 parking spaces are proposed at one space per unit for the one-bedroom units and 1.5 spaces per unit for the two-bedroom units.

Access - Primary access is from Athens Way Drive. An existing gravel drive to Tenth Avenue North was considered by staff as a potential secondary drive into the PUD. Due to topography issues and a sharp curve on Tenth Avenue, the existing gravel drive would not provide a safe ingress/egress for vehicular traffic flow onto Tenth Avenue North.

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.

- Coordinate solid waste disposal and recycling collection with the Department of Public Works solid waste division.

STORMWATER RECOMMENDATION

- Add correct FEMA note to plans.
- Provide a water quality concept.

STAFF RECOMMENDATION - Staff recommends approval with conditions. The proposed amendment is consistent with the original concept of the PUD and the base zoning.

CONDITIONS

1. Coordinate solid waste disposal and recycling collection with the Department of Public Works solid waste division.

2. Prior to final site plan approval, all Stormwater conditions shall be met.

3. 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.

4. 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.

5. 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.

6. 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.

7. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Resolution No. BL2007-376

"BE IT RESOLVED by The Metropolitan Planning Commission that 2003P-009U-08 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Coordinate solid waste disposal and recycling collection with the Department of Public Works solid waste division.

2. Prior to final site plan approval, all Stormwater conditions shall be met.

3. 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.

4. 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.

5. 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.

6. 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.

7. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed revision to the approved PUD plan is consistent with the intent of the original concept and meets all base zoning requirements."

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17. 2004P-036U-07
Nashville West Shopping Center
Map 102-00, Parcels 093, 094, 095, 096, 099
Subarea 7 (2000)
Council District 20 - Buddy Baker

A request to revise the preliminary plan and PUD final site plan approval for the Planned Unit Development district located at 6708, 6806, and 6816 Charlotte Pike and Charlotte Pike (unnumbered) directly across from W. Hillwood Drive and Brook Hollow Road (35.05 acres), zoned SCR, to increase the overall PUD square footage from 508,456 square feet to 521,852 square feet by rearranging and increasing the retail, restaurant, and office uses, requested by Littlejohn Engineering Associates, applicant, for Nashville West Shopping Center LLC, owner.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revision to Preliminary and Final PUD site plan
A request to revise the preliminary plan and PUD final site plan approval for the Nashville West Planned Unit Development district located at Charlotte Pike directly across from West Hillwood Drive and Brook Hollow Road (35.05 acres), zoned SCR, to increase the overall PUD square footage from 508,456 square feet to 521,852 square feet by reconfiguring several of the unbuilt retail, restaurant, and office buildings within the PUD.

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

PLAN DETAILS
Site Design- The proposed plan increases the overall PUD square footage from 508,456 square feet to 521,852 square feet of retail, restaurant and office uses by reconfiguring and adding several buildings within the PUD. While the layout has changed, it remains consistent with the concept of the preliminary PUD approved by the Metro Council in 2005.

The plan maintains the same access points, including three ingress/egress points on Charlotte Pike and one ingress/egress drive through the neighboring properties to the east leading to Old Hickory Boulevard.

The design does not change the buildings already constructed along the rear of the site backing up to I-40. The changes mostly occur on the outparcels along the Charlotte Pike frontage designated for smaller shops and offices. The plan continues to includes four restaurants lining the existing Metro H.G. Hill Park, but also adds a 3,525 square foot retail building between two of the restaurants on the east side of the park. The park is still to be changed from a wooded natural area to a "Park Green" to complement the shopping center. A pedestrian tunnel is proposed under the driveway that runs through the park in order to provide unimpeded pedestrian access within the park.

Twenty-four residential units continue to be part of the plan and are to be located above first floor retail in the three-story building located at the eastern entrance to the site adjacent to Charlotte Pike.

The plan redistributes and adds floor area to the outparcels along Charlotte Pike, and reconfigures the retail shops along the northeast property line. The proposed plan also adds one retail building on **the east side of the park.**

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.

- Install pedestrian signals and crosswalk markings across Charlotte Pike at the signalized intersections of Charlotte Pike & Brookhollow Road and Charlotte Pike & Nashville West driveway.

STORMWATER MANAGEMENT - Approved

STAFF RECOMMENDATION - Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.

3. 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.

4. 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.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

7. A corrected copy of the PUD 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 the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. BL2007-377

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-036U-07 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.

3. 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.

4. 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.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

7. A corrected copy of the PUD 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 the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

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18. 2005P-023G-02
Victory Village (1st Revision)
Map 041-00, Parcel 147
Map 050-00, Parcels 031, 132
Subarea 2 (2006)
Council District 3 - Walter Hunt

A request to revise the preliminary plan for the Planned Unit Development, located at 3549 Brick Church Pike and Westchester Drive (unnumbered) (86.41 acres), zoned RM6 and R10, to permit a total of 371 dwelling units consisting of 135 single-family lots, 164 townhome units and cottage units, and 36 duplex lots (72 units), where a total of 371 dwelling units were previously approved, requested by Dale & Associates, applicant, for The Victory Church of Nashville, owner.
STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Preliminary PUD
A request to revise the preliminary plan for the Planned Unit Development, located at 3549 Brick Church Pike and Westchester Drive (unnumbered) (86.41 acres), zoned Multi-Family Residential (RM6) and One and Two Family Residential (R10), to permit a total of 371 dwelling units consisting of 135 single-family lots, 164 townhome units and cottage units, and 36 duplex lots (72 units), where a total of 371 dwelling units were previously approved.

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

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

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

Consistent with Policy? Yes. The proposed plan provides a mixture of housing types that are carefully arranged to create a complete and diverse neighborhood.

PLAN DETAILS
Site Design -The proposed plan includes 135 single-family lots, 164 townhomes and cottages, and 36 duplex lots (72 units) with an overall density of 4.3 units per acre. This plan replaces the plan approved by the Planning Commission on September 8, 2005, and Metro Council in January 2006, which included 135 single-family lots, 28 two-family lots (56 units), 155 multi-family units, and an assisted-living facility with 75 beds with a density of approximately 4.3 units per acre, and a community center. The original plan is unbuilt and there have been no final site plans approved in this PUD to date. The proposed plan eliminates the community center that was previously approved in the PUD and the 75 bed assisted-living facility.

Open Space - The proposed plan includes 30.89 acres of open space (36%), including areas of active and passive open space. The plan includes two recreational facilities, as required by Section 17.36.070 of the Zoning Code. This section of the Code requires one recreational facility for the first 99 units and one for each additional 100 units thereafter for the cluster-lot portion of the development, not for the multi-family portion of the development.

Environmental/Greenway - Three streams are located on the property. The proposed plan includes only two stream crossings, while the previously approved plan included three stream crossings. North Fork Ewing Creek, which is located along the eastern property boundary, is designated for a future greenway. The “greenway/conservation easement” is identified on the plan.

Access/Connections - The plan proposes to tie into all seven stub-streets that currently connect to this property, while three new stub-streets to the north are proposed for future connectivity. The previously approved plan provided connections to six of the seven existing stub-streets. As there was a condition in the Council Bill providing an option to connect to the additional stub-street, this change is not considered to be an amendment that requires Metro Council approval..

Connections are provided to Westchester Drive to the east and south, Brookdale Drive, Brookway Drive, and Willow Creek Road to the south, Brick Church Pike and Brick Drive to the west.

PUBLIC WORKS RECOMMENDATION

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

2. Construct a northbound right turn lane on Brick Church Pike at the southern site access road (road 'F') with 100 ft of storage and transitions per AASHTO/MUTCD standards.

3. Construct a northbound right turn lane on Brick Church Pike at the northern site access road (road 'A') with 100 ft of storage and transitions per AASHTO/MUTCD standards.

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

4. Provide and document as part of the construction plans adequate sight distance at the intersections of both site access roads and Brick Church Pike (roads 'A' & 'F'). Provide field run surveys to show that sight distance can be met.

5. Construct and stripe both site access roads at Brick Church Pike with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.

STORMWATER RECOMMENDATION - Approved

STAFF RECOMMENDATION - Staff recommends approval with conditions since the proposed plan is consistent with the Council approved plan in terms of uses, density, connectivity, and since the plan is consistent with the Neighborhood General Policy. The plan creates usable open space, and provides numerous connections to adjacent streets, as well as future connections to the north.

CONDITIONS

1. All applicable conditions from the previous approval will still apply, unless modified with this revision to the preliminary PUD plan.

2. All off-site traffic conditions, as required by Public Works must be bonded or completed prior to the first final plat or prior to the issuance of building permits for any multi-family development.

3. Prior to or in conjunction with the first PUD final site plan approval, an overall phasing plan must be submitted to the Planning Department.

4. 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.

5. 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.

6. 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.

7. 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, (6-0) ***Consent Agenda***

Resolution No. BL2007-378

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-023G-02 is **APPROVED WITH CONDITIONS. (6-0)**

Conditions of Approval:

1. All applicable conditions from the previous approval will still apply, unless modified with this revision to the preliminary PUD plan.

2. All off-site traffic conditions, as required by Public Works must be bonded or completed prior to the first final plat or prior to the issuance of building permits for any multi-family development.

3. Prior to or in conjunction with the first PUD final site plan approval, an overall phasing plan must be submitted to the Planning Department.

4. 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.

5. 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.

6. 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.

7. 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."

XIV. MANDATORY REFERRALS

19. 2007M-179U-10
Map 92-16, Parcel 206.00
Subarea 10 (2005)
Council District 19 – Erica Gilmore

A request to abandon the right-of-way for Alley #236, which runs approximately 145 feet southwesterly from 17th Avenue South to a dead end, located between Broadway and Division Street, requested by Kennedy Capital Group, LLC.

STAFF RECOMMENDATION: Disapprove, but approve if existing parcels are consolidated into a single parcel.

APPLICANT REQUEST - A request to abandon the right-of-way for Alley #236, which runs approximately 145 feet southwesterly from 17th Avenue South to a dead end, located between Broadway and Division Street.

REQUEST DETAILS - The applicant requests that Metro abandon the existing improved right of way for Alley #236, which is approximately 18 feet wide and has a length of approximately 145 feet. The alley runs southwest off 17th Avenue South, between two improved parcels, to a dead end. The applicant states that the request is based on a desire to develop a single building on the parcels along 17th Avenue South, between Broadway and Division Street.

The alley currently provides the only exit from parcels 208 and 210 at the corner of Broadway and 17th Avenue South. The parking lot for those parcels are "in only" off Broadway. The alley also provides the sole access for parcel 212, which has frontage only on 17th Avenue South.

All of the parcels along 17th Avenue South between Broadway and Division Street, plus parcel 208, were recently the subject of an application to apply SP zoning to allow a single building with residential, retail, and restaurant uses. The property owners also sought to cancel the Music Row UDO, which applies to the property. Those applications have been deferred indefinitely by the applicant. The applicant has indicated an intent to proceed with development of the property under the current Core Frame (CF) zoning and in compliance with the requirements of the Music Row UDO.

Abandonment of this alley would be appropriate if and when the parcels served by the alley are consolidated and the property is developed with a single building consistent with the Music Row UDO. The property has adequate access to the adjacent streets if it is consolidated and appropriate drives are included in the project consistent with the UDO.

The Metro Council staff has taken the position that an "Approval with Conditions" will act as a simple approval at the Council and any conditions included by the Commission may not be included in the ordinance approved by Council. For this reason, staff recommends that the Commission recommend disapproval of the request to abandon this alley, but include a condition that if the property is consolidated into a single parcel, then the Commission's recommendation would be to approve the alley abandonment. Council staff has indicated that, with this recommendation, the Councilmember could include a condition in the bill to require consolidation of the property before the abandonment would become effective.

DEPARTMENT AND AGENCY COMMENTS - The following departments or agencies have reviewed this request: Public Works, Water Services, Emergency Communications, and the Historic Commission and recommend approval. NES recommends approval with the condition that utility easements within the existing right of way are to be retained.

RECOMMENDATION - Staff recommends **disapproval** of the request to abandon the right of way for Alley #236, but approval if parcels 208, 210, 212, 214, and 215 on property map 092-16 are consolidated into a single parcel.

Approved due to the fact the existing parcels will be consolidated into a single parcel. (6-0), ***Consent Agenda***

Resolution No. BL2007-379

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007M-179U-10 is **DISAPPROVED BUT APPROVE IF PARCELS 208, 210, AND 212 ARE CONSOLIDATED INTO A SINGLE PARCEL. (6-0)"**

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20. 2007M-194U-10
Map 92-16, Various Parcels
Subarea 10 (2005)
Council District 19 – Erica Gilmore

A request to abandon the right-of-way for Alley #437 from 17th Avenue South westward to Alley #442, approximately 145 feet south of Edgehill Avenue, requested by H. Ray Ragsdale, owner.
STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - A request to abandon the right-of-way for Alley #437 from 17th Avenue South westward to Alley #442, approximately 145 feet south of Grand Avenue.

REQUEST DETAILS - The applicant requests that Metro abandon the existing unimproved right of way for Alley #437, which is approximately 10 feet wide and has a length of approximately 160 feet. The alley

runs west off 17th Avenue South, behind two parcels that front on Grand Avenue, to Alley #442. The applicant states that the request is based on the current non-use of the existing right of way.

The current alley system provides the opportunity for the lot on the southwest corner of 17th Avenue South and Grand Avenue to have access via Alley #442 onto Grand Avenue for traffic destined west, north or east. Without Alley #437, such movements would require driveway access onto Grand Avenue or vehicles would be required to go south on 17th Avenue South, which is a one way street. Alley #442 is further from the intersection of Grand Avenue and 17th Avenue South, which is preferable to driveways closer to this intersection.

Abandonment of this alley may be appropriate if and when the parcels served by the alley are consolidated and the property is developed with a single building that provides access to the adjacent streets. Staff recommends disapproval of the alley abandonment request at this time, but the request could be readdressed if alternative access is proved as part of redevelopment of the property.

DEPARTMENT AND AGENCY COMMENTS - The following departments or agencies have reviewed this request: Water Services, Emergency Communications Center, NES, and the Historical Commission and recommend approval. Metro Public Works recommends disapproval because the alley is needed for traffic circulation.

RECOMMENDATION - Staff recommends disapproval of the request to abandon the right of way for Alley #437 as premature at this time.

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

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Mandatory Referral 2007M-194U-10. (7-0)

Resolution No. BL2007-380

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007M-194U-10 is **DISAPPROVED. (7-0)"**

XV. OTHER BUSINESS

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

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

22. Executive Director Reports

23. Legislative Update

ADMINISTRATIVELY APPROVED SUBDIVISIONS

SUBDIVISION LIST	
MPCNUMB	**NAME**
2007S-244U-03	FOREST VALE, REV. LOTS 3-6
2003S-269U-13	CANYON RIDGE, Phase 3
2007S-285U-08	J.B. DAVIS RESUB. LOTS 42, 43, P/O 44
2007S-294G-06	ROWENA O'BRIEN FARM, SEC. 1, RESUB. LOT 12

ADMINISTRATIVELY APPROVED MANDATORIES

MANDATORY LIST	
MPCNUMB	**NAME**
2007M-161U-10	Battery Place
2007M-212U-10	1808 West End Avenue
2007M-209	Official Street & Alley Mapfrom 10/1/06 to 9/30/07

XVI. ADJOURNMENT

The meeting adjourned at 7:20 p.m.

_____
Chairman

_____
Secretary

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