



**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**

January 24, 2008

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
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

Commissioners Absent:

James McLean, Chairman
Stewart Clifton

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Hammond announced the agenda had one correction. Item #1, 2007S-309U-13, The Parks at Priest Lake should read, "...a request to revise a previously approved preliminary plat to create 73 single-family cluster lots and 8 two-family cluster lots.

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

III. APPROVAL OF DECEMBER 13, 2007, AND JANUARY 10, 2008, MINUTES

Mr. Gotto moved and Ms. LeQuire seconded the motion, which passed unanimously, to approve the December 13, 2007 and January 10, 2008 meeting minutes as presented.(6-0)

2/15/2008 9:06:55 AM

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Toler spoke in favor of Item #3, 2006SP-112G-12, Concord Place (Amendment #1). He briefly explained the issue regarding an error made on the original bill which referenced building materials. He stated that this amendment would correct the error and requested its approval.

Ms. Nielson arrived at 4:05 p.m.

Councilmember McGuire spoke in favor of Item #8, 2006IN-001U-0, David Lipscomb University, and requested its approval.

Councilmember Wilhoite spoke regarding Item #1, 2007S-309U-13, The Parks at Priest Lake. She briefly explained the issues and concerns that area residents had regarding the proposal which included infrastructure, stormwater, blasting, etc. She also stated that after a neighborhood meeting, the developer agreed to lower the density of the proposal and to convert the duplexes recommended by staff, into single-family homes. She explained that the neighbors agreed to these changes. Councilmember Wilhoite then requested that any bonds that were placed on this project not be released until the project was complete.

Ms. Jones arrived at 4:10 p.m.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

- | | | | |
|-----|--|--|--|
| 5. | 2008S-021U-13 | Smith Springs Cove - Request for concept plan approval to create 5 lots on property located at Smith Springs Road (unnumbered) | -deferred to February 28, 2008 at the request of the applicant |
| 7. | 2008S-023U-07 | West Meade Farms, Resub. Lot 816, Sec. 9 - Request for final plat approval to create 2 lots on property located at 439 Grayson Drive | - deferred to March 13, 2008 at the request of the applicant |
| 9. | Contract between Metro Government and Wilbur Smith Associates, Inc. for professional services related to the conduct of the Regional Freight and Goods Movement Study, Phase I – deferred to February 14, 2008 meeting at the request of the applicant | | |
| 10. | Contract between Metro Government and Land Design, Inc., for professional services related to the conduct of the Tri-County Transportation and Land Use Study – deferred to February 14, 2008 meeting at the request of the applicant | | |

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

Ms. Hammond announced, “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.”

VI. PUBLIC HEARING: CONSENT AGENDA

PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS

- | | | | |
|----|---------------|--|-----------|
| 2. | 2008Z-015G-06 | Request to change from RM6 to CL zoning a portion of property located at 7996 Highway 100 in the Harpeth Village Planned Unit Development. | - Approve |
|----|---------------|--|-----------|

CONCEPT PLANS

4. 2006S-008G-13 Shoppes Of Edge-O-Lake, Sec. 2 - Request to extend a preliminary plat for 14 lots located on the northeast corner of Edge-O-Lake Drive and Murfreesboro Pike. - Approve
6. 2008S-024U-13 Mountain Springs Drive, Ph. 2 - Request for concept plan approval to dedicate public right-of-way and create two lots on a portion of properties located at 3721 Mountain Springs Drive and Murfreesboro Pike (unnumbered). - Approve w/conditions

REVISIONS AND FINAL SITE PLANS PLANNED UNIT DEVELOPMENTS

8. 2006IN-001U- 0 David Lipscomb University I.O., (Intermodal Facility Parking Garage) - Request revise a portion of the preliminary master plan and for final site plan approval for a portion of the David Lipscomb University Institutional Overlay district for properties located at 4108 and 4110 Belmont Boulevard, to permit a bus turnaround and bus shelter and final site plan approval to permit a 154,500 square foot, 3 level parking garage with 306 parking spaces and tennis courts and restroom facilities on the top level. - Approve w/conditions

OTHER BUSINESS

11. Approval of the 31st Avenue & Long Boulevard UDO Design Review Committee. - Approve

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

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

CONCEPT PLANS

1. **2007S-309U-13**
The Parks at Priest Lake (Prelim. Revision)
Map150-00, Parcels 017, 246
Subarea 13 (2003)
Council District 29 - Vivian Wilhoite

A request to revise a previously approved preliminary plat to create 70 single-family cluster lots and 9 two-family lots where 83 single-family cluster lots were previously approved on property located at 3222 Anderson Road and Brantley Drive (unnumbered), between the end of Louise Russell Drive and the west side of Anderson Road (30.04 acres), zoned RS10 and R10, requested by Umbrella Investment Corporation, owner, Dale & Associates, surveyor. **STAFF RECOMMENDATION: Approve with conditions.**

APPLICANT REQUEST- Revise Preliminary Plat

A request to revise a previously approved preliminary plat to create 70 single-family cluster lots and 9 two-family lots where 83 single-family cluster lots were previously approved on property located at 3222 Anderson Road and Brantley Drive (unnumbered), between the end of Louise Russell Drive and the west side of Anderson Road (30.04 acres).

History This application was deferred from the December 13, 2007, Planning Commission meeting at the request of the applicant, and from the January 10, 2008 meeting at the request of Councilmember Wilhoite. Unless the applicant requests to defer this item, the Planning Commission must act on the application at this meeting or it will be deemed approved. The Planning Commission needs to act within 30 days of the date the application was placed on the agenda, in this case, January 10, 2008, and the next meeting is not until February 14, 2008.

ZONING

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

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

SUBDIVISION DETAILS The plan proposes 70 single-family lots and 9 two-family lots totaling 88 units. The overall density will be approximately 2.9 units per acre. This is a cluster lot subdivision which allows for the single-family lots to be reduced in size by two base zone districts (RS10 to RS5, and R10 to R6). Lots range in size from 6,028 square feet to 11,934 square feet.

Some lots will be off existing stub streets including Woodymore Drive and Louise Russell Drive. A new street is proposed from Louise Russell Drive that stubs to parcel 018 to the south which will provide for future connectivity. This new street also has two other short stub streets that will provide for future connectivity to parcel 019 to the southwest.

A stream bisects the property and no road is proposed to cross the stream resulting in a development that contains two individual portions east and west of the stream. As proposed, nine duplex units and eight of the single-family lots will be on the east side of the stream, and the remaining 62 single-family lots will be west of the stream. While there is no street connection between lots east and west of the stream a pedestrian connection is proposed.

Woodymore Drive currently consists of mostly duplex and zero lot line residences. As proposed all duplex units will be along the extension of Woodymore Drive which could overwhelm the single-family lots proposed for the end of Woodymore Drive. In order to minimize the impact additional duplex lots could have on the proposed single-family lots at the end of Woodymore Drive, the total number of duplex lots should be limited to four, and should be located near the front end of the extension of Woodymore Drive, which will provide a better transition from the existing zero lot line residences and the proposed single-family lots. Four more duplex lots could be distributed on the west side of the stream in a way that does not overwhelm the single-family lots. Duplex lots on the west side of the stream should be located on corner lots in the R10 district.

The property contains floodplain and floodway and 32 lots are identified as critical lots because they contain some floodplain. The Zoning Code allows up to 50% of the natural floodplain to be disturbed. The plan leaves 55.7% of the floodplain undisturbed in open space. The cluster lot option also requires at least 15% of the total land area be designated as open space. The provided open space will exceed this requirement.

The Zoning Code also requires that cluster lot subdivisions provide active or passive recreational facilities. This development is required to provide a passive recreational area which is met by a proposed gazebo and walking trail. The gazebo is currently shown in the floodplain and must be relocated out of the floodplain.

Approved Preliminary Plan A preliminary plan for 83 single-family units on these properties was approved by the Planning Commission on May 25, 2006. The proposed plan is consistent with the approved layout, and the only changes are the inclusion of duplex lots and the addition of a walking path and recreational facility.

STORMWATER RECOMMENDATION

1. Add the, "Special Notes" reflected on sheet 1 of the previously approved preliminary plat. Specifically, the notes should reference the flood study submitted to Metro, cite the title and date of publication. Furthermore, the "Special Notes" should reference all Stormwater Variances and provide a cursory explanation of said variances. As such, cite the following Approved Stormwater Variances: 2006-005, 2006-127, 200700031.
2. Show and label the proposed and existing 100 Year Floodplain Lines in addition to the Proposed and Existing Floodway Lines.
3. With reference to comment number 2 above, reference the approved document(s) that allow for the relocation of the Floodway and 100 Year Floodplain Lines. Specifically, cite the CLOMR case number.
4. CLEARLY show and label all Water Quality Measures.
5. Add another note in the, 'Special Notes' section stating 15 acres of off-site is being treated for water quality to mitigate for the portion of the lots on the current concept plan that are not being treated for water quality.
6. With reference to comment number 5 above, cite the Maintenance Agreement Instrument Number for the Pond treating the off-site water: 200704230047709.

PUBLIC WORKS RECOMMENDATION Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.

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

CONDITIONS

1. The gazebo shall be relocated out of the floodplain.
2. Identify required buffer yards as required by Zoning.
3. The total number of duplex lots along the extension of Woodymore Drive shall be limited to four, and shall be located near the front end of the extension. Four additional duplex lots may be provided on lots proposed on the west side of the stream. Duplex lots on the west side of the stream shall be located on corner lots within the R10 zoning district only. Final location of duplex lots shall be approved by planning staff with the final plat.
4. All Stormwater conditions listed above shall be addressed prior to final plat, and must be shown on the preliminary plat.
5. 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. Swaggart presented and stated that staff is recommending approval with conditions.

Mr. James Kirby, 3004 West Town Village Court, spoke in opposition to the proposed development.

Ms. Donna Scurlock, 3228 Anderson Road, spoke in opposition to the proposed development.

Mr. Don Scurlock, 3228 Anderson Road, spoke in opposition to the proposed development.

Mr. Kevin Estes, 516 Heather Place, spoke in favor of the proposed development.

Ms. Cathey Williams, 3714 Folkstone Drive, spoke in opposition to the proposed development.

Councilmember Wilhoite reiterated the concerns of her citizens and requested that the Commission only approve the number of lots that were proposed on the original plan.

Mr. Bernhardt offered clarification on staff's recommendation in relation to the number of duplexes and their locations within this proposed development.

Ms. LeQuire was in agreement with the number of units being requested for this development.

Mr. Dalton requested clarification as to the reason the number of units could be changed after the Commission already agreed upon a number in the original proposal.

Mr. Swaggart explained this concept to the Commission.

Mr. Bernhardt offered that the Commission should evaluate whether the suggested change in the number of units contained in the proposal would impact the development.

Ms. Jones acknowledged that the additional four duplex lots, if approved, would be aesthetically appealing to the existing lots as well as the proposed single-family lots.

Ms. Nielson requested clarification on the total number of lots being requested.

Mr. Bernhardt and Mr. Swaggart clarified this number.

Ms. Cummings stated she was in favor of the request which included only four duplex lots.

Mr. Gotto spoke in favor of the amended request which only included four duplex lots.

Mr. Gotto moved and Ms. Cummings seconded the motion, which passed unanimously, to approve with conditions, Concept Plan 2007S-309U-13, including the condition that the four two-family lots on the extension of Woodymore Drive remain and all other two-family lots be converted to single-family lots. (8-0)

Resolution No. BL2008-14

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-309U-13 is **APPROVED WITH CONDITIONS, including a condition that the number of two-family lots shall be limited to four and shall be located on the extension of Woodymore Drive. (8-0)**”

VIII. PUBLIC HEARING:
ZONING MAP AMENDMENTS

2. **2008Z-015G-06**
Map 156-09-A, Part of Parcel 005.00co
Subarea 6 (2003)
Council District 35 - Bo Mitchell

A request to change from RM6 to CL zoning a portion of property located at 7996 Highway 100 in the Harpeth Village Planned Unit Development, at the northeast corner of Highway 100 and Temple Road (.32 acres), requested by Newton Oldcare McDonald, applicant, for Kimco Harpeth Barclay, owner.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to change from Multi-Family Residential (RM6) to Commercial Limited (CL) zoning a portion of property located at 7996 Highway 100 in the Harpeth Village Planned Unit Development, at the northeast corner of Highway 100 and Temple Road (.32 acres).

Existing Zoning

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

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN

Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Consistent with Policy? In March 2005, the Planning Commission approved the original preliminary Harpeth Village PUD overlay plan and the associated zone change. Council subsequently approved the same plan and zone change (BL2005-610 and BL2005-611). In that plan, the proposed restaurant on this lot was located approximately 90 feet from Temple Road and was designed as a narrow, rectangular building. The building and parking were entirely within the proposed underlying CL zoning district.

In December 2006, the Planning Commission recommended disapproval of a proposed amendment to the PUD overlay, but the Metro Council approved the amendment as BL2007-1340. In that plan, the building was redesigned and reconfigured with a wider lot. The use changed to retail with a drive-thru and the building footprint increased from 4,200 square feet to 13,013 square feet. A zone change request to expand the base commercial zoning for larger building and parking was not submitted with the PUD amendment, so the zoning was not changed in 2006.

In November 2007, a PUD final site plan was submitted. The zoning line shown on the plan corresponds to the Council-adopted zoning. Parking spaces on the east side of the plan and the dumpster location are located within the current RM6 base zoning, but those uses are not permitted under RM6 zoning. This zone change request will allow the PUD final site plan to be approved as considered and approved by the Metro Council with the 2006 amendment.

RECENT REZONINGS This property was part of the 34.60 acres rezoned in 2005 to accommodate the Harpeth Village PUD.

PUBLIC WORKS RECOMMENDATION No Exception Taken

Typical Uses in Existing Zoning District: RM9*

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/ Townhome (230)	0.32	9	3	26	3	3

*There are no dwelling units approved on this portion of the currently approved PUD plan.

Typical Uses in Proposed Zoning District: CL*

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.32	N/A	11,157	515	17	49

*The currently approved PUD plan is approved for a retail use

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				489	14	46

STAFF RECOMMENDATION - Staff recommends approval.

Approved, (8-0) *Consent Agenda*

Resolution No. BL2008-15

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-015G-06 is **APPROVED. (8-0)**

While the proposed CL zoning districts is inconsistent with the Bellevue Community Plan’s Natural Conservation policy which is intended for undeveloped areas not suitable for development, it is consistent with the Council approved PUD plan.”

IX. PUBLIC HEARING:SPECIFIC PLANS

- 3. **2006SP-112G-12**
 Concord Place (Amendment #1)
 Map 181-00, Parcel 282
 Subarea 12 (2004)
 Council District 31 - Parker Toler

A request to amend the Concord Place Specific Plan located at Pettus Road (unnumbered), at the end of Autumn Crossing Way (28.89 acres), zoned SP-MR, to modify conditions in Council Bill 2006-1286 related to the use of brick on front, side, and rear elevations of residential dwelling units, requested by Centex Homes, applicant, for BDP Development Company LLC, owner.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST A request to amend the Concord Place Specific Plan located at Pettus road (unnumbered), at the end of Autumn Crossing Way (28.89 acres), zoned Specific Plan-Mixed Residential (SP-MR), to modify conditions in Council Bill 2006-1286 related to the use of brick on front, side, and rear elevations of residential dwelling units.

History On December 14, 2006, the Metro Planning Commission recommended approval of a change in zoning from AR2A to Specific Plan for the Concord Place SP. The approved SP plan consists of 69 single-family lots 64 multi-family units.

On January 17, 2007, Metro Council approved the Concord Place SP (BL2006-1286) and included the following additional conditions of approval in Section 3 of the ordinance:

- 6) Brick shall be used on 100% of the front façade of the buildings, excluding non-structural architectural features such as dormers, porch gables.
- 7) Building walls at all side elevations shall be brick on the first floor.
- 8) Homes built on transition lots, as identified on the site plan, shall have 100% brick fronts excluding non-structural architectural features such as dormers, porch gables, etc. Building walls at all side elevations that are greater than one story shall have brick to the top of the second floor excluding gables.

Amendment - An ordinance to amend the Concord Place SP (BL2007-110) has now been introduced at Council. The amendment proposed to replace paragraphs 6, 7, and 8 of Section 3 of Ordinance No. BL2006-1286 with the following language:

- 6) “Brick, stone, or cultured stone shall be used on 100% of the front façade of the buildings, excluding non-structural, architectural features such as dormers, porch gables, etc.
- 7) Building walls at side elevations of single-family detached homes shall be brick, stone or cultured stone on the first floor. This requirement shall not apply to any structures other than single-family detached.
- 8) Single-family homes built on transition lots, as identified on the site plan, shall have 100% brick, stone, or cultured stone on the front façade of the building, excluding non-structural architectural features such as dormers, porch gables, etc. Building walls at all side elevations that are greater than one story shall have brick, stone or cultured stone in the top of the second floor, excluding gables. There is no requirement for brick, stone or cultured stone on the rear.”

The existing conditions requires brick to be used on the front facade of buildings and requires brick on the first floor of all side elevations including townhomes. The amendment to the existing conditions will allow for the use of brick, stone or cultured stone to be used on the front façade of buildings and requires brick, stone or cultured stone to be used on the first floor of side elevations of only the single-family homes. Single-family homes built on transition lots, as identified on the site plan, will be required to have brick, stone or cultured stone on all side elevations.

New Section 5 The applicant has also included a request application to amend the pending ordinance, BL2007-110 to add the following new section:

The appropriate representatives of the Planning Department and the appropriate representatives of the Codes Department are authorized and directed to approve all required Metro permits consistent with the terms of this amended ordinance.

Staff recommends that this section not be added to the Ordinance No. BL2007-110. It is unnecessary and possibly confusing because the Zoning Code already authorizes the Planning and Codes Department staff to approve any permit that is consistent with the terms of an adopted SP.

STAFF RECOMMENDATION Staff recommends approval of the request to amend conditions 6, 7, and 8 of the Concord Place SP.

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

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

Mr. Joe Calvert, 7325 Autumn Crossing Way, spoke in opposition to the amendment.

Councilmember Toler clarified the issue mentioned by the constituent regarding community notices for this amendment. He then reiterated that this request would be acknowledging and insuring the requests made by the neighbors affected by this proposal at the original community meetings.

Mr. Patrick Webb, 7313 Autumn Crossing Way, spoke in opposition to the amendment.

Ms. Nielson requested additional clarification on Section 5; as it mentioned in the staff report.

Mr. Bernhardt offered that Section 5 would address the issuance of permits for the project, prior to finalization of the ordinance.

Ms. Jones offered that the variety of materials on a project may prove to be more aesthetically pleasing for the neighborhood, however, she expressed concern that if the error was made administratively, the costs incurred by the applicant may be too steep.

Mr. Gotto questioned whether it was necessary for the applicant to re-file his application and incur the additional costs if the error was in fact, an administrative error.

Councilmember Toler explained the issue regarding the error included in the bill in relation to the building materials to be used for the single and multi-family structures.

Mr. Gotto questioned whether the Commission had the authority to deny the request based on the facts presented and send it back to staff with the understanding that the error was an administrative error and that the applicant should be refunded his application fees.

Mr. Morrissey explained that the Commission does not have the authority to waive the fee for the applicant.

Mr. Gotto then requested additional information on Council procedures in relation to Planning Commission requests and applications.

Mr. Bernhardt offered additional clarification on the requested amendment and how it relates to Council and Commission actions.

Mr. Gotto moved and Mr. Dalton seconded the motion, which passed unanimously, to approve Specific Plan 2006SP-112G-12. **(8-0)**

Resolution No. BL2008-16

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-112G-12 is **APPROVED. (8-0)**

The proposed amendment to the Council approved conditions to the SP is consistent with the original intent of the SP, and only changes allowed are exterior materials, and does not impact the layout or density.”

X. PUBLIC HEARING:CONCEPT PLANS

- 4. 2006S-008G-13**
Shoppes of Edge-O-Lake, Sec. 2
Map 149-00, Parcels 078, 079, 080, 081, 082, 083,
Subarea 13 (2003)
Council District 29 - Vivian Wilhoite

A request to extend a preliminary plat for 14 lots located on the northeast corner of Edge-O-Lake Drive and Murfreesboro Pike (10.65 acres), zoned CS and MUL, requested by Murfreesboro Road Edge-of-Lake LLC, owner, and Rutherford DeMarco & Simons, applicant.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - Preliminary Plat Extension

A request to extend the approval of the preliminary plat for 14 lots, located on the northeast corner of Edge-O-Lake Drive and Murfreesboro Pike (10.65 acres), zoned Commercial Service (CS) and Mixed Use Limited (MUL).

APPLICABLE SUBDIVISION REGULATION This subdivision was approved prior to the March 9, 2006,

effective date of the new Subdivision Regulations. Section 3-3.5 of those regulations stated:

3-3.5 Effective Period of Preliminary Approval

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such, appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.”

Extension Request The preliminary plat was approved by the Planning Commission on January 12, 2006, for the reasons stated in the original staff report, which is included below. The plat expired on January 12, 2008. The applicant submitted a letter dated December 26, 2007, requesting to extend the plat for the Shoppes of Edge O Lake, Section 2 for 90 days stating a delay in construction of the infrastructure due to necessary legal action to remove and relocate a cemetery on the site. The applicant contends that the legal action required public notice related to relocation of the cemetery and a mandated waiting period for any response to the public notice.

The applicant has also provided documentation and invoices of work completed on this portion of the Edge O Lake Meadows development. Based on the information provided, the graves have been removed and relocated, the water and sewer lines have been installed and inspections have been completed, stormwater and erosion controls are 95 percent complete, and most of the site work and grading has been performed.

January 12, 2006, Staff Report

Subdivision Details The proposed plan for 14 commercial lots (and one lot for the relocated cemetery) is consistent with the concept plan that was presented to the Planning Department in 2004, when the adjacent properties to the north were given preliminary plat approval for 16 lots by the Planning Commission. The plan also provides for future connections to residential to the east. A separate plat for the adjacent residential area was submitted, but was requested for deferral by the applicant, so it is not on this agenda.

Stub-Streets This plat ties into the existing stub street at Lakevilla Drive, and provides for a future stub street that will tie into Willowbranch Drive. The portion of Lakevilla Drive within this plat will include commercial development, as indicated by the developer.

PREVIOUS CONDITIONS OF APPROVAL (01/12/2006)

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-008G-13 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. Prior to the issuance of any building permits, a final plat shall be recorded, including the posting of any necessary bonds to secure the satisfactory construction, installation, and dedication of all required public improvements.
2. All conditions, as recommended by Public Works, above, must be completed, satisfied, or bonded prior to final plat recordation.
3. All conditions, recommended by Metro Stormwater shall be completed prior to final plat approval.
4. Prior to final plat approval, the State must approve the relocated cemetery.
5. Parcel Number 141 on Map 149-03 (owned by Adams Brothers Development Company) must be excluded from this plat, or specifically listed on the plat as being part of this plat. If it is included, the owners of parcel 141 must submit a letter indicating the agree to be made part of this plat.”

Staff Recommendation Staff recommends a six month extension to the preliminary plat for the Shoppes of Edge O Lake, Section 2 since a large portion of the work has been completed and since there were delays related to the relocation of the cemetery.

Approved, (8-0) *Consent Agenda*

Resolution No. BL2008-17

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-008G-13 is **APPROVED. (8-0)**”

5. **2008S-021U-13**
Smith Springs Cove
Map 136-00, Parcel 088.01
Subarea 13 (2003)
Council District 33 - Robert Duvall

A request for concept plan approval to create 5 lots on property located at Smith Springs Road (unnumbered), approximately 475 feet north of Folkstone Drive (1.44 acres), zoned RS10, requested by John F. Pratt, owner, Littlejohn Engineering Associates Inc., surveyor.

STAFF RECOMMENDATION: Approve with conditions.

The Metropolitan Planning Commission DEFERRED Concept Plan 2008S-021U-13 to February 28, 2008, at the request of the applicant. (8-0)

6. **2008S-024U-13**
Mountain Springs Drive, Ph. 2
Map 164-00, Part of Parcel 040, 300
Subarea 13 (2003)
Council District 32 - Sam Coleman

A request for concept plan approval to dedicate public right-of-way and create two lots on a portion of properties located at 3721 Mountain Springs Drive and Murfreesboro Pike (unnumbered), approximately 1,140 feet north of Hobson Pike (12.3 acres), zoned RM15, requested by Belz-McDowell Properties Inc, and Continental 193 Fund LLC, owners, Civil Site Design Group PLLC, surveyor.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to dedicate public right-of-way and create two lots on a portion of properties located at 3721 Mountain Springs Drive and Murfreesboro Pike (unnumbered), approximately 1,140 feet north of Hobson Pike (12.3 acres), zoned Multi-Family Residential (RM15).

ZONING

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

PLAN DETAILS The plan proposes to create two lots and extend Mountain Springs Drive. Mountain Springs Drive is shown in the Antioch/Priest Lake Community Plan as a required street connection. Mountain Springs Drive, Phase 1 was dedicated in April 2007.

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

- A TIS may be required at time of development.
- Provide cross access easement to proposed roadway from lot 178 (CS zoning).

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Within 30 days after the date of approval by the Planning Commission, submit a revised concept plan that complies with the following conditions:
 - Provide cross access easement to proposed roadway from lot 178 (CS zoning).

2. 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.

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

Resolution No. BL2008-18

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-024U-13 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

Within 30 days after the date of approval by the Planning Commission, submit a revised concept plan that complies with the following conditions:

1. Provide cross access easement to proposed roadway from lot 178 (CS zoning).
2. 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.”

XI. PUBLIC HEARING: FINAL PLATS

7. **2008S-023U-07**
West Meade Farms, Resub. Lot 816, Sec. 9
Map 115-13, Parcel 011
Subarea 7 (2000)
Council District 23 - Emily Evans

A request for final plat approval to create 2 lots on property located at 439 Grayson Drive, approximately 520 feet west of Grayson Court (4.04 acres), zoned RS40, requested by Helen Marie Scott, owner, Campbell, McRae & Associates Inc., surveyor.

STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED Final Plat 2008S-023U-07 March 13, 2008, at the request of the applicant. (8-0)

XII. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS

8. **2006IN-001U-0**
David Lipscomb University I.O., (Intermodal Facility Parking Garage)
Map 131-04, Parcels 002, 003
Subarea 10 (2005)
Council District 25 - Sean McGuire

A request revise a portion of the preliminary master plan and for final site plan approval for a portion of the David Lipscomb University Institutional Overlay district for properties located at 4108 and 4110 Belmont Boulevard, approximately 540 feet north of Shackelford Road (19.49 acres), zoned R10, to permit a bus turnaround and bus shelter and final site plan approval to permit a 154,500 square foot, 3 level parking garage with 306 parking spaces and tennis courts and restroom facilities on the top level, requested by Gresham, Smith & Partners, applicant, for David Lipscomb University, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Revise Master Plan and Final Site Plan

A request to revise a portion of the preliminary master plan and for final site plan approval for a portion of the David Lipscomb University Institutional Overlay district for properties located at 4108 and 4110 Belmont Boulevard, approximately 540 feet north of Shackelford Road (19.49 acres), zoned One and Two-Family Residential (R10), to permit a bus turnaround and bus shelter and final site plan approval to permit a 154,500 square foot, 3 level parking garage with 306 parking spaces and tennis courts and restroom facilities on the top level.

Zoning Overlay

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? Yes. The IO district is appropriate within the Major Institutional policy.

PLAN DETAILS Section 17.40.140 of the Zoning Code stipulates that minor changes (not exceeding 10% within the modification area) may be considered revisions by the Planning Director. Anything over a 10% increase in square footage, building setback, lot coverage, landscaping requirements, parking requirements, or dimensional requirements relating to fences or walls must be considered an amendment.

Preliminary Master Plan This plan proposes to revise the previously approved master plan to add a bus turnaround and bus shelter adjacent to the softball field pressbox. Both the turnaround and the shelter have been approved by the Nashville Metropolitan Transit Authority. Staff considers this a minor change that will increase access to public transportation for students at Lipscomb University and improve traffic circulation in the neighborhood.

Final Site Plan The final site plan approval applies to the bus turnaround and bus shelter described above, the relocation of the driveway across from Green Hills Drive as shown on the master plan, and the parking garage/tennis court facility east of the softball field. The parking garage is approved for a three level deck with 440 parking spaces and three tennis courts on the top level. The proposed final site plan includes a two level deck with 306 parking spaces. There are three tennis courts and a restroom/locker room facility on the top level.

Temporary Uses Staff recognizes that the completion of a master plan is an ongoing project that requires balancing many factors. At this time, Lipscomb University has a number of construction projects, in accordance with the master plan, that are temporarily impacting the on-campus parking. In an effort to contain student parking on-campus, staff recommends that the Commission permit some temporary parking with this plan. As indicated by notes on the plan, the parking to the north of the softball field will be eliminated when the academic building shown on the master plan is constructed and the parking to the south will be eliminated within 18 months from the approval date of this plan. At that time, a sidewalk will be installed to connect the parking garage to the bus stop.

Staff Recommendation Staff recommends approval with conditions.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved Except as Noted

1. Provide a copy of the NPDES NOC letter and include in the note on the plan set the permit number the site is covered under.

2. The long-term maintenance plan needs to include all of the components listed on page 13 of appendix C. Please revise and including recording fees.
3. Provide easement location, documentation, and appropriate fees for the water quality structure and the detention pond including provisions for ingress/egress.
4. Sheet C3.1 needs to be signed and stamped by a registered PE.
5. Erosion control details need to reference Metro's Erosion Control Manual. Provide the appropriate TCP-xx number on the details.
6. Include a note on the erosion control plan stating that erosion control measures are not to be removed until final site stabilization is achieved.
7. Provide a drainage map showing the sub-area flowing to the proposed 18" pipe located at the entrance along Green Hills.
8. Provide calculations and a drainage area map for sizing the structures associated with the roof drains and yard inlets.
9. The slope for the 18" pipe is shown as 2.9% in the calculations and 2.8% on the plans. Please revise.
10. Provide invert elevations on the grading plan for the proposed 18" pipe. How much cover will be available for this pipe?
11. Additional flow from the proposed garage is entering the existing 48" RCP. Provide revised calculations including actual flow, capacity, and HGL for this system.
12. Provide outlet protection for the 18" pipe.
13. In the southeast corner of the parking lot, some existing inlets are being graded over and an inlet that used to be next to the curb is now in the middle of a parking spot. Are these inlets being modified? Provide spot elevations in the parking lot to ensure positive drainage to these inlets.
14. There looks to be an increase in impervious area due to this project, the pond calculations need to be revised and checked to make sure they meet the detention regulations. Stormwater calculations need to be signed and stamped by a registered PE.
15. The site does not meet the 80% overall TSS requirement as some of the site (including the new garage) is only entering the detention pond.
16. Provide a drainage map showing the area to be treated for water quality. Show which area flows through the water quality unit and what area bypasses the water quality unit and flows into the existing pond.
17. Provide calculations showing that the outlets for the pond have been properly sized to meet the current water quality treatment requirements.
18. The water quality unit detail needs to include invert elevations and pipe sizes.
19. Provide a drainage map for next two downstream structures from the pond including supporting calculations showing actual flow and flow capacity for these structures.

CONDITIONS

1. Within 30 days, submit a plan with the following revisions:
 - Add landscaping on the north side of the backflow preventer.
 - Comply with all Stormwater conditions.
2. Parking to the north of the softball field must be removed when the academic building is built per the master plan.
3. 0Parking to the south of the softball field must be removed within 18 months from the date of approval of this plan.

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

Resolution No. BL2008-19

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006IN-001U-0 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Within 30 days, submit a plan with the following revisions:
 - Add landscaping on the north side of the backflow preventer.
 - Comply with all Stormwater conditions.

2. Parking to the north of the softball field must be removed when the academic building is built per the master plan.
3. "Parking to the south of the softball field must be removed within 18 months from the date of approval of this plan."

XIII. OTHER BUSINESS

9. Contract between the Metro Government and LandDesign, Inc. for professional services related to the conduct of the Tri-County Transportation and Land Use Study.

The Metropolitan Planning Commission DEFERRED to February 14, 2008, at the request of the applicant. (8-0)

10. Contract between Metro Government and Wilbur Smith Associates, Inc. for professional services related to the conduct of the Regional Freight and Goods Movement Study, Phase II.

The Metropolitan Planning Commission DEFERRED to February 14, 2008, at the request of the applicant. (8-0)

11. Approval of the 31st Avenue & Long Boulevard UDO Design Review Committee.

Approved, (8-0) *Consent Agenda*

Ms. Hammond announced a correction to the Deferred and Withdrawn Items agenda that was read at the beginning of the meeting and requested that the Commission amend their motion to approve.

Mr. Gotto moved, and Mr. Dalton seconded the motion, which passed unanimously to amend the Withdrawn and Deferred Items agenda, as amended. **(8-0)**

12. Executive Director Reports
13. Legislative Update

XIV. ADJOURNMENT

The meeting adjourned at 5:00 p.m.

Chairman

Secretary



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