



**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**

February 28, 2008

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. 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
Jonathan Honeycutt, Public Works
Hilary Kahnle, Planning Mgr. II
Cynthia Wood, Planner III

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

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

III. APPROVAL OF FEBRUARY 14, 2008, MINUTES

Ms. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the February 14, 2008 meeting minutes as presented. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Claiborne was present at the meeting; however, he did not address the Commission at that time.

Councilmember Tygard spoke in favor of Item # 10, 2008Z-018U-07, which was on the Consent Agenda for approval. He then spoke regarding Item #13, 2008Z-023T, LED Signs, which was also on the Consent Agenda for approval with an amendment. He briefly explained the history involved with this bill, as well as the amendment that was submitted, and requested its approval.

Ms. Nielson arrived 4:05 p.m.

Mr. Tyler arrived at 4:06 p.m.

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

Councilmember Holleman spoke regarding Items #4 and #5, 2007Z-182U-07, Charlotte Avenue Church of Christ, Historic Landmark Overlay; and 2008SP-005U-07. He briefly explained the history of the proposed bills in correlation to the expected sale of the Church of Christ located at the corner of 46th Avenue and Charlotte. He spoke of the desire expressed to him by various neighborhood groups and constituents to redevelop this corner with a traditional, urban-type development to complement this area. Councilmember Holleman then explained the reasons he would be withdrawing the Historic Landmark Overlay bill, as well as the reason for the desire of SP zoning for this property. He asked that the Commission support both bills.

Councilmember Langster spoke in opposition to Items #4 and #5, 2007Z-182U-07, Charlotte Avenue Church of Christ, Historic Landmark Overlay; and 2008SP-005U-07. She briefly explained her concerns regarding these bills and requested they be denied by the Commission.

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

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

6. 2008Z-010G-12 A request to rezone from AR2a to RM9 district properties located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430 feet south of Muci Drive – Deferred to April 10, 2008 at the request of the applicant
7. 2008P-003G-12 Cane Ridge Villas - A request for preliminary approval for a Planned Unit Development, properties located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430feet south of Muci Drive, zoned AR2a and proposed for RM9 zoning, to permit 211 multi-family units – deferred to April 10, 2008 at the request of the applicant
9. 2008Z-017G-06 A request to change from AR2a and R80 to CS zoning property located at Old Charlotte Pike (unnumbered), at the northwest corner of Old Charlotte Pike and Highway 70 South – deferred to March 27, 2008 at the request of the applicant.

Mr. Dalton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. **(10-0)**

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 ZONING MAP AMENDMENTS

8. 2008Z-011T A request to amend Section 17.04.060 of the Metro Zoning Code to modify the definition of “family” to include a group of not more than eight unrelated elderly persons living together as a single housekeeping unit. -Approve

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| 10. | 2008Z-018U-07 | A request to change from IR to R6 zoning properties located at 4400, 4501, 4502, 4504, 4506, 4507, 4508, 4509, 4510, 4511, 4516, and 4518 Michigan Avenue, at the intersection of 46th Avenue North and Michigan Avenue. | -Approve |
| 12. | 2008Z-020U-14 | A request to change from R10 to CS zoning property located at 2712 Shacklett Drive, approximately 1,030 feet west of Donelson Pike. | -Approve |
| 13. | 2008Z-023T | A request to amend Section 17.32.050 to allow digital and LED signs in certain areas Amended at 3/13/08 meeting. Commission will re-consider bill on 3/27/08. | -Approve w/amendment |
| 14. | 2008Z-024T | A request to amend Sections 17.08.030 and 17.16.070.P of the Metro Zoning Code to allow vehicular rental/leasing as a use permitted with conditions in the SCR district. | -Approve |

SPECIFIC PLANS

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| 16. | 2008SP-007U-10 | A request to rezone from RS7.5 to SP district property located at 3501 Byron Avenue and abutting Ransom Avenue and Richardson Avenue, and within the Elmington Place Neighborhood Conservation Overlay and I-440 Impact Overlay, to permit the conversion of the former Ransom Elementary School building and site into a residential development not to exceed 11 dwelling units total. | - Approve w/conditions |
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CONCEPT PLANS

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| 17. | 2006S-055G-06 | A request to extend preliminary approval for Travis Place Subdivision for one year, approved for 140 single-family residential lots, and a variance from Section 1-9.2 of the Subdivision Regulations which prohibits the extension of a preliminary plat approved under the previous Subdivision Regulations adopted March 21, 1991. | -Approve |
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FINAL PLATS

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| 21. | 2008S-047G-04 | A request to create 4 lots located at 300 Madison Street and 301 Woodruff Street, abutting Douglas Street. | -Approve |
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REVISIONS AND FINAL DEVELOPMENT PLANS

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| 22. | 93-86-P-06 | A request to amend the preliminary plan of Lakeshore Meadows Planned Unit Development located abutting the south margin of Coley Davis Road and the west margin of Dona McPherson Drive, classified CL, and RM6, to permit a 94 bed, assisted-living facility containing 103,625 square feet in lieu of an approved 10,000 square foot commercial building, increasing the total approved square footage from 366,164 square feet to 457,789 square feet for the overall development. | -Approve w/conditions |
| 23. | 16-87-P-06 | A request to revise the preliminary plan and for final approval for the Planned Unit Development located at 8267 Collins Road, at the southwest corner of Collins Road and Highway 100, zoned CN, to permit the development of a 13,403 square foot retail building, replacing a gas station. | -Approve w/conditions |

OTHER BUSINESS

- 24. Amendment to the contract (Metro contract # L-1917) between the Metropolitan Government of Nashville & Davidson County and EDAW, Inc. for professional services related to the conduct of the MPO Northeast Corridor Major Investment Study. – Approve

The Commission requested clarification on Item #13, 2008Z-023T, LED Signs and its place on the Consent Agenda.

Mr. Bernhardt gave a brief overview of the staff recommendation, and the amendment, to further clarify the requested action for this text amendment.

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

VII. PUBLIC HEARING: COMMUNITY PLANS

1. 2007CP-021G-13

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to replace Corridor General land use policy with Commercial Mixed Concentration land use policy for a portion of Map 164, Parcel 41 located along the south margin of Murfreesboro Pike at Hobson Pike.

Staff Recommendation: Disapprove applicant request and approve staff’s recommended plan amendment.

Mr. McLean explained that Councilmember Coleman requested this item be heard later in the agenda. It was agreed by the Commission, that item #1, 2007CP-021G-13 would be discussed whenever Item #15, 2008SP-002U-13 sequentially appeared on the agenda.

Resolution No. BL2008-24

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP=021G-13 is **DEFERRED TO APRIL 24, 2008 PLANNING COMMISSION MEETING, and re-advertise Public Hearing if the proposals for the Community Plan amendments are revised. (10-0)**”

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS ON PUBLIC HEARING SPECIFIC PLANS

- 2. **2007SP-148U-14**
2801 Lebanon Pike
Map 096-01, Parcel 062-01
Subarea 14 (2004)
Council District 14 - James Bruce Stanley

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

Staff Recommendation: Disapprove

APPLICANT REQUEST - Preliminary SP & Final Site Plan

A request to change from Commercial Service (CS) to Specific Plan-Auto (SP-A) zoning property located at 2801 Lebanon Pike, at the southeast corner of Lebanon Pike and Donelson Pike (0.31 acres), to permit an existing structure to be used for used automobile sales.

History At its October 25, 2007, meeting, the Planning Commission deferred this case indefinitely at the request of the applicant. The Councilmember has introduced the Council Bill for the March 4, 2008, Council public hearing. The Planning Commission should make a recommendation on this ordinance prior to it being heard at second reading by the Council.

Existing Zoning

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

Proposed Zoning

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

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

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

Donelson Station Detailed Neighborhood Design Plan

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

Consistent with Policy? No. While auto related use may be appropriate in CC areas under certain circumstances, used car lots are not the type of use that is contemplated within the vision of the Donelson Station Detail Neighborhood Design Plan. Auto-oriented uses are not conducive to creating a pedestrian-oriented streetscape.

PLAN DETAILS

Site Plan The site contains an existing one story, 1,785 square foot brick garage with an attached 14 foot canopy, on 0.31 acres of land. A portion of the garage includes a 466 square foot auto detailing facility. The existing building is proposed to remain and be converted into the used auto dealership. The front setback along Lebanon Pike is 57 feet. The site is proposed to be enclosed by a 24 inch cultured stone veneer knee wall and contains interior landscaping.

Sidewalks Sidewalks are shown on the site plan.

Parking The plan calls for 22 parking spaces and one handicap parking space.

Access The main access to the site is located off Lebanon Pike. A secondary access is located off Donelson Pike.

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

- Identify existing right of way and easements along Donelson Pike and Lebanon Pike. (Reference: Fed. Aid Proj. No. STP-M-24(8), State Proj. No. 19041-3265-54, P.E. No. 19041-1263-54)
- Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW)..

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.31	0.198	2,673	83	11	11

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Sales (Used) (841)	0.31	n/a	1,920	65	4	6

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
--			-753	-18	-7	-5

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.31	0.60	8,102	385	14	41

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Sales (Used) (841)	0.31	n/a	1,920	65	4	6

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
--			-6,182	-320	-10	-35

STAFF RECOMMENDATION Staff recommends disapproval because the request to rezone to SP-A to permit a used auto sales dealership is inconsistent with the Downtown Donelson Detailed Neighborhood Design Plan.

CONDITIONS

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions. Identify existing right of way and easements along Donelson Pike and Lebanon Pike. (Reference: Fed. Aid Proj. No. STP-M-24(8), State Proj. No. 19041-3265-54, P.E. No. 19041-1263-54)
2. Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
3. All signs shall be either monument or façade-mounted building signage. Pole mounted signs, including billboards, shall not be permitted.

4. The proposed knee wall design shall be approved by planning staff prior to issuance of any building or use permit for the property. The knee wall shall be constructed along Donelson and Lebanon Pike. The knee wall shall be a minimum 24 inch height and the wall shall be constructed of either: concrete, stone, split-faced masonry or other similar material; or pillars with vertical pickets of wrought iron or similar material between the pillars.
5. Any adjacent right of way shall include a sidewalk or if the condition of the existing side walk is inadequate per Metro standards for construction, a new sidewalk shall be constructed by the applicant.
6. No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property.
7. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct ambient light.
8. The uses in this SP are limited to used automobile dealership and uses allowed in MUN zoning.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
10. A corrected copy of the preliminary and final 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.
11. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. 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.
13. 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.

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

Councilmember Stanley explained his opposition for this request. He stated that the requested land use was not appropriate, nor was it conducive to the Downtown Donelson Detailed Neighborhood Design that was planned for this area. He added that he had held a community meeting regarding this request and that the residents affected by this proposal were also in opposition.

Councilmember Claiborne spoke in opposition to this bill. He explained that his district is adjacent to this request and that he too had constituents who were opposed to this rezoning. He asked that the Commission support the staff's recommendation to disapprove the request.

Ms. Susan Floyd, Donelson-Hermitage Neighborhood Association, spoke in opposition to the proposed bill.

Ms. Nielson moved, and Mr. Ponder seconded the motion, which passed unanimously to disapprove Zone Change 2007SP-148U-14. **(10-0)**

Resolution No. BL2008-25

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-148U-14 is **DISAPPROVED. (10-0)**

The proposed auto SP for a used car lot is not consistent with the Donelson/Hermitage/Old Hickory Community Plan’s Community Center or the Mixed Use Urban policies. Both policies are intended for a variety of uses, including office, retail and residential, and both policies specify designs that are pedestrian friendly.”

CONCEPT PLANS

- 3. 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

APPLICANT REQUEST - Concept Plan

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).

ZONING

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

SUBDIVISION DETAILS The concept plan for Smith Springs Cove proposes to create five single-family lots from an existing, vacant lot. The lot sizes range in size from 11,934 square feet to 13,995 square feet. The five lots will front onto Smith Springs Road.

Access The property fronts onto Smith Springs Road, which is classified as a scenic arterial road. Section 3-4.4 of the Metro Subdivision Regulations state that when property is divided along an existing arterial or collector street, combined driveways or a private access drive must be provided in order to limit driveway entrances and potential traffic hazards. A 15-foot shared access easement is proposed for Lots 2 and 3, as well as Lots 4 and 5. Lot 1 will have an individual access that aligns with an access drive on the eastern side of Smith Springs Road. A five foot sidewalk is also planned within the right-of-way of Smith Springs Road to accommodate pedestrian travel.

Landscaping The classification of Smith Springs Road as a scenic arterial requires a standard A landscape buffer. The plan includes a 20-foot landscape buffer.

Setback along a Scenic Arterial The applicant is requesting a variance from Section 3-10.5.b of the Subdivision Regulations for setbacks along a scenic arterial street. In order to preserve the viewshed along scenic routes, the Subdivision Regulations require that the setbacks along roads designated as scenic arterials be platted by measuring the applicable zone district required yard from the scenic landscape

easement line instead of the property line. The applicant is requesting a variance to this section of the Subdivision Regulations, stating that the 40-foot setback from the scenic easement takes away building area, particularly from Lots 1 and 5 where the proposed triangular shape of each lot limits the buildable area and will most likely require specialized floor plans or a reduction in the number of buildable lots. Instead, the applicant is proposing a 25 foot setback measured from the scenic easement line.

Variiances The Planning Commission may grant a variance from the subdivision regulations provided the following criteria are met:

- The granting of this variance will not be detrimental to the public safety, health, or welfare in the neighborhood in which the property is located.
- The conditions upon which the request for this variance is based are unique to the subject area and are not applicable to other surrounding properties.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County.

In evaluating the variance to the setback measurement, there are no physical characteristics or topographic conditions that present challenges to developing the site. Even with a 40 foot setback from the scenic easement, the site can accommodate the five lots.

The granting of a variance must be based on extraordinary hardship that results from strict compliance with the Subdivision Regulations. The applicant, however, has not identified any unique conditions or characteristics associated with this property that create an undue hardship. To ensure continuous harmonious development along Smith Springs Road, it is important to establish a precedent of adhering to the setback requirements at this site, so that any future development will comply with these regulations, and the need for similar variance requests will be eliminated.

Staff recommends disapproval of the variance request to avoid the scenic route setback requirements. Staff recommends as a condition of approval that the concept plan be revised to show the setback measured 40 feet from the scenic landscape easement line.

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. This project will ultimately require an approved Storm Water Grading Plan prior to Final Plat Approval.

STAFF RECOMMENDATION - Staff recommends approval of the concept plan with conditions. Staff recommends disapproval of the request for a variance to the setback requirements along a scenic arterial. The variance request is not supported by a showing of hardship, as required by the subdivision regulations. To allow a variance to the regulations would set a precedent in the area for any future development to also request a variance to the setback measurement.

CONDITIONS

1. The setback line shall be measured 40 feet from the scenic landscape easement line.
2. The 20 foot landscape buffer shall comply with the requirements of a 20 foot standard "C" landscape buffer.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

Ms. Nedra Jones presented and stated that staff is recommending approval with conditions, however, staff is recommending denial of the requested variance.

Mr. Jeff Heines, Littlejohn Engineering, spoke in favor of the concept plan, as well as the requested variance. He submitted information for the record.

Ms. LeQuire requested additional clarification on the landscape buffers included in the proposal.

Ms. Nedra Jones explained this concept to the Commission.

Ms. Jones asked for clarification on the setbacks depicted on the information the applicant submitted to the Commission for the record.

Mr. Ponder questioned the setback easement configured in the proposed buildings in relation to the setback easement of an existing building included in the proposal.

Ms. Nedra Jones explained these setbacks to the Commission.

Ms. LeQuire requested additional information on the precedent mentioned by staff during their presentation.

Ms. Nielson requested additional clarification on the information pertaining to the scenic highway included in the proposal.

Ms. Nedra Jones explained the requirements for the scenic highway contained in this proposal.

Ms. Nielson expressed her concern with the precedent that would be set if this proposal were to be approved.

Mr. Clifton questioned whether the shape of the parcels in question would constitute a hardship for the applicant.

Mr. Bernhardt offered additional information on the definition of a hardship to the Commission.

Mr. Clifton spoke of including a condition that would mandate a buffer in such a manner to perpetuate its existence on the parcel.

Mr. Bernhardt stated that the condition on the buffer could be crafted and monitored during the construction phase, however, beyond that phase, it would be difficult.

Ms. Cummings stated she was in favor of staff's recommendation due to the fact it would preserve the 40' buffer and scenic route.

Mr. Gotto requested additional clarification on the staff recommendation in relation to the buffer and any restrictions that would be put in place on the buffers.

Ms. Nedra Jones explained the buffers and their requirements.

Mr. Gotto questioned whether the Commission could legally place additional requirements on the 20' buffer included in the proposal.

Mr. Bernhardt offered that if the Commission were to grant a variance, additional conditions could be put in place on the variance.

Mr. Gotto spoke in favor of granting the variance with additional conditions.

Mr. Clifton offered a motion to grant the variance with the understanding that the 20' buffer would be

maintained and to include a condition that an irrigation system be put in place in order to perpetuate its existence.

Ms. LeQuire questioned whether the existing vegetation could be kept and maintained as opposed to reconstructing a new buffer as mentioned in the motion.

Mr. Bernhardt offered a suggested motion in which the Commission could preserve the existing vegetation but still incorporate the requirements of the subdivision regulations.

Mr. Clifton moved, and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions, Concept Plan 2008S-021U-13, including a variance to Section 3-10.5.b of the Subdivision Regulations based on the existing triangular shape of the property. To maintain the intent of the regulations, there shall be a Standard C- Landscape Buffer Yard provided adjacent to the scenic easement. Within the Buffer Yard and the Scenic Easement, no clearing of vegetation shall be permitted except that necessary for the provision of a typical driveway with any utility connections adjacent to the driveway. (10-0)

Resolution No. BL2008-26

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-02U-13 is **APPROVED WITH CONDITIONS, including a variance to Section 3-10.5.b of the Subdivision Regulations, to reduce the front setback, based on the existing triangular shape of the property. To maintain the intent of the regulations, there shall be a Standard C- Landscape Buffer Yard provided within the scenic easement. Within the Buffer Yard, no clearing of vegetation shall be permitted except that necessary for the provision of a typical driveway and any utility connections shall be adjacent to the driveway.** (10-0)

Conditions of Approval:

1. The setback line shall be measured 40 feet from the scenic landscape easement line.
2. The 20 foot landscape buffer shall comply with the requirements of a 20 foot standard “C” landscape buffer.

Conditions of Approval:

1. The setback line shall be measure 25 feet from the scenic landscape easement line.
2. There shall be a Standard C- Landscape Buffer Yard provided within the scenic easement. Within the Buffer Yard, no clearing of vegetation shall be permitted except that necessary for the provision of a typical driveway and any utility connections shall be adjacent to the driveway.
3. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.” Amended at 3/27/08 MPC meeting, see Resolution No. RS2008-60

XI. PUBLIC HEARING: ZONING MAP AMENDMENTS

4. **2007Z-182U-07**
Charlotte Avenue Church of Christ
Map 091-12, Parcels 160, 161
Map 091-16, Parcel 006
Subarea 7 (2000)
Council District 24 - Jason Holleman

A request to apply a Historic Landmark Overlay to properties located at 4508 Charlotte Avenue, 4509 Alabama Avenue, and 4511 Alabama Avenue, between 45th Avenue North and 46th Avenue North, (.72 acres), zoned CS, requested by the Metropolitan Historic Zoning Commission for Councilmember Jason Holleman.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to apply a Historic Landmark Overlay to property located at 4508 Charlotte Avenue, 4509 Alabama Avenue, and 4511 Alabama Avenue, between 45th Avenue North and 46th Avenue North, (.72 acres), zoned Commercial Service (CS).

Existing Zoning

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

Proposed Overlay District Historic Landmark A historic landmark is defined in Section 17.36.120 of the Metro Zoning Ordinance as “a building, structure, site, or object... of high historical, cultural, architectural, or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville or Davidson County.” It must meet one or more of the following criteria:

1. Be associated with an event that made a significant contribution to local, state, or national history;
2. Be associated with the lives of persons significant in local, state, or national history;
3. Embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or possesses high artistic value;
4. Has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. Be listed or is eligible for listing in the National Register of Historic Places.

Metro Historic Commission staff has determined that the Charlotte Avenue Church of Christ is eligible for listing in the National Register of Historic Places, which satisfies criteria five above.

WEST NASHVILLE COMMUNITY PLAN

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

Charlotte Avenue Church of Christ is listed as worthy of conservation in the West Nashville Community Plan, which was adopted on January 28, 2000. Metro Historic Commission staff has now determined that the building is eligible for the National Register.

Consistent with Policy? Yes. The Historic Landmark Overlay District is consistent with CAE policy in this area. Furthermore, Charlotte Avenue Church of Christ is listed in the West Nashville Plan as “Worthy of Conservation,” and the subarea plan recommends that these properties be protected. The subarea plan also states on page 42 that this area “contains a number of historically significant features that should be preserved.”

Metro Historic Zoning Commission Recommendation At its meeting on February 11, 2008, the Metro Historic Zoning Commission (MHZC) approved the proposed boundaries of the 4508 Charlotte Avenue Historic Landmark District as historically significant. The MHZC noted that the Tennessee Historical Commission had deemed the property eligible for listing in the National Register of Historic Places.

Additionally, the MHZC adopted design guidelines for the district.

STAFF RECOMMENDATION Staff recommends approval. The request is consistent with the adopted Community Plan and is eligible for listing on the National Register.

[Note: Items #4 and #5 were discussed by the Metropolitan Planning Commission together. See Item #5 for actions and resolutions.]

5. **2008SP-005U-07**
Charlotte Avenue Church of Christ
Map 091-16, Parcels 006, 007
Map 091-12, Parcels 160, 161, 162

Subarea 7 (2000)
 Council District 24 - Jason Holleman

A request to change from CS to SP-MU zoning properties located at 4506 and 4508 Charlotte Avenue and 4507, 4509 and 4511 Alabama Avenue, at the northeast corner of 46th Avenue North and Charlotte Avenue, (1.35 acres), to permit MUL uses with building placement and height standards, requested by the Metro Planning Department, on behalf of Councilmember Jason Holleman; Charlotte Avenue Church of Christ and Gamble-Watson Acquisition Group, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from Commercial Service (CS) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 4506 and 4508 Charlotte Avenue and 4507, 4509 and 4511 Alabama Avenue, at the northeast corner of 46th Avenue North and Charlotte Avenue, (1.35 acres), to permit Mixed Use Limited (MUL) uses with building placement and height standards

Existing Zoning

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

Proposed Zoning

SP-MU District - Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

WEST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy? Yes. CAE policy recognizes “strip commercial development,” but requires redevelopment to be pedestrian-friendly. The subarea plan states on page 42 that this is “an older commercial area with a mixture of primarily small commercial businesses that generally have their own (sometimes multiple) driveways.” The SP allows commercial uses consistent with CAE policy. The plan further states on page 101 that the Richland Park Shopping District “is a collaboration of older brick buildings that are not set back from the sidewalk. There is parallel parking in front of the buildings. The distinctive character of this area is an asset that should be preserved. Any new development in the area should conform to the existing setback.”

PLAN DETAILS The plan is a set of redevelopment standards that are proposed to guide future development. The bulk standards, listed below, are intended to create a pedestrian-friendly development.

Standard	Mixed-use ¹	Office ¹	Stacked flats ¹	Live-work ¹	Townhouses ¹
Front setback (Charlotte Avenue)	Minimum of 80% of front façade must be built within 10 feet of the front property line.				
Side Setbacks	none required			End units: 5 feet minimum	
Street side setback(46th Ave. N)	Minimum of 80% of front façade must be built within 10 feet of the front property line.				
Rear Setback	5 feet minimum				
Building width at build-to line	Buildings must extend across a minimum of 50% of the lot frontage along Charlotte Avenue				
Maximum height	3 stories, not to exceed 53 feet				
Minimum height	One-story buildings to be a minimum height of				

	23' (14' min. first floor height). All buildings must have their primary facade facing Charlotte Avenue and one-story buildings must be designed to appear to be two stories.
All other bulk standards	MUL requirements from Metro Zoning Code

¹ Refer to Bedford UDO for descriptions of building types and materials pages 17-22

This property is located northeast diagonally from Richland Park. It is also on the same street as many buildings that have been determined by the Metro Historic Commission to be worthy of conservation or eligible to be listed on the National Register. These buildings are located close to the street and create a walkable center for the community. If the building that currently occupies the site, which is eligible to be listed on the National Register, cannot be saved, this SP will require any redevelopment to respect the historic, pedestrian-friendly character of the area.

The SP prohibits parking and drive-through development from fronting on Charlotte Avenue and prohibits chain link fences and outdoor sales, storage, or display of goods. The SP also requires the primary pedestrian entrance to be along Charlotte Avenue and does not permit pole signs.

Reviewing Department Recommendations - Due to the nature of this SP as a regulating plan rather than a detailed site plan, other development review Departments did not have enough technical information to provide a complete review of the SP as submitted. All Department approvals must be obtained with the final SP site plan.

PUBLIC WORKS RECOMMENDATION A traffic study may be required at development.

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail Center(814)	1.35	0.128	7,527	360	14	40

Typical Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise (710)	1.35	0.201	11,820	258	34	34

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise(710)	1.35	0.60	35,283	599	82	119

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise(710)	1.35	1.0	58,806	887	123	145

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
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--			+23,523	288	41	26
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STORMWATER RECOMMENDATION

Preliminary SP returned for corrections:

- Add FEMA Note / Information to plans.
- Add North Arrow & Bearing Information to plans.
- Add Vicinity Map to plans.
- Provide the Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5').
- Add 78-840 Note to plans:
(Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
- Add Preliminary Note to plans:
(This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)
- Add Access Note to plans:
(Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans:
(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)
- Show Existing Topo on plans.
- Provide a Water Quality Concept on plans.
- Provide Room for Detention (if necessary).

WATER SERVICES RECOMMENDATION Once a plan has been determined, a request, site plan & \$500.00 must be submitted for a study.

FIRE MARSHAL RECOMMENDATION Approved based on no construction being done this application. Any construction will require additional information.

METRO SCHOOL BOARD REPORT The proposed SP allows for commercial and residential. At this time, the amount of residential development proposed for this property is not able to be determined. Staff will determine the impact, if any, on Metro Schools with the final SP site plan.

Students would attend Sylvan Park Elementary School, West End Middle School, and Hillsboro High School. Hillsboro High School has been identified as being over capacity by the Metro School Board. There is capacity at a high school in an adjacent cluster. This information is based upon data from the

STAFF RECOMMENDATION - Staff recommends approval with conditions because request is consistent with policy and promotes pedestrian-friendly development.

CONDITIONS

1. Parking will determined with the final SP site plan.
2. The final SP site plan shall meet the requirements of Public Works, Stormwater, Water Services, the Fire Marshal, and the Urban Forester.
3. The following uses are not permitted: Automobile convenience, Automobile parking, Car wash, Commercial amusement (outside), Commuter rail, Distributive business/wholesale, Donation center drop-off, Mobile storage unit, Park, Power/gas substation, Radio/TV/satellite tower, Recycling collection center, Reservoir/water tank, Satellite dish, Telephone service, Warehouse, Waste water treatment, Water treatment plant, Water/sewer pump station.
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 MUL zoning district as of the date of the applicable request or application.

5. 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.
6. 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. Logan presented and stated that staff is recommending approval with conditions.

Mr. Jim Dillingham, 6816 Fleetwood Drive, spoke in opposition to the zone change.

Ms. Grace Renshaw, 220 Mockingbird Road, spoke in favor of the proposed zone change.

Mr. Wendell Goodman, 4901 Park Avenue, spoke in favor of the proposed zone change.

Ms. Debra Vaughn, 506 Acklen Park Drive, spoke in favor of the proposed zone change.

Mr. Ken Wyatt, 5351 Simpkins Road, spoke in opposition of the proposed zone change.

Mr. John Dean, 613 Lynnbrook Road, spoke in opposition of the proposed zone change.

Mr. Rodney Wells, 660 Thompson Lane, spoke in opposition to the proposed zone change.

Mr. Gilbert Smith, 4011 Armory Oaks Drive, spoke in favor of the proposed zone change.

Mr. Michael Collins, 4607 Park Avenue, spoke in favor of the proposed zone change.

Mr. Robert Young, 4800 Charlotte Avenue, spoke in opposition to the proposed zone change.

Mr. Jim Orman, 4508 Charlotte Avenue, spoke in opposition to the proposed zone change.

Ms. Kathleen Murphy, 231 Orlando Avenue, spoke in favor of the proposed zone change.

Ms. Meredith Freeman, 197 37th Avenue North, spoke in favor of the proposed zone change.

Ms. Jane Hardy, 208 Elmington Avenue, spoke in favor of the proposed zone change.

Councilmember Langster spoke in opposition of the proposed zone change.

Mr. Gotto expressed a concern that a precedent would be set if the Commission were to approve the requested zone change. He briefly explained the concerns he had for the property owner and the original intention to sell the parcel and how the requested zone changes affected their intent. He stated he was not in favor of approving the request.

Mr. Tyler requested clarification on the manner in which this bill originated and how it could originate without the property owner's consent.

Mr. Bernhardt explained that the department filed the bill at the request of the Councilmember and because it was consistent with the general plan for the area.

Mr. Tyler stated that this type of request should come from the property owner.

Mr. Cummings also expressed a concern that the request did not originate with the property owner. She then requested clarification on other types of uses that could be considered under the SP zoning, if approved.

Ms. Logan explained the various land uses for SP zoning.

Ms. Cummings expressed a concern on the type of use that could result on the parcel, if not a church or Rite Aid.

Mr. Bernhardt offered additional uses of SP zoning.

Ms. Cummings stated she would not be voting in favor of this request.

Mr. Clifton explained his position on the request of the historic overlay for this parcel. He stated he was not in favor of approving the request. He then spoke favorably of SP zoning and the positive affect it has on urban neighborhoods and that he would be supporting the staff recommendation for this request.

Ms. Nielson stated she was not in favor of approving the historic overlay.

Mr. Ponder expressed his concern of the bill being proposed without the owner's consent. He suggested that the Councilmember start over and begin by meeting with the property owner and the community.

Ms. Jones stated she was against the request due to the inappropriate manner in which it was pursued and the damage inflicted on the property owner as a result of the request.

Mr. Dalton too expressed his concerns with the manner in which the requested zone changes were originated. He stated he was not in favor of approving either proposal.

Ms. LeQuire commented on the current UZO placed on the area and the non-affect the SP would have on the parcel in relation to setbacks and property values. She then commented on the issue of zone changes being made to parcels without the property owner's consent. She requested clarification on this issue.

Mr. Bernhardt explained that there have been other instances in which mass rezonings have been enacted without the property owner's consent.

Mr. Gotto spoke to the issue of the mass rezonings used by Council with respect that it is usually used for an area with many property owners. He then summarized his views on SP zoning and how it could inhibit an owner's plans for a development, due to the fact that does not get finalized until its third reading at Council.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2007Z-182U-07. **(10-0)**

Mr. Gotto moved and Ms. Cumming seconded the motion, to disapprove Zone Change 2008SP-005U-07. **(8-2) No Votes – Nielson, Clifton**

Resolution No. BL2008-27

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-182U-07 is **DISAPPROVED**. **(10-0)**

The area's Councilmember stated that the bill for this request would be withdrawn at Council.”

Resolution No. BL2008-28

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-005U-07 is **DISAPPROVED. (10-0)**

While the proposed SP is consistent with the West Nashville Community Plan’s Commercial Arterial Existing policy, the application was initiated over the objection of the property owner. Because the property is located within the UZO, which may allow setbacks similar to the SP, the Commission determined the existing code already sufficiently restricts building placement.”

The Commission recessed at 6:00 p.m.

The Commission resumed at 6:20 p.m.

- 6. 2008Z-010G-12**
Map 183-00, Parcels 011, 011.01, 012, 012.01, 060
Subarea 12 (2004)
Council District 31 - Parker Toler

A request to rezone from AR2a to RM9 district properties located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430 feet south of Muci Drive (24.01 acres), requested by Centex Homes, applicant, for Gene Smith et ux, Shirley Smith, Bruce Gold and Joan Gold Cypress, and Walter Jones et ux, owners (See also PUD Proposal 2008P-003G-12)

Staff Recommendation: Disapprove. If approved, the Infrastructure Deficiency Area requirements for this property must be met with any development proposal associated with this zone change.

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-010G-12 to April 10, 2008, at the request of the applicant. (10-0)

- 7. 2008P-003G-12**
Cane Ridge Villas
Map183-00, Parcels 011, 011.01, 012, 012.01, 060
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for preliminary approval for a Planned Unit Development, properties located at 13153, 13159, 13167 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 430feet south of Muci Drive (24.01 acres), zoned AR2a and proposed for RM9 zoning, to permit 211 multi-family units, requested by Dale & Associates, applicant, for Gene Smith et ux, Shirley Smith, Bruce Gold and Joan Gold Cypress and Walter Jones et ux, owner (See also Zone Change Proposal No. 2008Z-010G-12).

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Planned Unit Development to April 10, 2008, at the request of the applicant. (10-0)

- 8. 2008Z-011T**
TA: Definition of Family

A request to amend Section 17.04.060 of the Metro Zoning Code to modify the definition of “family” to include a group of not more than eight unrelated elderly persons living together as a single housekeeping unit, requested by Councilmember Vivian Wilhoite.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to amend Section 17.04.060 of the Metro Zoning Code to modify the definition of “family” to include a group of not more than eight unrelated elderly persons living

together as a single housekeeping unit.

APPLICATION DETAILS Section 17.12.060 of the Zoning Code currently defines "Family" as:

1. An individual, or two or more persons related by blood, marriage or law, or, unless otherwise required by federal or state law, a group of not more than three unrelated persons living together in a dwelling unit. Servants and temporary nonpaying guests having common housekeeping facilities with a family are a part of the family for this code;
2. A group of not more than eight unrelated mentally retarded, mentally handicapped (excluding the mentally ill) or physically handicapped persons, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit in accordance with Tennessee Code Annotated 13-24-102. For purposes of this subsection, 'mentally handicapped' and 'physically handicapped' includes persons being professionally treated for drug and/or alcohol dependency or abuse.

This zoning text change proposes to add: "3. A group of not more than eight unrelated persons over the age of sixty-five, including two additional persons acting as houseparents or guardians, living together as a single housekeeping unit."

Assisted-care living and nursing homes are currently permitted in Agricultural/Residential, Multi-Family Residential, and Mixed-Use zoning districts and some Office and Commercial zoning districts. This ordinance would permit very small elderly care facilities to be permitted anywhere that one family is permitted to live, including Single-Family Residential and One and Two-Family Residential districts. Although this text change would allow up to eight unrelated persons over 65 years old to live together in a single housekeeping unit, these facilities would still be required to obtain the appropriate licenses from the State in order to operate.

STAFF RECOMMENDATION - Staff recommends approval of the proposed ordinance.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2008-29

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-011T is **APPROVED. (10-0)**"

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9. **2008Z-017G-06**
Map 126-00, Parcel 027
Subarea 6 (2003)
Council District 35 - Bo Mitchell

A request to change from AR2a and R80 to CS zoning property located at Old Charlotte Pike (unnumbered), at the northwest corner of Old Charlotte Pike and Highway 70 South (4.5 acres), requested by Oliver Cromwell Carmichael, owner.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-017G-06 to March 27, 2008, at the request of the applicant. (10-0)

-
10. **2008Z-018U-07**
Map 091-08, Parcels 197, 198, 199, 200, 201, 202, 214, 215, 216, 217,
218, 219, 220, 230
Subarea 7 (2000)
Council District 20 - Buddy Baker

A request to change from IR to R6 zoning properties located at 4400, 4501, 4502, 4504, 4506, 4507, 4508, 4509, 4510, 4511, 4516, and 4518 Michigan Avenue, at the intersection of 46th Avenue North and Michigan Avenue (2.5 acres), requested by Jesse Walker Engineering, applicant, for Daniel Oakley, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to change from Industrial Restrictive (IR) to One and Two Family Residential (R6) zoning properties located at 4400, 4501, 4502, 4504, 4506, 4507, 4508, 4509, 4510, 4511, 4516 and 4518 Michigan Avenue, at the intersection of 46th Avenue North and Michigan Avenue (2.50 acres).

The Council Bill was filed for this request while the application was still under review by staff. Since the application was filed, 4518 Michigan Avenue (parcel 203) was added to the request in order to avoid creating an isolated parcel of IR zoning.

Existing Zoning

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

Proposed Zoning

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. Re-subdividing this property according to the R6 district would allow a total of 19 lots, five of which could be developed as duplex lots. A maximum of 24 units consisting of 14 single-family lots and 5 duplex lots (10 units) could be constructed on the 2.50 acre site. If the site is developed under the current lot configuration all of the lots can have duplex on them since they were platted before 1984, for a total of 38 units.

WEST NASHVILLE COMMUNITY PLAN

Industrial and Distribution (IND) IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas. 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? Although the R6 zoning district is not supported by the IND land use policy, the one and two family residential uses permitted by the requested R6 zoning are consistent with the solid residential fabric of the surrounding neighborhood. The area both west and south of this site is primarily single-family with some two-family development dispersed throughout. It is zoned R6, with a land use policy of RM.

The lots requested for rezoning to residential were, at one time, zoned, subdivided, and used for residential purposes. In 1979 the Metro Council changed the zoning of lots on this block of Michigan Ave. from residential to industrial, contrary to the Planning Commission's recommendation to disapprove. Although the site was never actually developed for industrial purposes, the industrial zoning remains to this day.

The West Nashville Community Plan was adopted 8 years ago. At that time, the policy line between industrial land uses and residential land uses was determined by the existing zoning line, not by any overarching planning principles, nor by any natural or man-made boundaries that would differentiate areas appropriate for industrial uses from areas appropriate for residential uses. The policy line reflected perceptions about the market in 1979. Market conditions have changed significantly, however, since these properties were zoned industrial, and the area is experiencing a surge in new construction and rehabilitation of residential properties.

Because this block has a unique zoning history and because there is no rationale to support the policy line in its current location, staff is recommending approval of this request to restore residential zoning on these residential lots.

RECENT REZONINGS - None

PUBLIC WORKS RECOMMENDATION - No Exception Taken

Maximum Uses in Proposed Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Dwelling Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	2.32	6.18	14	134	11	15

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	2.32	0.6	60,635	423	56	60

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
--				-289	-45	-45

METRO SCHOOL BOARD REPORT

Projected student generation 3Elementary 2Middle 2High

Schools Over/Under Capacity - Students would attend Cockrill Elementary School, Bass Middle School, and Pearl-Cohn High School. All three schools are identified as having capacity for new students by the Metro School Board. The projections show three additional students would be generated at the elementary school level, and two additional students each at the middle and high school level by this zone change request.

STAFF RECOMMENDATION Staff recommends approval of the request to rezone 2.50 acres from IR to R6. The one and two family residential district is not consistent with the current Industrial and Distribution land use policy, but it is consistent with the surrounding residential development pattern. The current lot configurations could not support an industrial form of development, but are conducive to a residential uses given that the lots average roughly 7,700 square feet.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2008-30

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-018U-07 is **APPROVED**. (10-0)

While the proposed R6 zoning district is not consistent with the West Nashville Community Plan’s Industrial and Distribution policy, the one and two family residential uses permitted by the requested R6 zoning are consistent with the established residential fabric of the surrounding neighborhood.”

11. **2008Z-019U-08**
 Map 092-03, Parcel 055
 Subarea 8 (2002)
 Council District 19 - Erica S. Gilmore

A request to change from RM20 to CL zoning property located at 2110 Meharry Boulevard, approximately 255 feet west of 21st Avenue North (0.2 acres), requested by Glenn and Chandra Jamison, owners.

Staff Recommendation: Disapprove CL. Staff would recommend an SP for a coffee shop or other small scale retail in the existing building and recommends that Council refer the application back to the Planning Commission as an SP prior to third reading.

APPLICANT REQUEST - A request to change approximately 0.2 acres located at 2110 Meharry Boulevard, approximately 255 feet west of 21st Ave. North from Residential Multi-Family Residential (RM20) to Commercial Limited (CL) zoning.

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN POLICY

Structure Policy

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

Detailed Policy

Institutional (INS) INS is intended for major institutions such as colleges, universities, and hospital complexes.

Consistent with Policy? No. While the proposed CL zoning district would allow for uses that would be consistent with the area’s policy, it would also allow for uses that are not consistent with the policy such as a funeral home or automobile service. To ensure that any proposed change in use is consistent with the policy, an enforceable site plan such as an Urban Design Overlay or, Planned Unit Development Overlay to accompany zone change request, or a Specific Plan zoning district is required. The applicants have informed staff that they plan to open a coffee shop in the existing building. The applicants’ proposed use would be consistent with the policy, as it will provide a supporting service to Fisk University and Meharry Medical Center, but if the property changes ownership and converts to another use, it may not be consistent with the policy.

PUBLIC WORKS RECOMMENDATION

Typical Uses in Existing Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	0.2	20	4	33	3	4

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
Specialty Retail Center (814)	0.2	0.13	1,132	87	9	25

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty retail center (814)	0.2	0.6	5,227	262	12	35

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+4,095	+54	+6	+21

STAFF RECOMMENDATION Staff recommends disapproval of CL but would recommend approval of a SP zoning district that would allow for a coffee shop and other small retail uses in the existing building. Staff will work with the applicants on a SP plan, and the applicants have expressed interest. Staff recommends that Council refer the application back to the Planning Commission as an SP prior to third reading.

Mr. Swaggart presented and stated that staff is recommending disapproval, however, would recommend approval of SP zoning.

Ms. Jeanette Pullen, 2215 Morena Street, spoke in opposition of the proposed zone change.

Ms. Vivian Holiday, 2329 Meharry Blvd., spoke in opposition of the proposed zone change.

Ms. Carolyn Harris, 2306 Alameda Street, spoke in opposition of the proposed zone change.

Mr. Dalton requested clarification on the uses of the SP zoning for this area.

Mr. Swaggart explained SP zoning and its uses.

Mr. Ponder questioned whether the applicant would have to re-apply if they pursued an SP zoning for this parcel.

Mr. Bernhardt explained that the Councilmember could change it and re-refer it back to the Commission thus making it a council amendment.

Ms. Cummings requested clarification on the land uses surrounding the parcel in question.

Mr. Swaggart explained these land uses to the Commission.

Ms. Cummings requested clarification on the issue of parking that was mentioned by the constituent.

Mr. Swaggart explained the parking included in the requested zone change.

Mr. Bernhardt offered that the Commission should only focus on the issue of the requested CL zoning for this property.

Mr. Gotto suggested disapproving the request and suggested that it be re-referred back to the Commission

prior to its third reading at Council.

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-019U-08. However, an SP for a coffee shop or other small scale retail in the existing building may be recommended with an appropriate design if Council refers the application back to the Planning Commission as an SP prior to third reading. **(10-0)**

Resolution No. BL2008-31

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-019U-08 is **DISAPPROVED CL. An SP for a coffee shop or other small scale retail in the existing building may be recommended for approval with an appropriate design if Council refers the application back to the Planning Commission as an SP prior to third reading. (10-0)**

While the proposed CL zoning district would allow for uses that are consistent with the North Nashville Community plans Major Institutional policy, the policy requires that any zone change be for SP or be accompanied by a UDO or PUD to ensure that future development meets the intent of the policy.”

- 12. 2008Z-020U-14**
Map 108-01, Parcel 001
Subarea 14 (2004)
Council District 15 - Phil Claiborne

A request to change from R10 to CS zoning property located at 2712 Shacklett Drive, approximately 1,030 feet west of Donelson Pike (0.44 acres), requested by Barge Cauthen and Associates, applicant, for Executive Travel & Parking LLC, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to change approximately 0.44 acres located at 2712 Shacklett Drive, approximately 1,030 feet west of Donelson Pike from Residential Single-Family and Two-Family (R10) to Commercial Services (CS) zoning.

Existing Zoning

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

Proposed Zoning

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

DONELSON/HERMITAGE/OLD-HICKORY COMMUNITY PLAN POLICY

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

Consistent with Policy? Yes. The proposed CS zoning district is consistent with the area’s CMC policy.

PUBLIC WORKS RECOMMENDATION

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.44	3.7	1	10	1	2

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.44	0.198	3,795	108	14	14

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty retail center (814)	0.44	0.6	11,500	530	17	50

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
--			+7,705	98	+13	+12

STAFF RECOMMENDATION -Staff recommends that the request be approved, as it is consistent with the area’s CMC policy.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2008-32

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-020U-14 is **APPROVED**. (10-0)

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

13. 2008Z-023T
LED Signs

A request to amend Section 17.32.050 to allow digital and LED signs in certain areas, requested by Councilmember-at-Large Charlie Tygard.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to amend the Metro Zoning Code, Section 17.32.050.G and H to allow digital and LED (i.e. electronic) signs in certain areas of Davidson County.

ANALYSIS

Existing Law- Section 17.32.050.G and H of the Zoning Code regulate signs with graphics, messages, and motion. The two sections contain provisions that appear contradictory and are difficult for the Codes Department to enforce. Currently, scrolling, flashing, and changeable copy signs are generally prohibited in all zoning districts except CS and CL, with one exception. Time/date/temperature signs are permitted in

all non-residential zoning districts provided they remain fixed, static, motionless, and non-flashing for a period of two seconds or more.

Proposed Bill - The proposed bill would provide that electronic signs are permitted in all zoning districts, including residentially zoned properties located along a collector or arterial street, as shown on the adopted Major Street Plan. The bill adds provisions to subsection G to require the display of an electronic sign to remain static for eight seconds and requires a transition between displays of less than two seconds. The bill would also add a prohibition for digital billboards that are less than 2,000 feet apart from one another. Because of the conflicting language in subsections G and H of the current Code, it is unclear whether digital billboards currently are permitted. Under this ordinance, they would be permitted so long as they comply with the amended provisions of subsection G.

Current subsection H is deleted from the Code and replaced with a new section that would: 1) clarify that video and other animated signs are prohibited in all districts except for the CA zoning district; and 2) permit LED message boards on collector and arterial streets in all residential zone districts.

The term “electronic sign” embraces a couple different technologies seen in Metro that have been recently installed, including digital signs and LED signs. Digital signs have color and animation with a TV picture quality such as the one on West End Avenue at 30th Avenue, North, or the Nova Copy sign along I-40 in downtown Nashville. Unlike digital signs, LED signs are not multi-color. LED signs have red or amber-colored lights and lettering on message boards such as those at a drugstore or businesses which display date, time, and temperature.

Proposed Text This council bill proposes to amend Section 17.32.050.G and H. of the Zoning Code (Prohibited Signs) as follows:

G. Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, when where the copy, graphics, or digital display does not remain fixed, static, motionless, and nonflashing for a period of two (2) seconds or more eight (8) seconds, provided that this provision shall not be applicable to any sign located within the CA district with a change time of less than two (2) seconds. Digital display billboards less than two thousand (2,000) feet apart are also prohibited.

H. billboards in permitted districts, or signs located in ON, OL, OG, OR20, OR40, ORI, MUN, MUL, MUG, SCN, SCC, CN and CL districts with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color except for time/temperature/date signs. This provision shall also apply to all signs located within one hundred feet of property classified within a residential district.

H.1. Video, continuous scrolling messages, and animation signs, except in the commercial attraction (CA) district.

2. LED message boards in residential zone districts except on collector or arterial streets.

Analysis In the past few years, there have been three council bills to permit electronic signs; two failed to receive Council support and one was adopted (see table below). All three bills were recommended for disapproval by the Metro Planning Commission. While this latest bill does create more restrictive display periods for electronic signs, it includes the far more sweeping change of allowing LED signs for any use located in a residential zone district.

SIGN BILLS

Bill #	Sponsor	Council Action	MPC Action	Description
BL2005-648	Dozier	Failed 3rd Reading 1/17/06	Disapproved 12/8/2005	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.
BL2006-974	Dozier, Wallace	Withdrawn 7/18/06	Disapproved 2/23/06	Permit signs with graphics or electronic displays oriented to a four-lane or controlled access highway maintained by the State of Tennessee and located within the urban services district (USD), with a speed limit of forty miles per hour (40 m.p.h.) or less.
BL2007-1366	Brown	Approved	Disapproved 2/22/07	To allow signs with lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color within the CL zoning district. Notwithstanding the foregoing provisions, signs with lights or illuminations that display non-scrolling and non-flashing electronic text shall be permitted within the CL district, provided the text remains static for at least three seconds and the sign is not located within four hundred feet of any residential property with frontage on the same street

As written, the current bill would permit any residential or non-residential uses in residential zone districts to have a LED sign, if the property was along an arterial or collector street. Hence, any residential homeowner or apartment complex could place a LED sign in their front yard, displaying any kind of message they so desired. The “whereas” statements in this bill indicate the intent was for “non-residential uses” like non-profits, schools, and religious institutions to have LED signs, but not every residential homeowner. As written, the bill is not restricted to non-residential uses. If the Metro Council should decide to permit LED signs in residential zone districts, staff recommends that the ordinance should be amended to limit the use of such signs to those uses that are permitted as Special Exceptions in residential zone districts, such as churches, schools, and other non-profits.

The Zoning Administrator has indicated that the Codes Department considers digital billboards to be illegal under the current Metro Code sign provisions because, in application, most such signs violate the provisions of subsection H in the current law, which prohibits signs with “lights or illuminations that flash, move, rotate, scintillate, blink, flicker or vary in intensity or color.” This bill proposes to permit digital signs and digital billboards like those recently erected along I-65 near 100 Oaks Mall, I-24 westbound in Hermitage, and elsewhere in Metro. According to the Zoning Administrator, all of these digital signs and billboards are on private property, except Metro’s convention center sign which is on public property. Those signs erected with a valid Metro permit were approved with the explicit statement that such signs were not to be digital. The proposed bill would clarify that digital billboards are allowed so long as the display message remains static or fixed for 8 seconds or more, the transition time between messages is two seconds or more, and digital billboards are spaced a minimum of 2,000 feet apart.

STAFF RECOMMENDATION Staff recommends disapproval of the bill as drafted because LED signs would be permitted for all uses located in residential zone districts. At a minimum, the ordinance should be amended to limit the use of LED signs to those uses that are permitted as Special Exceptions in residential zone districts, such as churches, schools, and other non-profits. In addition, the ordinance should be amended to clarify that the provisions of 17.32.150 with respect to billboards shall continue to apply to digital billboards.

Staff notes that the proposed ordinance does include some provisions that would improve the Code by adding new limitations on the display of electronic signs that are not currently in the current Code. The restrictions proposed, however, are minimal and staff does not believe they will result in a significant reduction in the proliferation of electronic signs that have begun to clutter Nashville’s roadsides. Staff recommends that further study involving all stakeholders should be performed to develop a comprehensive

ordinance to address electronic signs in light of new technology that has permitted the number of such signs to increase markedly throughout Nashville.

Resolution No. BL2008-33

~~“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-023T is **DISAPPROVED AS FILED. APPROVED WITH AMENDMENT, (10-0)**”~~ Amended at 3/13/08 meeting. Commission will re-consider bill on 3/27/08.

14. 2008Z-024T
Vehicular Sales & Leasing in SCR District

A request to amend Sections 17.08.030 and 17.16.070.P of the Metro Zoning Code to allow vehicular rental/leasing as a use permitted with conditions in the SCR district, requested by Councilmember Parker Toler.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to amend the Metro Zoning Code, Section 17.08.030 (District Land Use Table) to permit with conditions countywide in the shopping center regional (SCR) zoning district the rental or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease (e.g. car rental agencies).

ANALYSIS

Existing Law Section 17.08.030 of the Zoning Code allows vehicular rental/leasing within a Specific Plan (SP) district, as provided in council bill BL2006-972 (2006Z-029T) and within all of the industrial districts.

“Vehicular rental/leasing” permits the renting or leasing of automobiles, motorcycles, recreational vehicles, boats, recreational equipment, light trucks and vans, moving vans, and moving trucks, including incidental parking and servicing of such vehicles. No “Automobile Repair” or “Scrap Operation” activities are permitted, and no inoperable vehicles can be stored on-site.

Proposed Bill The proposed bill would permit, with conditions, limited vehicular rental/leasing in the Shopping Center Regional (SCR) district or an adopted SP district. The bill does not alter the use’s existing “permitted by right” status in the industrial districts.

Analysis The SCR district is described in Section 17.08.020 of the Zoning Code as a district intended for very large, regional shopping and activity centers such as Bellevue Mall, Green Hills Mall, Rivergate Mall, Hickory Hollow Mall, Nashville West, Hill Center at Green Hills, and the Bellevue West Shopping Center. It also is a zoning district applied to large-scale shopping centers at major intersections such as Nolensville Pike/Old Hickory, I-65/Old Hickory, and Nolensville Pike/Harding Place.

Within Metro, there are 399 parcels zoned SCR encompassing 1,362 acres of land; 61% of these parcels are located in 36 planned unit developments (PUD). See table below.

SCR Zoning

Parcels	399
Acres	1,362
SCR & within PUD overlay	61% (36 PUDs)
USD	approx. 60%
GSD	approx. 40%
Council Districts	13 districts
4 (Craddock), 10 (Ryman), 11 (Gotto), 14 (Stanley), 20 (Baker), 22 (Crafton), 25 (McGuire), 26 (Adkins), 27 (Foster), 31 (Toler), 32 (Coleman), 33 (Duvall), 35 (Mitchell)	

For those properties located in a PUD, the Zoning Code stipulates that the base zoning or the last Council adopted PUD plan would determine whether a vehicular rental/leasing use is allowed. If the PUD plan does not specifically indicate such a use is allowed, or the base zoning does not permit the vehicular rental/leasing use, then a rezoning and PUD amendment would be required. If the Council-approved plan did not include the vehicular rental/leasing use and the base zoning does permit the use, then the Planning Commission would determine if the use “. . . alter(s) the basic development concept of the PUD.” If the Commission determines that the proposed plan alters the development concept, then the change is referred back to the Metro Council. If the Commission determines that it does not alter the basic development concept, then vehicular rental/leasing likely would be permitted as a revision to the PUD.

Given the nature of these regional activity and shopping centers, locating an auto rental or leasing company would be convenient for area residents. Since this use incorporates such a wide variety of vehicles, the bill limits the types of vehicles available for rental or leasing as set forth below.

Amend Section 17.16.070.P (Uses Permitted w/ Conditions: Commercial Uses)
Vehicular Rental/Leasing. This use shall be allowed in the SCR district or as provided in an adopted Specific Plan district by the Metro Council. In the SCR district, the use shall be limited to renting and/or leasing passenger automobiles, sport utility vehicles, pick-up trucks (3/4 ton or less), and small cargo vans (gross vehicle weight rating of not more than 8,500 pounds), including incidental parking and servicing of these vehicles for rental or lease. No motorcycle, recreational vehicles, boats, recreational equipment, moving vans or moving trucks shall be rented or leased from the property. In addition, no “Automobile Repair” or “Scrap Operation” activities may occur on-site and no inoperable vehicles shall be stored on the property.

STAFF RECOMMENDATION Staff recommends approval of this text amendment.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2008-34

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-024T is **APPROVED. (10-0)**”

X. PUBLIC HEARING: SPECIFIC PLANS

15. **2008SP-002U-13**
Starwood Commons
Map 164-00, Parcel 041
Subarea 13 (2003)
Council District 32 - Sam Coleman

A request to change from AR2a to SP-MU zoning property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard (65.1 acres), to permit the development of multi-family residential uses on up to 28 acres at density of 9 dwelling units for a maximum of 250 dwelling units and the development of commercial uses of 421,500 square feet on up to 37.1 acres of land at a floor area ratio of up to .40, requested by R. Chris Magill Consulting, LLC, applicant, for Vastland Starwood Development LLC, owner.

Staff Recommendation: Disapprove

Ms. Wood presented and stated that staff is recommending disapproval of the applicant’s request, and to approve staff’s recommended plan amendment.

Ms. Kahnle presented information supporting the staff’s recommendation.

Ms. Nedra Jones presented and stated that staff is recommending disapproval of the zone change.

Councilmember Coleman requested that the Commission hear these items separately.

Mr. Clifton requested clarification on how the Commission should proceed with these items.

Ms. LeQuire and Ms. Nielson expressed an issue with hearing each item separately due to the interconnecting nature of each proposal.

Mr. McLean announced that the Commission would hear Item #1, 2007CP-021G-13 with the possibility of voting on it, prior to hearing Item #15, 2008SP-002U-13.

2007CP-021G-13 Public Hearing

Mr. Steve Abernathy, 5929 Pettus Road, spoke in opposition of the proposed community plan by staff.

Ms. Donna Crawford of Maxwell Lane spoke in favor of the proposed community plan by staff.

Dimples of Murfreesboro Road spoke in opposition of the proposed community plan by staff.

Mr. Morris Thomas, 100 Peabody Place, spoke in opposition of the proposed community plan by staff.

Mr. Robert Rutherford spoke in opposition of the proposed community plan by staff.

Mr. Chris Magill, 5238 Granny White Pike, spoke in opposition of the proposed community plan by staff.

Councilmember Coleman explained his issue with the community plan amendment. He stated that the property owners surrounding the development were unaware that the amendment would affect their properties as well. He asked that the Commission take this into consideration while deliberating their decision.

Ms. Nielson questioned whether the zone change application would warrant the Commission to take action on the plan amendment, prior to the public hearing on the requested zone change.

Mr. Bernhardt offered that the zone change application as submitted is not consistent with the current policy for the area.

Mr. Bernhardt also clarified that the recommended plan amendments are mainly associated with the Starwood property; and included very few changes to other parcels located in that area.

Mr. Clifton requested further clarification on the staff's recommendation with respect to the applicant's request.

Ms. Wood further explained the staff's recommendation in relation to the request of the applicant.

Mr. Clifton then questioned whether the plan amendment would promote a more urban environment as opposed to a suburban environment.

Mr. Bernhardt further explained the suggested plan amendment to the Commission. He spoke of the community's desire to eliminate strip mall type developments in the Antioch area, and their request to staff to plan for more conventional suburban/urban type developments. He explained the various uses requested versus the various uses that are existing in this area.

Ms. Cummings questioned whether the area's infrastructure could accommodate the requested development.

Ms. Wood explained that the planned amendments relating to infrastructure would not change due to the fact that the land use amendments and what is currently planned for this area are similar in density.

Mr. Tyler clarified that the land uses between CG and CMC were similar in the concentration of land use, but different in the nature of community character.

Mr. Gotto requested clarification between the uses of CMC and CC policies.

Ms. Wood explained these policies to the Commission.

Mr. Gotto stated he had an issue with planning a commercial development for a neighborhood that is not yet considered walkable, and would only accommodate a small residential area. He asked that staff further clarify the intentions of the plan amendment.

Ms. LeQuire expressed an issue with mentioned “proposed widening of Murfreesboro Road” while planning for more pedestrian type developments.

Mr. Dalton stated he was in favor of the staff’s recommendation.

Ms. Jones spoke of the efforts put into the area and the desire to integrate as much as the community as possible.

Mr. Ponder requested clarification on the timeline of the applicant’s request in relation to the plan amendment.

Ms. Wood explained the timeline to the Commission.

Mr. Ponder moved and Mr. Dalton seconded the motion to approve the staff’s recommendation to disapprove the applicant’s request and to approve the staff’s recommended plan amendment.

Councilmember Coleman requested that the Commission hold their vote on the plan amendment until the Public Hearing for Item #15, 2008SP-002U-13 was held.

Mr. Bernhardt explained that the Commission may need to vote on the policy issue in order to evaluate the zone change request associated with the policy.

A discussion ensued among the Commissioners regarding their action on this request.

Mr. Ponder withdrew his motion.

Mr. McLean stated that the Commission would hold the public hearing for Item #15.

2008SP-002U-13 Public Hearing

Mr. Mack McClung, 1720 West End Avenue, spoke in opposition to staff’s recommendation.

Mr. Chris Magill, 5238 Granny White Pike, spoke in opposition to the staff recommendation.

Mr. Ken Renner, 905 Kingfisher Point, spoke in opposition to the staff recommendation.

Mr. Steve Abernathy, 5929 Pettus Road, spoke in opposition to the staff recommendation.

Mr. Engles Pope, 1050 Rural Hill, spoke in opposition to the staff recommendation.

Dimples spoke in opposition to the staff recommendation.

Mr. Morris Thomas, 100 Peabody Place, spoke in opposition to the staff recommendation.

Ms. Donna Crawford spoke in favor of the staff’s recommendation.

Councilmember Coleman summarized the issues regarding this development. He suggested that the Commission close the public hearing and defer the matter. He stated that a deferral would allow additional time for the developers to continue working with staff in order to produce a development that would better accommodate the policies for the area.

Mr. Clifton moved to close the public hearing and Ms. Jones seconded the motion. **(8-2) No Votes – Ponder, Gotto**

Mr. Ponder stated that the public hearing should be left open in order to allow additional discussion on this proposal.

There was a brief discussion between Commissioners on whether the public hearing should be left open or closed.

Mr. Bernhardt explained that a bill was filed which would require the Commission's recommendation. However, Councilmember Coleman stated he would defer the bill at the Council level which would allow the Commission to defer this bill without any repercussions.

Mr. Clifton stated he would like to withdraw his motion.

Mr. Morrissey stated that the Commission had already voted and passed the issue to close the public hearing. He further clarified that the public hearing could be re-opened at the next meeting the item was to be heard.

Additional discussion regarding the number of days that would be needed to re-notice this issue took place. Mr. Bernhardt explained that the next public hearing was at least two months out so this item could be placed on the April 24, 2008 meeting.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to defer Community Plan 2007CP-021G-13, and Zone Change 2008SP-002U-13 to April 24, 2008, and to re-advertise the public hearing only if the site plan is amended. **(10-0)**

Resolution No. BL2008-35

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-002U-13 is DEFERRED TO APRIL 24, 2008, PLANNING COMMISSION MEETEING, re-advertise Public Hearing if the porposed SP site plan is amended. (10-0)”

- 16. 2008SP-007U-10**
Ransom School
Map 104-10, Parcel 047
Subarea 10 (2005)
Council District 25 - Sean Mcguire

A request to rezone from RS7.5 to SP district property located at 3501 Byron Avenue and abutting Ransom Avenue and Richardson Avenue (1.99 acres), and within the Elmington Place Neighborhood Conservation Overlay and I-440 Impact Overlay, to permit the conversion of the former Ransom Elementary School building and site into a residential development not to exceed 11 dwelling units total, requested by the Metro Planning Department, on behalf of Councilmember Sean McGuire.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan-Residential (SP-R) district property located at 3501 Byron Avenue and abutting Ransom Avenue and Richardson Avenue (1.99 acres), and within the Elmington Place Neighborhood Conservation Overlay and I-440 Impact Overlay, to permit the conversion of the former Ransom Elementary School building and site into a residential development not to exceed 11 dwelling units total.

The Council Bill was filed for this request while it was still under review. Since the filing, the Councilmember has met with the community and has requested that the Council Bill be revised to reduce

the maximum number of units permitted on this site from 18 to 11. Although the currently filed ordinance states that 18 units would be permitted, a substitute ordinance has been prepared, and can be filed prior to the Council's vote on third reading, that limits the total number of units to 11.

Existing Zoning

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

Proposed Zoning

SP-R District - Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes multi-family units within the existing building or single-family units.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? Yes. The proposed maximum of 11 units and range of housing types proposed fit within the density range and type of housing intended by the RM policy. The proposed density is 5.78 units per acre and the RM policy could support up to 18 units on this site or 9 units per acre.

PURPOSE OF THE SP-R - The Ransom School building, currently known as the Randall Learning Center, is being offered for sale by the Real Property Services Division (RPS) of the Metro Finance Department. There are tight time constraints on this request as RPS intends to close the current auction to sell the property on March 18, 2008. This means that the SP bill must be on the March 4, 2008, Council Public Hearing agenda, and on the Planning Commission's February 28, 2008, agenda in order for potential buyers to understand the type of development that will be permitted on this property.

The intent to rezone this property to SP is to apply a plan to the property that will serve two purposes. First, the plan is intended to provide potential buyers with some certainty as to what type of development is possible on the property. The land was previously offered for sale by RPS but there were no bidders.

The second purpose of the proposed SP is to provide the neighborhood with a similar level of certainty. Through the SP zoning, they and the Councilmember will establish a range of uses and development forms that will allow re-use of the property and protect the interests of the neighboring property owners.

SITE HISTORY The building, named for John B. Ransom, a prominent Nashville businessman, is now vacant. Ransom School served grades kindergarten through four until it closed in 1974. In recent years, the building was renamed the Randall Learning Center and used for professional development of Metro schoolteachers.

In 2002, the Metropolitan Historical Commission determined the school was eligible for the National Register of Historic Places, a registry of cultural resources worthy of preservation maintained by the National Park Service. It is also identified as a historical resource in the Green Hills-Midtown Community Plan adopted by the Metro Planning Commission on July 28, 2005.

The property is located within the Elmington Place Neighborhood Conservation Overlay district which governs modifications to the existing structure and additions to the property. It is also within the I-440 Impact Overlay District (Impact Area 1) which serves to support the existing neighborhood by limiting development to the maximum development density supported by the long-term land use plan. In addition, there are NES distribution lines on the eastern edge of the property within a substantial easement. A portion of the building is within the easement. This portion of the building can be rehabilitated, but any new development must remain outside of the easement.

The proposed SP zoning district will enable the property to be redeveloped consistent with the Conservation Overlay, the I-440 Impact Overlay District, and the Community Plan. Through the final SP

site plan review and approval process, the unique characteristics of the Ransom School property can be sensitively addressed through the location, integration, and arrangement of buildings and parking.

PLAN DETAILS

Existing Building As noted above, the building is eligible for the National Register of Historic Places. It is up to the Metro Historic Zoning Commission to approve demolition of any portion of the existing building deemed non-historic or to determine if portions that are deemed historic are in such poor condition that rehabilitation or re-use is not possible. The Historic Commission staff has indicated that the preference is to preserve the historical portions of this building. The building is 27,000 square feet in size and was built in four phases. The original phase was constructed in 1918 as part of the Davidson County Schools and became a city school in 1929 and was added on to in 1925, 1932, 1951 and 1955.

Site Plan The Community, the Councilmember, and staff from the Historic Zoning Commission have held a number of meetings to discuss the potential uses of this site. Three scenarios have been agreed to.

1. The existing building can be rehabilitated to accommodate 11 units.
2. Regardless of whether any portion of the school is demolished, a maximum of 11 units can be built on the site, including any units accommodated within a rehabilitated building. Any new construction must meet the requirements of the RS7.5 zoning district, the Elmington Place Conservation Overlay District, and the Metro Subdivision Regulations.
3. If the purchaser can demonstrate an economic hardship and the entire building is demolished, then a maximum of 11 single-family homes can be built and must meet the requirements of the RS7.5 zoning district, the Elmington Place Conservation Overlay District, and the Metro Subdivision Regulations.

Bulk Standards The bulk standards of the RS7.5 zoning district are proposed to guide development on this site. The side setback would be five feet and the rear setback 20 feet with a maximum height of three stories. New construction would not be permitted within the NES easement.

Requirements of the Final Site Plan In conjunction with the submittal of the final site plan, the applicant will need to demonstrate, through drawings and written text, how the proposed plan maximizes preservation of the building's historic features. The final site plan will need to include all existing and proposed building elevations. These elevations and all new construction will need to comply with the Elmington Place Neighborhood Conservation Overlay district guidelines. The Metro Historic Zoning Commission will advise the Metro Planning Department on the proposed final site plan's consistency with the overlay district guidelines. As the potential layout of new construction will depend on how much of the existing building will remain, the final site plan will also need to detail access and parking requirements.

STORMWATER RECOMMENDATIONS The Final Site Plan shall be required to have water quality measures and may be required to provide detention facilities.

WATER SERVICES RECOMMENDATION A water and sewer capacity letter will be required with the Final Site Plan. There is a public sewer line on the property that may need to be abandoned depending on the redevelopment of the site.

PUBLIC WORKS RECOMMENDATION With the submittal of a final site plan, the plan will be reviewed to insure that adequate access is available for parking and service vehicles. The developer's construction drawing shall comply with the design regulations established by the Department of Public Works prior to any final approvals and permit issuance.

NES RECOMMENDATION - No new construction shall be permitted within the NES easement.

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. While Hillsboro High School has been identified as overcrowded, no students will be generated by this development. This information is based upon data from the school board last updated April 2007.

STAFF RECOMMENDATION The proposed SP is consistent with the RM land use policy and the Elmington Place Neighborhood Conservation Overlay district. In addition, it will provide certainty for both potential buyers and the community on what type of development will be permitted on this site. Staff recommends approval with conditions

CONDITIONS

1. In conjunction with the submittal of the final site plan, the applicant shall demonstrate through drawings and written text how the proposed plan maximizes preservation of the building's historic features.
2. The final site plan may show modifications to the existing school structure and additional buildings on the property, including new construction, consistent with the Elmington Place Neighborhood Conservation Overlay district guidelines and the attached plan.
3. The final site plan shall include all existing and proposed building elevations, and such elevations shall comply with the Elmington Place Neighborhood Conservation Overlay district guidelines.
4. The Metro Historic Zoning Commission shall advise the Metro Planning Department, prior to the scheduled Metro Planning Commission meeting, as to the proposed final site plan's consistency with the Elmington Place Neighborhood Conservation Overlay district guidelines.
5. The Metro Historic Zoning Commission shall have the authority to approve demolition of any portion of the existing building deemed non-historic or in such poor condition consistent with the guidelines of the Historic Commission, the Elmington Place Neighborhood Conservation design guidelines, the attached plan, and the final site plan.
6. The final site plan shall include details of site access and parking requirements, including access for service vehicles.
7. The Final Site Plan shall be required to have water quality measures and may be required to provide detention facilities.
8. A water and sewer capacity letter shall be required with the final site plan.
9. No new construction shall be permitted within the NES easement.
10. Uses are limited to 11 residential units that may be accommodated within the existing building, a combination of units accommodated within a portion of the existing building and single-family units, or single-family units only.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
12. 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.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits

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

Resolution No. BL2008-36

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-007U-10 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. In conjunction with the submittal of the final site plan, the applicant shall demonstrate through drawings and written text how the proposed plan maximizes preservation of the building’s historic features.
2. The final site plan may show modifications to the existing school structure and additional buildings on the property, including new construction, consistent with the Elmington Place Neighborhood Conservation Overlay district guidelines and the attached plan.
3. The final site plan shall include all existing and proposed building elevations, and such elevations shall comply with the Elmington Place Neighborhood Conservation Overlay district guidelines.
4. The Metro Historic Zoning Commission shall advise the Metro Planning Department, prior to the scheduled Metro Planning Commission meeting, as to the proposed final site plan’s consistency with the Elmington Place Neighborhood Conservation Overlay district guidelines.
5. The Metro Historic Zoning Commission shall have the authority to approve demolition of any portion of the existing building deemed non-historic or in such poor condition consistent with the guidelines of the Historic Commission, the Elmington Place Neighborhood Conservation design guidelines, the attached plan, and the final site plan.
6. The final site plan shall include details of site access and parking requirements, including access for service vehicles.
7. The Final Site Plan shall be required to have water quality measures and may be required to provide detention facilities.
8. A water and sewer capacity letter shall be required with the final site plan.
9. No new construction shall be permitted within the NES easement.
10. Uses are limited to 11 residential units that may be accommodated within the existing building, a combination of units accommodated within a portion of the existing building and single-family units, or single-family units only.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
12. 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.
13. 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 residential SP is consistent with the Green Hills/Midtown Residential Medium policy, which is intended for residential developments with a density of between four and nine units per acre.”

XI. PUBLIC HEARING: CONCEPT PLANS

17. **2006S-055G-06**
Travis Place Preliminary Extension
Map 126-00, Parcels 147, 565
Subarea 6 (2003)
Council District 35 – Bo Mitchell

A request to extend preliminary approval for Travis Place Subdivision for one year, approved for 140 single-family residential lots, and a variance from Section 1-9.2 of the Subdivision Regulations which prohibits the extension of a preliminary plat approved under the previous Subdivision Regulations adopted March 21, 1991.

Staff Recommendation: Approve

APPLICANT REQUEST-Preliminary Plat Extension and Variance

A request to extend the preliminary approval for Travis Place Subdivision for one year, approved for 140 single-family residential lots, and for a variance from Section 1-9.2 of the Subdivision Regulations which prohibits the extension of a preliminary plat approved under the previous Subdivision Regulations adopted March 21, 1991.

Zoning

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

SUBDIVISION DETAILS - The original preliminary plat for Travis Place Subdivision was approved by the Planning Commission on February 23, 2006, under the previous Subdivision Regulations that were adopted March 21, 1991.

The current Subdivision Regulations do not allow for extensions of approvals for preliminary plats. Section 1-9.2 of the current regulations states that “any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extension shall be granted for these subdivisions.”

The applicant has requested that the plat be extended under the old regulations which will require a variance to Section 1-9.2 of the current Subdivision Regulations. The applicant has requested the extension because significant progress has taken place on the site, and the construction plans have been approved by Metro Public Works, TDEC, and Harpeth Valley Utility District. Also, approximately 50% of the grading has been completed, and approximately 50% of the storm sewer infrastructure has been installed.

A final plat was previously submitted for Phase 1, which, if recorded, would negate the need to extend the preliminary approval. The plat has not been recorded because the applicant has chosen to reduce the bond amount by constructing some of the infrastructure prior to recording. The construction was scheduled to be completed at this time, but weather has delayed the project. The applicant estimates that it will be another three to four months before construction will be completed, and the plat can be recorded.

STAFF RECOMMENDATION - Staff recommends that approval of the plat be extended for one year and that a variance to Section 1-9.2 be granted since significant progress has been made in Phase 1. The applicant anticipates recording a final plat for lots in Phase 1 in the near future.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2008-37

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-055G-06 is **APPROVED, including a variance to Section 1-9.2. to allow the extension of preliminary plat approval. (10-0)”**

- 18. 2008S-048U-05**
Riverside Drive
Map 083-11, Parcel 080
Map 083-15, Parcel 193
Subarea 5 (2006)
Council District 7 - Erik Cole

A request for concept plan approval to create 18 lots on property located at Riverside Drive (unnumbered), at the northwest corner of Riverside Drive and Huntleigh Drive (6.41 acres), zoned R10, requested by Riverside Development LLC, owner, American Engineers Inc., surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan

A request for concept plan approval for 18 lots on two parcels of land containing 6.41 acres located on the west side of Riverside Drive approximately 1,200 feet south of Eastland Avenue.

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.

SUBDIVISION DETAILS - This request is to subdivide two properties located on the west side of Riverside Drive into 18 single-family residential lots with a density of approximately 2.8 units per acre. Lots range in size from 11,170 square feet to 31,449 square feet. No new roads are proposed and lots will be accessed from individual drives off Riverside Drive.

The properties are currently vacant and do not contain any steep slopes or other environmentally sensitive lands that would limit development. While there are no natural constraints on the property, a high voltage power line runs parallel to Riverside Drive bisecting the property. The lines have a 100 foot easement in which no buildings may be placed and consequently limits where buildings can be placed on the proposed lots.

A railroad line is located on the western boundary of the property, running the entire length of the rear property line. The rail line contains two tracks and is a highly active line. The Subdivision Regulations require a buffer strip at least 25 feet in depth adjacent to railroad right-of-ways (Section 3-4.2.e.1).

With the TVA easement, 25 foot railroad buffer, and 20 foot rear setback requirement, building envelope depths are reduced to approximately 30 feet. A 30 foot building envelope depth is not sufficient as it will not allow for a variety of building types, and will result in a building pattern that is not compatible with the surrounding area. Once lots are sold, new property owners will likely request setback variances in order to provide a deeper building envelope.

To provide a deeper building envelope that will allow for the construction of homes that are more consistent with existing homes in the surrounding area, the applicant must apply for a rear yard setback variance from the Zoning Board of Appeals. The rear yards will not abut any other residential lot and will also have a 25 foot wide landscape buffer. To ensure that building envelopes will allow for the construction of residential units that are more compatible with the surrounding area, the variance to the rear setback should be at least 10 feet. Prior to submittal of the development plan, the applicant must obtain a variance to the rear setback for at least 10 feet from the Zoning Board of Appeals. If a variance cannot be obtained then the final plat will not be recorded.

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 No Exceptions Taken

WATER SERVICES RECOMMENDATION Will require an off-site sewer line extension.

STAFF RECOMMENDATION Staff recommends approval with conditions, including that a variance to the rear setback be obtained from the Zoning Board of Appeals prior to the submittal of the development plan.

CONDITIONS

1. Prior to submittal of the development plan a variance from the Zoning Board of Appeals must be granted for at least 10 feet. If a variance can not be received then the final plat should not be recorded.
2. This request will require the extension of an off-site sewer line. Plans for the extension of this sewer line shall be submitted to Metro Water Services and must be approved at the Development Plan application stage.

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

Mr. Mike Barnes, 267 Riverside Drive, spoke in opposition of the proposal. He submitted a photo to the Commission for the record.

Ms. Marsha Mitchell spoke in opposition to the proposal.

Mr. Mark Casias, 267 Riverside Drive, spoke in opposition to the proposal.

Mr. Seth Brown, 535 Skyview Drive, spoke in opposition to the proposal.

Mr. Al Devasher, 107 Stillwater Court, spoke in favor of the proposal.

Mr. Bill Clark, 2305 Brittany Drive, spoke in opposition to the proposal.

Councilmember Cole acknowledged the limitations of the power lines and railroad track located on or near the parcel. He explained that he has held neighborhood meetings for this area and shared some of the concerns of the residents. He also explained that the community has developed restrictive covenants to assist with the development for this area.

Ms. Nielson questioned whether this area was actually used as a dumping location in the past.

Mr. Swaggart stated he had no record of this parcel being used as a dumping area. He further explained that this parcel met all of the subdivision regulations.

Mr. Bernhardt clarified that staff was not aware of any dumping on this parcel until today's public hearing.

Mr. Clifton suggested that if the Commission were to approve this request, they could add a condition to have the Metro Health Department or some other civil group review the issue of dumping on this site. He also spoke of the parcel already being zoned for the subdivision with the requested density and that there was no reason to deny the request.

Ms. Cummings requested additional information on the existing homes located in the area.

Councilmember Cole explained the physical aesthetics of the neighborhood to the Commission.

Ms. Cummings clarified that the proposal would only contain single-family homes. She agreed that a condition should be placed on the proposal to check for hazardous materials on this site prior to building.

Mr. Tyler questioned whether the TVA lines were located on the duplex property.

Mr. Gotto questioned whether staff had any information that would verify the issue of residents living too closely to electrical lines and whether it would cause any health problems.

Mr. Swaggart explained that he did not have that information.

Mr. Gotto requested clarification on the Zoning Administrator's ruling on this subdivision.

Mr. Swaggart explained the variance issued to this developer by the Zoning Administrator.

Mr. Kleinfelter further explained the rear-yard set backs as ruled on by the Zoning Administrator.

Mr. Ponder expressed issues with the power lines located on the parcel. He stated he was not in favor of approving this proposal.

Ms. Jones commented that the railroad tracks should not deter the commission's ruling on this proposal. She has more concern for the electrical power lines located on the parcel.

Mr. Dalton stated he was not in favor of the proposal due to the electrical power lines.

Ms. LeQuire agreed that an environmental study should be added and possibly used for both the power lines and the soil.

Mr. Morrissey offered additional information in which the Commission could act on this proposal. He stated that the subdivision could be approved or denied based on the suitability of the land in which it is to be developed.

Mr. Bernhardt added that the regulations also mention utilities as an option to either approve or deny.

Mr. Clifton stated that the Commission could not vote on this request due to the lack of information on whether the power lines would be considered a safety hazard.

Mr. Bernhardt suggested that the Commission ask whether the applicant would be in favor of deferring this proposal until they could provide the Commission with information regarding the geotechnical study as well as the impacts of the electrical power lines located on the parcel.

The applicant agreed to the deferral.

Mr. Clifton moved and Ms. Jones seconded the motion, which passed unanimously, to defer Subdivision 2008S-048U-05 indefinitely, or until such time the applicant can provide a geotechnical study on the soils, as well as a study on any electrical impact of the power lines located on this parcel. **(10-0)**

Resolution No. BL2008-38

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-048U-05 is DEFERRED INDEFINITELY. (10-0)"

XII. PUBLIC HEARING: FINAL PLATS

- 19. 2008S-039G-04**
Roy T. Weatherholt Resub.
Map 043-06, Parcels 342, 355
Subarea 4 (1998)
Council District 9 - Jim Forkum

A request for final plat approval to modify lot lines between properties located at 617 Farview Drive and 936 Snow Avenue, at the northeast corner of Snow Avenue and Farview Drive (1.82 acres), zoned RS7.5, requested by Roy Weatherholt et ux, owners, Rocky L. Montoya, surveyor.

Staff Recommendation: Approve including an exception to lot comparability standards for area and frontage for Lot 1

APPLICANT REQUEST - A request for final plat approval to modify lot lines between properties located at 617 Farview Drive and 936 Snow Avenue, at the northeast corner of Snow Avenue and Farview Drive (1.82 acres), zoned RS7.5.

ZONING

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

PLAN DETAILS

The applicant has requested the lot lines between 617 Farview Drive and 936 Snow Avenue be modified so that the rear portion of 936 Snow Avenue is added to 617 Farview Drive. The property at 936 Snow Avenue is currently a flag shaped lot and the new lot would be a rectangular-shaped lot, similar to the lot immediately to the south. The property at 617 Farview Drive would become a T-shaped lot.

Lot Comparability Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. As the lot frontage will not change for 617 Farview Drive and more than an acre in area is being added to this lot, a lot comparability analysis was not performed for this lot.

Lot comparability analysis was performed for 936 Snow Avenue and yielded the following information:

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
Snow Avenue	16,770	82

As proposed, this lot will have an area of 15, 655 sq. ft. and a frontage of 75.77 feet which fails for both area and frontage.

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

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

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Residential Medium Density (RM) land use policy. RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION - Staff recommends approval of the final plat and granting an exception to lot comparability. The proposed subdivision is consistent with the land use policy, which is one of the qualifying exceptions to the lot comparability requirement.

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

Ms. Julia Kinsolving, 628 Farview Drive, spoke in opposition to the proposal.

Ms. Shiela King, 631 Farview Drive, spoke in opposition to the proposal.

Mr. Roy Weatherholt spoke in favor of the proposed modification.

Mr. Clifton requested further clarification on this application.

Ms. Bernards further explained this request to the Commission.

Mr. Bernhardt added that if additional changes were to be made to this request, that the applicant would have to re-submit their intentions, thus requiring a public hearing before the Commission.

Mr. McLean questioned whether the modification would cause encroachment issues in the rear yard.

Ms. Nielson moved and Mr. Gotto seconded the motion, which passed unanimously to approve Final Plat 2008S-039G-04, including an exception to lot comparability standards for area and frontage for Lot 1.

Resolution No. BL2008-39

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-039G-04 is **APPROVED, including an exception to lot comparability standards for area and frontage for Lot 1. (10-0)**”

- 20. 2008S-043U-12**
Blanchard Heights, Resub. Lot 92
Map 148-14, Parcel 073
Subarea 12 (2004)
Council District 30 - Jim Hodge

A request for final plat approval to create 2 lots on property located at 3801 Creekside Drive, at the northeast corner of Creekside Drive and Packard Drive (0.84 acres), zoned R10, requested by Roy Newsom Jr., owner, Campbell, McRae & Associates Surveying, Inc., surveyor.

Staff Recommendation: Approve, including an exception to lot comparability for frontage for Lot 2

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 2 lots on 0.84 for property located at 3801 Creekside Drive.

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.

SUBDIVISION DETAILS

General The plan calls for the creation of two new lots on an existing lot that is located at 3801 Creekside Drive which is on the northeast corner of Packard Drive and Creekside Drive.

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

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Creekside	14,6080	100
Packard	22,304	100

The two new lots will have the following areas and street frontages:

- Lot 1: 22,407 sq. ft., (.50 acres), with 150 linear ft. of frontage on Packard Drive, and 105 linear ft. of frontage on Creekside Drive.
- Lot 2: 17,253 sq. ft., (.40 acres), with 95 linear ft. of frontage on Creekside Drive.

Both lots meet minimum requirements for area. Lot 1 meets the minimum requirement for frontage, but Lot 2 falls short by approximately 5 feet along Creekside Drive.

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

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

- Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property. RLM policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends that the subdivision be approved, including an exception to lot comparability for frontage on Lot 2. The density of the subdivision is approximately 2.4 units per acre, and is consistent with the area’s RLM policy and the context of the existing development.

Mr. Swaggart presented and stated that staff is recommending approval, including an exception to lot comparability for frontage for lot 2.

Ms. Gail Holland, 205 Creekside Court, spoke in opposition to the proposal.

Mr. Roy Newsom spoke in favor of the proposal.

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

Mr. Tyler requested additional information on the square footage of Creekside Drive.

Ms. Cummings clarified that the subdivision would only allow a single-family dwelling. She then inquired as to whether other lots located in the area could also subdivide their lots.

Mr. Swaggart explained that the frontage, as well as lot comparability, on the remaining lots, would not allow subdivisions.

Mr. Clifton offered that the regulations supporting lot comparability would protect the remaining area, as

far as subdividing additional lots.

Mr. Clifton moved, and Mr. Ponder seconded the motion, which passed unanimously, to approve Final Plat 2008S-043U-12 including an exception to lot comparability for frontage of Lot 2. **(10-0)**

Resolution No. BL2008-40

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-043U-12 is **APPROVED, including an exception to lot comparability standards for frontage for Lot 2. (10-0)**”

- 21. 2008S-047G-04**
Douglas-Levine Final Plat, 1st Rev. Lots 19 &
Map 042-16, Parcels 157, 159
Subarea 4 (1998)
Council District 4 - Michael Craddock

A request to create 4 lots located at 300 Madison Street and 301 Woodruff Street, abutting Douglas Street (1.44 acres), zoned CS, requested by Elbert R. Barrett et ux, owners, Bruce Rainey & Assoc., surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to create four lots from two existing lots located at 300 Madison Street and 301 Woodruff Street, abutting Douglas Street (1.44 acres), zoned Commercial Service (CS).

ZONING

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

PLAN DETAILS This request proposes to subdivide two existing lots on an existing street into four lots. The properties are zoned Commercial Services and are intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The lots will be between 13,500 and 16,500 square feet, which is consistent with the smaller lot sizes along Douglas Street. This request meets all the requirements of the Subdivision Regulations and the Zoning Ordinance, but it could not be approved administratively because it creates more than two lots.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval because the request complies with the Subdivision Regulations and Zoning Ordinance.

Approved, (10-0) *Consent Agenda*

Resolution No. BL2008-41

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-047G-04 is **APPROVED. (10-0)**”

XIII. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS

22. 93-86-P-06

Lakeshore Meadows (Amend)
Map 141-00, Parcel 014
Subarea 6 (2003)
Council District 35 - Bo Mitchell

A request to amend the preliminary plan of Lakeshore Meadows Planned Unit Development located abutting the south margin of Coley Davis Road and the west margin of Dona McPherson Drive, classified CL, and RM6, (18.39 acres) to permit a 94 bed, assisted-living facility containing 103,625 square feet in lieu of an approved 10,000 square foot commercial building, increasing the total approved square footage from 366,164 square feet to 457,789 square feet for the overall development, requested by Ragan-Smith-Associates Inc., applicant, for Lakeshore Estates Inc.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Amend Preliminary & PUD Final Site Plan

A request to amend the preliminary plan of Lakeshore Meadows Planned Unit Development located abutting the south side of Coley Davis Road and the west side of Dona McPherson Drive, classified Commercial Limited (CL) and Multi-Family Residential (RM6), (18.39 acres) to permit a 94 bed, assisted-living facility containing 103,625 square feet, replacing an approved 10,000 square foot commercial building, increasing the total approved square footage from 366,164 square feet to 457,789 square feet for the overall development.

PLAN DETAILS The Lakeshore Meadows PUD is approved for a 105,200 square foot nursing home and 72 multi-family units, which have already been constructed. This amendment proposes to change the approved, but unbuilt, 10,000 square foot commercial building to an assisted-care living facility with 94 beds. Assisted-care living is consistent with the nursing home use already approved in the PUD. Because this increases the overall square footage in the PUD more than 10%, from 366,164 square feet to 457,789 square feet, the change is required to be approved by Metro 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.

Dona McPherson Drive east of Red Maple Drive has not been accepted for maintenance. Dedicate and record right of way. Roadway to be inspected and accepted for maintenance.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions because this use is consistent with uses already approved in the Lakeshore Meadows PUD.

CONDITIONS

1. Prior to the issuance of building permits, a final plat must be recorded to dedicate Dona McPherson Drive east of Red Maple Drive as a public road.
2. Label zoning districts.
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. 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.

5. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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, (10-0) **Consent Agenda**

Resolution No. BL2008-42

“BE IT RESOLVED by The Metropolitan Planning Commission that 93-86-P-06 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to the issuance of building permits, a final plat must be recorded to dedicate Dona McPherson Drive east of Red Maple Drive as a public road.
2. Label zoning districts.
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. 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.
5. 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.
6. 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.
 7. 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.
 8. 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.
 9. 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.
 10. 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.
- The proposed PUD amendment for the expansion of an assisted living care facility is consistent with the intent of the overlay.”**

- 23. 16-87-P-06**
 Collins Road Commercial PUD (Designer Floors)
 Map 155-00, Parcel 105
 Subarea 6 (2003)
 Council District 35 - Bo Mitchell

A request to revise the preliminary plan and for final approval for the Planned Unit Development located at 8267 Collins Road, at the southwest corner of Collins Road and Highway 100 (1.32 acres), zoned CN, to permit the development of a 13,403 square foot retail building, replacing a gas station, requested by PBJ Engineering, Design and Development, LLC, applicant, for Christopher and Hyun H. Chung, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST A request to revise the preliminary plan and for final approval for a Commercial Planned Unit Development district located at 8267 Collins Road, at the corner of Collins Road and Highway 100, to permit a 13,403 square foot retail building, replacing a gas service station.

PLAN DETAILS

History This commercial PUD was originally approved by Metro Council in 1987, for a 12,769 square foot retail use. The plan was subsequently revised by the Planning Commission to permit a convenience market, gas-station and car wash. The convenience market was demolished in July 2006, and the site is currently vacant.

Proposed Plan The proposed plan includes a 13,403 square foot building for a flooring store. The building is to include 4,000 square feet of retail space, 3,442 square feet of office space, and 5,961 square feet of inventory space. The plan includes sidewalks along both Highway 100 and Collins Road, with a 10-foot scenic landscape easement along Highway 100.

The proposed revision does not exceed 10% of the total floor area last approved by the Metro Council. The Council approved plan in 1987, was for 12,769 square feet of retail, while the proposed plan is for 13,403 square feet.

Access and Parking Access points remain consistent with the Council approved plan with one access point on Collins Road and a second access point onto Highway 100. Inventory space requires one parking space per 1,000 square feet, the retail space requires one parking space per 200 square feet and the office space requires one space per 300 square feet for a total of 38 required parking spaces.

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.

Show and dimension right of way along Collins Road. Label and dedicate right of way 30' from centerline to property boundary, consistent with the approved major street / collector plan.

Show and dimension right of way along Highway 100 at property corners. Dimension from centerline. Label and show reserve strip for future right of way, 50 feet from centerline to property boundary, consistent with the approved major street plan (S4 - 100' ROW).

Remove driveway connection from the Collins Road/ Learning Lane intersection.

STORMWATER RECOMMENDATION

1. According to Metro GIS information, the existing 15-inch RCP and headwall shown on the Demolition Plan C1.3 is a culvert diagonally crossing Collins Road. It terminates at the corner of Collins and Learning Road into the ditch on the north side of Learning Road. The Metro GIS information based on field information indicates that the size is actually 18-inch.
2. Add a note on the Erosion Prevention and Sediment Control (EPSC) Plan sheet requiring the contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting.
3. Provide Final Stabilization measures for all disturbed areas on the final Grading and Drainage Plan, C3.1.
4. Provide final grading slopes 3:1 or greater with approved MWS erosion control matting.
5. Final Design Calculations to be stamped, signed and dated by a Tennessee P. E. The property survey provided did not have the surveyor's stamp.
6. The proposed 24-inch RCP culvert outlet is shown in different locations on sheets C2.1 and C3.1. The pipe on Sheet C3.1 extends to the water quality buffer of the receiving stream. If enclosure of the ditch is intended, MWS policy does not approve enclosure of an open ditch, exceptions include that the enclosure is due to a safety concern or the ditch capacity is extended.
7. Provide the discharge outflow velocity and include outlet protection detail.
8. The pipe size, material, and slope for the proposed pipe under Collins Road were not shown on the sheet C3.1.
9. The Sediment Trap storage volume must include 134 cubic yards per acre for settling and an additional 45 cubic yards per acres for sediment storage. The discharge must have outlet protection in place and shown on the EPSC sheet.
10. Sheet C2.1 drawing does not include the Underground Sand Filter. Underground detention structures from a previous design are shown.
11. The ditch located on the north side of the property should have side slopes of 3:1 or less. Provide geotextile lining to prevent erosion. Reference Metro Stormwater Manual, Volume 4, PESC-02. How will the ditch enter the existing roadside ditch?
12. The design calculations provided indicate three runs of Stormtech. The detention pipe system on sheet C3.1 appears to be two 48-inch pipes, 90 and 100 feet respectively.
13. For the drainage system including and through the underground detention pipes and sand filter, provide pipe flow, capacity, full flow velocity, Manning's n, pipe slope, and hydraulic grade line at each structure for the 10-year storm event. Provide a Drainage Table showing all structures. The drainage calculations provided only included three pipes and some sizes, lengths, and slopes listed do not match the information given on sheet C3.1.
14. From the design calculations, the total site area is 1.32 acres; the proposed impervious area is 0.96 acres. These numbers result in a percent impervious area of 72.7%. The percent impervious area

- used in the Stormtech System WQv calculations is 68.8%. The underground sand filter calculations use a value of 72.2%.
15. From the underground sand filter calculations, the volume provided is based on the outside dimensions of the sand filter. Use the inside dimensions, less the concrete wall widths, to determine the volume provided.
 16. Elevations of the inlet, temporary ponding, and permanent pool were not included in the Underground Sand Filter drawing. The elevations should be listed in the drainage system calculations. Provide the length dimension of the forebay (permanent pool).
 17. Provide additional sand filter calculations for the volumes of the forebay, forebay surface area, and temporary storage volume. The equations are provided in PTP-11 in the Metro Stormwater Manual.
 18. Provide the size of the underdrain perforated pipes and place the pipes in an 11" gravel jacket. Place filter fabric between the sand and gravel jacket. Provide a cross section of the filter bed.
 19. Provide a bypass of the sand filter for the 100-year storm event.
 20. The silt fences are shown on the drawings crossing contour lines. Such placement may result in increasing erosion rather than preventing it. Place silt fences along contour lines.
 21. A Long Term Maintenance Plan will be required after final technical review and prior to issuance of the Grading Permit. The plan must contain at a minimum the following:
 - a. The completed Inspection and Maintenance Agreement. A blank copy of this form is the Metro Stormwater Manual, Volume 1, Appendix C.
 - b. Description and locations of stormwater system components to be inspected, prepared by the engineer.
 - c. Schedule of inspections and the techniques used to inspect and maintain the stormwater system BMPs.
 - d. Where and how the trash, sediment and other pollutants removed from the stormwater system will be disposed.
 - e. Schematics of BMPs located on the site.
 22. The plan is usually completed during the Technical Review when the BMP and Water Quality Structures are reviewed.

STAFF RECOMMENDATION The plan is consistent with the originally approved concept and staff recommends approval 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 any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. BL2008-43

"BE IT RESOLVED by The Metropolitan Planning Commission that 16-87-P-06 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

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

XIV. OTHER BUSINESS

24. Amendment to the contract (Metro contract # L-1917) between the Metropolitan Government of Nashville & Davidson County and EDAW, Inc. for professional services related to the conduct of the MPO Northeast Corridor Major Investment Study.

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


25. Executive Director Reports
26. Legislative Update

XV. ADJOURNMENT

The meeting adjourned at 9:25 p.m.

Chairman

Secretary



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