



**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**

*3/13/2008*

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*4:00 PM*

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Victor Tyler  
Councilmember Jim Gotto

**Staff Present:**

Rick Bernhardt, 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  
Steve Mishu, Metro Water

**Commission Members Absent:**

Ann Nielson  
Derrick Dalton  
Andrée LeQuire, representing Mayor Karl Dean

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**I. CALL TO ORDER**

The meeting was called to order at 4:04 p.m.

**II. ADOPTION OF AGENDA**

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the agenda as presented. **(7-0)**

**III. APPROVAL OF FEBRUARY 28, 2008 MINUTES**

Mr. Ponder moved to approve the February 28, 2008 minutes.

Mr. Clifton suggested that prior to approving the minutes of February 28, 2008, that the Commission consider amending these minutes, by removing Item #13, 2008Z-023T, LED Signs, which was on the

Last printed 4/18/2008 6:51:00 AM

Consent Agenda for approval with an amendment. Mr. Clifton further explained that this bill was deferred indefinitely at Council, and due to its intensity, the Commission should re-hear this bill.

Mr. Ponder amended his motion, which was seconded by Ms. Cummings, which passed unanimously, to amend the minutes of February 28, 2008, and remove Item #13, 2008Z-023T, LED Signs, from the Consent Agenda, so that the Commission can re-consider this bill at their next meeting, of March 27, 2008. (7-0)

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the minutes of February 28, 2008 as amended. (7-0)

#### **IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Harrison spoke in opposition to Item #1, 2008S-007U-03, Villages of Ewing Creek. He explained that the developer held a community meeting, and there were still many issues and concerns expressed by the community surrounding this development. He suggested that the Commission recommend disapproval unless they were sure that many of the issues and concerns would be addressed by the developer.

Councilmember Hunt spoke in favor of Items #2 and 3, 2006Z-124G-02 and 2006P-013G-02, Cone Property. He stated that he had not received any opposition and that this development will be an enhancement to his district. He requested its approval.

Councilmember McGuire acknowledged that Item #6, 2007S-214A-10, Lone Oak Heights was deferred indefinitely due to issues relating to setbacks. He then expressed his concerns regarding Item #7, 2008S-052U-10, Sharondale Heights. He stated that if the applicant would not agree to single-family units only, the Commission should recommend disapproval.

Mr. Kleinfelter 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."

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

6. 2007S-214A-10 A request to amend the front setback along Randolph Place from 75 to 30 feet for property located at 4500 Randolph Place, at the southwest corner of Lone Oak Road and Randolph Place, zoned R20 – deferred indefinitely at the request of the applicant.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. (7-0)

#### **VI. PUBLIC HEARING: CONSENT AGENDA ZONING MAP AMENDMENTS**

5. 84-87-P-13 A request to cancel and amend a portion of the preliminary plan for properties located at Old Franklin Road, approximately 660 feet north of Crossings Boulevard, classified R10 and AR2a and located within the Crossings Planned Unit Development Overlay to remove one parcel and a portion of another from the boundaries of the PUD and to remove a portion of Crossings Circle right-of-way from the approved PUD plan. -Approve

#### **OTHER BUSINESS**

8. Contract renewal for the temporary Professional Planning Services of Melissa Stevens. -Approve

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously to adopt the Consent Agenda as presented. (7-0)

## **VII. PREVIOUSLY DEFERRED ITEMS**

- 1. 2008S-007U-03**  
VILLAGES OF EWING CREEK  
Map: 059-00 Part of Parcel 063  
Subarea 3  
Council District 2

A request for concept plan approval to create 266 lots within a cluster lot development, 247 single-family lots and 19 duplex lots for a total of 285 units, on a portion of property located at 2832 Whites Creek Pike, approximately 1,510 feet south of Briley Parkway (84.21 acres), zoned RS7.5 and R8, requested by Mark and Lisa Wright et al, owners, Dale & Associates, surveyor.

**Staff Recommendation: Approve with conditions**

### **APPLICANT REQUEST - Concept Plan**

A request for concept plan approval to create 266 lots within a cluster lot development, 247 single-family lots and 19 duplex lots for a total of 285 units, on a portion of property located at 2832 Whites Creek Pike, approximately 1,510 feet south of Briley Parkway (84.21 acres), zoned Single-Family Residential (RS7.5) and One and Two-Family Residential (R8).

**HISTORY** The Planning Commission deferred this application at the February 14, 2008, Planning Commission meeting in order to allow for additional community input. The Planning Commission must act on the application at this meeting or it will be deemed approved as the next meeting will be more than 30 days from the date the application was placed on the agenda, in this case, February 14, 2008. A community meeting was scheduled for March 6, 2008.

### **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.

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

**PLAN DETAILS** This concept plan application proposes a 266-lot cluster-lot subdivision with 247 single-family lots and 19 duplex lots for a total of 285 units. The cluster lot option is provided for in Section 17.12.090 of the Metro Code. The option allows the applicant to reduce the size of single-family lots two base zone districts. For the portion of the property within the RS7.5 zoning district, the lots can be reduced to 3,750 square feet (RS3.75). For the portion of the property within the R8 zoning district, the single-family lots can be reduced to 6,000 square feet (R6). The Code does not permit use of the cluster option for duplex lots, so any lot identified on the plan as a duplex lot must be 8,000 square feet.

Section 17.16.030.D. of the Code limits the number of duplex lots to 25% of the number of lots in the subdivision. There are 48 lots proposed in the portion of the subdivision that falls within the R8 zoning district, which would allow 12 duplex lots. The plan currently shows 19 duplex lots. Seven lots will need to be converted to single-family lots, including Lots 12 and 111, which are identified as duplex lots but are below the 8,000 square foot minimum. The duplex lots could not be distributed throughout the entire development as they can only be located within the portion of the property zoned R8. With the elimination of seven lots, the remaining duplex lots should be located primarily on corner lots and not grouped in any one location or along any one street.

**Site Access** The site will be accessed from two points along Whites Creek Pike and from Garrison Drive to the south. A second southern connection to Crouch Drive was proposed but is not possible due to an existing wetland at the end of Couch Drive. A third southern connection to Augusta Drive is not possible due to the existing building pattern. A connection to the north was considered which would have required crossing Ewing Creek. The benefit of this crossing was limited because the property to the north lies between the creek and Briley Parkway. There are opportunities to provide connections to this northern

property from the west without crossing the stream. Due to the limited benefits of this connection, staff is not recommending that it be added to the plan.

**Sidewalks** Sidewalks will be provided on all new streets and are required along Whites Creek Pike. A pedestrian connection from the southeast cul-de-sac to the commercially zoned property is required.

**Open Space** The plan includes 36.7% open space providing “use and enjoyment.” This exceeds the 15% minimum requirement for cluster lot subdivisions. The Commission’s cluster lot policy requires common open space to have “use and enjoyment” value to the residents including recreational value, scenic value, or passive use value. Residual land with no “use or enjoyment” value, including required buffers and stormwater facilities, has not been counted towards the open space requirements. An additional 6.3% of the property will be used for landscape buffer-yards and water quality facilities.

The applicant proposes two recreational facilities in accordance with Ordinance BL2007-1365, which requires recreational facilities to be provided in cluster lot subdivisions. A 285-unit subdivision requires two recreational facilities. One facility will be a gazebo with an open lawn play area and the other will be a children’s playground. This requirement will not change with the conversion of seven duplex lots to single-family lots.

Landscape buffer yards are required and shown on the plan along the southern edge of the property.

A greenway runs along Ewing Creek. A “Dedicated Conservation/Greenway Public Access Trail Easement Area” has been identified on the plan.

**Wetlands And Streams** The Stormwater Division has noted that the buffer shown within the wetlands and the stream adjacent to lots 218 and 219 are incorrectly depicted. The required increased width will impact both lots 218 and 219. These lots cannot encroach into the buffer and must either be reconfigured to be completely outside of the buffer area or removed from the plan.

**Critical Lots** A number of lots have been identified as critical lots due to steep slopes. Those critical lots with natural slopes that generally rise away from, or are parallel to, the fronting street must provide a building envelope on less than twenty percent natural slope and a minimum lot width of 75 feet at the building line as required by 17.28.030 of the Zoning Code. As required by Section 3-3.4 of the Subdivision Regulations, a preliminary grading study was submitted with this concept plan.

There are a number of lots located in the existing 100-year floodplain. These lots are identified as critical lots.

#### **PUBLIC WORKS RECOMMENDATION**

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Provide documentation of adequate sight distance at proposed access roads. Prior to the submittal of construction plans, submit a field run survey demonstrating adequate sight distance.
3. Construct a northbound left turn lane on Whites Creek Pike at the proposed northern access road with 100 ft of storage and transitions per AASHTO/MUTCD standards.
4. Construct a northbound left turn lane on Whites Creek Pike at the proposed southern access road with 100 ft of storage and transitions per AASHTO/MUTCD standards.
5. Construct a continuous three (3)-lane cross-section on Whites Creek Pike between the proposed access roads.
6. Construct both project access roads at Whites Creek Pike with one entering and two exiting lanes (LT and RT) each with a minimum of 50 ft of storage.
7. Construct a northbound right turn lane on Whites Creek Pike at Knight Drive with 200 ft of storage and transitions per AASHTO/MUTCD standards.
8. Modify the traffic signal at Whites Creek Pike and Knight Drive to include a northbound right turn overlap phase and to accommodate the northbound right turn lane construction.

#### **STORMWATER RECOMMENDATION**

1. Consolidate all pertinent stormwater related details onto the Stormwater Grading and Drainage Sheet (C4.0). Zone 2 of the Floodway Buffer represents more than the "Greenway Public Access Trail Easement Area", it needs to be defined also as a 25' Floodway Buffer. Sheet C4.0 should label the Floodway, the, "50' Floodway Buffer - Zone 1," and the, "25' Floodway Buffer - Zone 2."
2. With reference to Page 12 of Chapter 6 of Volume 1 of the Stormwater Management Manual, show and label a, "25' Water Quality Buffer" for the existing Wetlands.
3. The stream, as identified by Metro GIS ArcMAP, present within the noted wetlands is incorrectly depicted. With reference to Page 12 of Chapter 6 of Volume 1 of the Stormwater Management Manual, show and label a "30' Water Quality Buffer." The Water Quality Buffer is scaled from the Tops of Bank. The total required buffer width is 30' + 30' + the top width of channel. The current Buffer is only 30' in width. Appropriate Correction is required.
4. With reference to comment #3 above, the increased buffer width of the noted stream will affect Lots 218-219. Said lots cannot encroach into the buffer. Either remove the lots from the buffer or reconfigure the Lot layout.

#### **FIRE MARSHAL RECOMMENDATION**

1. Show on plans, planned building construction type, and square footage.
2. Actual or projected flow data shall be provided on plat showing compliance with 2006 edition of NFPA 1 table H.
3. Print fire hydrant flow data on plans.
4. Provide a Master Water Plan which shows water mains, fire hydrants, and the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access, and topographic elevations.
5. All roadways with two way traffic shall comply with public works minimum requirements.
6. Any construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H. (<http://www.nashfire.org/prev/tableH51.htm>)
7. All fire hydrants shall provide a minimum of 1000 gpm @ 20 psi. If so, all single-family residences up to 3600 sq. ft. are pre-approved.
8. The final plat shall show location and flow data for fire hydrants.
9. Fire Hydrant flow data shall be provided before plat can be approved.
10. A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
11. Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a public fire main, a letter from Metro Water is required excepting the length and size.
12. Fire Hydrants shall be in-service before any combustible material is brought on site.
13. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B

**STAFF RECOMMENDATION** Staff recommends approval with conditions. Section 2-3.4.e of the Subdivision Regulations requires that, within 30 days of receiving conditional approval from the Planning Commission, a revised plan be submitted showing all required revisions have been made. If the revised plans addressing all conditions of approval are not received within 30 days, the approval will expire.

#### **CONDITIONS**

1. Seven of the lots identified as duplex lots shall be changed to single-family lots, including Lots 12 and 111. Duplex lots shall be located at corner lots and not grouped along any one street or in any one area.
2. A pedestrian connection from the southeast cul-de-sac to the commercially zoned property shall be provided.
3. Identify all lots within the floodplain and on steeply sloped lots as critical lots. Those critical lots with natural slopes that generally rise away from, or are parallel to, the fronting street shall provide a building envelope on less than 20% natural slope and a minimum lot width of 75 feet at the building line as required by 17.28.030 of the Zoning Code.

4. Stormwater requirements shall be met prior to concept plan approval including the reconfiguration or removal of Lots 218 and 219 so that no lots encroach into the required buffer areas.
5. Fire Marshal requirements shall be met prior to final plat approval.
6. Public Works requirements shall be met prior to final plat approval.
7. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

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

Mr. Ponder clarified that it was necessary that the Commission take action on this proposal due to the subdivision approval process and its requirements. He then requested clarification on the number of duplex units contained in the proposal and whether the number was within the allowable percentage for this application.

Ms. Bernards explained the requirements related to the number of duplex units included in this proposal.

Mr. Clifton requested clarification on the staff's recommendation, in particular, the conditions relating to the Stormwater requirements.

Ms. Bernards explained the staff's recommendation with emphasis on the condition relating to Metro Stormwater requirements, which are still pending from Metro Stormwater.

Ms. Cummings acknowledged the fact that the developer met with the community as requested by the Commission. She further acknowledged that as a result of the meeting, the developer reduced the number of duplexes included in the development. She then mentioned she would prefer more open space be in the proposal.

Ms. Bernards offered that the developer has exceeded his requirement of open space components included for this proposal.

Ms. Cummings then requested clarification on the number of retention ponds included in the proposal.

Ms. Bernards explained these locations to the Commission as well as the requirements on maintaining parcels located in floodplain areas.

Mr. Tyler requested additional information on the landscape buffers included in the proposal.

Mr. Gotto questioned whether the issue of the pending stormwater report, would alter the time allotted in the subdivision process.

Mr. Bernhardt stated that the pending stormwater report would not affect the time allotted for the approval or disapproval for this development. He then offered recommendations the Commission that could be used to address the pending stormwater report.

Mr. Clifton requested clarification on the floodplain requirements.

Mr. Bernhardt explained the requirements of projects located on or near floodplains.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve with conditions, Concept Plan 2008S-007U-03, as recommended by staff. **(7-0)**

**Resolution No. RS2008-44**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-007U-03 is **APPROVED WITYH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. Seven of the lots identified as duplex lots shall be changed to single-family lots, including Lots 12 and 111. Duplex lots shall be located at corner lots and not grouped along any one street or in any one area.
2. A pedestrian connection from the southeast cul-de-sac to the commercially zoned property shall be provided.
3. Identify all lots within the floodplain and on steeply sloped lots as critical lots. Those critical lots with natural slopes that generally rise away from, or are parallel to, the fronting street shall provide a building envelope on less than 20% natural slope and a minimum lot width of 75 feet at the building line as required by 17.28.030 of the Zoning Code.
4. Stormwater requirements shall be met prior to concept plan approval including the reconfiguration or removal of Lots 218 and 219 so that no lots encroach into the required buffer areas.
5. Fire Marshal requirements shall be met prior to final plat approval.
6. Public Works requirements shall be met prior to final plat approval.
7. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.”

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**VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS ON PUBLIC HEARING ZONING MAP AMENDMENTS**

2. **2006Z-124G-02**  
Map: 050-00 Parcels: 091, 129, 146  
Subarea 2  
Council District 3

A request to change from RS20 to RM9 and RS10 zoning property located at 3500 Brick Church Pike, 3474 Brick Church Pike and Brick Church Pike (unnumbered) approximately 500 feet north of Village Trail (189.64 acres), requested by Umbrella Investments, applicant, for T. F. Cone, M.C. Beck and 1st American Trust, Trustee, owners. (See also PUD Proposal No. 2006P-013G-02).

**Staff Recommendation: Approve, subject to the approval of the associated Preliminary Planned Unit Development**

**APPLICANT REQUEST** - A request to change from Single-Family Residential (RS20) to Single-Family Residential (RS10) and Multi-Family Residential (RM9) zoning for property located at 3500 Brick Church Pike, 3474 Brick Church Pike and Brick Church Pike (unnumbered) approximately 500 feet north of Village Trail (189.64 acres).

**History** On September 14, 2006, a request to change from RS20 to RS7.5 on 78.12 acres and RM9 zoning on 22.53 acres on a portion of this property was deferred indefinitely by the Metro Planning Commission at the request of the applicant.

**Existing Zoning**

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

**Proposed 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.

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

**PARKWOOD – UNION HILL COMMUNITY PLAN**

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

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

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

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

Special Policy 6 *Special Policy Area # 6. (I24 / Brick Church Pike “NG” Area)*. The plan calls for the gross average residential density of this area to be no greater than 7 housing units per acre. Some areas of residential development at higher densities are appropriate as long as the average is not exceeded. Transition and buffering is important along the edge of this area next to the NCO policy.

Special Policy 7 *Special Policy Area # 7. (I24 / Brick Church Pike “RM/RLM” Area)*. Development proposals designed in accordance with the policies and guidelines applicable to the “Neighborhood General (NG)” structure plan category are appropriate and should be considered on their merits. The average gross residential density of “NG” type development in this area should not exceed 7.0 dwelling units per acre.

**Consistent with Policy?** Yes. The proposed zoning district is consistent with the area’s land use policies and Special Policy 7 of the Parkwood-Union Hill Community Plan. Under the policies of NG, RLM and RM the maximum density yield is approximately 867 units/lots. As required by the NG policy, there is an associated preliminary Planned Unit Development (PUD) with this requested zone change. As a condition of approval of the PUD the NCO policy area is required to be preserved as open space.

**PUBLIC WORKS RECOMMENDATION**

**Typical Uses in Existing Zoning District: RS20**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached ( 210)	169.64	1.85	314	2980	230	301

**Typical Uses in Proposed Zoning District: RM4**



Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached and Attached (210 )	169.64	N/A	353*	3319	257	334

\*PUD proposes 50 duplex lots (100 units) and 230 single-family lots, and 23 cottages

**Typical Uses in Proposed Zoning District: RM4**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome ( 230 )	169.64	4	173*	1023	81	95

\* PUD proposes 173 townhomes

**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
--			+212	+1362	+108	+128

**METRO SCHOOL BOARD RePORT**

**Projected student generation 118 Elementary 94 Middle 90 High**

**Schools Over/Under Capacity** Students would attend Bellshire Elementary School, Goodlettsville Middle School and Hunters Lane High School. Goodlettsville Middle School and Hunters Lane High School have been identified as full by the Metro School Board. There is capacity within cluster for middle school students and in an adjacent cluster for high school students.

**School site dedication** Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer, for dedication, a school site in compliance with the standards of Section 17.16.040 for middle schools with capacity of 800 students. This is a condition of approval of the associated preliminary PUD.

**STAFF RECOMMENDATION** The requested RS10 and RM9 zoning districts and the associated preliminary PUD are consistent with the area's policies and staff recommends that the rezoning request be approved subject to the approval of the associated PUD. In addition, a condition of approval of the associated PUD will be to preserve the Natural Conservation policy area as open space.

*[Note: Items #2 and #3 were discussed together by The Metropolitan Planning Commission. See Item #3 for actions and resolutions.]*

- 3. 2006P-013G-02**  
**CONE PROPERTY**  
 Map: 050-00 Parcels: 129,146,091  
 Subarea 2  
 Council District 3

A request for preliminary approval for property located at 3500 Brick Church Pike, 3474 Brick Church Pike and Brick Church Pike (unnumbered) approximately 500 feet north of Village Trail (189.64 acres), to permit 255 single-family dwelling units, 173 townhome units, 23 cottages and 51 duplex lots for a total of 553 units, zoned RS20 and proposed for RS10 and RM9 zoning, requested by Dale & Associates, applicant, for T.F. Cone and M.C. Beck and 1st American Trustee, owners (See also Zone Change Proposal No. 2006Z-124G-02).

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary PUD**

A request for preliminary PUD approval for property located at 3500 Brick Church Pike, 3474 Brick Church Pike and Brick Church Pike (unnumbered) approximately 500 feet north of Village Trail (189.64), to permit 255 single-family dwelling units, 173 townhome units, 23 cottage units and 51 duplex lots for a total of 553 units.

**History** On September 14, 2006, a request for preliminary approval for a Planned Unit Development district to permit 143 townhomes and 276 single-family lots on a portion of this property was deferred indefinitely by the Metro Planning Commission at the request of the applicant.

**PLAN DETAILS**

**Site Design** The plan proposes 255 single-family lots, 51 duplex lots, 23 cottage units, and 173 townhomes located on approximately 189.64 acres. Approximately 83.34 acres will be open space. The cottage units are to be located on the eastern edge of the site and the townhomes are to be located in four pockets on the eastern, western and southern edges of the site. The lot table provided with the plan does not accurately reflect the lot count. A corrected lot table must be provided. In addition, the plan does not show the correct acreage for the three parcels, which also must be corrected on the revised preliminary plan.

Single-family lots range in size from 5,180 square feet to 14,519 square feet. Duplex lots range in size from 5,760 square feet to 16,227 square feet and are within the area proposed for the RM9 zoning district.

The cottage units are in two rows, with rear access from a drive surrounding a green. While the front units face Brick Church Pike and provide the entrance to the PUD, the rear units appear to face the rear or side yards of the adjacent single-family lots. In some locations within the proposed PUD, building types should be relocated to create a stronger streetscape with compatible types of lots on both sides of the street. There remain unresolved design issues with the cottage portion of the PUD and with the creation of strong streetscapes. Prior to approval of the final PUD site plan, the Planning staff must approve revisions to the design to address these issues.

There is one larger lot with an existing house shown on the plan. The Jackson House is a National Register eligible property, discussed below in the Historical Commission's comments, and is located adjacent to the area classified as Natural Conservation. The historic property is a highly unusual example of Victorian-era farmhouse with strong Queen Anne and Italianate influences. There is no lot number assigned to this lot and the acreage has not been provided. A lot number must be assigned and the acreage included in the lot table. The Historical Commission has expressed serious concerns with the treatment of the historic house and outbuildings, which are not shown on the plans. The Historical Commission recommends that the house and outbuildings be retained together on enough acreage to retain its rural setting. This house must be given adequate separation from any residential units. Staff recommends that lots 264, 265 and 266 be incorporated into the lot for the historic house. The lot is bordered by a stream to the south and west with open space across the stream.

**Plan Details** A number of elements are missing from the plan and must be added. These include the identification of all proposed and existing sewer and utility lines on site plan, labeling of fire hydrants, screening details for dumpster receptacles, a development schedule for phases of construction, and Floor Area Ratio and Impervious Surface Ratios for the development.

**Access and Parking** Access is provided through two street connections to Brick Church Pike. Two stub streets have been provided on the north side to provide connections to future development.

One street includes a creek crossing that accesses a limited number of lots. As this provides a proposed future connection to the undeveloped property to the northeast, staff recommends approval of the crossing.

The plan also shows an adequate internal sidewalk system which will allow ease of pedestrian movement regarding the residential portions of the development. An alley system will allow for rear access to some of

the lots. The alley shown between Lots 162, 163 and 310 must be converted to a public street with sidewalks.

There are 421 parking spaces proposed for the townhouse units. The plan does not provide information on the number of bedrooms for these units but the code sets parking based on bedroom counts. The required parking may increase depending on the type of unit proposed. The requirements for parking of the Zoning Code must be met with the revised preliminary plan.

**Open Space** The proposed plan includes 49% open space provided in a variety of ways. There is a mix of active and passive open spaces. The land within the Natural Conservation policy will be preserved. One clubhouse is located near the southeastern proportion of the PUD. The North Fork of Ewing Creek cuts through the eastern side of the townhouse section and a greenway conservation and public access trail easement will be dedicated.

A “C” type landscape buffer yard is shown along the north, south, and western property line.

**Design Standards** Staff recommends that several design standards be included as conditions to help this new development blend with the existing development in the area:

- Minimum lot sizes for all single family and two-family dwellings shall be 5,000 square feet, contain a maximum building coverage of .50, and shall not exceed 3 stories in height. Minimum rear setbacks shall be 20 and side setbacks shall be a minimum of 5 feet.
- Minimum lot sizes for all multifamily buildings shall be 15,000 square feet, exceeding no more than 9 dwelling units per acre. Minimum rear setbacks shall be 20 and side setbacks shall be a minimum of 10 feet. The maximum height at all setback lines shall be 20 feet.

**School Site Dedication** The projected student generation of this project is 118 elementary school students, 94 middle school students and 90 high school students. Students would attend Bellshire Elementary School, Goodlettsville Middle School and Hunters Lane High School. Goodlettsville Middle School and Hunters Lane High School have been identified as full by the Metro School Board. There is capacity within the cluster for middle school students and capacity within an adjacent cluster for high school students. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication, an 18 acre school site in compliance with the standards of Section 17.16.040 for middle schools with capacity of 800 students.

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

**HISTORICAL COMMISSION RECOMMENDATION** - The home located at 3500 Brick Church Pike is known as the Jackson House. This historic property is a highly unusual example of Victorian-era farmhouse with strong Queen Anne and Italianate influences. It is identified as National Register-eligible in the Parkwood-Union Hill Community Plan. While the Historical Commission has limited information regarding the history of the house, it is an important historic resource in this area where very few National Register or National Register eligible properties still exist.

The Historical Commission has serious concerns with the treatment of the historic house and outbuildings (which are not shown on the plans) and recommends that the house and outbuildings be retained together on enough acreage to retain its rural setting. The recommendation is a lot size of at least 10 acres, preferably more, with buffering from the new development. As it is shown now, the house parcel appears

to be too small, and greatly encroached upon by proposed lots 264-294, most specifically 264-276 and 292-294.

**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 all roadways and alleys as public or private.
- Prior to the submittal of construction plans, submit documentation of adequate sight distance at project access locations.
- Construct roadway "E" per standard detail ST-252.
- At lots 198, 199, 123, and 230, align intersection to create a 4-leg intersection.
- Identify plans for solid waste disposal and recycling collection. Plan must be approved by the Department of Public Works Solid Waste Division.

In accordance with the recommendations of the TIS:

- Construct both project access drives at Brick Church Pike with one entering and two exiting lanes (LT and RT) each with 75 ft of storage and transitions per AASHTO/MUTCD standards.
- Construct southbound and northbound left turn lanes on Brick Church Pike at the intersection of Brick Church Pike and Westchester Drive/northern access, each with 100 ft of storage and transitions per AASHTO/MUTCD standards.
- Construct a northbound left turn lane on Brick Church Pike at the intersection of Brick Church Pike and the southern access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
- Provide adequate intersection and stopping sight distance at both project access drives onto Brick Church Pike per AASHTO standards for the posted speed limit.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed preliminary PUD plan is consistent with the land use policies for this area.

#### **CONDITIONS**

1. Prior to third reading at Council, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan addressing the following:
  - Provide accurate lot count for all residential units, correct lot table to include lots shown on the plan, and correct the total acreage of the PUD plan.
  - Assign a lot number and include acreage in the lot table for the lot with the Jackson House.
  - Remove lots 264, 265 and 266.
  - Include former name of Preliminary PUD plan in parentheses on title page.
  - Convert the alley along Lots 162, 163, and 310 to a public street with sidewalks.
  - Provided identification of all proposed and existing sewer and utility lines on site plan.
  - Label all fire hydrants on site plan.
  - Provide screening details for dumpster receptacles.
  - Provide development schedule for phases of construction.
  - Provide Floor Area Ratio and Impervious Surface Ratio for development
  - Provide information on the number of bedrooms for the townhouse units but the code so that parking requirements can be determined. Parking for all unit types shall meet the requirements of the Metro Zoning Code.
2. Natural Conservation policy area shall be preserved as open space.
3. Prior to approval of the final PUD site plan, the Planning staff shall approve revisions to address the unresolved design issues, including those with the cottage portion of the PUD and with the creation of strong streetscapes.

4. Minimum lot sizes for all single family and two-family dwellings shall be 5,000 square feet, contain a maximum building coverage of .50, and shall not exceed 3 stories in height. Minimum rear setbacks shall be 20 and side setbacks shall be a minimum of 5 feet.
5. Minimum lot sizes for all multifamily buildings shall be 15,000 square feet, exceeding no more than 9 dwelling units per acre. Minimum rear setbacks shall be 20 and side setbacks shall be a minimum of 10 feet. The maximum height at all setback lines shall be 20 feet.
6. Due to the potential impact of this development on the public school system, the applicant shall offer for dedication an 18 acre school site in compliance with the standards of Section 17.16.040 for middle schools with capacity of 800 students. This land dedication requirement is proportional to the development's potential student generation. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Hunters Lane High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. Failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements, however, shall constitute a waiver of this requirement by the Board of Education.
7. All Public Works conditions shall be met and bonded prior to final plat.
8. 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.
9. 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.
10. 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.
11. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Mr. Sexton presented and stated that staff is recommending approval of Zone Change 2006Z-124G-02, as well as approval with conditions of 2006P-013G-02.

Ms. Tara Mielnik, Metro Historic Commission, expressed issues associated with the proposal.

Mr. Carthell Fuqua, 3820 Northbrook Drive, expressed issues associated with the proposal.

Mr. Gotto requested clarification on the ownership of the land on which the historic home is located.

Mr. Bernhardt clarified that the parcels were owned by the applicant and would remain under his ownership. He further offered that the only issue regarding this historic home revolved around the size of the lot that should be kept in order to maintain the historic nature of the home.

Mr. Tyler clarified that a traffic study was completed on the proposed development.

Ms. Cummings expressed concerns with the location of the development and its accessibility.

Mr. Bernhardt offered that the Public Works conditions that have been placed on the project address the traffic requirements.

Ms. Cummings then requested additional information regarding the school site dedication as recommended by staff.

Mr. Bernhardt explained the requirements associated with school site dedications.

Mr. Clifton acknowledged the numerous conditions placed on the development due to its density and location.

Mr. Ponder clarified the uses of the land that contained the historic home.

Ms. Jones questioned whether the school site dedication requirements would change due to the removal of the three lots as recommended by staff.

Mr. Sexton stated the removal of the lots would not alter the school site dedication requirements.

Mr. Bernhardt shared that the Historic Commission was requesting additional lots be eliminated from the proposal in order to maintain a much larger rural setting for the historic home site; however, staff was only recommending the removal of three lots.

Ms. Jones questioned whether additional buffers could have been used to maintain the historic nature of the home as opposed to eliminating lots from the proposal.

Mr. Ponder questioned whether it was necessary to eliminate all three lots from the development in order to maintain the historic nature of the home; and suggested only eliminating either one or two.

Mr. Bernhardt offered additional information on the number of lots to be removed and how their removal would affect the development in its entirety.

Mr. Clifton moved and Mr. Cummings seconded the motion, which passed unanimously to approve Zone Change 2006Z-124G-02, as well as approve with conditions, preliminary approval of 2006P-013G-02. (7-0)

**Resolution No. RS2008-45**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-124G-02 is **APPROVED**, subject to the approval of the associated Preliminary Planned Unit Development (7-0).

**The proposed RS10 and RM9 zoning districts and associated PUD plan are consistent with the Parkwood-Union Hill Community Plan’s Land Use Policies.”**

**Resolution No. RS2008-46**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006P-013G-02 is **APPROVED WITH CONDITIONS**. (7-0)

**Conditions of Approval:**

1. Prior to third reading at Council, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan addressing the following:
  - Provide accurate lot count for all residential units, correct lot table to include lots shown on the plan, and correct the total acreage of the PUD plan.
  - Assign a lot number and include acreage in the lot table for the lot with the Jackson House.
  - Remove lots 264, 265 and 266.
  - Include former name of Preliminary PUD plan in parentheses on title page.
  - Convert the alley along Lots 162, 163, and 310 to a public street with sidewalks.
  - Provide identification of all proposed and existing sewer and utility lines on site plan.
  - Label all fire hydrants on site plan.
  - Provide screening details for dumpster receptacles.
  - Provide development schedule for phases of construction.
  - Provide Floor Area Ratio and Impervious Surface Ratio for development
  - Provide information on the number of bedrooms for the townhouse units but the code so that parking requirements can be determined. Parking for all unit types shall meet the requirements of the Metro Zoning Code.
2. Natural Conservation policy area shall be preserved as open space.
3. Prior to approval of the final PUD site plan, the Planning staff shall approve revisions to address the unresolved design issues, including those with the cottage portion of the PUD and with the creation of strong streetscapes.
4. Minimum lot sizes for all single family and two-family dwellings shall be 5,000 square feet, contain a maximum building coverage of .50, and shall not exceed 3 stories in height. Minimum rear setbacks shall be 20 and side setbacks shall be a minimum of 5 feet.
5. Minimum lot sizes for all multifamily buildings shall be 15,000 square feet, exceeding no more than 9 dwelling units per acre. Minimum rear setbacks shall be 20 and side setbacks shall be a minimum of 10 feet. The maximum height at all setback lines shall be 20 feet.
6. Due to the potential impact of this development on the public school system, the applicant shall offer for dedication an 18 acre school site in compliance with the standards of Section 17.16.040 for middle schools with capacity of 800 students. This land dedication requirement is proportional to the development's potential student generation. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Hunters Lane High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. Failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements, however, shall constitute a waiver of this requirement by the Board of Education.
7. All Public Works conditions shall be met and bonded prior to final plat.
8. 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.
9. 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.
10. 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.

11. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

**The proposed PUD plan is consistent with the Parkwood-Union Hill Community Plan's Land Use Policies."**

## **IX. PUBLIC HEARING:** **ZONING MAP AMENDMENTS**

4. **144-66-G-07**  
OVERLOOK AT NASHVILLE WEST  
Map: 102-00 Parcel: 050  
Subarea 7  
Council District 20

A request to amend a portion of the preliminary plan for property located at 6834 Charlotte Pike, approximately 450 feet east of Templeton Road, classified CL (6.04 acres) to permit the development of two hotels totaling 153,500 square feet, requested by Littlejohn Engineering Associates, Inc., applicant, for Nashville West Shopping Center, LLC, owner.

**Staff Recommendation: Approve with conditions**

### **APPLICANT REQUEST- PUD Amendment**

A request to amend a portion of the preliminary plan for property located at 6834 Charlotte Pike, approximately 450 feet east of Templeton Road, classified Commercial Limited (CL) (6.04 acres) to permit the development of two hotels totaling 153,500 square feet.

### **PLAN DETAILS**

**General** The Overlook at Nashville West PUD consists of two properties located on the north side of Charlotte Pike, just east of Interstate 40.

**Site Plan** The plan calls for a total of 133,500 square feet of new hotel space to be distributed between two buildings. The building closest to Charlotte Pike is to be a Hampton Inn. It is proposed to have 70,500 square feet of floor area, five stories in height with 119 guest rooms and a pool. The second building, which is further from Charlotte Pike, is proposed to be a Fairfield Inn with 63,000 square feet of floor, five stories in height and contain 117 guest rooms.

The primary access point for both hotels will be from a private drive off Charlotte Pike. Secondary access will be provided by a private drive connecting to the adjacent Nashville West Shopping Center. Sidewalks are shown along the interior drive to allow pedestrians to safely move between the two buildings. A sidewalk is shown along Charlotte Pike from the entrance to the eastern edge of the PUD, and will connect to an existing sidewalk in front of Nashville West. Sidewalks are not shown along Charlotte Pike from the entrance to the western edge of the PUD or along the secondary access drive. Sidewalks are required in both locations.

**Parking** The Metro Zoning Code requires one parking space for every guest room, and one parking space for every two employees. The Hampton Inn will require 125 parking spaces and the Fairfield Inn 123 parking spaces for a total of 248. The plan calls for a total of 248 spaces distributed so that each hotel will meet the parking requirements.

**Preliminary Plan** Current records for the PUD are incomplete and the application is being considered as



an amendment and must have Council approval. The original PUD, consisting of two properties, was approved in 1966 for various commercial uses. Previously, a motel was developed on this property. The second property is contains an auto repair and body shop. If the amendment is approved, the total floor area within the overlay will be 137,500 square feet.

**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 except as noted:

- 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.

**STAFF RECOMMENDATION** Approve with conditions, including a condition that all Public Works requirements for improvements shall be met prior to final plan approval.

### **CONDITIONS**

1. A sidewalk shall be provided along the private drive to Nashville West Shopping Center and along Charlotte Pike to the western edge of the PUD.
2. This approval does not include any signs. Signs in this planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
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.

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

Mr. Phillip Piercy, 1935 21<sup>st</sup> Avenue South, spoke in opposition to the sidewalk requirement as recommended by staff. He submitted information to the commission for the record.

Ms. Jones offered that the applicant's request for sidewalks made the proposal more accessible.

Mr. Clifton questioned whether staff had reviewed the information the applicant submitted during his public hearing.

Mr. Bernhardt further explained the sidewalk requirements for this development.

Mr. Leeman offered that staff did not include the applicant's request for an "off site" sidewalk, in their recommendation.

Mr. McLean requested additional information on the sidewalks recommended by staff.

Mr. Clifton questioned the current and future land uses of the area that has been designated for the placement of the “off site” sidewalk, as requested by the applicant.

Mr. Leeman explained the land uses for this area.

Mr. Clifton acknowledged the importance of including internal sidewalks within the project in order to promote a walkable community.

Mr. Leeman further elaborated on the requirements of the sidewalk as proposed by staff.

Ms. Cummings questioned the topography of the site in relation to the recommended sidewalks.

Mr. Tyler stated he agreed with the staff recommendation.

Mr. Gotto expressed concerns with recommending that sidewalks be constructed when they essentially are not needed for the purposes of connectivity. He then stated that the “off site” sidewalk would be more beneficial for the connectivity of this proposal.

Mr. Gotto moved to approve with conditions, this proposal, including a condition that a sidewalk be provided along Charlotte Avenue from the western edge of the PUD to Nashville West Shopping Center, and to eliminate the requested internal sidewalks along the northern edge of the property.

Ms. Jones requested that Mr. Gotto clarify his motion.

Additional comments regarding the requested and/or required sidewalks were made by Ms. Jones and Mr. Ponder. They were unsure as to how they would benefit this development.

Mr. Bernhardt offered additional information on the internal sidewalks as requested by staff.

Mr. Gotto moved, and Mr. Ponder seconded the motion, to approve with conditions, preliminary plan 144-66-G-07, including a condition that a sidewalk be provided along Charlotte Avenue from the western edge of the PUD to Nashville West Shopping Center, including across Parcel 062, which is not part of the PUD. Sidewalks will not be required on the private drive along the northern edge of the property connecting to the Nashville West Shopping Center. **(4-3) No Votes – Clifton, Cummings, Tyler**

#### **Resolution No. RS2008-47**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 144-66-G-07 is **APPROVED WITH CONDITIONS, including a condition that a sidewalk be provided along Charlotte Avenue from the western edge of the PUD to Nashville West Shopping Center, including across Parcel 062, which is not part of the PUD. Sidewalks will not be required on the private drive along the northern edge of the property connecting to the Nashville West Shopping Center (4-3).**

#### **Conditions of Approval:**

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.

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

1. Construct the site access drive at Charlotte Pike with one entering and two exiting lanes (LT and RT).
2. Construct an eastbound left turn lane on Charlotte Pike at the proposed site access with 100 feet of storage and transitions per AASHTO/MUTCD standards.
3. Provide and document as part of the final development plans that adequate sight distance can be provided from the site access.

**The proposed PUD amendment is consistent with the underlying CL zoning district and is compatible with surrounding land uses.”**

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**5. 84-87-P-13**

**THE CROSSINGS AT HICKORY HOLLOW**

Map: 163-00 Parcels: 142, 384, 385, 398

Map: 174-00 Part of Parcel 026

Subarea 13

Council District 32

A request to cancel and amend a portion of the preliminary plan for properties located at Old Franklin Road (unnumbered), approximately 660 feet north of Crossings Boulevard, classified R10 and AR2a and located within the Crossings Planned Unit Development Overlay (5.38 acres) to remove one parcel and a portion of another from the boundaries of the PUD and to remove a portion of Crossings Circle right-of-way from the approved PUD plan, requested by Littlejohn Engineering Associates, Inc., applicant, for Crews Crossings, LLC, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Amend Preliminary PUD & Cancel a portion of the PUD**

A request to cancel and amend a portion of the preliminary plan for properties located at Old Franklin Road (unnumbered), approximately 660 feet north of Crossings Boulevard, classified One and Two-Family Residential (R10) and Agricultural/Residential (AR2a) and located within the Crossings Planned Unit Development Overlay (5.38 acres) to remove one parcel and a portion of another from the boundaries of the PUD and to remove a portion of Crossings Circle right-of-way from the approved PUD plan).

**PLAN DETAILS** The approved PUD plan shows Crossings Circle as a loop street to the east of Crossing Boulevard. As shown on the preliminary plan, Crossings Circle intersects a stream. After the preliminary plan was approved, several field meetings took place between the engineers and representatives of both Metro Stormwater- NPDES Office and the Tennessee Department of Environment and Conservation. After these meetings, it was determined that it was not possible to make the connection due to the environmental impacts of crossing the stream.

This application proposes to change the loop street to two cul-de-sacs from Crossings Boulevard and cancel the portion of the PUD that cannot be accessed without a stream crossing. Staff recommends approval because, in this case, the benefits of connectivity are outweighed by the lessening of the environmental impacts.

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

**STORMWATER RECOMMENDATION** Approved

**STAFF RECOMMENDATION** - 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 effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan, if necessary. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved, (7-0) *Consent Agenda*

**Resolution No. RS2008-48**

“BE IT RESOLVED by The Metropolitan Planning Commission that 84-87-P-13 is **APPROVED. (7-0)**

**The proposed change to the street and the cancellation of a portion of the PUD that cannot be accessed without a stream crossing lessens the development’s environmental impact.”**

**IX. FINAL PLATS**

6. **2007S-214A-10**  
LONE OAK HEIGHTS, Lot 14 SETBACK AMEND.  
Map: 131-07 Parcel: 077  
Subarea 10  
Council District 25

A request to amend the front setback along Randolph Place from 75 to 30 feet for property located at 4500 Randolph Place, at the southwest corner of Lone Oak Road and Randolph Place (0.71 acres), zoned R20, requested by W.H. Bryant et ux, owners.

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission DEFERRED Final Plat 2007S-214A-10 indefinitely at the request of the applicant. (7-0)**

7. **2008S-052U-10**  
SHARONDALE HEIGHTS, RESUB. LOT 10  
Map: 117-03 Parcel:127  
Subarea 10  
Council District 25

A request for final plat approval to create 2 lots on property located at 2800 White Oak Drive, at the southeast corner of White Oak Drive and Sharondale Drive (0.78 acres), zoned R10, requested by Eugene Collins, owner, Wamble & Associates PLLC, surveyor.

**Staff Recommendation: Approve, including a variance from Section 3-8 of the Subdivision Regulations for sidewalks**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create two lots on 0.78 acres for property located at 2800 White Oak Drive, at the southeast corner of Sharondale Drive and White Oak 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** The plan calls for the creation of two new lots on an existing lot that is located at 2800 White Oak Drive. The existing lot includes a duplex.

**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:

Street	Min. Lot Size for Lot 1 (Sq. Ft.)	Min. Lot Frontage for Lot 1 (Linear Ft)	Min. Lot Size for Lot 2 (Sq. Ft.)	Min. Lot Frontage for Lot 2 (Linear Ft)
Sharondale Dr.	10,454	63.9	10,019	67.3
White Oak Dr.	17,860	98.1	N/A	N/A

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

- Lot 1: 17,860 sq. ft., (0.41 acres), with 88.32 linear ft. of frontage on Sharondale Drive and approximately 270 linear feet on White Oak Drive.
- Lot 2: 14,589 sq. ft., (0.33 acres), with 89.68 linear ft. of frontage on Sharondale Drive.

Both lots pass for area and frontage, and are consistent with the surrounding lot pattern.

**Access** Lot 1 is located at the corner of Sharondale Drive and White Oak Drive, while Lot 2 fronts onto Sharondale Drive. There is a small stream that runs through this property adjacent to Sharondale Drive. The existing lot is currently used as a duplex and accessed by a bridge across the stream on Sharondale Drive and a circle driveway on White Oak Drive. The proposed plat would utilize this bridge for Lot 2, while Lot 1 will have access to White Oak Drive only.

**Variance to Section 3-8** Section 3-8 of the Subdivision Regulations requires the construction of sidewalks on existing streets or a financial contribution to Metro in lieu of construction. Because of the stream that is immediately adjacent Sharondale Drive and White Oak Drive, requiring a sidewalk would likely require that the stream be piped at this location. Additional disturbance to the stream is not appropriate and should not be encouraged with the requirement of a sidewalk. Staff has determined that this condition is unique to this property and recommends a variance from Section 3-8 of the Subdivision Regulations.

**STORMWATER RECOMMENDATION** Approved

**PUBLIC WORKS RECOMMENDATION** Show and dimension right of way along Sharondale Drive at property corners. Dimension from centerline.

**STAFF RECOMMENDATION** Staff recommends approval including variance from the sidewalk requirement of the Subdivision Regulations.

Mr. Leeman presented and stated that staff is recommending approval, including a variance from Section 3-8 of the subdivision regulations for sidewalks.

Mr. Joe Meeks, 2425 Pennington Bend Road, expressed his concerns regarding the proposal.

Mr. Mark Fraley, 2810 Drive White Oak, expressed his concerns regarding this proposal.

Mr. Clifton acknowledged the concession of the property owner, who had agreed to adding the condition that this subdivision would only allow single-family dwellings.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Final Plat 2008S-052U-10, including a variance from Section 3-8 of the Subdivision Regulations for sidewalks, and a condition that limits each lot to a single-family residential unit only. **(7-0)**

**Resolution No. RS2008-49**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-052U-10 is **APPROVED, including a variance from Section 3-8 of the Subdivision Regulations for sidewalks and a condition that limits each lot to a single-family residential unit only. (7-0)**”**

**X. OTHER BUSINESS**

8. Contract renewal for the temporary Professional Planning Services of Melissa Stevens.

Approved, (7-0) *Consent Agenda*

9. Motor Vehicle Business Establishment application for 2632 Nolensville Pike, Marco Juarez, owner. (Zone Change Proposal No. 2008Z-033U-11)

Mr. Kleinfelter briefly reviewed the newly adopted Motor Vehicle Business Establishment law to the Commission. He then gave a description as to the location of this application and stated that Councilmember Page would share her concerns with the Commission on this application.

Councilmember Page distributed information to the Commission for the record. She briefly explained her concerns regarding this application and then suggested that the Commission may possibly want to study each application on a case-by-case basis.

Mr. Ponder questioned whether the Commission had the legal authority to make a recommendation based on information or material that is unrelated to land use or the actual legislation in question.

Mr. Morrissey stated that it is the charge of the Commission to determine whether or not applicants have adequately provided “show cause” that would warrant either an approval or disapproval on these applications.

Ms. Jones also expressed an issue with approving or disapproving this application based on circumstances that are not related to land use.

Mr. Gotto suggested the Commission begin setting criteria that would assist in making this determination and any other future applications.

Mr. Clifton also acknowledged the importance of setting certain requirements on the Motor Vehicle Business Establishment applications.

Ms. Cummings clarified that the current zoning for this parcel is non-conforming.

Mr. Bernhardt offered that due to the non-conformance use of this parcel, it is up to the Planning Commission to determine whether or not the applicant has “shown cause” in order for the non-conformance use to continue.

Mr. Tyler requested further clarification on the action requested of the Commission.

Mr. Gotto suggested that the Commission approve the request with a conditional probationary period.

Mr. Morrissey explained that the state law does not allow for the Commission to grant a probationary period to monitor the applicant prior to making a final decision.

Mr. Bernhardt suggested that the Commission request a hearing on this application which would require the applicant to appear before the Commission, and present information to support his request.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously to defer Zone Change 2008Z-033U-11 to March 27, 2008, to allow the applicant to appear before the Commission to show cause for his application. (7-0)

**Resolution No. RS2008-50**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-033U-11 is **DEFERRED to the March 27, 2008, PLANNING COMMISSION MEETING. (7-0)**”

**XI. ADJOURNMENT**

The meeting adjourned at 6:08 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



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