



**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**

5/22/2008

4:00 PM

***Metro Southeast at Genesco Park
1417 Murfreesboro Road***

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner I
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
Scott Adams, Planner I
Anita McCaig, Planner III
Greg Johnson, Planner II

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Hammond announced that Item #9, 2008Z-052G-06, a request to rezone from RS20 to AR2A district properties, should no longer include the address of 8382 Collins Road.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the agenda as amended. **(9-0)**

III. APPROVAL OF MAY 8, 2008 MINUTES

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the May 8, 2008 minutes as presented. **(9-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Stanley requested that Items #1, 4, 5 and 6, 2008CP-005G-14, 2008SP-013G-14, 110-84-G-14 and 2005P-034G-14 be removed from the Consent Agenda. He explained there were constituents at the meeting that wanted to speak regarding this development. He also stated he would address the Commission after the proposal was presented for discussion.

Mr. Tyler arrived at 4:02 p.m.

Councilmember Foster spoke in favor of Item #3, 2008SP-012U-12, Lake Providence. He explained both the support, as well as the opposition he had received regarding this development. He also explained that he would be amending the residential portion of the bill at its first reading in Council which would reduce the density of the development.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

7. 2008Z-042G-06 A request to amend a previously approved Council Bill to remove condition #5 restricting access to Moss Road for property located at Highway 100 (unnumbered), approximately 775 feet south of Collins Road. – deferred to June 26, 2008, at the request of the applicant
10. 2008Z-053G-14 A request to rezone from R8 to R6 district property located at 4225 Woods Street, at the northwest corner of Woods Street and 5th Street. – deferred to June 26, 2008, at the request of the applicant
- 15 Contract between RPM Transportation Consultants LLC and Metropolitan Government of Nashville/Davidson County (on behalf of the Nashville Area MPO) for Regional Bicycle/ Pedestrian Planning Services – deferred to June 12, 2008, at the request of the applicant

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items as presented. **(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 (REREFERRED)

2. 2008SP-017U-08 A request to change approximately 0.2 acres located at 2110 Meharry Boulevard, approximately 255 feet west of 21st Ave. North from RM20 to SP-C zoning and for final site plan, to a coffee house and other limited uses specified in the plan. -Approve w/conditions

ZONING MAP AMENDMENTS

8. 2008Z-049G-06 A request to rezone from RS40 to RS20 district property located at 8281 Collins Road, approximately 320 feet north of Highway 100 -Approve
9. 2008Z-052G-06 A request to rezone from RS20 to AR2a district properties located at 8382 Collins Road and Collins Road (unnumbered), approximately 2,850 feet west of Highway 100. -Approve

FINAL PLATS

- 11. 2008S-095G-10 A request to revise the concept plan and for final plat approval to create 16 lots on properties located at 5638, 5640, and 5644 Granny White Pike and Granny White Pike (unnumbered), approximately 740 feet north of Old Hickory Blvd, zoned R40 and SP-R. -Approve

REVISIONS AND FINAL DEVELOPMENT PLANS

- 12. 2005P-023G-02 A request to revise the preliminary plan and for final approval for a portion of the Belle Arbor Planned Unit Development Overlay located at 3549 Brick Church Pike (11.84 acres), zoned RM6, to permit the development of 36 single-family lots in Phase 1. -Approve w/conditions

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

VII. PUBLIC HEARING: COMMUNITY PLANS

- 1. **2008CP-005G-14**
Subarea 14
Council District 14 – Bruce Stanley

A request to amend the plan for Subarea 14: Donelson-Hermitage Community Plan (2004 Update) to change from Commercial Mixed Concentration And Residential Medium policies to Office Concentration and Mixed-Use Policies between I-40, Stewart's Ferry Pike, McCrory Creek Road and Elm Hill Pike, requested by Land Design Inc., applicant, for various owners.

Staff Recommendation: Approve

APPLICANT REQUEST - Amend the *Donelson-Hermitage-Old Hickory Community Plan: 2004 Update* changing the land use policy from Commercial Mixed Concentration (CMC) and Residential Medium Density (RM) to Office Concentration (OC) and Mixed Use (MU) for 185.94 acres identified by Maps 096-00 and 108-00 (various parcels) along the south side of McCrory Creek Road and the east side of Elm Hill Pike, north of I-40.

Note: There is also an area of Natural Conservation (NCO) policy along McCrory Creek Branch that is not proposed to change.

CURRENT POLICIES

Commercial Mixed Concentration (CMC) CMC policy accommodates significant concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices. Good accessibility to and within CMC areas is of particular importance due to the amount of traffic generated by the uses in these areas.

Residential Medium (RM) RM policy is intended to accommodate residential development within a density range of about four to nine dwelling units per acre. RM policy is generally applied to areas which are currently developed at about four to nine dwelling units per acre and to undeveloped or underdeveloped areas that are suitable for medium density development. A variety of housing types is appropriate in RM areas and may include compact, single-family detached units, townhomes, and stacked flats.

PROPOSED LAND USE POLICIES

Office Concentration (OC) OC policy accommodates significant employment centers with an emphasis on office development. It also allows certain types of commercial uses that cater to office workers, such as restaurants. Residential uses of at least medium-high density are an appropriate secondary use in OC policy. OC policy is appropriate for locations in the vicinity of the Nashville International Airport that are not suitable for residential development due to airport-related noise.

Mixed Use (MU) MU policy is intended for an integrated, diverse blend of compatible uses ensuring unique opportunities for living, working, and shopping. The different land uses and sections of MU policy are functionally and physically integrated. Appropriate land uses include residential, commercial, recreational, and community facilities. Appropriate commercial uses include offices and community, neighborhood and convenience scale activities. Residential uses will most likely be medium, medium-high or high density. Other uses may be appropriate if they can be successfully integrated.

BACKGROUND The applicant is proposing to develop the property with a mixture of office space and retail space. The applicant intends to develop approximately 2.7 million square feet of office space including supporting retail, commercial, a mixed use village and a hotel.

COMMUNITY PARTICIPATION A community Steering Committee has met with the development team on several occasions to discuss the proposed development. Planning Staff held a community meeting on April 22, 2008 with 75 people in attendance to address the proposed plan amendment. Attendees did not oppose a change in land use policy if concerns specific to the development were properly addressed in the SP zone change application.

ANALYSIS

Existing Policy and the Study Area While the applicant requested a policy amendment of CMC and RM to OC and MU for their properties, the potential impact to adjacent properties warranted study of a larger area.

The study area encompasses properties south of McCrory Creek Road, east of Elm Hill Pike, west of Stewarts Ferry Pike and north of I-40. The study area was chosen by examining existing land use policy and potential impacts to these properties based on the size and location of the potential development. Adjacent lot orientation, size, relationship to McCrory Creek Road, and their relationship to the applicant's property were also considered when defining the study area boundary.

The purpose of a larger study area was to examine comprehensively the appropriateness of OC and MU policies on the applicant's properties and adjacent properties as well. The reason being, placing OC and MU land use policies along McCrory Creek Road, surrounded to the north and east by single-family residential uses, could result in a development that is incompatible with the immediate area unless properly designed.

The analysis examined the historical development pattern and density, environmental features, and building scale, massing and placement. These elements together helped to define the character of the area that would guide the land use policy recommendation.

Historical Development Pattern Within the study area the land uses are rural and large single-family lots, a subdivision with a mixture of single-family and two-family homes (Waterfalls Park Subdivision), and a three-story office / institutional building, Commerce Center East, containing Argosy University and the Art Institute of Nashville. Single-family homes (Hickory Bend and Cloverhill Subdivisions) and a multi-family complex exist to the north along McCrory Creek Road. The applicant's property is primarily vacant / rural land with a few single-family homes.

Environmental Features Throughout the study area and the adjacent area is land with environmentally sensitive features. The most prominent streams are McCrory Creek and McCrory Creek Branch. There are also some portions of the area that contain steep slopes greater than 20 percent. This also includes portions of the applicant's property.

Building Scale, Massing, and Placement The scale, massing and building placement in and around the study area varies. Development to the north of the study area consists of a large area of, primarily, one-story, single-family homes on lots .25 acres or more in size with moderate front setbacks. Development to the immediate east of the study area (Waterfalls Park Subdivision) consists of a mixture of one to two-story single-family and two-family homes on lots ranging from less than .25 acres to .50 acres in size with moderate front setbacks.

McCrory Creek Road is a two-lane curvy road that serves as a connection between Stewarts Ferry Pike and Elm Hill Pike as well as an entry point for the various residential streets, and offices / institutions in the large office complex, close to the Stewarts Ferry Pike intersection. The applicant proposes building a street off Elm Hill Pike as the main

entry into their development that would eventually connect to McCrory Creek Road as it nears the Waterfall Park Subdivision. The Donelson Station for the Music City Star commuter train is located approximately 2 miles to the northwest of the site.

Excluding Certain Uses Both the Councilmember and the community are concerned by the inclusion of multi-family housing in the initial development proposal. Although Planning Staff has stressed the benefits of including a residential element in the mixed use center, the community sentiment remains the same. The applicant had also removed a proposed hotel from the initial proposal due to these same community concerns, but recently the community agreed to including a hotel, if the hotel is not placed in the Mixed Use portion of the development, since the community feels that location is too close to the Waterfalls Subdivision.

Conclusion based on Analysis From the analysis, features of this suburban neighborhood that are worthy of maintaining surfaced.

1. Maintain the suburban residential character of the adjacent residential areas to the north and east. Well designed transitions should be provided in any SP rezoning request. Well-designed transitions may be provided by transition in land uses, building types, building massing, orientation, etc. A well-designed transition may incorporate landscaping/buffering, but should not rely solely on landscaping/buffering.
2. The impact the proposed development will have on the environmentally sensitive features that are present on the site should be carefully studied and properly addressed prior to any construction.

The applicant proposes to preserve the McCrory Creek Branch that is part of the western portion of the site and dedicate a public greenway to the city in this area. The applicant has studied the existing sinkholes (closed depressions) and those that have been determined “significant” are proposed to be set aside for preservation in permanent open space as “pocket parks.” The Natural Conservation Policy that is along the creek will remain in place.

PROPOSED POLICY OC and MU policies are appropriate in this area due to the nearby Nashville International Airport and airport related restrictions over a portion of the site. Proximity to the airport and I40 make the site logical for office and mixed use. Meanwhile, proximity to the airport and I-40 make the site less desirable for additional single- and two-family homes. Office and retail services are already located along Elm Hill Pike. With I-40 located to the south of the site and a proposed extension of Harding Place and the construction of a new interchange for the extension planned to take place at the center of this site, the site is well suited for office and mixed use.

SPECIAL POLICY OC policy will apply to most of the site, along with special policies to address the transition to surrounding residential uses and allowing hotel uses in an area of OC policy (next to the MU policy).

The proposed OC and MU policies should address their relationship with the surrounding residential areas.

1. Maintain the suburban residential character of the adjacent residential areas to the north and east. Well designed transitions should be provided in any SP rezoning request. Well-designed transitions may be provided by transition in land uses, building types, building massing, orientation, etc. A well-designed transition may incorporate landscaping/buffering, but should not rely solely on landscaping/buffering.

The OC policy allows for a large concentration of office uses that will impact the surrounding area by bringing more people into this area on a daily basis. The MU policy area also impacts the surrounding area. However, these uses can cater to office workers and provide services to nearby residential areas. Negative impacts on the surrounding residential areas can be addressed by incorporating appropriate transitions, proper road design within the development and access to residential areas, and utilizing preferable design techniques as part of the development. The applicant proposes to preserve the wooded boundaries of the site as buffers to the adjacent residential areas.

2. The impact the proposed development will have on the environmentally sensitive features that are present on the site should be carefully studied and properly addressed in any rezoning request.

The existing stream, floodplain, and steep slopes should be studied and addressed during the design of the development. It has also been noted that sinkholes (closed depressions), a cave, and wildlife are present on the site. In the proposed development, the applicant discusses preserving the McCrory Creek Branch and its floodplain and dedicating a greenway. The applicant has also mapped the existing slopes, vegetation and location of sinkholes. The most significant sinkholes will be preserved as open space areas.

3. This special policy also allows for hotel uses within a certain area of the Office Concentration policy (refer to the graphic).

4. The MU policy is placed within the proposed development. The exact location of the MU development will be predicated on creation of an internal street network. Because this internal street network is not yet determined, the boundaries of the MU policy may adjust slightly as the street network location is determined. All of the standards of MU policy and the special policies described for this property still apply.

STAFF RECOMMENDATION Staff recommends approval of the applicant's request for the Special Policies of Office Concentration and Mixed Use for the site described above.

The current RM policy placed on the Waterfalls Subdivision and the current CMC policy placed on the office complex (currently Argosy College and other uses) will remain in place and are not proposed to change.

Ms. McCaig presented and stated that staff is recommending approval of Community Plan 2008CP-005G-14.

Mr. Swaggart presented and stated that staff is recommending approval with conditions on Zone Change 2008SP-013G-14, as well as approval with conditions on the cancellation of Planned Unit Development 110-84-G-14, and approval with conditions on the cancellation of Planned Unit Development 2005P-034G-14.

Mr. Bert Mathews, 3806 Whitland Avenue, spoke in favor of the proposed development.

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

Mr. Bill Lockwood, Barge Waggoner Sumner & Cannon, spoke in favor of the proposed development.

Mr. Gary Vogrin, 631 2nd Avenue South, spoke in favor of the proposed development.

Ms. Louan Brown, 3071 Elm Hill Pike, spoke in opposition to the proposed development.

Ms. Judith Maloney, 3256 Niagara Drive, spoke in favor of the proposed development with the added conditions.

Mr. Charles Dick, 612 McCrory Creek Road, spoke in favor of the proposed development with the added conditions.

Ms. Susan Floyd, 222 Bonnahbrook Drive, spoke in favor of the proposed development with the added conditions.

Councilmember Stanley briefly acknowledged and expressed gratitude for the work that both the developer and the steering committee completed on this development. He stated that the original plan had undergone many modifications as a result of the working meetings between community members and the developer. He then spoke of his meeting with Mayor Dean regarding the Harding Place extension project and the importance of its completion. Councilmember Stanley stated he would continue to work with the Public Works department to see that infrastructure improvements will be made to lower any traffic impacts this development may have on the existing community. He asked that the Commission approve the development.

Chairman McLean explained that the Commission would first discuss and vote on Item #1, 2008CP-005G-14, Amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update. He further explained that the Commission would then discuss and vote on Items #4, 5 and 6, 2008SP-013G-14, 110-84-G-14 and 2005P-034G-14 collectively.

Mr. Gotto acknowledged the work put into the development by both the Councilmember and the community

members. He spoke in favor of its approval.

Ms. Cummings clarified with staff that the traffic study and its conditions were included in the staff's recommendation.

Ms. Cummings then requested that staff address the issues mentioned regarding greenways and the potential for additional crime associated with the greenways.

Mr. Swaggart explained the information he had on greenways and stated he was not able to find statistics that would support the concerns of additional crime resulting from these elements of development.

Ms. Cummings then requested clarification on the affects this mixed-use development would have on the existing residential neighborhoods in this area.

Mr. Bernhardt explained the policies contained in the development that would assist in transitioning this development into residential neighborhoods.

Mr. Clifton stated he was in favor of approving the plan amendment.

Mr. Ponder spoke in favor of the proposed development. He offered additional information on greenways and suggested that any additional concerns regarding their safety be directed to Ms. Shane Dennison of the Metro Parks Department. He offered that he was not additional crime taking place on greenways.

Ms. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve 2008CP-005G-14, Amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update. **(10 – 0)**

Mr. Dalton requested additional information on the Harding Road extension.

Mr. Swaggart briefly explained the Harding Road extension and its correlation to the development. He spoke of its funding issues and how the extension has been on a list of roadway improvements with TDOT for many years.

Ms. LeQuire spoke of the positive economic impacts that this proposal could potentially have for the City and asked that staff explain this to the Commission.

Mr. Swaggart offered that the developer would have the statistics regarding the economic impact this development would offer Davidson County.

Ms. LeQuire then spoke of the timeline of the development and the possibility of providing public transportation to this area in an effort to assist in relieving traffic congestion for this area. She then spoke of the LEED certifications and questioned whether the project has been reviewed for these building requirements. Ms. LeQuire then offered the importance of greenways and how once they are placed within a development the community is very much in favor of them.

Mr. Clifton spoke in favor of the proposed development and recognized the teamwork displayed by the developer, the community, and the Councilmember.

Mr. Cummings also acknowledged the teamwork of the community and the developer which resulted in a positive development for the community.

Mr. Tyler requested further clarification on the traffic impact study in relation to the proposed infrastructure improvements that were mentioned for this area.

Mr. Swaggart explained the traffic impact study to the Commission.

Mr. Tyler then questioned the origination of the traffic impact study, and whether it was generated by staff, or other Metro departments.

Mr. Bernhardt offered that the traffic impact study was completed by Barge, Waggoner, et. al, and then submitted to the Public Works Department for review.

Mr. Tyler questioned whether the traffic study addressed the issue of the Harding Road extension.

Mr. Swaggart stated that the developer would have to provide the right-of-way for the extension, however, that it may not happen as quickly as they would like due to the lack of TDOT funding.

Mr. Tyler then questioned whether the design features of the development increased the need for the road improvements for this area.

Mr. Swaggart explained this concept to the Commission.

Mr. Bernhardt offered additional information on the Harding Place extension and its relation to this development. He further explained that this development could still move forward without the Harding Road extension due to alternative connections that could be utilized to assist in alleviating any additional traffic generated by the proposal.

Mr. Gee clarified with staff that due to the various development phases of the proposal, and the traffic improvement conditions placed on each phase, the development could progress without the Harding Road extension.

Mr. Gee then requested additional clarification on condition #15 and its relation to any residential components that may have been suggested for this development.

Mr. Swaggart explained the staff's views on including residential components in mix-used developments, however, stated that they did not make it a condition for this development due to the work that has already been agreed upon by the developer, the community and the planning staff.

Mr. Gee requested clarification on the uses included in MUI zoning.

Mr. Swaggart explained these uses to the Commission.

Mr. Gee requested additional clarification on the location of the greenways included in the proposal.

Mr. Swaggart utilized his maps to further display the greenways.

There was a brief discussion on the various greenways located in and surrounding this development.

Mr. Gee then requested additional information on the creek that is located near this development.

Mr. Swaggart explained the location of the creek to the Commission.

Mr. Gee suggested that the plan possibly relocate the greenways through the development as opposed to the rear of the development affecting existing neighborhoods.

Mr. Swaggart further explained the placement of the greenways in relation to pedestrian accesses to this development.

Ms. Cummings move and Mr. Clifton seconded the motion, which passed unanimously, to approve with conditions, 2008SP-013G-14, McCrory Creek Business Park, as well as to approve with conditions, the requests to cancel Planned Unit Development, 110-84-G-14, and Planned Unit Development, 2005P-034G-14. **(10-0)**

[Note: Items #1, #4, #5, and #6 were discussed by The Metropolitan Planning Commission together. See Item #6 for actions and resolutions.]

VIII. ZONING MAP AMENDMENTS (REREFERRED)

2. 2008SP-017U-08

Meharry Boulevard Coffee Shop
Map: 092-03 Parcel: 055
Subarea 8
Council District 19 –Erica Gilmore

A request to change approximately 0.2 acres located at 2110 Meharry Boulevard, approximately 255 feet west of 21st Ave. North from RM20 to SP-C zoning and for final site plan, to a coffee house and other limited uses specified in the plan, requested by Glenn and Chandra Jamison, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - A request to change approximately 0.2 acres located at 2110 Meharry Boulevard, approximately 255 feet west of 21st Ave. North from Multi-Family Residential (RM20) to Specific Plan Commercial (SP-C) zoning and for final site plan, to a coffee house and other limited uses specified in the plan.

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

SP-C District - **Specific Plan-Commercial** 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 commercial uses.

NORTH NASHVILLE COMMUNITY PLAN

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. Ancillary uses may include small scale convenience services supported mainly by the primary institutional activity. 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? Yes. The proposed SP is consistent with the area's policies.

PLAN DETAILS

History This request was originally filed for Commercial Limited (2008Z-019U-08), and the Planning Commission recommended that Council disapprove the request at its February 28, 2008, meeting. An SP was drafted and approved on 2nd reading at Council and referred back to the Commission for review and approval. There will be no public hearing for this request.

Site Plan This SP does not have an actual building plan but consists of a document that stipulates allowed and prohibited uses, and specifies standards for access, parking, buffering, signage as well as building additions and new construction regulates uses, and provides standards for development on the property. The primary goal of the document is to allow an existing residence to be converted into a coffee shop.

Uses The SP allows for single-family and two-family residential, coffee shop, small scale retail and convenience, general and medical office. It explicitly prohibits automobile convenience, automobile parking, automobile repair, automobile sales (used or new), car wash, bar or nightclub, custom assembly, donation center drop-off, funeral home, furniture store, hotel, motel, kennel/stable, liquor sales, major appliance repair, mobile storage unit, mobile

vendor, restaurant (fast food), restaurant (take out), self-service storage, wrecker services, all communication, industrial, transportation, waste management, recreation and entertainment, and other uses listed in Metro Zoning Codes District Land Use Table (Section 17.08.030).

Access and Parking Access and parking are restricted to the rear of the lot. Access is to be provided from the alley, and no vehicular access shall be allowed from Meharry Boulevard. Any parking area must not be visible from Meharry Boulevard and must either be provided directly behind the building or blocked from view by landscaping or other architectural elements.

Buffering To ensure that adjacent residences are not negatively impacted the SP requires that a buffer be provided along the property boundary adjacent to all residential uses. It specifically requires that any parking be buffered by a solid fence of at least six feet in height. It further stipulates that the fence shall be constructed of wood, brick or stone, and that no vinyl or barbed wire fence is allowed.

Signage The SP limits signage to one wall mounted sign or one free standing sign. Any wall mounted sign is limited to 12 square feet in size, and any free standing sign is limited to three feet in height, and eight square feet in size.

Additions The SP allows for additions that are generally in keeping with the existing building and existing building types in the immediate area. All additions must be approved by the Planning Department. The document specifies the following requirements for additions:

1. Additions shall generally be situated at the rear, and constructed in such a way that it will not disturb either front or side facades with the exception that the front porch may be expanded to allow for additional room for outside seating. The expansion shall not be covered.
2. Additions shall not enclose front porches.
3. Additions shall use same or similar exterior building materials as present on existing buildings.
4. Additions shall not exceed three stories in height.
5. Additions shall not increase the building foot print over 25% of the total building area.

New Construction The SP allows for new construction that is generally in keeping with the existing building types in the immediate area. All new construction must be approved by the Planning Department. The document specifies the following requirements for new construction:

1. Foot print shall not exceed 25% of the total lot area.
2. No structure shall exceed three stories in height.
3. The front yard setback shall be a minimum of five feet and a maximum of ten feet.
4. Buildings shall be clad with brick, stone or stucco. Other material such as clapboard, cement fiber or other similar materials may be used for accents and on gables.

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 that the SP be approved. The proposed SP meets the area’s land use policies and adequately protects the adjacent residential areas by limiting uses and ensuring that the development will be in keeping with surrounding buildings.

CONDITIONS

1. 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. Minor changes or deviations from the SP document may be approved by the Planning Commission, but significant deviation from the approved SP may require reapproval by the Planning Commission and Metro Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.

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

Resolution No. RS2008-115

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-017U-08 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. 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. Minor changes or deviations from the SP document may be approved by the Planning Commission, but significant deviation from the approved SP may require reapproval by the Planning Commission and Metro Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.

The proposed SP-C district is consistent with the North Nashville Community Plan’s area Institutional in Major Institutional policies.”

IX. PUBLIC HEARING: ZONING MAP AMENDMENTS

3. **2008SP-012U-12**
 Lake Providence
 Map: 147-07 Parcels: 099, 105, 107, 108
 Subarea 12
 Council District 27 – Randy Foster

A request to rezone from R6, CL and CS to SP-MU zoning properties located at 4412, 4416, and 4424 Bass Avenue and Nolensville Pike (unnumbered), approximately 1,760 feet north of Haywood Lane (2.01 acres), to permit an existing auto body repair business in 5,300 square feet, an auto sales and repair business in a 3,200 square foot office and 1 single-family lot and 3 duplex lots, requested by Dale & Associates, applicant, for Steven D. Elkins and Morteza Shams, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to rezone from One and Two-Family Residential (R6), Commercial Limited (CL) and Commercial Service (CS) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 4412, 4416, and 4424 Bass Avenue and Nolensville Pike (unnumbered), approximately 1,760 feet north of Haywood Lane (2.01 acres), to permit an existing auto body repair business in 5,300 square feet, an auto sales and repair business in a 3,200 square foot office and 1 single-family lot and 3 duplex lots.

Existing 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 7.71 dwelling units per acre including 25% duplex lots.

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

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.

SOUTHEAST COMMUNITY PLAN

Residential Medium High (RMH)

RMH – What does it allow?

RMH policy allows for a variety of housing types at densities between 9 and 20 dwelling units per acre. This can take the form of small-lot single family or two-family development, townhouses (multi-family that is vertically oriented), or stacked flats (multi-family that is horizontally oriented). Civic and public benefit uses such as schools, libraries, churches, etc. may be developed at appropriate locations.

RMH – What are the goals of this policy?

RMH policy is applied to areas where there is existing zoning or development that fits the policy or the area is envisioned to develop in a RMH pattern. Generally, RMH policy is applied where there is a high level of transportation access and is convenient to high intensity mixed use areas. The higher density housing pattern serves the following purposes:

- To provide customers to support the businesses in the areas;
- To create a transition – in building types and density – between the higher-intensity mixed use development and lower density residential development nearby;
- To provide housing choice, by offering higher density housing, generally located close to commercial uses and not interior to the neighborhood;
- To support mass transit at commercial centers and along corridors; and
- To create a sustainable community by providing compact residential development in close proximity to consumer services and transit.

RMH – Why is it applied here?

The application of RMH policy along Winston Avenue reflects the goals listed above. The RMH policy along Winston Avenue has access to Nolensville Pike, a major arterial that is an important transit route, and is contiguous to high intensity Community Center (CC) policy and existing commercial businesses along Nolensville Pike. The RMH policy along Winston Avenue is also contiguous to existing RMH development that lies to the west. One goal of applying RMH policy at Winston Avenue is to create a land use transition between the Nolensville Pike's commercial land use policies and lower density residential development to the west.

Community Center (CC)

CC – What does it allow?

CC policy allows dense, predominantly commercial areas at the edge of a neighborhood, at the intersection of two major thoroughfares or along a major thoroughfare. CC areas allow residential, offices, commercial retail and services, and public benefit uses. Vertical mixed use – more than one land use in a building, such as ground-floor commercial and upper story residential or office – is the preferred development form.

CC – What are the goals of this policy?

CC policy is applied to areas where there is existing zoning or development that fits the policy or the area is envisioned to develop in a CC pattern. Generally, CC policy is applied along arterial streets, to provide transportation options for pedestrians, cyclists, transit users and vehicles.

The primary goals of CC policy are:

- To create a walkable, mixed use environment that serves consumer needs for multiple neighborhoods;
- To transform the current pattern of “strip commercial” development into a pattern where commercial centers are clustered around major intersections and a mixture of high density residential development and smaller-footprint mixed use development are found between major intersections; and
- To create pedestrian-friendly environments with buildings being brought closer to the street, parking being rearranged to eliminate excess parking in front of buildings, stories being added, and additional pedestrian, bicycle, and transit infrastructure being provided.

CC – Why is it applied here?

The application of CC policy along Nolensville Pike at Winston Avenue recognizes that there is currently commercial zoning in the area, but that this should transition, over time, into a more walkable, transit supportive, mixed-use environment that relates well with the adjacent residential neighborhoods. This is in keeping with the sustainability principle of promoting higher-intensity infill on major corridors to fully utilize existing infrastructure, create additional opportunities for transit, and provide real transportation choice for pedestrians, cyclists, transit users and drivers.

Consistent with Policy? The residential component of the Specific Plan-Mixed Use district is consistent with the Residential Medium High (RMH). The residential portion of the site is planned to consist of six duplex units and one single family unit on .71 acres. At 9.8 units per acre, the proposed density and housing mix is consistent with the intent of RMH policy.

Although the commercial section of the site plan does not fully embody the design principles of Community Center policy (CC), that section includes design requirements that aim to improve the site and support pedestrian activity to neighboring properties. These requirements are similar to those generally recommended by staff for automobile-oriented SP districts. A sidewalk is proposed along Winston Avenue connecting to the existing sidewalk network along Nolensville Pike. This connection helps to promote a pedestrian-friendly environment with the neighboring commercial uses to the south. The plan includes a 24 inch knee-wall that will be constructed along Winston Avenue to provide a physical separation of the parking area from the sidewalk.

Ideally, the commercial buildings would be placed closer to Winston Avenue and Nolensville Pike, but due to physical constraints caused by a stream and stream buffers along the perimeter of the site, the buildings are not able to properly address either street. The construction of the proposed 3,200 square foot auto sales building provides an opportunity to establish the building closer to the street and the plan should be revised to orient the building closer to Winston Avenue. With the current layout, the buildings have no relationship to each other and are secondary to the parking lot, which is clearly the dominant feature of the site. A better relationship between the two commercial structures can be created by a shared connection or cross access easement provided within the parking area.

PLAN DETAILS The plan proposes both residential and commercial uses on a 2.01 acre site. The residential component consists of four lots; three of which are planned for duplexes and one lot is planned for single family development. The lots range in size from approximately 6,400 square feet to 10,300 square feet, with a maximum height of two stories. The commercial portion of the site includes an existing auto repair shop, and a proposed two-

story auto sales and auto repair shop with a new parking area.

Access The site has frontage along Nolensville Pike and is currently accessed from Winston Avenue and Bass Avenue. A new street consisting of 46 feet of right of way is planned within the residential section to connect to Winston Avenue. A sidewalk is also proposed along the commercial frontage at Winston Avenue. The sidewalk should extend along the frontage of residential Lot 3 and connect to Winston Court. Currently, the plan shows no sidewalks on either side of Winston Court. The sidewalk should also extend to Winston Court to provide pedestrian access on both sides of the street.

The plan identifies two driveway connections on Winston Avenue to access the commercial parking area for the proposed two-story auto sales and repair building. The existing auto repair shop is accessible by a drive way connection to Bass Avenue. The plan proposes closing a portion of Bass Avenue eliminating any possible connection between the commercial parking areas. A joint access should be shown on the plan to connect the parking areas of the existing building and the proposed two story building. This connection will promote better traffic circulation and provide alternate access to both Winston Avenue and Nolensville Pike. A 20 foot access easement is also planned at the western boundary of residential Lot 1 to provide access to the adjacent parcel and a cemetery.

Parking The existing auto repair shop has a parking area with 27 parking spaces. A total of 37 parking spaces is proposed for the two-story auto sales and repair building. Both the existing and proposed parking areas comply with the minimum parking requirements of the Metro Zoning Ordinance.

Landscaping The plan proposes a standard "C" landscape buffer between the residential and commercial uses. The buffer is planned to be 10 feet wide consisting of canopy trees, under-story plants and shrubs. This internal buffer should also include a 6 foot masonry wall as required by the standard C-5 landscape buffer yard in the zoning ordinance. The Metro Zoning Ordinance also requires landscaping requirements for the parking lot. The site plan includes landscaping around the perimeter of the parking area and meets the minimum requirements for screening as defined in the Metro Zoning Ordinance.

PUBLIC WORKS RECOMMENDATIONS

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to the Department of Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Identify plans for recycling collection and solid waste disposal. Solid waste plan must be approved by the Department of Public Works Solid Waste Division.
3. Drive isle widths appear insufficient for ninety degree angle parking.
4. Label Bass Avenue "Public Right of Way - Not Accepted for Maintenance by the Metropolitan Government."
5. Improve Winston Avenue West along the property frontage to provided one-half of standard drawing ST-252 cross section.

STORMWATER RECOMMENDATION Preliminary SP approved.

FIRE MARSHAL RECOMMENDATION

1. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
2. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

3. On plans show the results from fire hydrant(s) flow test done within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants. If so, single family residences up to 3600 sq. ft. will be approved for fire hydrant requirements.
4. 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.
5. 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

METRO SCHOOL BOARD REPORT

Projected student generation 1Elementary 1Middle 1High

Schools Over/Under Capacity Students would attend Tusculum Elementary School, McMurray Middle School, and Overton High School. This zone change request would generate one new student at the elementary, middle and high school level. Tusculum Elementary and Overton High School are identified as being over capacity by the Metro School Board. However, there is capacity in the adjacent cluster to accommodate the projected new students. This information is based upon data from the school board last updated April 2008.

STAFF RECOMMENDATION Staff recommends approval with conditions of the Specific Plan district for Lake Providence. The proposed residential development is consistent with the Residential Medium High. Although the commercial component of the site is not completely characteristic of the design principles promoted by Community Center policy due to environmental conditions of the site, the design conditions required for automobile oriented SP districts will ensure that the physical appearance of the site is improved and that pedestrian connections are provided. The building orientation will be analyzed further at the final site plan stage to determine if the site conditions preclude the location of the proposed commercial building consistent with the land use policies.

CONDITIONS

1. Show all standard auto-oriented SP conditions:

- A physical separation of the automobile display or parking area from the sidewalk in the form of a “knee wall” of a minimum 24 inch height.

The wall shall be constructed of either:

- a) concrete, stone, split-faced masonry or other similar material; or
- b) pillars with wrought iron or similar material between the pillars.

- No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property.
 - All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
 - Any adjacent right of way shall include a sidewalk that meets current Metro standards for construction. If there is not an adjacent sidewalk or if the condition of the existing sidewalk is inadequate per current Metro standards for construction, a new sidewalk shall be constructed by the applicant.
 - All signs shall be either monument or on-building signage. Pole-mounted signs, including billboards, shall not be permitted.
 - All interior landscaping requirements of the Zoning Code (Chapter 17.24) shall be met, including a minimum 8 percent of interior landscaping. For the purposes of determining landscaping requirements, CS zoning should be used to determine the minimum required amount of landscaping, as per Chapter 17.24.
 - For the commercial portion of the SP, all performance and development standards not specifically listed in the SP or above, shall be the same as if the property were zoned CN.
2. Sidewalks are required along all public street frontages of the SP, with the exception of Bass Avenue.
 3. Provide a joint/cross access easement to connect the parking areas within Phase I and Phase II.

4. Absent existing on-site environmental conditions, all new construction shall comply with the building development standards of the adopted land use policy. Such determination shall be finalized at the final development plan stage. This may require the construction of the proposed 3,200 square foot auto sales building closer to Winston Avenue.
5. A standard C-5 landscape buffer yard shall separate the residential and commercial uses, including the required masonry wall.
6. The 24 inch knee wall shall be constructed along the commercial frontage on Winston Avenue.
7. Eliminate one driveway on Winston Avenue.
8. Residential corner lots (Lot 2 and Lot 3) shall incorporate house designs oriented to address both streets.
9. The uses shall be limited to one and two family residential, automobile sales (used), automobile service and automobile repair as shown on the preliminary site plan.
10. Winston Avenue shall be designated as a local street. Nolensville Pike shall be designated as an Urban Arterial- U6 based on the Major Street and Collector Plan.
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 R6 and CN zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. 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.
14. 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. Jones presented and stated that staff is recommending approval with conditions.

Mr. Joe Whitlow, 217 Wildgrove Court, spoke in opposition to the proposed development.

Mr. Frank Shelton, 4408 Providence Heights, spoke in opposition to the proposed development.

Mr. Roy Dale, 1657 Stokely Lane, spoke in favor of the proposed development.

Councilmember Foster spoke of the enhancements this development would bring to this community and requested its approval. He also reminded the Commission that he would be amending the residential portion of the proposal at its first reading in Council.

Mr. Ponder spoke of the improvements this development would provide to the area.

Ms. Cummings requested clarification on the easements that are currently scheduled for this project.

Ms. Nedra Jones explained the easements to the Commission.

Mr. Dalton questioned whether the easement access points on Winston Court would be included as a condition for this development.

Ms. Nedra Jones stated that the access to Winston Court would be automatic and does not require any special conditions.

Ms. LeQuire requested the specifics on the easement issues associated with Bass Avenue.

Ms. Nedra Jones indicated that the specifics on this easement would be included in a private agreement between the owners and that the Planning Commission would not have any jurisdiction over this agreement.

Mr. Gotto addressed the comment made by the constituent regarding the number of car lots located within the city. He further explained that this particular project contains SP zoning that will allow for additional improvements to further enhance this area.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008SP-012U-12. **(10-0)**

Resolution No. RS2008-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-012U-12 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Show all standard auto-oriented SP conditions:

- A physical separation of the automobile display or parking area from the sidewalk in the form of a “knee wall” of a minimum 24 inch height.

The wall shall be constructed of either:

- a) concrete, stone, split-faced masonry or other similar material; or
- b) pillars with wrought iron or similar material between the pillars.

- No chain link fence shall be within 25 feet of any public right of way. No razor wire, barbed wire or similar materials shall be allowed on the property.
 - All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
 - Any adjacent right of way shall include a sidewalk that meets current Metro standards for construction. If there is not an adjacent sidewalk or if the condition of the existing sidewalk is inadequate per current Metro standards for construction, a new sidewalk shall be constructed by the applicant.
 - All signs shall be either monument or on-building signage. Pole-mounted signs, including billboards, shall not be permitted.
 - All interior landscaping requirements of the Zoning Code (Chapter 17.24) shall be met, including a minimum 8 percent of interior landscaping. For the purposes of determining landscaping requirements, CS zoning should be used to determine the minimum required amount of landscaping, as per Chapter 17.24.
2. For the commercial portion of the SP, all performance and development standards not specifically listed in the SP or above, shall be the same as if the property were zoned CN.
3. Sidewalks are required along all public street frontages of the SP, with the exception of Bass Avenue.

4. Provide a joint/cross access easement to connect the parking areas within Phase I and Phase II.
5. Absent existing on-site environmental conditions, all new construction shall comply with the building development standards of the adopted land use policy. Such determination shall be finalized at the final development plan stage. This may require the construction of the proposed 3,200 square foot auto sales building closer to Winston Avenue.
6. A standard C-5 landscape buffer yard shall separate the residential and commercial uses, including the required masonry wall.
7. The 24 inch knee wall shall be constructed along the commercial frontage on Winston Avenue.
8. Eliminate one driveway on Winston Avenue.
9. Residential corner lots (Lot 2 and Lot 3) shall incorporate house designs oriented to address both streets.
10. The uses shall be limited to one and two family residential, automobile sales (used), automobile service and automobile repair as shown on the preliminary site plan.
11. Winston Avenue shall be designated as a local street. Nolensville Pike shall be designated as an Urban Arterial- U6 based on the Major Street and Collector Plan.
12. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the R6 and CN zoning district as of the date of the applicable request or application.
13. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
14. 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.
15. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-MU district is consistent with the Southeast Nashville Community Plan's area Residential Medium High and Community Center policies."

4. 2008SP-013G-14

McCrorry Creek

Map: 096-00 Parcels: 020, 021, 022, 023, 025, 026, 045, 046, 048

Map: 108-00 Parcels: 042.01, 043, 044, 044.01, 045, 047, 151

Subarea 14

Council District 14 - Bruce Stanley

A request to rezone from CS and R10 to SP-MU zoning for the McCrorry Creek development located at 559, 635, 637, 761, and 851 McCrorry Creek Road, McCrorry Creek Road (unnumbered), 2984 and 2998 Elm Hill Pike, Elm Hill Pike (unnumbered), and Neilworth Lane (unnumbered), on the south side of McCrorry Creek Road north of I-40 (219.36 acres), to permit approximately 2.7 million square feet of office and retail/commercial space, requested by LandDesign, Inc., applicant, for Thomas C. Scott, Trustee, M.C. Whitworth, Trustee, Edward and Debra Lynn Crutchfield, Grassmere Partners, and John Robert Seaborn, et ux, owners. (See also Proposal Nos. 2005P-034G-14 and 110-84-G-14, and Proposal No. 2008CP-005G-14).

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to rezone approximately 185.94 acres located at 559, 635, 637, 761, and 851 McCrorry Creek Road, McCrorry Creek Road (unnumbered), 2984 and 2998 Elm Hill Pike, Elm Hill Pike (unnumbered), and Neilworth Lane (unnumbered), on the south side of McCrorry Creek Road north of I-40 from Commercial Service (CS) and One and Two-Family (R10) to Specific Plan (Mixed-Use) SP-MU zoning to permit 2,700,000 square feet office and retail/commercial space.

Existing Zoning

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

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.

Build Out Under Current Zoning Currently the approximately 185.94 acres within the proposed SP district (all acreage is based on Metro GIS records) is zoned CS and R10, and approximately 94.17 acres is located in two separate Planned Unit Development overlay districts (PUD). The McCrorry Creek Business Park PUD, which encompasses all the properties zoned CS, was approved in 2005 for 735,000 square feet of office space, and the Niagara Place PUD was approved in 1984 for 90 single-family lots. The remaining 91.77 acres is zoned R10, and could produce approximately 531 lots with 106 duplex lots for a total of 531 new housing units. (See Build-Out table below)

BUILD-OUT	Acres	Development Rights
McCrorry Creek PUD	69.09	735,000 Sq. Ft. Office
Niagara Place PUD	25.08	90 Single-Family Units
R10	91.77	531 Residential Units

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.

DONELSON/HERMITAGE/OLDHICKORY COMMUNITY PLAN

Existing Land Use Policies

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.

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.

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.

Proposed Land Use Policies The SP proposes uses that are not entirely consistent with the existing land use policies. The applicant has also filed an application to amend the existing policies (2008CP-005G-14). For the proposed SP to be consistent with land use policies, the policies must be amended.

Office Concentration (OC) OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

Special Policy Will allow for hotels within certain areas of the Office Concentration policy.

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

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

Consistent with Policy? Yes. The SP document guides development in a manner that is consistent with the proposed policies.

PLAN DETAILS

General The approximately 185.94 acres proposed for development consists of 16 properties located south of McCrory Creek Road between Elm Hill Pike and Stewarts Ferry Pike. The properties are adjacent to Interstate – 40 and just northeast of the Nashville International Airport.

The majority of the land is fairly level with some rolling hills and steep slopes consisting of dense woods, pasture and some single-family residences. A tributary of McCrory Creek bisects the area closer to the west property boundary, and numerous sinkholes are located on the site. Three small cemeteries are also located on the site.

The area proposed for development is adjacent existing residential neighborhoods to the north and the east. McCrory Creek Road which runs along the northern boundary of the proposed development is a narrow, hilly and winding road which is not suitable for additional development without being upgraded. The development will essentially turn its back to McCrory Creek Road, and will not access or address any portion of the existing roadway. The development will also not connect to the north or east with the exception of pedestrian connections. While Planning typically encourages connectivity, intensity of the proposed office park is not directly compatible with the adjacent low-density residential uses so the plan has been designed to preserve the character of McCrory Creek Road, and buffer the adjacent residential properties from the development.

Pattern Book The SP does not propose any specific layout, but provides the foundation for future development within the district. The plan was created this way in order to allow for flexibility of development under a unified and controlled concept. To accomplish this, the plan consists of a pattern book which will become the regulating document. The document provides a master plan, specifies bulk and lot standards, access, street and parking standards, landscaping and buffer standards and architectural, sign and lighting standards. The plan sets up a Design Review Committee (DRC) which will be responsible for reviewing all proposed development to ensure that all

buildings meets all standards found in the document. The DRC will be set up by the developer, and its review will be in addition to review by Metro Planning. The plan also provides information and standards regarding blasting including identifying which homes in the area will be given a pre-blast survey.

The overall concept is for an interconnected, walkable, mixed-use office park that will provide a large amount of high-end office space and supporting office-services, retail and commercial space. The total build-out will be limited to 2,700,000 square feet of office, office services, retail and commercial including restaurants and day care services.

Master Plan While there is no specific building layout, the document provides a master plan, which identifies use districts, and how the development will be accessed. The plan identifies four separate districts, which are listed in order of intensity: Office Campus, Mixed-Use, Office/Service Center and Greenways, Pocket Parks and Trails. Access is to be provided from a new public roadway, which will become McCrory Creek Boulevard and will run between Stewarts Ferry Pike and Elm Hill Pike.

The four use districts are broken down into 15 individual parcels that range in size from 1.3 acres to over 25 acres. Thirteen parcels are dedicated to the most intense use - Office Campus that makes up a majority of the site. The Mixed-Use District will be located south of the new boulevard. The Mixed-Use District was originally adjacent McCrory Creek Road, but was relocated further south from McCrory Creek Road to address community concerns. The Office/Service Center District will be located on two parcels at the entrance along Elm Hill Pike. The last district is Greenways, Pocket Parks and Trails and will be located in various areas throughout the development.

District Standards The specific development standards will determine how each parcel ultimately will be developed. Each of the districts has its own separate list of allowed uses, and lot standards. Architectural standards are also included and will be discussed below in this staff report. All final site plans will be approved by the Metro Planning Commission, and building plans for permit issuance will be reviewed by Metro Planning staff.

Office Campus (District A) The Office Campus District will provide a large amount of high-end office space and is intended for corporate headquarters and intense office uses and secondary supporting uses. The districts will be connected to other areas in the development by streets, sidewalks and pedestrian pathways.

Allowed uses include:

- Class A Office (General)
- Medical Office
- Limited Commercial (office support)
- Retail
- Restaurant
- Fitness Center
- Civic Buildings
- Day Care
- Hotel (Parcels A-10, 11, 12 and 13 only)

Setbacks and other standards:

- Setback from McCrory Creek Boulevard: Buildings directly adjacent to McCrory Creek Boulevard shall be 20' max, and buildings not directly adjacent to McCrory Creek Boulevard shall be 50' max.
- Setback from Old McCrory Creek Road: 50' min
- Front Setback: 20' min, 50' max
- Side Setback: 20' min
- Rear Setback: 50' min
- Height: 7 stories max
- Impervious Surface Ratio (ISR): 0.9
- Open Space: 10% min

Mixed-Use (District B) The Mixed-Use District is intended to provide additional uses that will support the office uses. The district will provide for a mixture of retail, office and eateries that will be connected by streets, sidewalks,

shared plazas and open space. The district will also be connected to other areas in the development by streets, sidewalks and pedestrian pathways.

Allowed uses include:

- General Office
- Medical Office
- Commercial
- Retail
- Restaurants
- Conference Rooms
- Day Care
- Civic Buildings
- Amenities

Setbacks and other standards:

- Setback from McCrory Creek Boulevard: 12' min, 20' max
- Front Setback: 12' min, 20' max
- Height: 1.5 min. 5 stories max
- Impervious Surface Ratio (ISR): 0.9
- Open Space: 10% min

Office/Service Center (District C) The Office/Services Center District is intended to provide a transition from Elm Hill Pike into the more dense office areas. The two districts will allow less intense office space, distribution and uses that require showrooms and storage space. The districts will also be connected to other areas in the development by streets, sidewalks and pedestrian pathways.

Allowed uses include:

- General Office
- Medical Office
- Office/Distribution/Warehouse
- Retail

Setbacks and other standards:

- Setback from McCrory Creek Boulevard: 20' min, 50' max
- Setback from Elm Hill Pike: 20' min, 50' max
- Side Setback: 20' min
- Height: 3 stories max
- Impervious Surface Ratio (ISR): 0.8
- Open Space: 10% min

Greenways, Pocket Parks and Trails (District D) The Greenways, Pocket Parks and Trails District will provide green, open-air areas for recreation and relaxation and also allow for pedestrian movement along paths other than sidewalks. Along with the street sidewalk system, employees of the office park and visitors will have the option of moving within the development without having to get in an automobile. The system will also provide pedestrian connections to adjacent residential neighborhoods giving the surrounding neighbors the opportunity to enjoy the amenities of the development.

A future greenway trail is designated along McCrory Creek that is north of the site, and a small tributary to McCrory Creek bisects the property. A greenway trail will be located adjacent the tributary and will allow for a pedestrian connection to the region when the Metro Greenway system is completed.

Access/Streets/Parking and Traffic Access is to be provided from a new public street which will become McCrory Creek Boulevard. It will run between Stewarts Ferry Pike and Elm Hill Pike and will replace a section of McCrory Creek Road near Stewarts Ferry Pike. The plan anticipates the proposed extension of Harding Place, and if ever constructed, will allow for additional access directly from the development to Interstate – 40.

No district will have direct vehicular access to McCrory Creek Road or the adjacent Waterfalls Park Subdivision, but pedestrian connections will be made to the north which will allow adjacent residents the opportunity to utilize the amenities of the development without having to drive. The northern connections will be located near the intersections of Boulder Park Drive and McCrory Creek Road, and Jonesboro Drive and McCrory Creek Road. Pedestrian connections were originally shown to the existing stub streets in the Waterfalls Park Subdivision at Falls Creek Drive and Niagara Drive, but were removed to address community concerns.

Each district will have open parking, and will also have on-street parking. All parking areas will be located to the rear and sides of all buildings, and no front parking will be allowed. Parking areas will be screened from street view by landscaping, architectural features such as masonry walls and building locations. Total required parking spaces will be based on Metro Zoning requirements. On-street parking will also count towards parking requirements when the spaces are directly adjacent subject parcel.

The development will increase traffic in the area, and a traffic study has been conducted. In order to mitigate traffic and increase the existing network's capacity, numerous off-site traffic improvements will be required. Specific requirements are in the Public Works' section of this report.

Landscaping and Buffering Landscaping and landscape buffers will be utilized to "enhance pedestrian areas and to guide views towards shared amenities or to shield views from adjacent residences or toward nuisance areas such as parking or service areas." Landscaping will also be utilized to soften the environment along streets and, where feasible, existing trees and vegetation will be maintained.

A 50 foot wide Standard – D Buffer Yard will be provided along the entire northern property boundary adjacent McCrory Creek Road, and the eastern property boundary adjacent Water Falls Park subdivision. The buffer will reduce the impact of the development on the surrounding neighborhoods. While the buffer yards will not completely make the development invisible from adjacent areas, it will greatly reduce its visibility, as well as help buffer noise and light. In addition to the 50 foot wide buffer that is required some buffer areas will likely be wider than 50 feet, and will also utilize the existing topography to help minimize disturbance of adjacent residential areas. A majority of the perimeter area is heavily wooded and consists of mature trees. The use of existing trees in the buffer will greatly increase the buffers effectiveness.

In addition to the buffer yards and building setbacks, a height control plane will also help reduce the development's visibility from the adjacent residences, reducing its impact. Setbacks along McCrory Creek Road and the eastern property boundary adjacent Water Falls Park subdivision will be a minimum of 50 feet. With the 50 foot wide buffer buildings will be setback at least 100 feet from McCrory Creek Road and Water Falls Park subdivision. The height control plane will ensure that buildings heights do not tower over McCrory Creek Road and Water Falls Park. The height control plane requires that building may only be 20 feet tall at the setback from McCrory Creek road and Water Falls Park subdivision, and that the building may rise an additional 1.5 feet for every one foot off the setback.

Architectural/Sign/Lighting Standards To help ensure that all structures in the development are compatible and are of high-quality construction the document provides architectural design guidelines. The guidelines address aspects of building design and building presence along public areas. The guidelines speak to primary entries and primary facades, essentially requiring primary entries to be accessed on primary facade. The architectural design guidelines also present acceptable color palette and materials requirements.

The document includes signage standards for ground and building signs. The guidelines ensure that signs do not dominate the landscape, and that size, placement and materials are compatible with the overall development. A list of prohibited signs is included at the beginning of the signage standards. Ground signs will be limited to monument-style signage, which is generally short in profile and is longer in width than in height. The mixed-use districts are allowed free standing signs and building signs. Building sign standards require locating signage within a sign band which is created by buildings' architectural features.

Lighting standards are provided in the document and ensure that adequate lighting is provided and that it is compatible with buildings in the development. The standards also address light pollution, and utilize standards found in the Metro Zoning Code for the maximum number of foot-candles that can spill over property boundaries.

Analysis Because of the close proximity of the airport and easy access to the interstate, the property is a prime

location for a mixed-use development such as the one proposed. The proposed SP will provide for a large-scale, well-connected, high-end, mixed-use office park. While no specific layout is proposed, the document provides the district with flexibility in development while ensuring that all development will be coordinated, design will be consistent and its impact to surrounding areas will be minimized.

The district aspires to be a true mixed-use development providing places to work, shop, play and live, but is lacking one the most important ingredients: residential. The original concept included a residential component, but was removed due to voiced concerns from the community and the area's councilmember. While not having residential will not overly compromise the integrity of the development, the addition of a residential component would greatly improve it.

Allowing for residential uses in a development such as this has many benefits. Most importantly it provides workers with places to live that are within close proximity of their jobs. This helps decrease traffic by allowing people the opportunity to walk to and from work and provides for a healthier life style. While including residential uses will not remove all traffic, it can cut down on the total number of daily trips.

The community and councilmember have expressed that the area is saturated with apartments, and that the area does not need any additional apartments. They have also expressed concerns over the type and quality of possible residential products in the development.

A residential component does not necessarily mean apartments, and the district could allow for residential uses, but prohibit stand-alone apartment structures. Apartments would be a good fit for a development of this type, but town-homes, and flats above ground floor retail and commercial would also benefit the district. Metro cannot regulate whether residential units are owner-occupied or rented, but architectural standards can be used to ensure that residential products are constructed to a high standard.

The SP document includes an extremely limited list of permitted uses for each district. To ensure that there is an appropriate mixture of uses, more uses should be permitted. The SP document should cover permitted uses more thoroughly, and a detailed use table should be developed for the document.

While there will be no direct road connections from the development to McCrory Creek Road or the adjacent Waterfalls Subdivision, connectivity is still important. The development will provide many amenities that will attract local residents and in the absence of direct road connectivity pedestrian connectivity should be provided. Pedestrian connectivity is provided to the north, but the two pedestrian connections have been removed to the east. These two connections are important and should be placed back into the plan, and it is likely that without them, people will make their own.

The overall concept included in the applicant's plan for the sign standards are sound and should provide business the opportunity to adequately identify themselves in a way that is compatible with the overall development and does not overwhelm the pedestrian environment. While the concept is sound, more detail is need to ensure that the concept can be achieved. Additional details should specifically address height and size limits.

The plan allows identifying monuments to attach to each ground sign and could have a maximum height of 15 feet. This is sufficient as long as the monument feature is less than 20% of the width of the entire sign structure and that no tenant signage is displayed on the identity monument, unless it is placed entirely below the 6 foot maximum. Minimum spacing requirements for monument signs should also be specified in the document.

Building sign standards require locating signage within a sign band for mixed-use areas. Minimum and maximum heights should be specified, preferably between 15 and 25 feet above grade. For signage alignment purposes, this sign band should be clearly identified when buildings are submitted to Planning for final site plan and permit approval. For projecting signs, the maximum area should be less than 20 square feet, not 75 as stated by the document.

Overall, the district provides a sound concept and the regulating document will ensure that the development is well coordinated and that construction types are compatible. While Planning Staff does have minor issues with the plan, staff can recommend approval with the condition that these issues are resolved prior to approval at Council (see conditions below).

STORMWATER RECOMMENDATION Approve

PUBLIC WORKS/TRAFFIC RECOMMENDATION

1. Plan appears to propose roadway construction within a parcel that is not part of the submitted plan/zone change.
2. Prior to site development, focused traffic studies are required to determine intersection layout and roadway geometry.
3. Prior to site development, a geotechnical study is required, including recommendations for construction materials and techniques to support proposed roadways with fill material over and around any existing sinkhole / depressions. The geotechnical study is to evaluate and make recommendations for proper design, incorporating live loads based on AASHTO HS20-AML, earth load, and lateral earth pressure.
4. Street Network –
 - a. Internal Streets: Construct non-residential local streets per standard drawing ST-260.
 - b. Boulevard: Construct non-residential divided street per standard drawing ST-262; construct six (6') foot grass / furnishing area with eight (8') foot sidewalk.
5. Locate required stormwater detention / water quality outside of the public right of way.
6. Locations of curb cuts and median breaks are to be approved by the Department of Public Works with the submittal of final site design plans.
7. Tennessee Department of Transportation approval is required prior to development regarding the proposed Harding Extension. Submit interchange justification study.

Maximum Uses in Existing Zoning District: CS, R10 and two separate PUDs

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached(210)	218.86	N/A	551*	4,999	396	498

* Includes 90 single-family lots in approved PUD

Maximum Uses in Existing Zoning District: CS, R10/ and two separate PUDs

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	218.86	N/A	735,000	6,198	926	906

* Includes 90 single-family lots in approved PUD

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	218.86	N/A	2,428,000	15,554	2,407	2,799

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	218.86	N/A	270,000	12,952	285	1,206

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				17,309	1,370	2,601

FIRE MARSHAL RECOMMENDATION Approved based on no construction being done with this application. Fire hydrant flow data will be required before a building permit can be issued, if construction is to be done.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed Specific Plan meets the proposed policies.

CONDITIONS

1. Direct pedestrian access shall be provided from the development to the Waterfalls Subdivision. Access points shall be located at the western terminus of Falls Creek Drive and Niagara Drive.
2. Prior to final Council approval a more detailed list of permitted uses shall be incorporated into the document.
3. Prior to final Council approval the note on the Master Site Plan referring to the distribution of floor area shall be modified to adequately address the subject.
4. Note specifying where front setbacks in the Office Campus, Mixed-Use, and Office/Service Center districts are to be measured from shall be modified to address private streets and public streets.
5. Note on page 26 regarding “tree density bonus” shall be approved by the Metro Urban Forester prior to final approval by Council. Note shall be modified or omitted as directed by the Urban Forester.
6. A note shall be added to page 48 and 49 stipulating (Signage) that the sign panel on ground signs shall not be taller than 6 feet, and that 20% of the sign structure shall have a max height of 15 feet.
7. Multi-tenant ground signs shall have an individual size limit per sign. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
8. A total size limit shall be stated for signs permitted at the base of office buildings. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
9. Way finding signs shall be limited to a maximum size of 10 square feet.
10. A phasing plan shall be developed and included in the document.
11. Prior to site development, focused traffic studies are required to determine intersection layout and roadway geometry.
12. Prior to site development, a geotechnical study is required, including recommendations for construction materials and techniques to support proposed roadways with fill material over and around any existing sinkhole / depressions. The geotechnical study is to evaluate and make recommendations for proper design, incorporating live loads based on AASHTO HS20-AML, earth load, and lateral earth pressure.
13. Street Network –
 - a. Internal Streets: Construct non-residential local streets per standard drawing ST-260.
 - b. Boulevard: Construct non-residential divided street per standard drawing ST-262; construct six (6') foot grass / furnishing area with eight (8') foot sidewalks.

14. Tennessee Department of Transportation approval is required prior to development regarding the proposed Harding Extension. Submit interchange justification study.
15. Uses are limited to all uses permitted in the MUI zoning district unless otherwise prohibited in the regulating plan.
16. 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 MUI zoning district as of the date of the applicable request or application. *This note shall be added to the SP documents.*
17. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
18. 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.
19. 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.

[Note: Items #1, #4, #5, and #6 were discussed by The Metropolitan Planning Commission together. See Item #6 for actions and resolutions.]

5. 110-84-G-14

Niagara Place (Pud Cancellation)
 Map: 096-00 Parcel: 045
 Map: 108-00 Parcel: 046
 Subarea 14
 Council District 14 – Bruce Stanley

A request to cancel a portion of the Niagara Place Planned Unit Development located at McCrory Creek Road (unnumbered) and Elm Hill Pike (unnumbered), at the end of Niagara Drive (25.08 acres), zoned R10 and approved for 90 single-family lots and proposed for Specific Plan zoning, requested by LandDesign, Inc., applicant, for Thomas C. Scott, Trustee, owner. (see also Proposal No. 2008SP-013G-14, Proposal No. 2005P-034G-14, and Proposal No. 2008CP-005G-14).

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Cancel PUD

A request to cancel a portion of the Niagara Place Planned Unit Development located at McCrory Creek Road (unnumbered) and Elm Hill Pike (unnumbered), at the end of Niagara Drive (25.08 acres), zoned One and Two-Family Residential (R10) and approved for 90 single-family lots and proposed for Specific Plan zoning.

Zoning District

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.

PLAN DETAILS There is no site plan associated with this request. The request is to cancel the Planned Unit Development Overlay District on this property (Map 096, Parcel 045, and Map 108, Parcel 046), which will effectively remove the development rights that were granted with the approved PUD plan. The properties are currently vacant and consist of dense forest.

Preliminary Plan The preliminary PUD was originally approved in April 1984, and the final PUD site plan was approved June 1984. Since the final site plan approval, no building permits have been issued for this PUD.

Zoning and Long Range Plan The property is zoned R10 and the land use policy for the area is Residential Medium, which is intended for residential development with a density between four and nine units per acre. Associated applications for this request to cancel the PUD propose changing the zoning to SP-MU, and the land use policy to Office Concentration and Mixed Use.

This request will allow the property to be rezoned for mixed use and office uses through the associated SP-MU zoning application. The PUD cancellation should only be approved if the associated SP is approved.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STORMWATER RECOMMENDATION No Exceptions Taken

STAFF RECOMMENDATION Staff recommends that the request be approved with the condition that the associated SP is approved. If the associated SP district is not approved then staff recommends disapproval of the PUD cancellation.

[Note: Items #1, #4, #5, and #6 were discussed by The Metropolitan Planning Commission together. See Item #6 for actions and resolutions.]

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- 6. 2005P-034G-14**
Mccrory Creek Business Park (Pud Cancellation)
Map: 108-00 Parcels: 042.01, 043, 044, 044.01, 151
Subarea 14
Council District 14 – Bruce Stanley

A request to cancel the McCrory Creek Business Park Planned Unit Development located at 851 McCrory Creek Road, 2984 Elm Hill Pike, McCrory Creek Road (unnumbered) and Neilworth Lane (unnumbered), at the northeast corner of Elm Hill Pike and McCrory Creek Road (69.09 acres), zoned CS and approved for 735,000 square feet of office uses, requested by LandDesign Inc., applicant, for Thomas C. Scott, Trustee, owner. (See also Proposal No. 110-84-G-14, Proposal No. 2008SP-013G-14, and Proposal No. 2008CP-005G-14).

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Cancel PUD

A request to cancel the McCrory Creek Business Park Planned Unit Development located at 851 McCrory Creek Road, 2984 Elm Hill Pike, McCrory Creek Road (unnumbered) and Neilworth Lane (unnumbered), at the northeast corner of Elm Hill Pike and McCrory Creek Road (69.09 acres), zoned Commercial Service (CS) and approved for 735,000 square feet of office uses.

Zoning District

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

PLAN DETAILS There is no site plan associated with this request. The request is to cancel the Planned Unit Development Overlay District on this property (Map 096, Parcels 042.01, 043, 044.01, 151), which will effectively remove the development rights that were granted with the approved PUD plan. If the PUD plan is cancelled without adoption of other zoning, then the property could develop under the CS zoning. The properties are currently vacant and consist of forest and open field.

Preliminary Plan/Final Plan The preliminary PUD was originally approved in January 2006. No final site plan has been approved, and no building permits have been issued.

Zoning and Long Range Plan The property is currently zoned CS, which is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. The land use policy for the properties is currently Commercial Mixed Concentration, which 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. Associated applications propose changing the zoning to SP-MU, and the land use policy to Office Concentration and Mixed Use.

This request will allow the property to be rezoned for mixed use and office uses through the associated SP-MU zoning application. The PUD cancellation should only be approved if the associated SP is approved.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STORMWATER RECOMMENDATION No Exceptions Taken

STAFF RECOMMENDATION Staff recommends that the request be approved with the condition that the associated SP is approved. If the associated SP district is not approved then staff recommends disapproval of the PUD cancellation.

Resolution No. RS2008-114

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008CP-005G-14 is **APPROVED. (10-0)**”

Resolution No. RS2008-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-013G-14 is **APPROVED WITH CONDITONS, including revised Public Works conditions received May 21, 2008. (10-0)**”

Conditions of Approval:

1. Direct pedestrian access shall be provided from the development to the Waterfalls Subdivision. Access points shall be located at the western terminus of Falls Creek Drive and Niagara Drive.
2. Prior to final Council approval a more detailed list of permitted uses shall be incorporated into the document.
3. Prior to final Council approval the note on the Master Site Plan referring to the distribution of floor area shall be modified to adequately address the subject.
4. Note specifying where front setbacks in the Office Campus, Mixed-Use, and Office/Service Center districts are to be measured from shall be modified to address private streets and public streets.
5. Note on page 26 regarding “tree density bonus” shall be approved by the Metro Urban Forester prior to final approval by Council. Note shall be modified or omitted as directed by the Urban Forester.
6. A note shall be added to page 48 and 49 stipulating (Signage) that the sign panel on ground signs shall not be taller than 6 feet, and that 20% of the sign structure shall have a max height of 15 feet.

7. Multi-tenant ground signs shall have an individual size limit per sign. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
8. A total size limit shall be stated for signs permitted at the base of office buildings. Applicants shall work with Planning Staff to determine the appropriate area, and the limitation shall be placed in the document prior to Council approval.
9. Way finding signs shall be limited to a maximum size of 10 square feet.
10. A phasing plan shall be developed and included in the document.
11. Prior to site development, focused traffic studies are required to determine intersection layout and roadway geometry.
12. Prior to site development, a geotechnical study is required, including recommendations for construction materials and techniques to support proposed roadways with fill material over and around any existing sinkhole / depressions. The geotechnical study is to evaluate and make recommendations for proper design, incorporating live loads based on AASHTO HS20-AML, earth load, and lateral earth pressure.
13. Street Network –
 - Internal Streets: Construct non-residential local streets per standard drawing ST-260.
 - Boulevard: Construct non-residential divided street per standard drawing ST-262; construct six (6') foot grass / furnishing area with eight (8') foot sidewalks.
14. Tennessee Department of Transportation approval is required prior to development regarding the proposed Harding Extension. Submit interchange justification study.
15. Uses are limited to all uses permitted in the MUI zoning district unless otherwise prohibited in the regulating plan.
16. 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 MUI zoning district as of the date of the applicable request or application. *This note shall be added to the SP documents.*
17. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
18. 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.
19. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-MU district is consistent with the newly approved Donelson/Hermitage/Old Hickory Community Plan's area Office Concentration, Mixed-Use, Natural Conservation and special policies."

Resolution No. RS2008-118

"BE IT RESOLVED by The Metropolitan Planning Commission that 110-84-G-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Staff recommends that the request be approved with the condition that the associated SP is approved. If the associated SP district is not approved then staff recommends disapproval of the PUD cancellation.

The PUD proposed to be canceled is within a proposed SP-MU district (2008SP-013G-14), and must be canceled to implement the new SP. Cancellation will have no negative impact on the surrounding area."

Resolution No. RS2008-119

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-034G-14 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

2. Staff recommends that the request be approved with the condition that the associated SP is approved. If the associated SP district is not approved then staff recommends disapproval of the PUD cancellation.

The PUD proposed to be canceled is within a proposed SP-MU district (2008SP-013G-14), and must be canceled to implement the new SP. Cancellation will have no negative impact on the surrounding area."

7. **2008Z-042G-06**
Map: 155-00 Parcel: 122, Part of 293
Subarea 6
Council District 35 – Bo Mitchell

A request to amend a previously approved Council Bill to remove condition #5 restricting access to Moss Road for property located at Highway 100 (unnumbered), approximately 775 feet south of Collins Road (6.03 acres), requested by West Meade Realtors, applicant, for Betty French and Mary and James Johnson, owners.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-042G-06 to June 26, 2008, at the request of the applicant. (10-0)

8. **2008Z-049G-06**
Map: 155-00 Parcel: 104
Subarea 6
Council District 35 – Bo Mitchell

A request to rezone from RS40 to RS20 district property located at 8281 Collins Road, approximately 320 feet north of Highway 100 (1.63 acres), requested by Ernest and Martha Quinn, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone 1.63 acres from Single-Family Residential (RS40) to Single-Family Residential (RS20) district property located at 8281 Collins Road, approximately 320 feet north of Highway 100.

Existing Zoning

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

Proposed 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.

BELLEVUE COMMUNITY PLAN

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

Consistent with Policy? The residential density envisioned for this area is for between two to four dwelling units per acre. While this request is slightly under the density envisioned by the RLM policy, it is closer to density envisioned by the policy than the current RS40 zoning district.

RECENT REZONINGS A property 100 feet to the west was rezoned to RS10 on August 21, 2007.

PUBLIC WORKS RECOMMENDATION No Exception Taken

Typical Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	1.63	0.93	1	10	1	2

Typical Uses in Proposed Zoning District: RS20

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	1.63	1.85	3	29	3	4

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+2	+19	+2	+2

METRO SCHOOL BOARD REPORT

Projected student generation 0 **Elementary** 0 **Middle** 0 **High**

Schools Over/Under Capacity Students would attend Harpeth Valley Elementary School, Bellevue Middle School, or Hillwood High School. Harpeth Valley Elementary School has been identified as being over capacity by the Metro School Board. There is capacity at another elementary school within the cluster. This information is based upon data from the school board last updated April 2008.

STAFF RECOMMENDATION Staff recommends approval.

Mr. Bernhardt announced that Item #8, 2008Z-049G-06, could be placed back on the consent agenda for approval. He explained that the constituent who requested to speak on this item was no longer at the meeting.

Mr. Gotto move and Ms. Cummings seconded the motion, which passed unanimously, to place Zone Change 2008Z-049G-06 back on the Consent Agenda and approve. **(10-0)**

Resolution No. RS2008-120

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-049G-06 is **APPROVED. (10-0)**

While the proposed RS20 zoning district allows for a density that is below what is intended in the Bellevue Community plans Residential Low Medium policy for this area, the proposed district is closer to what is envisioned by the policy and will not have any negative impact on the surrounding area.”

9. 2008Z-052G-06

Map: 155-00 Parcels: 281, 283, 294

Subarea 6

Council District 35 – Bo Mitchell

A request to rezone from RS20 to AR2a district properties located at 8382 Collins Road and Collins Road (unnumbered), approximately 2,850 feet west of Highway 100 (100.0 acres), requested by Councilmember Bo Mitchell, applicant, on behalf of David E. Johnson, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone approximately 100 acres located at 8382 Collins Road and Collins Road (unnumbered), approximately 2,850 feet west of Highway 100 from Single-Family Residential (RS20) to Agricultural/Residential (AR2a).

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

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

BELLEVUE COMMUNITY PLAN

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

Consistent with Policy? The AR2a district is not consistent with the area’s RLM policy as it allows for a density that is less than what is called for in the policy. While the AR2a district is not consistent with the policy, the lower density allowed with the AR2a district will not have a negative impact on the area, and can be rezoned to be more consistent with the policy when the property is developed.

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STAFF RECOMMENDATION Staff recommends that the request be approved. While the AR2a district is not consistent with the area’s RLM policy as it will allow for a density below what is allowed in the policy, it will not have a negative impact on the area.

Approved, (10-0) *Consent Agenda*

Resolution No. RS2008-121

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-052G-06 is **APPROVED. (10-0)**

While the proposed AR2a zoning district allows for a density that is below what is intended in the Bellevue Community plans Residential Low Medium policy for this area, the proposed district will not have any negative impact on the surrounding area.”

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- 10. 2008Z-053G-14**
Map: 064-09 Parcel: 132
Subarea 14
Council District 11 – Darren Jernigan

A request to rezone from R8 to R6 district property located at 4225 Woods Street, at the northwest corner of Woods Street and 5th Street (0.55 acres), requested by Matt Manson, applicant, Curtis and Debbie Seals, owners.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-053G-14 to June 26, 2008, at the request of the applicant. (10-0)

X. PUBLIC HEARING: FINAL PLANS

- 11. 2008S-095G-10**
DORSET PARK (FORMERLY GRANNY WHITE SUBDIVISION)
Map: 159-00 Parcels: 085, 201, 228, 265
Subarea 10
Council District 34 – Carter Todd

A request to revise the concept plan and for final plat approval to create 16 lots on properties located at 5638, 5640, and 5644 Granny White Pike and Granny White Pike (unnumbered), approximately 740 feet north of Old Hickory Boulevard (14.4 acres), zoned R40 and SP-R, requested by GWP Land Partnership & GWP Land Development, LLC, owner, Cherry Land Surveying Inc., surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 16 lots on properties located at 5638, 5640 and 5644 Granny White Pike and Granny White Pike (unnumbered), approximately 740 feet north of Old Hickory Boulevard (14.4 acres), zoned One and Two Family Residential (R40) and Specific Plan Residential (SP-R).

ZONING

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

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 only one residential building type.

PLAN DETAILS The final plat creates 16 single-family lots on 14.4 acres. The plat is consistent with the concept plan and the development plan with the exception of a change in access along Granny White Pike. In order to limit driveway connections to Granny White Pike, the Planning Commission approved a condition to require shared access at the rear of lots 1 through 4 by way of a proposed internal road, and no access to Granny White Pike at the preliminary plat stage. Due to site conditions, there are potential problems with rear access to Lot 1 and Lot 4. Staff recommends approval of direct access to Granny White Pike for Lots 1 and 4. No direct access to Granny White Pike will be allowed for Lots 2 and 3, however. A note has been added to the plat stating, "Lots 2 and 3 shall have no driveway access to Granny White Pike."

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved

FIRE MARSHAL RECOMMENDATION Hydrant flow data will be required at time of construction.

STAFF RECOMMENDATION Staff recommends approval of the final plat with the change to allow direct access to Granny White Pike for Lots 1 and 4.

Approved, (10-0) *Consent Agenda*

Resolution No. RS2008-122

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-095G-10 is **APPROVED. (10-0)**”

XI. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS

12. 2005P-023G-02

Belle Arbor, Ph. 1 (Formerly Victory Village)

Map: 050-00 Parcel: Part of 031

Subarea 2

Council District 3 – Walter Hunt

A request to revise the preliminary plan and for final approval for a portion of the Belle Arbor Planned Unit Development Overlay located at 3549 Brick Church Pike (11.84 acres), zoned RM6, to permit the development of 36 single-family lots in Phase 1, requested by Dale & Associates, applicant, for The Victory Church of Nashville, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary & PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Planned Unit Development Overlay located at 3549 Brick Church Pike (11.84 acres), zoned Multi-Family Residential (RM6), to permit the development of 36 single-family lots.

Zoning District

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

PLAN DETAILS This is a request to revise the last approved preliminary PUD plan and for final site plan approval for Phase One. The properties are within a residential Planned Unit Development. Currently the PUD has not been developed, and the properties consist of mostly open pasture and some wooded areas.

History The original plan was named Victory Village, and has been renamed to Belle Arbor. The Planning Commission recommended that the Council approve the preliminary plan at its September 8, 2005, meeting, and the plan was subsequently approved by Metro Council in January 2006. The original plan included 135 single-family lots, 28 two-family lots (56 units), 155 multi-family units, an assisted-living facility with 75 beds, and a community center. In November 2007 the Planning Commission approved a revision to the preliminary that included 135 single-family lots, 164 townhomes and cottages, and 36 duplex lots (72 units) with an overall density of 4.3 units per acre, eliminating the assisted-living facility, and the community center.

Site Plan The Phase One plan calls for 36 single-family lots on approximately 11.84 acres. The plan is generally consistent with the last approved preliminary PUD plan, but does include minor changes to the overall lot and open space layout. No additional lots are proposed and connectivity and the overall pattern are consistent with the original preliminary.

Primary access is from Brick Church Pike with a secondary access connecting to Brick Drive in the adjacent subdivision to the north. All lots are front loaded and will be accessed off of new public streets. All dead end streets shown on the plan will be extended with future development in the PUD.

There are approximately 4.36 (37%) acres of open space in this phase. Of the 4.36 acres, 1.05 is active and consists of pathways, benches and a play area. The remaining open space is for stormwater facilities and buffer yards.

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

STAFF RECOMMENDATION Staff recommends approval with conditions. While the plan is slightly different than the preliminary that was last approved by the Planning Commission, the changes are minor and do not change the overall layout or concept of the last approved plan.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Resolution No. RS2008-123

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-023G-02 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.”

XII. OTHER BUSINESS

13. The Rite Car

Motor Vehicle Business Establishment application for property located at 4618 Old Hickory John M. Baker, applicant, for Arthur Anderson et ux, owners. (Proposal No. 2008Z-051G-14)

Mr. Kleinfelter presented information for this application.

Mr. John Baker, applicant, spoke in favor of his requested application.

Mr. Gotto requested further clarification on the violation that was listed for this application.

Mr. Kleinfelter offered additional information on the violation.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve, as the applicant did show cause for the Motor Vehicle Business Establishment application for property located at 4618 Old Hickory. **(10-0)**

Resolution No. RS2008-124

“BE IT RESOLVED by The Metropolitan Planning Commission that MVE: The Rite Car, 2008Z-051G-14, is **APPROVED. (10-0)**”

14. Car Bazaar, Inc.

Motor Vehicle Business Establishment application for 401 Murfreesboro Pike, at the southwest corner of Murfreesboro Pike and Nance Lane. (Proposal No. 2008Z-055U-11)

Mr. Kleinfelter presented information for this application.

Mr. Dalton moved and Ms. Jones seconded the motion, which passed unanimously to disapprove, as the applicant did not show cause for the Motor Vehicle Business Establishment application for property located at 401 Murfreesboro Pike. **(10-0)**

Resolution No. RS2008-125

“BE IT RESOLVED by The Metropolitan Planning Commission that MVE: Car Bazaar, Inc., 2008Z-055U-11, is **DISAPPROVED. (10-0)**”

15. Election of Officers

Mr. McLean announced that Ms. Cummings, Mr. Ponder and Mr. Clifton were selected to review the offices of the Commission.

Ms. Cummings announced that as a result of their review, it is being recommended that Mr. Phil Ponder serve as Vice Chairman and Mr. McLean serve as Chairman.

Ms. Cummings moved and Mr. Clifton seconded the motion, which passed unanimously to approve the recommendation whereas Jim McLean will serve as Chairman and Mr. Ponder will serve as Vice Chairman. **(10-0)**

Resolution No. RS2008-126

“BE IT RESOLVED by The Metropolitan Planning Commission that **Mr. McLean will serve in the capacity of Chairman and that Mr. Ponder will serve as Vice Chairman. (10-0)**”

Mr. McLean announced that Tonya Jones will be the Commission representative to serve on the Metro Parks Board, and that Mr. Phil Ponder will be appointed by the Mayor’s office to be the Commission representative to serve on the Metro Historical Commission.

Mr. Bernhardt announced that it was necessary for the Commission to re-adopt their Rules and Procedures.

Ms. Jones left the meeting at 5:40 p.m.

Ms. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously, to readopt their Rules and Procedures. (9-0)

Resolution No. RS2008-127

“BE IT RESOLVED by The Metropolitan Planning Commission that the Rules and Procedures were **ADOPTED**. (10-0)”

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16. Contract between RPM Transportation Consultants LLC and Metropolitan Government of Nashville/Davidson County (on behalf of the Nashville Area MPO) for Regional Bicycle / Pedestrian Planning Services

The Metropolitan Planning Commission DEFERRED to June 12, 2008, at the request of the applicant. (10-0)

17. Executive Director Reports

18. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 5:45 p.m.

Chairman

Secretary



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