



**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**

7/24/2008

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
David Kleinfelter, Planning Mgr. II
Ted Morrissey, Legal Counsel
Jason Swaggart, Planner I
Bob Leeman, Planner III
Trish Brooks, Admin. Svcs Officer 3
Carrie Logan, Planner I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I
Hilary Kahnle, Planning Mgr. II
Jennifer Regen, Planner III
Jonathon Honeycutt, Public Works
Devin Doyle, Public Works
Steve Mishu, Metro Water
Jennifer Carlat, Planning Mgr. II
Anita McCaig, Planner III
Cindy Wood, Planner III
Tifinie Adams, Planner I
Scott Adams, Planner I
Hilary Kahnle, Planning Mgr. 2
Greg Johnson, Planner II
Joni Priest, Planner II

Commission Members Absent:

Stewart Clifton

I. CALL TO ORDER

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

II. ADOPTION OF AGENDA

Ms. Hammond announced that there were no changes to the agenda.

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

III. APPROVAL OF JUNE 26, 2008, MINUTES

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously, to approve the minutes of June 26, 2008. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Coleman addressed the Commission regarding Item #3, 2008Z-050U-13. He mentioned issues with the public works recommendation, however, stated the item could be placed back on the Consent Agenda.

Councilmember Stanley requested that Item #4, 2008Z-058U-14 be removed from the Consent Agenda in order to allow those affected by the proposal the opportunity to speak to the Commission.

Councilmember Moore was present at the meeting, however, did not address the Commission at that time.

Councilmember McGuire stated he would address the Commission after his item was presented to the Commission.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

16. 78-81-U-13 A request for a revision to the preliminary and for final approval for the Brighton Valley Apartments Planned Unit Development located at 500 Brooksboro Terrace, zoned R10, to permit the construction of a 150-foot monopole cell tower – deferred indefinitely at the request of the applicant.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. (9-0)

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

PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

2. 2008S-090U-05 A request for final plat approval to create 3 single family lots on property located at 1703 Greenwood Avenue, zoned R6 and located within the Eastwood Neighborhood Conversation Overlay. -Approve w/conditions
3. 2008Z-050U-13 A request to rezone from R10 and RM20 to RM9 district, property located at Old Franklin Road (unnumbered) and 5540 Crossings Circle -Approve

COMMUNITY PLANS

5. 2005P-008G-06 A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Planned Unit Development located at 8002 Highway 100, approximately 300 feet west of Temple Road, (1.12 acres), to permit an automobile convenience center with 6 fuel islands, a 3,150 square foot store, and a 876 square foot automatic car wash, replacing a 8,700 square foot retail/restaurant use, zoned CL -Approve w/conditions including stormwater conditions listed in the staff report, and approval of the variance from the Scenic Landscape Easement requirement in the Metro Zoning Code.

COMMUNITY PLANS

6. 2007CP-22U-10 A request to adopt the 12th Avenue South Detailed Neighborhood Design Plan, as an amendment to the *Green Hills/Midtown Community Plan: 2005 Update*, to provide more detailed guidance on planning for growth and preservation along the 12th Avenue South Corridor and adjoining neighborhoods. -Approve

SPECIFIC PLANS

7. 2006SP-108U-08 A request to change approximately 6.94 acres from SP-A, OR20, and R6 to SP-A for property bounded by Rosa Parks Boulevard on the west, Interstate – 65 on the south and Dominican Street on the south and east to permit an auto dealership with a 65,000 square foot building and a 760 square foot telephone utility/communication facility. -Approve w/conditions
8. 2008SP-014U-13 A request to change from R10 to SP-MNR zoning for property located at 2635 Smith Springs Road, to permit personal care services in an existing 1,792 square foot dwelling. -Approve w/conditions
9. 2008SP-015U-10 A request to change from RS7.5 to SP zoning for a portion of property located at 2400 Fairfax Avenue, at the northwest corner of Fairfax Avenue and 24th Avenue South, to permit community education, staff and teacher training, and an office for The Nashville Alliance for Public Education in existing structures totaling 44,568 square feet. -Approve w/conditions

FINAL PLATS

12. 2008S-062U-13 A request for a variance to the sidewalk requirements for a plat approved by the Planning Commission for 3 lots on property located at 312, 316 and 318 Melvin Jones Drive, zoned R10. -Approve

REVISIONS AND FINAL SITE PLANS

14. 155-74-G-14 A request to revise the preliminary plan and for final approval for a portion of the Larchwood Commercial Planned Unit Development located at 100 Centerview Drive, to permit a parking lot expansion of 413 spaces to increase the total number of parking spaces from 868 to 1,239 spaces. -Approve w/conditions
15. 1-74-U-13 A request to revise the preliminary plan and for final approval for a portion of the Hickory Hollow Mall Planned Unit Development located at 5380 Hickory Hollow Parkway, to permit a 40,000 square foot religious institution where a 40,000 square foot financial institution was previously approved and constructed. -Approve w/conditions
17. 88P-040G-06 A request to revise the preliminary plan and for final approval for a portion of the Sam's Club Commercial Planned Unit Development located at 617 Old Hickory Boulevard, to permit a drive-thru window to be added to an existing 1,337 square foot restaurant for a total of 1,393 square feet. -Approve w/conditions

Mr. Gotto expressed issues with Item #6, 2007CP-22U-10, 12th Avenue South Detailed Neighborhood Design Plan (DNBP) and its place on the Consent Agenda. He spoke of the extensive review involved with detail neighborhood design plans and suggested that it be removed from the Consent Agenda and deferred to a future meeting to allow comments from community members, as well as a staff presentation. He then requested that the Commission hear from Councilmembers Durbin and Moore regarding this plan.

Councilmember Durbin spoke in favor of the 12th Avenue South Detailed Neighborhood Design Plan. He gave a brief explanation of all the community meetings that he and his constituents attended, and stated he would be in favor of its approval.

Mr. Gotto then mentioned the proposed Community Character Manual that will be presented in August and questioned whether the 12th Avenue South DNDP would reflect the new language that is contained in the Community Character Manual.

Mr. Bernhardt explained that the DNDP uses the current technical language contained in the Land Use Policy, however, that it was created in a way, in which that the new language could also be utilized.

Mr. McLean then questioned whether the DNDP would need to be modified after the Community Character Manual was adopted.

Mr. Bernhardt explained that once the Community Character Manual was adopted, it would be used for future plans, and would not automatically change any preceding documents.

Councilmember Durbin offered additional information on the study that he and his constituents underwent regarding the plan and stated that he and his constituents were comfortable with approving the plan.

Mr. Gotto acknowledged the comments made by Councilmember Durbin and withdrew his request to remove the 12th Avenue South Detailed Neighborhood Design Plan from the Consent Agenda.

Mr. Gee then referenced a letter submitted by the 12 South Neighborhood Association in which various issues regarding the plan were listed and he questioned whether the issues were addressed by the staff.

Mr. Bernhardt stated that the item could be removed from the Consent Agenda and presented.

Councilmember Durbin offered that there were constituents in the audience that would speak on this item if it were presented for discussion.

Mr. Gotto then stated he would like to have Item #6, 12th Avenue South Detailed Neighborhood Design Plan removed from the Consent Agenda.

Mr. Ponder moved and Ms. Jones seconded the motion, which passed unanimously to approve the Consent Agenda as amended. **(9-0)**

VII. PREVIOUSLY DEFERRED ITEMS

- 1. 2008S-048U-05**
Riverside Drive
Map: 083-11 Parcel: 080
Map: 083-15 Parcel: 193
Subarea 5
Council District 7 – Erik Cole

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

Staff Recommendation: Approve with conditions

APPLICANT REQUEST- Concept Plan

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

Zoning

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

SUBDIVISION DETAILS

History This request was originally heard by the Planning Commission on February 28, 2008. The applicant deferred the request indefinitely at the request of the Commission so that the applicant could furnish the Commission with additional information regarding concerns with the request. Specifically, the Commission asked the applicant to address possible dumping on the site as well as provide information on the possible effects of overhead power lines on humans.

The applicant has provided Planning Staff with a Phase One Environmental Impact Study. The study concludes that the borings do not indicate the presence of any trash, garbage or any other material of environmental concern. To address the issues regarding the overhead power lines, the applicant has provided Planning Staff with information from various sources including the Tennessee Valley Authority. Information provided concluded that there is no real evidence to confirm the existence of any health consequences from exposure to low level electromagnetic fields. **The applicant's report has been included with the staff report packet provided to the Commissioners.**

Variance Approval The original report to the Planning Commission included a condition that required approval from the Board of Zoning appeals for the rear yard setbacks, and that the approval was required prior to submittal of the development plan. Since the deferral, the Board of Zoning Appeals has approved a variance for the rear yard setback. The variance was approved with conditions on June 19, 2008 (2008-034).

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

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

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

With the TVA easement, 25 foot railroad buffer, and 20 foot rear setback requirement, building envelope depths are reduced to approximately 30 feet. A 30 foot building envelope depth is not sufficient as it will not allow for a variety of building types and will result in a building pattern that is not compatible with the surrounding area. Since the applicants have received a variance from the Board of Zoning Appeals for the rear yard setbacks, building envelopes can be larger and be more in keeping with the surrounding area.

Staff Analysis The proposed plat meets all of the requirements found in the Metro Subdivision Regulations and the Metro Zoning Code. As requested by the Planning Commission, the applicant has provided a Phase One Environmental Impact Study, and information regarding the effects of overhead power lines. The impact study concluded that no materials of environmental concern were found on the site. Information regarding overhead power lines concluded that there is no real evidence to confirm the existence of any health consequences from exposure to low level electromagnetic fields.

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

STORMWATER RECOMMENDATION No Exceptions Taken

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

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposal meets all current regulations and zoning. Furthermore, the applicant has provided all information requested by the Planning Commission at its February 28, 2008, meeting.

CONDITION This request will require the extension of an off-site sewer line. Plans for the extension of this sewer

line shall be submitted to Metro Water Services and must be approved at the Development Plan application stage.

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

Mr. Bernhardt offered additional information regarding a sewer access easement that would require authorization from the Parks Board.

Mr. Gee questioned whether the conditions mentioned in Councilmember Cole's letter were addressed by the Board of Zoning Appeals.

Mr. Swaggart explained the conditions provided by the Board of Zoning Appeals.

Mr. Tyler requested clarification on the building envelopes for each lot.

Mr. Swaggart provided this information to the Commission.

Ms. Cummings stated her issues associated with the existing power lines were addressed and she was in favor of approving the proposal.

Mr. Ponder explained that he still had issues with the power lines that existed on the property. He stated he was not in favor of approving the proposal.

Ms. Jones acknowledged that the developer provided the information as requested by the Commission and that it may be difficult to disapprove their request, and that the land was already zone residential.

Mr. Dalton stated that he too still had issues regarding the utility lines located on the property, however, acknowledged that the developer provided the requested information for the Commission.

Ms. LeQuire acknowledged the letter submitted by Councilmember Cole regarding this proposal. She also agreed with fellow Commissioners regarding their position on this case.

Mr. Gotto moved and Ms. Cummings seconded the motion, to approve with conditions Zone Change 2008S-048U-05. **(8-1) No vote- Ponder**

Resolution No. RS2008-150

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-048U-05 is **APPROVED WITH CONDITIONS. (8-1)**

Conditions of Approval:

1. This request will require the extension of an off-site sewer line. Plans for the extension of this sewer line shall be submitted to Metro Water Services and must be approved at the Development Plan application stage.”

2. 2008S-090U-05

J. J. Pryor's Subdivision
Map: 083-02 Parcel: 246
Subarea 5
Council District 6 – Mike Jameson

A request for final plat approval to create 3 single family lots on property located at 1703 Greenwood Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.49 acres), zoned R6 and located within the Eastwood Neighborhood Conversation Overlay, requested by Alain Christopher Keenan, owner, Duclos Survey & Design Inc., surveyor.

Staff Recommendation: Approved with conditions

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 3 single-family lots on property located at 1703 Greenwood Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.49 acres), zoned One and Two-Family Residential (R6).

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.

Neighborhood Conservation Overlay District (NC) - Neighborhood Conservation (NC) districts are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

PLAN DETAILS The final plat subdivides one parcel to create three single-family lots. Each lot complies with the minimum lot size requirements for R6 zoning. An existing single-family dwelling is located on Lot 1 and is planned to remain.

This request for final plat approval was deferred from the June 26, 2008 Planning Commission meeting in response to neighbors concerns about the configuration of Lot 2 and Lot 3 and its relationship to the historic house. The applicant has since revised the plan to address these issues by creating a lot pattern for Lot 2 and Lot 3 that is consistent with the surrounding lots. The lots are now positioned at an angle to Chapel Avenue so as not to obstruct the view of the historic house and to reflect the pattern of the lot layout in the neighborhood.

Historic Property - The East Nashville Community Plan identifies this site as a historic resource. The Colonel Pryor House is located on proposed lot 1 and is designated as Worthy of Conservation by the Metro Historic Zoning Commission.

Lot Comparability - Section 3-5.1 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
Greenwood Avenue	12,087	52
Chapel Avenue	6,615	63

As proposed, the three new lots have the following areas and street frontages:

- Lot 1: 40,487 sq. ft. with 154.47 ft. of frontage
- Lot 2: 11,565.9 sq. ft. with 68.56 ft. of frontage
- Lot 3: 10,159.2 sq. ft. with 63 ft. of frontage

Each lot meets the minimum requirements for lot area and lot frontage.

HISTORICAL COMMISSION RECOMMENDATION - We are in agreement with this new plan - as long as future buildings for Lots 2 and 3 are able to follow proper setback requirements.

PUBLIC WORKS RECOMMENDATION - No Exception Taken

STORMWATER RECOMMENDATION - Approved

FIRE MARSHAL RECOMMENDATION

1. Any residential construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H.
2. One and two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft.to be approved for fire hydrant flow requirements.

STAFF RECOMMENDATION - Staff recommends approval with conditions of the final plan to create three lots.

CONDITIONS

1. Prior to recordation, a new Note No. 1 shall be added to the plat stating: “The purpose of this plat is to create three single-family lots.”
2. Prior to recordation, a note shall be added to the plat stating: “Any residential construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H.”
3. Prior to recordation, a note shall be added to the plat addressing the Fire Marshal requirement that one and two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft.to be approved for fire hydrant flow requirements.
4. Fire hydrant flow data shall be provided on the plat prior to recordation.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2008-151

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-090U-05 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. Prior to recordation, a new Note No. 1 shall be added to the plat stating: “The purpose of this plat is to create three single-family lots.”
2. Prior to recordation, a note shall be added to the plat stating: “Any residential construction over 3600 sq. ft. will require an independent review by the Fire Marshals office and be required to comply with the 2006 edition of NFPA 1 table H.”

3. Prior to recordation, a note shall be added to the plat addressing the Fire Marshal requirement that one and two family final plat plans must show results from fire hydrant(s) flow test, performed within 6 months with a minimum of 1000 gpm @ 20 psi available at hydrants, for buildings up to 3600sq. ft. to be approved for fire hydrant flow requirements.
4. Fire hydrant flow data shall be provided on the plat prior to recordation.”

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

3. **2008Z-050U-13**
Map: 163-00
Parcels: 385, 390, part of 389, part of 26, part of 146
Subarea 13
Council District 32 – Sam Coleman

A request to rezone from R10 and RM20 to RM9 district, property located at Old Franklin Road (unnumbered) and 5540 Crossings Circle, approximately 680 feet north of Crossings Boulevard (34.8 acres), requested by Littlejohn Engineering Associates, applicant, for Crews Crossing LLC, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone from One and Two-Family Residential (R10) and Multi-Family Residential (RM20) to Multi-Family Residential (RM9), property located at Old Franklin Road (unnumbered) and 5540 Crossings Circle, approximately 680 feet north of Crossings Boulevard (34.8 acres).

Existing Zoning

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. The R10 zoning district would permit 15 single-family lots and 5 duplex lots, for a total of 25 units on this site using the cluster lot option.

RM20 District - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. The RM20 zoning district would permit 588 units.

Proposed Zoning

RM9 District - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The proposed zone change would permit a total of 313 units.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN POLICY

Regional Activity Center (RAC) RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. 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.

Consistent with Policy? On March 13, 2008, the Planning Commission approved the cancellation of a portion of the Crossings PUD on a portion this property, along with an amendment to the overall PUD plan. That request eliminated the street frontage on Crossings Boulevard due to a stream crossing. The applicant has indicated that the intent is to combine the property included in this rezoning request to allow for frontage along Old Franklin Road. A large portion of the property within this request is being downzoned from RM20, which permits 20 units per acre, to RM9, which permits 9 units per acre. Under the current zoning, the property could be developed with 613 units. Under the proposed zoning, the property could be developed with 313 units.

PUBLIC WORKS RECOMMENDATION - A TIS may be required at development.

Typical and Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	5.38	4.63	25	240	19	26

Typical and Maximum Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	5.38	9	48	344	29	33

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
--			+23	104	10	7

Typical and Maximum 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)	29.42	20	588	2894	214	257

Typical and Maximum Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	29.42	9	265	1470	113	134

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
--			-323	-1424	-101	-123

METRO SCHOOL BOARD REPORT

Projected student generation 28 Elementary 16 Middle 16 High

Schools Over/Under Capacity Students would attend AZ Kelly Elementary School, Marshall Middle School, or Cane Ridge High School. AZ Kelly Elementary School has been identified as being over capacity by the Metro School Board. There is no capacity within the cluster for elementary school students. The fiscal liability for the elementary school students is \$560,000. This information is based upon data from the school board last updated June 2008.

The information above was calculated for the entire property, 34.8 acres, at a density of 9 units per acre. The existing zoning on 29.42 acres permits 20 units an acre. RM20 zoning on 29.42 acres would generate 53 elementary school students, 29 middle school students and 29 high school students. Therefore, this rezoning request represents a decrease in the impact on Metro Schools.

STAFF RECOMMENDATION Staff recommends approval.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2008-152

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-050U-13 is **APPROVED. (9-0)**

The proposed RM9 district is consistent with the Antioch/Priest Lake Community Plan’s Regional Activity Center policy which is intended for concentrated mixed-use areas and include all types of retail activities, offices, public uses and higher density residential areas.”

4. 2008Z-058U-14

Map: 096-05 Parcel(s): 095

Subarea 14

Council District 14 – Bruce Stanley

A request to rezone from RS10 to R10 district property located at 119 Lebanon Pike, approximately 615 feet east of Donelson Pike (2.29 acres), requested by Charlie Simms, applicant, for Rondol and Mary Oakley, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) district property located at 119 Lebanon Pike, approximately 615 feet east of Donelson Pike (2.29 acres).

Existing Zoning

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The RS10 zoning district would permit 8 single-family lots on this site using the cluster lot option.

Proposed Zoning

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. The R10 zoning district on this site would permit 8 lots, two of which could be duplex lots, for a total of 10 units using the cluster lot option.

DONELSON-HERMITAGE 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 request to allow one and two-family residential uses is consistent with Residential Low Medium (RLM) policy. The uses permitted under the R10 zoning district are compatible with the surrounding uses in the area. The area is predominantly residential in character with some commercially zoned properties immediately north and west of this site. The property is also adjacent to a rail line and a planned greenway. The proximity of the rail line and greenway may impact development densities for this site since a greenway dedication would be required and a railroad buffer would be required if subdivided. Since the site is currently accessed from a driveway within the railroad right-of-way, subdivision of the property would be unlikely without direct access to a public road. With direct access to a public road, the R10 zoning would allow a total of 8 lots, two of which could be developed as duplex lots, for a total of 10 units on the entire site.

Currently, there is one single-family home on the property with no public street frontage. The site is accessible by an existing driveway located within the railroad right of way that extends to Donelson Pike. According to the applicant there is no easement that allows use of the right-of-way to access the property. If the property is subdivided into multiple lots, a road must be built to Public Works’ street standards and additional right-of-way may be required to be platted. The future subdivision of this property would not likely be supported without public street frontage.

PUBLIC WORKS RECOMMENDATION Traffic study may be required at time of development.

Typical Uses in Existing Zoning District: RS10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	2.29	3.7	8	77	6	9

Typical Uses in Proposed Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	2.29	3.7	8	77	6	9

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
--				0	0	0

METRO SCHOOL BOARD REPORT

Projected student generation 1Elementary 1Middle 1High

Schools Over/Under Capacity Students would attend Hickman Elementary School, Donelson Middle School, or McGavock High School. Donelson Middle School and McGavock High School have been identified as being over capacity by the Metro School Board. There is capacity within the cluster for middle school students and capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION Staff recommends approval of the request to rezone 2.29 acres from RS10 to R10. The One and Two-Family Residential (R10) zoning district would permit single-family dwellings and duplexes with minimum lot size requirements of 10,000 square feet. The permitted uses under R10 zoning are consistent with the intent of the Residential Low Medium land use policy, which encourages single-family and two-family dwellings.

Ms. Nedra Jones presented and stated that staff is recommending approval.

Mr. Johnny Claud, 2837 Colonial Circle, spoke in opposition to the requested zone change.

Ms. Annette Goins, 2832 Colonial Circle, spoke in opposition to the requested zone change.

Mr. James Goodrich, 2726 Bluefield Avenue, spoke in opposition to the requested zone change.

Councilmember Stanley acknowledged the concerns of the residents and stated that due to their technical nature, he was unable to address them. He further explained that he would be holding a community meeting on this proposal and requested that a Planning Department staff member attend to assist in addressing the issues mentioned by his constituents.

Ms. LeQuire questioned whether the Councilmember was in favor of deferring this request.

Councilmember Stanley stated he would support either a deferral or an action by the Commission.

Mr. McLean questioned whether the applicant would agree to a deferral.

The applicant responded to the Commission, however, his response was inaudible.

Mr. McLean acknowledged the intentions of the applicant in that he was interested in building a single family home on the lot.

Ms. LeQuire questioned whether the applicant could construct a single-family home on the parcel without rezoning the land.

Mr. Bernhardt explained that the parcel was currently zoned single-family, and that there was already a single-family unit on the property. He then stated that the lot could not be subdivided due to the fact that the parcel did not have the proper frontage.

Ms. LeQuire offered an alternative method in which the applicant could construct the single-family home without rezoning the property.

Mr. Gotto acknowledged the concerns mentioned by the residents in rezoning the parcel for multi-family units and suggested a motion.

Mr. Bernhardt offered clarification on the suggested motion.

Mr. Gotto questioned whether the applicant would be required to pay a subdivision fee in addition to the rezoning fee he had already submitted.

Mr. Bernhardt offered additional information on the fee requirements as well as the options that were available to the applicant in relation to his request.

Mr. Gotto moved, and Mr. Ponder seconded the motion, which passed unanimously, to disapprove the requested zone change, and provide credit to the applicant for the cost of the zoning application fee towards a two-lot subdivision application fee. **(9-0)**

Resolution No. RS2008-153

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-058U-14 is **DISAPPROVED, and provide credit to the applicant for the cost of the zoning application fee towards a two-lot subdivision application fee. (9-0)**

While the proposed R10 district is consistent with the Donelson/Hermitage Community Plan’s Residential Low Medium policy, the Commission felt the applicants plan could be better achieved with a subdivision.”

5. **2005P-008G-06**
Harpeth Village (Publix Fueling Station)
Map: 156-09-A Parcel: 012
Subarea 6
Council District 35 – Bo Mitchell

A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Planned Unit Development located at 8002 Highway 100, approximately 300 feet west of Temple Road, (1.12 acres), to permit an automobile convenience center with 6 fuel islands, a 3,150 square foot store, and a 876 square foot automatic car wash, replacing a 8,700 square foot retail/restaurant use, zoned CL, requested by Core States Engineering, applicant, for Kimco Barclay Harpeth Partners L.P, owner.

Staff Recommendation: Defer or disapprove until Stormwater issues have been addressed. If Stormwater issues are addressed prior to the Planning Commission meeting then staff recommends approval with conditions and recommend approval of a variance from the Scenic Landscape Easement requirement in the Metro Zoning Code.

APPLICANT REQUEST - Revise Preliminary and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Planned Unit Development located at 8002 Highway 100, approximately 300 feet west of Temple Road, (1.12 acres), to permit an automobile convenience center.

Zoning District

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

PLAN DETAILS This is a request to revise the last approved preliminary plan and for final site plan approval for an undeveloped out parcel (Out Parcel 2) in the Harpeth Village Planned Unit Development. The PUD is located along the north side of Highway 100 just east of the intersection of Old Harding Pike and Highway 100. Major components of the PUD have been constructed including the extension of Temple Road and a Publix grocery store.

Preliminary Plan The original PUD plan was approved by Council in 2005 to permit 74 townhomes, 26,700 square feet of office (library), and 87,900 square feet of retail/restaurant/bank uses. Since the original approval the plan has been revised several times and the last revision for the subject out parcel was approved by the Planning Commission in August of 2007, and called for an 8,700 square foot building for retail or restaurant uses.

Site Plan The proposed plan calls for a fuel center to include a 3,150 sq. ft. convenience market, automatic drive-thru car wash and covered fuel area with six fuel pumps. The convenience market is sited along the northern internal property line. The car wash is sited along the eastern property line, and the fuel pumps and canopy are sited closer to Highway 100, in front of the convenience market.

Access to the fuel center is shown at four separate locations. Three access points are from the development's internal drives and one is shown from the adjacent out parcel to the east.

Scenic landscape easements Section 17.24.070 of the Metro Zoning Zode states:

Property abutting a street designated a scenic arterial by the major street plan shall comply with the following requirements:

- A. The area of a lot located within ten feet of the right-of-way of a designated scenic arterial shall be designated as a "scenic landscape easement" and shall be planted with a Standard A landscape buffer yard. Existing vegetation may be used, in part or in whole to meet this requirement.
- B. No grading, cutting of trees or brush exceeding one inch in diameter, or disturbance of prominent natural features shall be performed within a scenic landscape easement except for minimal disturbance necessary to permit streets, driveways or utility corridors. Only those improvements allowed in a landscape buffer yard shall be permitted within the scenic arterial easement.

Variance Highway 100 is designated as a scenic arterial and requires a scenic landscape easement. The area along Highway 100 is encumbered with an easement for Harpeth Valley Utility District (HVUD) which overlaps with the scenic landscape easement. HVUD will not allow the plantings called for in the scenic landscape buffer within the utility easement. A variance from the scenic landscape easement requirement is needed and must be approved the Board of Zoning Appeals.

Since the property is within a Planned Unit Development, the Planning Commission must make a recommendation to the Board of Zoning Appeals for any variances from the Zoning Code. To resolve the conflict staff has worked with the applicant to produce a landscape plan that includes plants permitted by HVUD and positions the plants in a manner which screens the building from the public right-of-way, and meets the intent of the scenic landscape easement. Staff is recommending that the Planning Commission recommend approval for the scenic landscape easement variance.

Analysis While the out parcel was not specifically approved for a fuel center the use is allowed under the current CL base zoning district and the use is not listed as a prohibited use on the originally approved plan. With the applicants

able to address the scenic landscape buffer issue to adequately screen the building, the impact of the fuel station along Highway 100 should be minimized.

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 Defer or disapprove

1. Provide Detention Agreement, Long Term Plan, Dedication of Easement, recording fees, and the Grading Permit fee (\$805).
2. Provide copy of the existing NOC.
3. Add datum for Benchmark.
4. Add matting to the 3:1 slopes. Specify type to be used and provide a detail.
5. For the erosion control measures, add outlet protection to headwalls. Be sure to include detail. Also, reference our BMP's for the erosion control measures (TCP-13 for silt fence, etc.).
6. Add note on erosion control sheet stating: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."
7. For the storm filter calculations, 22.5 gpm was used for sizing. This is higher than allowable. Also, provide full Contech calculations (including a certification letter).
8. Inlet 3 shows to outlet pipes located at the same inverts. Explain what enters the water quality unit and what is bypassed.
9. Clearly show the buffers on the plans. Also, buffer disturbances were observed. Remove buffer disturbances or provide an approved appeal.

STAFF RECOMMENDATION Staff recommends that the request be deferred or disapproved until Stormwater issues have been addressed. If Stormwater issues are addressed prior to the Planning Commission meeting then staff recommends approval with conditions and recommends approval of a variance from the Scenic Landscape Easement requirement in the Metro Zoning Code.

CONDITIONS

1. All signs must be consistent with the PUD sign requirements. Sign details including location and design must be included in the plan prior to permit sign off.
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 Stormwater Management division of Water Services.
3. 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.
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, which included the stormwater conditions listed in the staff report, and approved the variance from the Scenic Landscape Easement requirement in the Metro Zoning Code, (9-0) **Consent Agenda.**

Resolution No. RS2008-154

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-008G-06 is **APPROVED WITH CONDITIONS, including the Stormwater conditions in the staff report and recommend that the BZA grant a variance to the Scenic Landscape Easement requirements. (9-0)**

Conditions of Approval:

1. All signs must be consistent with the PUD sign requirements. Sign details including location and design must be included in the plan prior to permit sign off.

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 Stormwater Management division of Water Services.
3. 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.
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."

IX. PUBLIC HEARING: COMMUNITY PLANS

6. **2007CP-22U-10**
12th Avenue South Detailed Neighborhood Design Plan
Subarea 10
Council District 17 – Sandra Moore and 18 – Keith R. Durbin

A request to adopt the 12th Avenue South Detailed Neighborhood Design Plan, as an amendment to the *Green Hills/Midtown Community Plan: 2005 Update*, to provide more detailed guidance on planning for growth and preservation along the 12th Avenue South Corridor and adjoining neighborhoods.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to adopt the 12th Avenue South Detailed Neighborhood Design Plan, as an amendment to the *Green Hills/Midtown Community Plan: 2005 Update*, to provide more detailed guidance on planning for growth and preservation along the 12th Avenue South Corridor and adjoining neighborhoods.

COMMUNITY PARTICIPATION Planning staff conducted six meetings in the 12th Avenue South neighborhood from August 2007 through June 2008 regarding the Detailed Neighborhood Design Plan (DNDP). Staff also attended five neighborhood association meetings at the request of area neighborhood associations and the council members to explain, answer questions about, and take comments on the draft DNDP.

Notification of community meetings as well as the July 24, 2008, public hearing were published in newspapers and posted on the Planning Department's website. Flyers announcing the community meetings were sent to property owners throughout the community. Additionally, email or regular mail was periodically sent to an expanding list of participants. An estimated 150-plus individuals participated in the process.

MAJOR ISSUES During the 12th Avenue South DNDP process, the community stakeholders had the opportunity to share thoughts during the visioning, concept plan, and detailed land use policy workshops, and during educational meetings and neighborhood association meetings.

Issues that came up during the planning process that are especially noteworthy include building heights, parking, architectural standards, and the recommendation for a specific area on the west side of 12th Avenue South between Ashwood and South Douglas Avenues.

Building Heights There was strong community interest in limiting building heights along 12th Avenue South. Three stories at 45 feet is the maximum height recommended in the Plan for the Avenue's mixed use areas, which is a conditional maximum height that depends on the street setback and the provision of adequate parking (see pages 69-70). This recommended maximum height *may*, in some cases, be less than what is allowed by the current CS zoning that is in place today. Technically, CS zoning allows additional height, but it appears that in many cases, it would be difficult to provide parking for the additional square footage allowed in CS, especially given the relatively small lots along 12th Ave. S.

Parking The community was very concerned about "spill over" business parking on neighborhood streets, particularly parking that is associated with late hours of operation. The DNDP contains guidelines that tie the maximum building heights to the ability to provide on-site and/or shared parking (relevant objectives are found in

Subdistricts 3, 4, 5, 6, 7, 8, and 9, which are the Mixed Housing and Mixed Use subdistricts).

Architectural Standards There was some interest on the part of community members to add architectural standards to the DNDP. A DNDP does not contain architectural standards, but rather guides building form (height, massing, setbacks, spacing, access) and general use. Architectural standards that are consistent with the community vision could be developed as part of any future rezonings in the area.

Mixed Housing Policy on West Side of 12th Ave. S. between Ashwood and South Douglas Avenues Some community members were concerned about the mixed housing policy on the west side of 12th Avenue South between Ashwood and South Douglas Avenues. There was concern that the density of up to 15 units per acre that is recommended in the DNDP (see page 61) would encourage the replacement of the bungalow homes currently located there. Community interest in housing choice, improved transit, and a broader range of commercial services with improved design, coupled with the fact that these houses had not been identified as “historic” by Metro Historical Commission, led staff to recommend mixed housing there. This is consistent with the treatment of the remainder of 12th Avenue South between the mixed use areas.

PLAN HIGHLIGHTS The highlights of the 12th Avenue South DNDP are:

Vision Statement:

The 12th Avenue South Corridor Neighborhood is a livable community that values its socioeconomic diversity, its history, and cultural heritage. As it grows and develops in the future, the 12th Avenue South Corridor will remain a livable and sustainable community by providing a well- balanced mix of housing, including affordable housing, neighborhood-scaled businesses, real transportation options, active, easily accessible open space, employment and social services, and civic and cultural opportunity.

The Vision Statement is further defined through the DNDP’s Goals and Objectives for Land Use and for Systems such as pedestrian and bicycle circulation; vehicular circulation; transit, access and parking; landscaping and buffering; and signage, lighting, and gateways.

The intent of the Vision Statement is also carried forward through the Detailed Land Use Plan, which outlines the specific *land uses* envisioned, and Building Regulating Plan, which describes the *form and character* of development. These two plans provide the primary guidance for decisions about future development within the study area. These two Chapters of the Plan cover four elements of the neighborhood: Open Space, Neighborhoods, Centers, and Corridors.

Below are overviews of the recommendations for each element of the neighborhood:

Open Space (Building Regulating Plan Subdistrict 11):

- Maintaining and enhancing the neighborhood’s existing open space resources, which include Sevier Park, the former Waverly-Belmont School (now used by Metro Schools’ Information Technology Department), and the TDOT-owned I-440 right-of-way that is partly used for a community garden. Recommended enhancements include increased public use of the Metro Schools property and providing an open space connection between that property and 12th Avenue South.

Neighborhoods (Building Regulating Plan Subdistricts 1, 2, 3, 5, and 6):

- Maintaining the predominant developed character of the majority of the neighborhood’s single- and two-family zoned residential areas to the east and west of 12th Avenue South;
- Encouraging the appropriate redevelopment of Kirkwood Avenue between Belmont Boulevard and 12th Avenue South in order to facilitate infrastructure improvements and increase housing choice; and
- Encouraging the appropriate character in redevelopment of the Acklen-Caldwell area. This area is zoned multi-family. Guidelines are provided to facilitate improved urban design within the existing development entitlements while providing housing choice.

Centers (Building Regulating Plan Subdistrict 8):

- Maintaining the current 1-story scale and retail land use of the small center at Belmont Boulevard and Dallas Avenue; and

- Allowing for limited mixed-use or residential expansion of the small center at 10th Avenue South and Waldkirch Avenue, next to the Metro Schools facility.

Corridors (Building Regulating Plan Subdistricts 4, 7, and 9):

- Allowing for vertical mixed use development within the existing commercial and mixed use-zoned portions of 12th Avenue South that is appropriately scaled to its surroundings while providing reasonable development opportunities that are responsive to market considerations;
- Striking a balance between building heights and street setbacks that provides a pedestrian-friendly environment with buildings that frame 12th Avenue South without overwhelming it;
- Providing adequate on-site and shared parking;
- Providing opportunities for meeting neighborhood retail and service needs in close proximity to residents;
- Providing increased housing choice in an appropriate setting along 12th Avenue South, which helps to maintain the existing single-and two-family character of the adjacent neighborhoods, supports transit on 12th Avenue South, and helps to support neighborhood businesses.

STAFF RECOMMENDATION Staff recommends approval of the 12th Avenue South Detailed Neighborhood Design Plan as proposed.

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

Ms. Wood presented additional information regarding the 12th Avenue South Detailed Neighborhood Design Plan. Ms. Wood also stated that staff is recommending approval of the 12th Avenue South DNDP as an Amendment to the Green Hills/Midtown Community Plan: 2005 Update with corrections to the Building Regulating Plan Maps on pages 61 and 64 to reflect that Map 105-9, Parcel 117, is in Subdistrict 4.

Ms. Carlat addressed the Commission regarding the letter submitted by the 12th South Neighborhood Association. She offered detailed information on each of the issues mentioned in the letter.

Ms. Donna Crawford, 1246 Battlefield Drive, expressed issues with the detailed neighborhood design plan.

Mr. Tarek El Gammal, 926 Kirkwood Avenue, spoke in favor of the detailed neighborhood design plan.

Mr. Ken Winter, 1021 Paris Avenue, spoke in favor of the detailed neighborhood design plan.

Ms. Jenkins Hardin, 1504 Linden Avenue, spoke in favor of the detailed neighborhood design plan.

Mr. Shelton McElroy, 2511 W. Linden Avenue, spoke in favor of the detailed neighborhood design plan.

Councilmember Moore spoke in favor of the 12th South detailed neighborhood design plan. She briefly explained the various community meetings held regarding the plan. She requested its approval.

Councilmember Durbin spoke in favor of the plan and requested its approval.

Mr. Gotto stated he was in favor of the proposed plan.

Mr. Gee requested clarification on whether the amendments mentioned in the 12 South Neighborhood Association letter were incorporated into the final document, and if so, were the residents made aware of the changes.

Ms. Carlat responded that they were.

Mr. Tyler spoke in favor of its approval.

Ms. Cummings acknowledged the work of the staff and the community and spoke in favor of its approval.

Mr. Ponder spoke in favor of the plan.

Ms. LeQuire offered additional study items for the plan. She acknowledged the work of the staff and community.

Ms. Carlat explained the amendments as proposed in the 12 South Neighborhood Association document submitted to the Commission.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the 12th Avenue South Detailed Neighborhood Design Plan, as an amendment to the Green Hills/Midtown Community Plan: 2005 Update. (9-0)

Resolution No. RS2008-155

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007CP-22U-10 is **APPROVED WITH CORRECTIONS to the maps on page 61 for Subdistrict 4 and on page 64 for Subdistrict 9A to reflect the correct designation of Map 105-9, Parcel 117 as being included in Subdistrict 4 (Mixed Housing) rather than in Subdistrict 9A (Mixed Use).** (9-0)”

X. PUBLIC HEARING: SPECIFIC PLANS

7. 2006SP-108U-08

Metro Center Auto Facility

Map: 081-04

Parcels: 098, 099, 100, 101, 102, 103, 104, 105, 106, 107, 111, 113, 114, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 144, 145, 256, 257, 259

Map: 081-04 Parcel: 079

Subarea 8

Council District 2 – Frank Harrison

A request change approximately 6.94 acres from SP-A, OR20, and R6 to SP-A for property bonded by Rosa Parks Boulevard on the west, Interstate – 65 on the south and Dominican Street on the south and east and located at 2004, 2006, and 2011 4th Avenue North, 1919, 1920, 1921, 1922, 1925, 1927, 2000 and 2006 5th Avenue North and 5th Avenue North (unnumbered), 1918, 1920, 1922, and 1924 6th Avenue North, 306, 308, 310, 312, 400, 402, 404, 408, and 410 Clay Street, and Rosa L. Parks Boulevard (unnumbered), to permit an auto dealership with a 65,000 square foot building and a 760 square foot telephone utility/communication facility, requested by Barge Cauthen & Associates, applicant, for S.A. North Ltd., Ironwood Partners Ltd., and Metrocenter Improvements Association Inc. and South Central Bell Telephone Company, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - A request change approximately 6.94 acres from SP-A, OR20, and R6 to SP-A for property bonded by Rosa Parks Boulevard on the west, Interstate – 65 on the south and Dominican Street on the south and east and located at 2004, 2006, and 2011 4th Avenue North, 1919, 1920, 1921, 1922, 1925, 1927, 2000 and 2006 5th Avenue North and 5th Avenue North (unnumbered), 1918, 1920, 1922, and 1924 6th Avenue North, 306, 308, 310, 312, 400, 402, 404, 408, and 410 Clay Street, and Rosa L. Parks Boulevard (unnumbered), to permit an auto dealership with a 65,000 square foot building and a 760 square foot telephone utility/communication facility, requested by Barge Cauthen & Associates, applicant, for S.A. North Ltd., Ironwood Partners Ltd., and Metrocenter Improvements Association Inc. and South Central Bell Telephone Company, owners.

Existing Zoning

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

OR20 District - Office/Residential is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

R6 District R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

Existing Policies - Structure Policy

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

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

Detailed Policy

Commercial Commercial is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels.

Special Policy

Special Policy Area 1 - *This Special Policy applies to the Commercial policy area between Metro Center Boulevard, Dominican Drive, and Interstate 65. In order to preserve and enhance this area’s role as a gateway both for the Metro Center and Downtown areas, the following objectives apply to development within it:*

- a) *Maintain or enhance the existing landscaping and signage that identify the area as a gateway to Metro Center;*
- b) *Begin to establish features that identify the area as a gateway to Downtown Nashville;*
- c) *Protect existing mature trees to the maximum extent possible, particularly around the periphery of the site adjacent to the bounding streets, and treat them as integral to site design;*
- d) *Utilize techniques such as solid walls and landscaping to define the perimeter of the site and create a street wall.*
- e) *Construct buildings of high-quality, durable materials; Construct signage that is appropriately scaled for an environment that welcomes pedestrian, vehicular, and bicycle traffic.*

Consistent with Policy? Yes. The proposed Specific Plan with staff conditions is consistent with the area’s policies.

PLAN DETAILS A SP for an auto dealership was approved for 27 properties totaling 4.96 acres north of Clay Street in 2006. That plan permitted a new automobile sales and service complex with two buildings totaling 32,225 square feet and recognized an existing 760 square foot telephone utility/communication facility and the landscaped Metro Center sign along Rosa Parks Boulevard.

Construction of the auto dealership has not begun and the applicants are now asking that ten properties be added to the SP district and that the plan be modified to intensify the permitted use. The plan will also require that portions of Clay Street, 5th and 6th Avenue, North, and Alley #207 be abandoned. The ten lots proposed to be added to the SP district are located on the south side of Clay Street along 5th and 6th Avenue, North and currently consist of single-family homes, a boarding house and vacant residential and commercial land.

Site Plan The site plan calls for a two-story building totaling 65,000 square feet, and identifies an existing 760 square foot building and the landscaped Metro Center sign along Rosa Parks Boulevard. Permitted uses under the proposed SP are automobile sales new and used, automobile services and repair, office, and telephone services.

Access into the site is shown from three locations. One access is along Rosa Parks Boulevard and is a right-in, right-out only, and a second access is onto Dominican Drive through a shared access easement with the adjacent Starbucks. The third is at the western terminus of Clay Street. A total of 411 surface parking spaces are identified including 77 spaces designated for pre-owned inventory and sales and 134 spaces designated for new inventory and sales.

Analysis The proposed development is consistent with the previously approved SP-A district in terms of permitted uses. The two buildings which were approved in the previous SP-A are to be replaced with one larger building and additional surface parking which will intensify the use in the district.

Some details such as building materials and specific landscape designs are not in the plan. To ensure that the plan meets the intent of the special policy the final site plan will need to provide additional information. Specifically the final site plan must provide a detailed landscaping plan along Rosa Parks Boulevard which is a key gateway into downtown. The final site plan shall also identify building materials including sign details consistent with the area's special policy.

PUBLIC WORKS RECOMMENDATION

1. A Traffic Impact Study (TIS) is required. Schedule a project scoping meeting with the Department of Public Works.
2. Submit letter of approval from TDOT to construct driveway onto Rosa Parks Boulevard.
3. Mandatory Referral application will be required to abandon a portion of Clay Street and 5th Ave N, 6th Ave N, Alley #207.
4. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Maximum Uses in Existing Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Sales and Service (841)	8.98	n/a	32,225	1075	67	87

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
Automobile Sales and Service (841)	8.98	n/a	65,000	2168	134	172

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+32,775	+1093	+67	+85

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed plan with staff conditions is consistent with the previously approved SP-A zoning district and the area's land use policies.

CONDITIONS

1. Uses permitted within this SP-A district include automobile sales new and used, automobile services and repair, office, and telephone services as specified in the Metro Nashville Zoning Code. All other uses are

prohibited.

2. The final site plan shall identify all signs. Free standing signs shall be limited to one on Rosa Parks Boulevard and one on Dominican Street. Free standing signs shall not exceed 4 feet in height and shall not exceed a total of 72 square feet. All other signs shall meet the sign requirements as specified in the Metro Zoning Code for the CS zoning district.
3. Prior to approval of the final site plan the landscaping plan shall be approved by Planning Staff and shall meet the intent of the area's special policy. A brick or stone knee wall shall be incorporated into the landscaping plan along Rosa Parks and shall be placed along the back side of the sidewalk.
4. A Traffic Impact Study (TIS) is required and must be submitted and approved by Metro Public Works prior to approval of any final site plan. If the TIS demonstrates that the access points shown on the development plan are not sufficient then the final site plan may vary from the Council approved development plan as long as it does not alter the overall concept of the development plan.
5. Prior to approval of any final site plan a letter of approval from TDOT to construct driveway onto Rosa Parks Boulevard must be submitted to the Department of Public Works.
6. Prior to approval of any final site plan a Mandatory Referral application for the abandonment for a portion of Clay Street and 5th Ave N, 6th Ave N, and Alley #207 must be submitted to the Department of Public Works and must be approved by Metro Council.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
8. 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.
9. 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.
10. 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, (9-0) *Consent Agenda*

Resolution No. RS2008-156

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-108U-08 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Uses permitted within this SP-A district include automobile sales new and used, automobile services and repair, office, and telephone services as specified in the Metro Nashville Zoning Code. All other uses are

prohibited.

2. The final site plan shall identify all signs. Free standing signs shall be limited to one on Rosa Parks Boulevard and one on Dominican Street. Free standing signs shall not exceed 4 feet in height and shall not exceed a total of 72 square feet. All other signs shall meet the sign requirements as specified in the Metro Zoning Code for the CS zoning district.
3. Prior to approval of the final site plan the landscaping plan shall be approved by Planning Staff and shall meet the intent of the area's special policy. A brick or stone knee wall shall be incorporated into the landscaping plan along Rosa Parks and shall be placed along the back side of the sidewalk.
4. A Traffic Impact Study (TIS) is required and must be submitted and approved by Metro Public Works prior to approval of any final site plan. If the TIS demonstrates that the access points shown on the development plan are not sufficient then the final site plan may vary from the Council approved development plan as long as it does not alter the overall concept of the development plan.
5. Prior to approval of any final site plan a letter of approval from TDOT to construct driveway onto Rosa Parks Boulevard must be submitted to the Department of Public Works.
6. Prior to approval of any final site plan a Mandatory Referral application for the abandonment for a portion of Clay Street and 5th Ave N, 6th Ave N, and Alley #207 must be submitted to the Department of Public Works and must be approved by Metro Council.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
8. 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.
9. 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.
10. 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 district is consistent with the North Nashville Community Plan's policies for the area which call for commercial uses."

8. **2008SP-014U-13**
Sambukka's Barber & Styling Studio
Map: 136-00 Parcel: 044
Subarea 13
Council District 29 - Vivian Wilhoite

A request to change from R10 to SP-MNR zoning for property located at 2635 Smith Springs Road, approximately 650 feet west of Bell Road (0.28 acres), to permit personal care services in an existing 1,792 square foot dwelling, requested by J2 Designs, applicant, for Amanullah Kwaga, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change approximately 0.28 acres located at 2635 Smith Springs Road, approximately 650 feet west of Bell Road from One and Two-Family Residential (R10) to Specific Plan- Mixed Use Non-Residential (SP- MNR) zoning to permit personal care services and office uses.

Existing Zoning

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

Proposed Zoning

SP-MNR District - Specific Plan-Mixed Non-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 office and commercial uses.

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Neighborhood Center (NC) - NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? Yes. The proposed plan, with the inclusion of the recommended conditions, is consistent with the intent of the Neighborhood Center Policy.

PLAN DETAILS The property is located on the south side of Smith Springs Road just west of Bell Road. A residential structure currently exists on the property, and the property is surrounded by other residential uses.

The SP calls for the existing residential structure to be converted to a barber shop (personal care services). The SP also would allow for the structure to be used for an office or combination of the two uses. Ingress will be provided from a drive located west of the existing building and egress will be from a drive east of the existing building. A total of 11 on-site parking spaces are shown. All parking is located to the rear of the structure. A 6' tall solid split faced masonry wall will be provided along the western property line, and a 6' tall solid wood fence is shown along the southern and eastern property lines.

Analysis While the requested use is consistent with the area's NC policy the property is surrounded by existing residential uses, and it is important to ensure that the SP will not have a negative impact on these residences. With the right site requirements, any negative impact to the surrounding area can be limited as the proposed barber shop and office uses for this SP are not intense in nature.

Buffering the proposed SP from the existing residential uses is a key site element that can help reduce the development's impact on surrounding area. The western and southern property lines on the site are also the outer edges of the Neighborhood Center policy. The properties to the immediate south and west are in a residential policy and more emphasis on screening is needed along these shared property lines.

To provide buffering for the residential property to the west, the plan calls for a 6' tall solid split faced masonry wall to run from the front setback line to the rear property line. This is sufficient as it provides adequate screening of the SP from the home. The use of a solid concrete wall also signifies the dividing line between the two policy areas. A 6' tall solid wood privacy fence is shown along the southern property line, and because this property line is a shared rear property line then the proposed wood fence is adequate.

The property to the east is a residential structure but is within the NC policy. To ensure that the existing use is protected a 6' tall solid wood privacy fence is needed and should run from the front setback line to the rear property line. This fence can be temporary and could be removed if and when the property to the east develops as a nonresidential use.

Coordination and management of curb cuts along roadways is important within NC policy areas and along this section of Smith Springs Road. To allow for coordinated access with the adjacent property to the east, a shared access easement is needed. The easement will give the Planning Commission the opportunity to look at shared access if the site to the east develops as a nonresidential use.

To further limit the negative impacts the proposed SP could have on neighboring residential properties, planning staff recommends that further conditions addressing signs, be placed on the site.

RECENT REZONINGS None

STORMWATER RECOMMENDATION Approved

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

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed SP meets the intent of the area's Neighborhood Center policy and with the recommended conditions of approval, the SP should not have a negative impact on the surrounding residential uses.

CONDITIONS

1. A 6' tall solid wood privacy fence shall be constructed along the eastern property line. Fence shall run from the front setback line to the rear property line. Removal of the fence shall be approved by the Planning Commission or Planning Director, and shall not be approved until such time that the adjacent property to the east is zoned to a nonresidential use.
2. A 6' tall solid masonry wall shall be constructed along the western property line and shall run from the front setback line to the rear property line.
3. Signage shall be limited to one free standing sign that shall not be more than 5 feet in height and may not exceed 20 square feet in size. Signs shall not be illuminated. No other signs other than directional signs as specified in the Metro Zoning Code shall be allowed.
4. Any modification to the existing building that will increase the total floor area or reduce total parking spaces shall be approved by the Planning Commission or the Planning Director and may require Council approval.
5. A shared access easement along the eastern property line shall be platted or recorded by instrument with the Davidson County Register of Deeds Office prior to the issuance of any building permits for the SP. The easement shall be 15' in width and run from the front property line to the rear property line.
6. A sidewalk is required along Smith Springs Road and must be constructed upon the issuance of any building permits for the SP. Construction plans for the sidewalk must be submitted to the Department of Public Works for approval.

7. The only uses allowed in this SP are personal care services and office. All other uses are prohibited.
8. 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.
9. 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.
10. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. 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, (9-0) *Consent Agenda*

Resolution No. RS2008-157

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-014U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A 6' tall solid wood privacy fence shall be constructed along the eastern property line. Fence shall run from the front setback line to the rear property line. Removal of the fence shall be approved by the Planning Commission or Planning Director, and shall not be approved until such time that the adjacent property to the east is zoned to a nonresidential use.
2. A 6' tall solid masonry wall shall be constructed along the western property line and shall run from the front setback line to the rear property line.
3. Signage shall be limited to one free standing sign that shall not be more than 5 feet in height and may not exceed 20 square feet in size. Signs shall not be illuminated. No other signs other than directional signs as specified in the Metro Zoning Code shall be allowed.
4. Any modification to the existing building that will increase the total floor area or reduce total parking spaces shall be approved by the Planning Commission or the Planning Director and may require Council approval.
5. A shared access easement along the eastern property line shall be platted or recorded by instrument with the Davidson County Register of Deeds Office prior to the issuance of any building permits for the SP. The easement shall be 15' in width and run from the front property line to the rear property line.
6. A sidewalk is required along Smith Springs Road and must be constructed upon the issuance of any

building permits for the SP. Construction plans for the sidewalk must be submitted to the Department of Public Works for approval.

7. The only uses allowed in this SP are personal care services and office. All other uses are prohibited.
8. 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.
9. 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.
10. Minor adjustments to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. 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-MNR is consistent with the Antioch/Priest Lake Community Plan's Neighborhood Center policy which is intended for small, intense area that may contain multiple functions and are intended to act as local center of activities."

9. **2008SP-015U-10**
Martin Professional Development Center
Map: 104-11 Parcel: PART OF 092
Subarea 10
Council District 18 – Keith Durbin

A request to change from RS7.5 to SP zoning for a portion of property located at 2400 Fairfax Avenue, at the northwest corner of Fairfax Avenue and 24th Avenue South (4.2 acres), to permit community education, staff and teacher training, and an office for The Nashville Alliance for Public Education in existing structures totaling 44,568 square feet, requested by the Metro Board of Education, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from Single-Family Residential (RS7.5) to Specific Plan (SP) zoning for a portion of property located at 2400 Fairfax Avenue, at the northwest corner of Fairfax Avenue and 24th Avenue South (4.2 acres), to permit community education, staff and teacher training, and an office for The Nashville Alliance for Public Education in existing structures totaling 44,568 square feet.

Existing Zoning

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a

density of 4.94 dwelling units per acre.

Urban Zoning Overlay The primary intent of the urban zoning overlay district is to preserve and protect existing development patterns that predate the mid-1950s in portions of metro Nashville that were originally developed before that time and to ensure the compatibility of new development in those older portions of the city.

Historic Landmark Overlay The Historic Landmark (HL) designation honors the historical significance of a landmark and protects the building or the site’s unique character. The HL designation prohibits the construction, alteration, repair, relocation or demolition in whole or in part of a structure and has no impact on use.

Proposed Zoning

SP District - Specific Plan 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. (Note: The Historic Landmark Overlay and Urban Zoning Overlay will remain on the property.)

GREEN HILLS MIDTOWN COMMUNITY PLAN

Open Space (OS) OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use. Types of uses intended within OS and POS areas range from active passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be “open space.”

Consistent with Policy? Yes. The proposed uses include a community education and teacher training facility, and an office specific to a public education organization. The uses also include a playfield area for community recreation. The Open Space (OS) policy supports open space areas with uses such as schools and recreation centers.

PLAN DETAILS - The site plan has been designed to accommodate a 44,568 square foot education training facility, a playfield for community recreation, and on-site parking on approximately 4.2 acres. Previous uses included the playground area and the baseball/softball backstop will be relocated to other areas on the site. The backstop will be relocated within the SP, while the playground area will be moved to that portion of the property zoned RS7.5.

Access/Parking Driveway connections provide direct access to the site from both Fairfax Avenue and 24th Avenue South. There are existing sidewalks along Fairfax Avenue and 24th Avenue South and an internal pedestrian network is included on site. The site plan illustrates 116 parking spaces.

Landscaping The landscaping plan illustrates interior plantings throughout the site. Several existing trees and shrubs are planned to remain, while additional plantings will be installed in the newly constructed parking areas. Perimeter landscaping will also be installed to screen the playfield and the interior parking area from 24th Avenue South.

HISTORIC COMMISSION RECOMMENDATION - Approved

Typical and Maximum Uses in Existing Zoning District: RS7.5

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	3.88	4.94	19	182	15	20

Typical and 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
Community education/ office(710)	3.88	N/A	44,568	717	99	129

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
--				+535	+84	+109

STAFF RECOMMENDATION Staff recommends approval with conditions of the request to rezone 4.2 acres from single-family residential (RS7.5) to Specific Plan (SP). The proposed community education, office and recreation uses are consistent with the intent of the Open Space land use policy.

CONDITIONS

1. The SP uses shall be limited to community education, staff and/or teacher training and offices for the Nashville Alliance for Public Education.
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 RS7.5 zoning district as of the date of the applicable request or application.
3. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2008-158

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-015U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The SP uses shall be limited to community education, staff and/or teacher training and offices for the Nashville Alliance for Public Education.
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 RS7.5 zoning district as of the date of the applicable request or application.
3. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

The proposed SP district is consistent with the Green Hills Midtown Community Plan’s Open Space policy which is intended to encompass public, private not-for-profit and membership-based open space and recreational activities.”

10. **2008SP-018U-10**
The Gardner School
Map: 117-11 Parcel: PART OF 028
Subarea 10
Council District 25 – Sean McGuire

A request to change from R40 to SP-INS zoning for a portion of property located at 1900 Graybar Lane, at the northwest corner of Graybar Lane and Benham Avenue (2.3 acres), to permit a Class IV daycare facility in an existing 13,725 square foot building, requested by Civil Site Design Group PLLC, applicant, for Easter Seals Tennessee, Inc., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from One and Two-Family Residential (R40) to Specific Plan Institutional (SP-INS) zoning for a portion of property located at 1900 Graybar Lane, at the northwest corner of Graybar Lane and Benham Avenue (2.3 acres), to permit a Class IV daycare facility in an existing 13,725 square foot building.

Existing 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.

Proposed Zoning

SP-INS District - Specific Plan-Institutional 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 institutional uses.

GREEN HILLS/MIDTOWN 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 the Policy? Yes. A daycare center is an appropriate use within the RLM land use policy area.

PLAN DETAILS

Proposed Use The requested rezoning to SP-INS would permit a Class IV daycare in the former Easter Seals/McWhorter Family Children’s Center facility which previously housed a Class III daycare. The Class III daycare accommodates fifty-one through seventy-five individuals. A Class IV daycare accommodates more than seventy-five individuals. The state mandated capacity of the proposed facility will be 174 individuals. A Class IV daycare is not permitted in the single-family or two-family zoning districts, therefore, the applicant is requesting a rezone to SP.

The property proposed for the Class IV daycare center would comply with the Special Exception requirements of Section 17.16.170.C of the Metro Zoning Code if the appropriate zoning district were in place. Class IV daycare centers are permitted only if the site qualifies as a preferred location and satisfies the development standards of Class III daycare centers. The preferred location requirement is satisfied as this daycare center will be the principal use serving as an adaptive reuse of a vacant institutional facility. The three development standards are addressed. The property contains 2.3 acres where a minimum lot size of one and one-half acre is required. The primary driveway access will be on Woodmont Blvd, a collector street, via an access easement through a portion of the property that is not included within the proposed SP. The required standard C Landscape Buffer Yard along property lines abutting a residential zone district is currently in place on the property.

The Class IV daycare center will be housed within the existing building. Interior modifications are proposed to improve room layout and the increased capacity will be contained within the existing structure. No exterior changes to the existing building are proposed. There is sufficient on-site parking currently to accommodate the proposed increased capacity.

Bulk Standards The most similar zoning district in terms of the proposed bulk standards is the RM2 district. Using RM2 as the “fallback” district does not mean that multi-family residential uses will be permitted, only that the bulk standards such as height, setback and floor area ratio for RM2 would apply where a standard is not otherwise specified in the SP. The use permitted within this SP is a Class IV daycare center.

Board of Zoning Appeals (BZA) The BZA considered a Special Exception in March 2001 for the former childcare facility on this property. The BZA approval of the Special Exception for the Class III daycare center included a number of conditions. The BZA conditions included landscaping, fencing, hours of operation and identification of the dumpster. Those conditions have been included in this SP. The landscaping plan approved by the BZA in March 2001, will become part of this SP.

Access The BZA approval of the Special Exception for the Class III daycare also included a condition that access onto Graybar Lane be restricted. There is currently a gate at this access point. The applicant has requested that this access point be opened. Staff recommends two access points for the proposed Class IV daycare be provided with the primary access point located at Woodmont Boulevard and a secondary access point on Graybar Lane. A cross access easement across the portion of the property not included within this SP will to be recorded when the property is subdivided and will provide the primary access to Woodmont Boulevard.

The two full access points will provide for a better flow of traffic into the daycare for drop-off and pick-up. If the Graybar Lane access remains gated, the Public Works Department would require that an eastbound right turn lane be installed at the Woodmont Blvd. access. The Public Works Department would also require verification that there remains adequate on-site traffic circulation and the drop-off area near the building still functions adequately with the one access only.

Signage The proposed signage includes one new monument sign and the existing sign in front of the building. The monument sign, proposed to be placed at the Graybar Lane entrance, would be four feet high and eight feet wide. The sign would be brick veneer to match the building, with brass lettering and lighted from the ground mounted lights on both sides. The second existing sign in front of the building would be re-lettered.

As the Graybar Lane entrance is intended to be a secondary access, the proposed sign must be reduced in total size, by at least 50% to reflect this secondary nature. A more appropriate sign would be one that would be placed onto one of the pillars on the Graybar Lane frontage identifying the Gardner School and the street address. Staff will need to review and approve the signage for this entrance.

WATER SERVICES RECOMMENDATION Water service availability is based upon prepayment of Permit No. WSWT S200800374.

Sanitary sewer service is based upon prepayment of Permit No. WSST S20081112.

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

PUBLIC WORKS RECOMMENDATION

- All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
- If Graybar lane access remains gated, developer shall install EB right turn lane on Woodmont at access and verify adequate on site traffic circulation and drop off area near building or submit revised TIS.
- Provide cross access between both proposed lots.

Typical Uses in Existing Zoning District: R40

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	2.3	0.93	2	20	2	3

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number in Daycare Facility	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Daycare (565)	2.3	N/A	174 children max. in a 13,725 sq. ft. building	787	133	123

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
--				+767	+131	+120

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. The use of this SP shall be limited to a Class IV daycare center.
2. Primary access to the site shall be from Woodmont Blvd. with secondary access from Graybar Lane.
3. An access easement providing access from Woodmont Blvd. shall be included on final plat when the property is subdivided.
4. If the Graybar Lane access remains gated, an eastbound right turn lane shall be installed on Woodmont Blvd. at the access point and adequate on site traffic circulation and drop off area near building shall be verified or a revised Traffic Impact Study shall be submitted.
5. Prior to the issuance of building permits, signage for the Graybar Lane entrance shall be reviewed and approved by staff.
6. 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 RM2 zoning district as of the date of the applicable request or application.
7. 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.
8. 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.
9. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Councilmember McGuire explained the issues associated with this proposal. He mentioned access points, additional traffic, the need for additional daycare facilities in his district, as well as the owners intentions for the requested zone change. He explained that he held a community meeting to allow additional input from his constituents and that he had received opposition in regards to additional traffic and the re-opening of an access point located on the facility. Councilmember McGuire acknowledged that a compromise was needed, however, stated he would support his constituents on this proposal.

Mr. Bill Southwick, a resident, spoke in opposition to the requested zone change.

Mr. Bill Staggs, 100 Oxton Hill Lane, spoke in opposition to the requested zone change.

Mr. Scott Thompson, 7101 Executive Center Drive, spoke in favor of the requested zone change.

Mr. Chris Rhodes, 7201 Holt Run Drive, spoke in favor of the requested zone change.

Mr. Shawn Henry, 315 Deadrick Street, spoke in favor of the proposed zone change. He submitted information for the record.

Mr. Bob Huseby, 1920 Woodmont Blvd., spoke in opposition to the requested zone change.

Ms. Lisa Zita, 1608 Graybar Lane, spoke in opposition to the requested zone change.

Mr. Fred Dowling, 2001 Woodmont Blvd., spoke in favor of the requested zone change.

Mr. Richard Connors spoke in favor of the requested zone change.

Mr. Kevin Gangaware, 6040 Bresslyn Road, spoke in favor of the requested zone change.

Ms. Lisa Chandler spoke in favor of the requested zone change.

Mr. Ponder acknowledged the concerns mentioned by the residents. He expressed issues with the traffic studies that were submitted. He then stated he was in favor of keeping the access point onto Graybar Lane closed as originally planned.

Ms. Jones acknowledged the issue of additional traffic being located in residential areas. She then offered that if the access point onto Graybar Lane were opened, that it may mitigate some of the traffic that would be generated by the additional students attending the facility. She stated she understood the concerns mentioned by the residents.

Mr. Dalton stated he too had issues with the traffic studies submitted to the Commission in relation to the additional students that would be attending the facility.

Ms. LeQuire requested clarification from staff on the traffic studies that were submitted.

Mr. Devin Doyle, Public Works, offered additional information on the traffic study that was submitted to the Commission.

Mr. McLean requested additional clarification on the traffic studies in relation to the added number of students and personnel that would be driving to the facility at certain times of the day.

Mr. Doyle explained this concept to the Commission.

Mr. Ponder offered an alternative solution of shuttling students to and from the facility in an effort to reduce traffic.

Ms. LeQuire questioned whether Public Works had numbers on the traffic generated by other facilities located in the area.

Mr. Doyle explained the numbers submitted in the traffic study.

Ms. Cummings requested additional clarification on the restricted access point onto Graybar Lane in relation to the BZA as mentioned in the staff report.

Ms. Bernards explained this concept to the Commission.

Ms. Cummings then requested additional information on the number of access points that the facility should include due to this uses.

Ms. Bernards explained this concept to the Commission.

Ms. Cummings spoke in favor of approving the proposal with two access points due to the uses of the facility.

Mr. Tyler requested additional clarification on the parcel that is not included in the requested zone change.

Ms. Bernards explained this concept to the Commission.

Mr. Tyler then requested additional information on the access located near Benham Avenue, and any of its potential uses as an access point for the proposal.

Ms. Bernards explained this concept to the Commission.

Mr. Gee stated he was in favor of approving the staff's recommendation on this proposal.

Mr. Gotto questioned whether there were existing numbers relating to traffic in and out of the facility currently located on the property.

Mr. Doyle stated he did not have those numbers and would defer the question to the traffic engineer who completed the study.

The traffic engineer who submitted the study spoke to the Commission, however, his response was inaudible.

A member of the audience expressed opposition to hearing from a member of the audience after the public hearing was closed.

Mr. Gotto moved and Ms. Cummings seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008SP-018U-10. **(9-0)**

Resolution No. RS2008-159

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-018U-10 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. The use of this SP shall be limited to a Class IV daycare center.
2. Primary access to the site shall be from Woodmont Blvd. with secondary access from Graybar Lane.
3. An access easement providing access from Woodmont Blvd. shall be included on final plat when the property is subdivided.
4. If the Graybar Lane access remains gated, an eastbound right turn lane shall be installed on Woodmont

Blvd. at the access point and adequate on site traffic circulation and drop off area near building shall be verified or a revised Traffic Impact Study shall be submitted.

5. Prior to the issuance of building permits, signage for the Graybar Lane entrance shall be reviewed and approved by staff.
6. 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 RM2 zoning district as of the date of the applicable request or application.
7. 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.
8. 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.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP –INS district is consistent with the Green Hills Midtown Community Plan's Residential Low Medium policy which is intended for residential development with a density of between 2 and 4 dwelling units per acre."

XI. PUBLIC HEARING: ZONING MAP AMENDMENTS

11. **2008Z-064U-14**
Map: 096-02 Parcel: 010
Subarea 14
Council District 14 – Bruce Stanley

A request to rezone from R10 to CL district property located at 2918 Lebanon Pike, at the northwest corner of Lebanon Pike and Guill Court (1.4 acres), requested by Georgina Abisellan, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to change from One and Two-Family Residential (R10) to Commercial Limited (CL) zoning for property located at **2918 Lebanon Pike, at the northwest corner of Lebanon Pike and Guill Court (1.4 acres).**

Existing Zoning

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

Proposed Zoning

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

DONELSON/HERMITAGE 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? No. RLM policy is intended to accommodate residential development. If approved, CL zoning would permit commercial uses that are inconsistent with the residential policy as well as the character of the neighborhood.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single family detached (210)	1.4	3.7	5	48	4	6

Typical Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.4	0.198	12,074	262	35	35

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	1.4	3.7	5	48	4	6

Maximum Uses in Proposed Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	1.4	0.06*	3,659	2701	246	192

*Adjusted for the type of use.

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				2653	242	186

STAFF RECOMMENDATION Staff recommends that the request be disapproved because the requested CL zoning is inconsistent with the RLM policy.

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

Councilmember Stanley spoke in opposition to the proposed zone change and requested its disapproval.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-064U-14 as it is inconsistent with the policy for the area. **(9-0)**

Resolution No. RS2008-160

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-064U-14 is **DISAPPROVED. (9-0)**

The proposed CL district is not consistent with the Donelson Hermitage Community Plan’s Residential Low Medium policy which is intended for residential development with a density of between 2 and 4 dwelling units per acre.”

XII. PUBLIC HEARING: FINAL PLATS

12. 2008S-062U-13

Town Park Estates, Resub Lot 61(Sidewalk Variance)
Map: 135-05 Parcels:055, 085, 086
Subarea 13
Council District 28 – Duane A. Dominy

A request for a variance to the sidewalk requirements for a plat approved by the Planning Commission for 3 lots on property located at 312, 316 and 318 Melvin Jones Drive, approximately 450 feet south of Southwind Drive (1.3 acres), zoned R10, requested by David Waynick, owner, Civil Site Design Group, surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST - Sidewalk Variance

A request for a variance to the sidewalk requirements for a plat approved by the Planning Commission for 3 lots on property located at 312, 316 and 318 Melvin Jones Drive, approximately 450 feet south of Southwind Drive (1.3 acres).

ZONING

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

REQUEST DETAILS The applicant is requesting a variance from the sidewalk requirement for Lots 2 and 3 of a previously approved subdivision. The subdivision is within the Urban Services District and Section 3-8 of the Metro Subdivision Regulations requires that sidewalks be constructed on two lots or that a financial contribution to the pedestrian network be made in lieu of constructing the sidewalks.

History The Town Park Estates, Resub. Lot 61 plat created three lots and was approved by the Planning Commission with conditions on April 10, 2008. A condition of the approval was that sidewalks must be constructed on two lots or that the applicant could make a contribution to the sidewalk fund in lieu of constructing the sidewalks. Prior to approval it was discovered that a stream existed along Melvin Jones Road adjacent to proposed Lots 2 and 3. Stormwater recommended deferral or disapproval, but the issues were worked out prior to the meeting and Stormwater revised their recommendation accordingly. The plat was subsequently recorded. Because the lots contained significant slopes, it was necessary for the Planning Department to review critical lot plans for each lot prior to the issuance of building permits. During the critical lot review process, Planning staff discovered that the sidewalk requirements could only be met if the applicant received a variance to the stormwater requirements from the Stormwater Appeals Committee because the buffer would require that the sidewalk be placed approximately 30 feet up the hill away from the street.

Sidewalk Variance Due to the stream and the required 30’ wide water quality buffer, construction of sidewalks is difficult. The buffer extends across the entire frontage for Lot 3 and a large portion of Lot 2. A variance from the sidewalk requirement is needed for both lots.

Variations from the subdivision regulations may be granted by the Planning Commission if it finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall

make findings based upon the evidence presented to it in each specific case that:

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

Analysis Due to the existing stream and 30' wide water quality buffer any sidewalk on Lots 2 and 3 would have to be constructed approximately 40' from the road. Both lots are on a large hill and the sidewalk would require a portion of the hill to be benched as well as the removal of several large mature trees.

For a variance to be approved the applicant must demonstrate a hardship. The constraints due to the width of the buffer and the topography of the site represent a legitimate hardship.

STAFF RECOMMENDATION Staff recommends that the variance from the sidewalk requirement for Lots 2 and 3 as specified in Section 3-8 of the Metro Subdivision Regulations be approved.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2008-161

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-062U-13 is **APPROVED. (9-0)**”

XIII. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS

- 13. 149-66-U-13**
Shell Sign Variance
Map: 183-00 Parcel: 165
Subarea 13
Council District 32 – Sam Coleman

A request for a variance to Sections 17.32.130 and 17.12.020 of the Zoning Code for property within a Commercial Planned Unit Development district located at 13016 Old Hickory Boulevard, approximately 320 feet north of I-24, zoned IR (0.57 acres), to recommend approval to the Board of Zoning Appeals on a sign variance to permit a second ground sign with a sign area of 169 square feet and a height of 80 feet, where only one ground sign is allowed with a maximum sign area of 288 square feet and a 40 foot maximum height, requested by Premier Signs, applicant, for Welton Investments, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Sign Variance

A request for a variance to Sections 17.32.130 and 17.12.020 of the Zoning Code for property within a Commercial Planned Unit Development district located at 13016 Old Hickory Boulevard, approximately 320 feet north of I-24, zoned Industrial Restrict (IR) (0.57 acres), to permit a second ground sign with a sign area of 169 square feet and a height of 80 feet, where only one ground sign is allowed with a maximum sign area of 288 square feet and a 40 foot maximum height.

PLAN DETAILS

History A commercial PUD overlay was applied to this site in 1966. The current uses include a hotel, two restaurants, a cemetery, two convenience markets, and a total of six signs. Each of the convenience markets and the

hotel has a pole sign facing Old Hickory Boulevard. In addition, **there are interstate signs for the hotel, one restaurant and one of the convenience markets.**

Sign Details A second sign is proposed for the Shell gas station and market on parcel 165 of tax map 183. The proposed sign has an overall height of 80 feet and a total area of 169 square feet. The Metro Zoning Ordinance allows only one ground sign with a maximum height of 40 feet and a maximum sign area of 288 square feet at this site. The applicant is also requesting a reduction to the rear setback from 20 feet to 2 feet to allow the second ground sign to be located on site. An existing sign is located on the site oriented toward Old Hickory Boulevard. It measures 35 feet in height and has a sign area of 180 square feet. With the addition of a second sign, the total sign area at this property would be 349 square feet, which exceeds the maximum allowable sign area.

The applicant has stated that the request for a second sign at the current location is due to the required removal of an existing sign located on an adjacent parcel within the PUD. The applicant has indicated that the Tennessee Department of Transportation (TDOT) is planning to widen the entrance ramp onto Interstate 24 at Old Hickory Boulevard where there is an existing Shell sign that must be removed to accommodate the road widening project. Staff has not received any information from TDOT or the Metropolitan Planning Organization (MPO) demonstrating that the road is, in fact, scheduled to be widened.

Since this request is within a PUD, the Planning Commission is required to make a recommendation to The Board of Zoning Appeals (BZA) to approve or disapprove the variance request. The BZA will make the final determination regarding the variance request.

STAFF RECOMMENDATION Staff recommends that the Commission recommend disapproval of the variance for a second ground sign and a change in the rear setback. The applicant has not provided information relative to any unique characteristics that would warrant a variance for a second ground sign on this site. The proposed sign at 80 feet in height is twice the sign height permitted in any Metro Zoning District and 169 square feet in area exceeds the maximum allowable area for a sign at this location. A sign of this magnitude would function as an interstate sign, which is not allowed on property that is not adjacent to the interstate based on the sign regulations of the Metro Code. Furthermore, a second sign at a height of 80 feet would be inappropriate from a design standpoint within this PUD, which was not specifically approved for signage beyond what the Code normally allows.

Mr. McLean and Mr. Gotto stepped out of the meeting.

Ms. Nedra Jones presented and stated that staff is recommending disapproval.

Mr. Ponder presided over the Commission and opened the public hearing.

Mr. Chris Combs spoke in favor of the requested variance.

Mr. McLean stepped back into the meeting.

Mr. Gotto stepped back into the meeting.

Mr. Tyler requested additional information on the request being made by the applicant.

Mr. Bernhardt explained the request to the Commission.

Ms. Nedra Jones offered additional information on the requested variance.

Ms. Cummings requested additional information on the existing sign and the intentions of the applicant.

Ms. Nedra Jones explained this concept to the Commission.

Mr. Tyler requested clarification on the location and ownership of the parcel in which the sign was located.

Mr. Gotto questioned why the Commission was hearing this case.

Mr. Bernhardt explained that the applicant had applied for a variance from the BZA, and due to the fact that the sign is located in a PUD, it was required by the Planning Commission to make a recommendation.

Mr. Gotto then requested clarification on the variance that was being requested.

Mr. Bernhardt explained that the variance would allow him to move the sign and add an additional sign that would be 80 feet in height.

Mr. McLean moved and Mr. Dalton seconded the motion, which passed unanimously, to disapprove the request for a variance 149-66-U-13. **(9-0)**

Resolution No. RS2008-162

“BE IT RESOLVED by The Metropolitan Planning Commission that 149-66-U-13 is **RECOMMENDED THAT THE BZA DISAPPROVE THE VARIANCE REQUEST. (9-0)**”

- 14. 155-74-G-14**
Larchwood Commercial (Parking Lot Expansion)
Map: 096-00 Parcel: 028
Subarea 14
Council District 14 – Bruce Stanley

A request to revise the preliminary plan and for final approval for a portion of the Larchwood Commercial Planned Unit Development located at 100 Centerview Drive, approximately 845 feet south of Stewarts Ferry Pike, (25.36 acres), to permit a parking lot expansion of 413 spaces to increase the total number of parking spaces from 868 to 1,239 spaces, zoned CL, requested by Gresham, Smith & Partners, applicant, for Commerce Center TN Tower L.P., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Larchwood Commercial Planned Unit Development located at 100 Centerview Drive, approximately 845 feet south of Stewarts Ferry Pike, (25.36 acres), to permit a parking lot expansion from 868 to 1,239 spaces.

Zoning District

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

PLAN DETAILS This is a request to revise the last approved preliminary plan and for final site plan approval for a portion of the Larchwood Commercial PUD. The property is located on the north side of Interstate – 40 just west of Stewarts Ferry Pike and immediately south of McCrory Creek Road. The property currently consists of a 248,000 square foot office building and large open parking area.

Preliminary Plan The Larchwood Commercial PUD is a large PUD that was originally approved in 1974. The majority of the PUD is located on the south side of Interstate – 40 and consists of hotels/motels, office, restaurants and other commercial and retail uses. The PUD has been revised numerous times in the past and the last approved plan for this site called for a 248,000 square foot office building and surface parking with 868 spaces.

Site Plan The plan calls for 371 additional surface parking spaces in three separate locations. Two will be located north of the main entrance drive and extend existing parking areas. The third is located south of the internal drive. A new sidewalk is proposed from the new parking area to the office building.

Analysis The proposed revision increased the total number of parking spaces from 868 to 1,239 spaces. No other changes are proposed. The increased paved surface area is below the maximum Impervious Surface Ratio allowed

in the CL base zone district and is in compliance with all other base zone standards. The proposed addition does not encroach into any of the buffers and is not visible from Merory Creek Road and is only partially visible from Interstate – 40. The proposed plan does not change the concept of the original PUD plan and is not inconsistent with the use on the site.

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 Approve

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed plan does not change the concept of the original PUD plan and is not inconsistent with the use on the site.

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, (9-0) *Consent Agenda*

Resolution No. RS2008-163

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-G-14 is **APPROVED WITH CONDITIONS. (9-0)**

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.”

- 15. 1-74-U-13**
Hickory Hollow Mall (The Living Word Ministries)
Map: 163-00 Parcel: 378
Subarea 13
Council District 32 – Sam Coleman

A request to revise the preliminary plan and for final approval for a portion of the Hickory Hollow Mall Planned Unit Development located at 5380 Hickory Hollow Parkway, approximately 1,100 feet east of Bell Road, (5.1 acres), to permit a 40,000 square foot religious institution where a 40,000 square foot financial institution was previously approved and constructed, zoned SCR, requested by Bone McAllester Norton PLLC, applicant, for INSOUTH Bank, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary and PUD Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Hickory Hollow Mall Planned Unit Development located at 5380 Hickory Hollow Parkway, approximately 1,100 feet east of Bell Road, (5.1 acres), to permit a 40,000 square foot religious institution where a 40,000 square foot financial institution was previously approved and constructed, zoned Shopping Center Regional (SCR).

PLAN DETAILS -The plan proposes the re-use of an existing 40,000 square foot building for a religious institution. The underlying zoning district for this PUD is Shopping Center Regional (SCR) which was recently amended by the Metro Council to permit religious institution uses.

Access/Parking The site has direct access to Hickory Hollow Parkway from an internal driveway that connects to other portions of the PUD and intersects Mt. View Parkway. The plan proposes to share parking with the adjacent office building within the PUD. The Zoning Code requires one parking space for every four seats in the sanctuary. The proposed plan includes 512 seats in the sanctuary and 128 parking spaces are available with this site and the adjacent office building. The Metro Zoning Ordinance allows shared parking for mixed use projects when the uses are located near one another and have different peak parking demands and operating hours. Presumably, the proposed church will have parking demands and operating hours that do not conflict with the adjacent office building.

Sidewalks A pedestrian pathway exists around the perimeter of the building providing access to the parking area.

Landscaping The plan includes a new landscaping plan that illustrates planting areas around the perimeter of the site and interior to the parking lot. The proposal includes upgrading the existing landscaping on site to meet the current Zone Code requirements.

Preliminary Plan The preliminary PUD plan was approved for a 40,000 square foot financial institution. The proposed plan does not alter the exterior of the existing building, nor does it change site layout or parking.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Provide parking per Metro Code.
3. An access study may be required if additional parking is required.

STORMWATER RECOMMENDATION No comment.

STAFF RECOMMENDATION Staff recommends approval of the revision to the preliminary plan and final approval of the PUD.

CONDITIONS

1. Add a purpose note to state: "The purpose of this site plan is to allow a religious institutional use within an existing 40,000 square foot building.
2. Change note #3 on sheet C1.01 to state: "Existing building to remain as is."
3. Remove note "New church for parcel 378" from sheet C1.01 and sheet L1.01.
4. A new shared parking study may be required if the office use on the adjacent Lot 2 is changed.

5. A revised plan shall be submitted showing trees at a minimum of one canopy tree for every fifteen parking spaces.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
9. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2008-164

“BE IT RESOLVED by The Metropolitan Planning Commission that 1-74-U-13 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Add a purpose note to state: “The purpose of this site plan is to allow a religious institutional use within an existing 40,000 square foot building.
2. Change note #3 on sheet C1.01 to state: “Existing building to remain as is.”
3. Remove note “New church for parcel 378” from sheet C1.01 and sheet L1.01.
4. A new shared parking study may be required if the office use on the adjacent Lot 2 is changed.
5. A revised plan shall be submitted showing trees at a minimum of one canopy tree for every fifteen parking spaces.
6. 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.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
9. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.”

16. **78-81-U-13**
Brighton Valley Apartments (T-Mobile Tower Revision)
Map: 135-00 Parcel: 360
Subarea 13
Council District 29 – Vivian Wilhoite

A request for a revision to the preliminary and for final approval for the Brighton Valley Apartments Planned Unit Development located at 500 Brooksboro Terrace, approximately 400 feet east of Murfreesboro Pike, zoned R10 (31.36 acres), to permit the construction of a 150-foot monopole cell tower, requested by Atwell-Hicks, applicant, for MM Family Partnership, II and Overhill Apartment Partners, owners.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Planned Unit Development indefinitely at the request of the applicant. (9-0)

17. **88P-040G-06**
Sam's Club Commercial Pud (Sonic Drive-In)
Map: 114-00 Parcel: 323
Subarea 6
Council District 22 – Eric Crafton

A request to revise the preliminary plan and for final approval for a portion of the Sam's Club Commercial Planned Unit Development located at 617 Old Hickory Boulevard, approximately 915 feet south of I-40, (1.09 acres), to permit a drive-thru window to be added to an existing 1,337 square foot restaurant for a total of 1,393 square feet, zoned CL and SCR, requested by National Restaurant Designers, applicant, for Cooper, McAfee, Proctor, Watson, Bellevue Realty, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Sam's Club Commercial Planned Unit Development located at 617 Old Hickory Boulevard, approximately 915 feet south of I-40, (1.09 acres), to permit a drive-thru window to be added to an existing 1,337 square foot restaurant for a total of 1,393 square feet, zoned Commercial Limited (CL) and Shopping Center Regional (SCR).

Zoning District

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

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

PLAN DETAILS

Site Plan The revised plan proposes a new drive thru window for an existing 1,337 square foot Sonic restaurant. The drive thru will add an additional 56 square feet to the restaurant, bringing the total square footage of the eatery to 1,393 square feet.

Access/Parking Access is located off of Rocky Land and Old Hickory Boulevard. The revised plan proposes a total of 33 parking spaces which meets the minimum requirement of the Metro Zoning Code.

Preliminary Plan The preliminary PUD plan was approved to permit a 7,000 square foot retail establishment. Section 17.40.120.G.2.h of the Metro Zoning Ordinance stipulates that the total floor area of a commercial or industrial classification of a PUD shall not be increased more than ten percent beyond the total floor area last approved by the council. The revised plan increases the building square footage by 56 square feet resulting in a 1,393 square foot building. The increased floor area of the revised plan is under ten percent of the total floor area.

PUBLIC WORKS RECOMMENDATION All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

STAFF RECOMMENDATION Staff recommends approval with conditons of this request.

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. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (9-0) *Consent Agenda*

Resolution No. RS2008-165

“BE IT RESOLVED by The Metropolitan Planning Commission that 88P-040G-06 is **APPROVED WITH CONDITIONS. (9-0)**

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. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning

Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

Mr. McLean announced that the Commission would recess from their meeting, and resume in order to hear Item #18, **2008CP-07G-03**, Scottsboro/Bells Bend Detailed Design Plan. He briefly explained the process that would be followed for the public hearing.

The Commission recessed at 6:20 p.m.

The Commission resumed at 6:50 p.m.

Mr. McLean offered a brief explanation on the procedures that would be followed for the Public Hearing process on this proposed plan amendment.

A member of the audience clarified the procedures with Chairman McLean.

XIV. CONSIDERATION OF PUBLIC HEARING PROCESS FOR THE SCOTTSBORO/BELLS BEND DETAILED DESIGN PLAN: 6:00 PM

Ms. LeQuire questioned whether her fellow Commissioners were comfortable with the hour limitation being placed on the portion of the public hearing that addresses only the plan amendment comments (not comments regarding the Alternative Development Area). She stated that would only allow 30 persons to speak and there are many at the meeting that wanted to address the Commission.

It was mentioned there were 55 tickets drawn and the approximate time that would be taken to hear all 55 constituents.

Mr. Bernhardt offered the approximate time that the Commission would be hearing from the public prior to their deliberations.

Ms. LeQuire then offered that the Commission allow the public hearing portion on the Plan (not to include comments on the Alternative Development Area) to run as needed and then close the hearing and deliberate the plan amendment at another meeting at a date to be determined.

Mr. McLean then offered an alternative plan that would to allow those that were not included in the lottery the opportunity to address the Commission.

Mr. Gotto acknowledged the importance of the case and spoke to the issue of the late hour in which the Commission would be asked to deliberate the proposed plan and suggested that the Commission possibly hold a special meeting just for their deliberations on the proposed amendment.

Ms. LeQuire offered her suggestion in the form of a motion to the Commission.

Ms. Cummings expressed the importance of the Commission hearing all that was necessary in order to make their final decision on the proposed amendment.

It was clarified by the Commission that the change being made to the suggested procedure was for that portion of the public hearing that involved those that wanted to address the Commission on the Plan amendment (other than comments on the Alternative Development Area).

Mr. Bernhardt offered clarification on the motion.

Ms. LeQuire moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the following Public Hearing procedures for Case 2008CP-07G-03 Scottsboro/Bells Bend Detailed Design Plan, an amendment to the Boardeaux/Whites Creek Community Plan: 2003 Update. There will be a staff presentation, followed by comments by those Councilmembers present, then the Commission will open the Public Hearing by allowing comments on any portion of the plan other than the Alternative Development Area – this section of the public hearing, individuals will go in the order selected and be allowed a maximum of two minutes to provide comments to the Commission; and the comments are not to be repetitive. Then following this portion of the Public hearing, the hearing would continue for a maximum of 1 hour and 20 minutes for public comments on the alternative development area and each side would have 40 minutes maximum and each side would be allowed to have a unified presentation of up to 14 minutes, and then the remaining portion of that presentation could be broken up into 2 minute components, and it would allow both sides a maximum of 10 minutes for rebuttal. The Commission would then close the Public Hearing and the Commission would adjourn to a time to be determined for their debate. (9-0)

XV. RECOGNITION OF COUNCILMEMBERS TO SPEAK ON THE SCOTTSBORO/BELLS BEND DETAILED DESIGN PLAN

Councilmember Matthews addressed the Commission regarding the proposed plan amendment for the Bells Bend Community. He briefly spoke of the process that the plan amendment underwent over the past ten months and he commended the staff for their work on trying to achieve balance for his district. He spoke of a survey he was given by the Bells Bend Conservation Group that included percentages of those either for, against or considered neutral on the alternative development area. Councilmember Matthews spoke of his original ideas regarding the plan amendment and the possibilities it would have for economic growth, while preserving the rural areas of his district. He briefly compared the proposal with other areas in the City in which development improved communities. He then acknowledged that the plan amendment would end years of fighting of unwanted proposals such as landfills and large subdivisions. He then posed questions on traffic and infrastructure costs in relation to the alternative development plan. He offered that these costs may outweigh the revenue generated by the alternative development area. Councilmember Matthews stated that he was elected to represent the constituents of District 1 and that the Commission should consider economic and environmental issues while deliberating their decision on this proposal. He asked that the Commission take into consideration the concerns of his constituents. As he closed, he asked that the Commission support his constituents and pass the land use policy, and defer the alternative development area for one year. This would allow additional time for the May Town Center to answer any additional questions regarding the alternative development area and it would allow for the growth of a third vision for the Scottsboro/Bells Bend Community.

Councilmember Evans addressed the Commission as her district would be affected by the alternative development area. She provided statistical information pertaining to the overall population of Nashville, with individual per capita incomes for the various districts that are located around the alternative development area. She then provided statistical information on a project in which the May Town Center was modeled, for comparison purposes. She spoke of demographics of the city and the location of the proposed development area. Councilmember Evans mentioned various issues associated with the alternative development area and spoke of the necessary components that would be needed for its success. She briefly addressed the various components included in the development area and the costs that would be associated with each. She suggested that the developer secure all the required approvals from state, federal and local agencies, prior to any study of impacts that the alternative development area would have on the City. As she closed, she asked that the Commission support Councilmember Matthews request and approve the Scottsboro/Bells Bend plan without the alternative development plan.

Councilmember Jameson spoke in favor of Councilmember Matthews' request to defer the alternative development area for one year. He based his support on three issues of concern. His first issue was the vacancy rate of the Central Business District. He provided the statistics on this rate and mentioned the various locations within the central business district that were used to provide this number. He did however, mention that Nashville does compare favorably with other cities with the current vacancy rate, and urged continued support for the downtown area. He then spoke of sustainability and smart growth and the need to support the urban core of the city. He spoke of various projects located in the city in support of this concept. Councilmember Jameson then stated that the alternative development plan would detract from the Central Business District and the focus that is currently placed

on the projects undergoing revitalization. He acknowledged the LEED certification of the proposed development however, offered it was proposed for the wrong location of the City. As he closed, he stated he was in support of the request to defer the alternative development plan for a year, so that additional study could be completed on the proposed development.

Councilmember Holleman addressed the Commission. He spoke of the importance of this project and its impact to both sides of the river. He mentioned traffic issues in relation to population numbers and the impact the alternative development area would on traffic. He spoke of the importance of land use policies, and the importance of traffic impact studies which require extensive review. He acknowledged and applauded the residents of this community for their work on the detailed design plan as they have developed a plan for their community's growth and will no longer have to react to development. He spoke in favor of approving the detailed design plan and mentioned its importance, as it contained the residents' vision for their community; as well as ideas on how they want to see their community grow. He stated that the amendment as proposed does not take into account what is currently envisioned by that community.

Councilmember Baker stated he was in favor of deferring the alternative development area for one year.

Councilmember Crafton addressed the Commission. He stated that the alternative development plan was one of the most important, historically, that the City has had over the years. He stated he was in agreement with a deferral, however, did not know if a year was necessary. Councilmember Crafton then spoke of the various issues the city is faced with as development locates outside the City, and the importance of competing with surrounding counties, and providing corporate locations within the City of Nashville. He would like to see a detailed analysis of how the alternative plan would provide competition with the Cools Springs area. He then spoke of the issue of maintaining development in the downtown area and how this places a burden on taxpayers. He mentioned the bulk of opposition to the proposal, as he understood it, was in the northern portion of the Bells Bend area. He offered that the proposal could be built out in such a way that the northern portion would not be affected. He then spoke to the issue that referenced "two sides of the river". He stated that Nashville is considered one city and one county, and there should not be internal competition, as tax dollars are collected for all of Davidson County. He acknowledged the work of the planning staff and the community on the comprehensive plan for this area. The Councilmember then mentioned the bridge as mentioned in the alternative development plan and its costs. He stated he would not support the development if the cost of the bridge were to fall on the taxpayers. He stated he spoke with the developer who indicated they would incur the costs of the bridge. He too acknowledged that the development plan would be LEED certified. In closing, Councilmember Crafton requested that this development be deferred long enough to work out outstanding issues and long enough to possibly reach a compromise with all involved, as the development area has the potential to be beneficial for the entire city of Nashville.

Councilmember Craddock stated he was present at the meeting to learn both sides of the issue. He spoke of the financial status of the City and the importance of providing quality growth and development for the City. He noted that the Council would make the ultimate decision on this development. He spoke of the struggles of the citizens of Nashville in paying property taxes and the need for development that would support revenue. He commended the staff for their work on this proposal. He too stated he was in favor of deferral to allow additional studies on the entire project. In closing he stated that growth and development are good as long as it takes care of community members and neighborhoods along the process. He spoke of the importance of the proposal and reiterated the importance of studying it carefully.

XVI. PUBLIC HEARING: COMMUNITY PLANS

- 18. 2008CP-07G-03**
Scottsboro/Bells Bend Detailed Design Plan
Subarea 3
Council District 1 – Lonnell R. Matthews Jr.

A request to adopt the Scottsboro/Bells Bend Detailed Design Plan as an amendment to the Bordeaux-Whites Creek Community Plan: 2003 Update to provide more detailed guidance on planning for preservation and growth for the Scottsboro/Bells Bend community.

Staff Recommendation: Approve

APPLICANT REQUEST - Adopt the *Scottsboro/Bells Bend Detailed Design Plan* as an amendment to the *Bordeaux-Whites Creek Community Plan: 2003 Update* to provide more detailed guidance on planning for preservation and growth for the Scottsboro/Bells Bend community.

SCOTTSBORO/BELLS BEND DETAILED DESIGN PLAN HIGHLIGHTS

Community Participation The detailed design plan was initiated at the request of Scottsboro/Bells Bend community members, with the community members' goal of assisting the community in preserving the area's rural character. Staff conducted nine meetings in the Scottsboro/ Bells Bend community from October of 2007 through June of 2008 to create the *Scottsboro/Bells Bend Detailed Design Plan*.

Notification of community meetings as well as the July 24 public hearing were published in newspapers and posted on the Planning Department's website. Four separate flyers announcing the community meetings were sent to property owners throughout the Scottsboro/Bells Bend community and surrounding area. Additionally, email was periodically sent to an expanding list of participants. An estimated 300 individuals participated in the detailed design planning process.

Vision for Scottsboro/Bells Bend Scottsboro/Bells Bend is a rural portion of Davidson County located to the north and west of Downtown. The Scottsboro/Bells Bend area has a variety of stakeholders. Community meetings revealed that a significant majority of stakeholders identify the rural character of the Scottsboro/Bells Bend area as a valuable attribute of Davidson County which should be preserved.

Basic qualities which define the rural character of the community and which should be preserved include natural resources, natural landscape, abundant wildlife, green space, open space, outdoor recreational opportunities, peace and quiet, privacy, sustainable resource use, low population density, and private property rights.

A stakeholder group, which controls a significant portion of the Scottsboro/Bells Bend area proposed a different vision for their property – the creation of an intense mixed use town center with adjacent corporate campuses.

To suggest, however, that there were only two visions for Scottsboro/Bells Bend, belies the fact that there are many property owners interested in varying degrees of development opportunity for their properties.

Several questions arose from this process. To what extent are the rural features and qualities preserved? What tools are available to preserve rural features and qualities? How can development occur in a manner that preserves the qualities of the rural character? It is the goal of this detailed design plan to balance the preservation of rural character while allowing development opportunities in appropriate areas.

The Study Area The Scottsboro/Bells Bend study area is comprised of approximately 13,407 acres that includes Beaman Park as the northern boundary and continues south to the Cumberland River, a distance of approximately 9 miles. The study area is characterized by steep slopes, ridgelines, floodplains, streams, wildlife, woodlands and farmland. Scottsboro/Bells Bend has remained rural due to its location in a bend of the Cumberland River that has not been bridged and its combination of floodway/floodplain and steep topography. These factors contribute to the current low population density mixed with agricultural uses.

Land Use Policy The detailed design plan proposes land use special policies for the Scottsboro/Bells Bend community. These land use policies are tailored to respond to the community's unique environmental features and emphasize preservation of the rural and natural character of the community. Each special policy has its own policy intent, general characteristics, appropriate land uses, main objectives, and design principles and development guidelines.

The design principles and development guidelines include addressing access, preserving significant environmental features, preserving archeological features/cemeteries, building form, building location, block length, connectivity, appropriate density, development arrangement, landscaping, lighting, and parking.

In addition, special policies have been added to address the identified prime viewsheds. These policies call for minimal impact from development of any kind. The land use policies also emphasize preserving historic sites, archeological sites, and farmland.

In each of the nine special policy categories discussed below, a focus remains on preserving rural character and sensitive environmental features.

- **Natural Conservation Policy** The largest land use policy category is Natural Conservation, which is used to preserve the area's environmentally sensitive features such as steep slopes, ridgetops, unstable soils, floodways/floodplains, woodlands, waterways, viewsheds, and wildlife habitat. Natural Conservation policy is proposed for 58 percent of the study area.

Land use options in Natural Conservation policy include:

- Maintain the land in its natural state;
- Small-scale farming if environmental constraints of the land allow; and/or
- One dwelling unit per five acres if environmental constraints of the land allow.

Natural Conservation policy also encourages land owners to use additional tools, such as conservation easements or purchase of development rights, to permanently preserve land.

The proposed density of one dwelling unit per five acres in Natural Conservation areas is less density than the land is zoned for today (AR2a zoning, which allows one dwelling unit per two acres). This is done to acknowledge that that existing environmentally sensitive features are ill-suited for higher density, and that it would be difficult to achieve that density today, despite the zoning.

- **Rural Parks/Open Space Policy** The study area contains two of Nashville's largest parks, Beaman Park and Bells Bend Park. These comprise almost 2,500 acres or 19 percent of the study area. Both Beaman Park and Bells Bend Park have nature centers in addition to miles of trails and a focus on sharing the natural and rural aspects of the community with visitors. The parks are placed in Rural Parks and Open Space policy.

The detailed design plan encourages constructing a multi-use path for pedestrians and cyclists along Old Hickory Boulevard to connect the two parks.

Added together, the Rural Parks and Open Space policy and the Natural Conservation policy area – 77 percent of the study area is in one of these two conservation-focused policies.

- **Rural Residential Policy** Rural Residential policy covers almost 15 percent of the study area. This policy is located along the flatter portions of the community where the majority of homes are already located. The goal of Rural Residential policy is to preserve the rural and natural character of the area while allowing limited residential development opportunities that contribute to the rural character.

In rural areas throughout Davidson County, typical land uses include low-impact agricultural and related accessory uses, low density residential, and civic/public benefit uses. In the study area, Rural Residential policy land use options include:

- Maintain the land in its natural state;
- Small-scale farming;
- Large-scale farming if environmental constraints of the land allow;
- One dwelling unit per five acres;
- One dwelling unit per two acres if environmental constraints of the land allow; and/or
- In some selected areas, well-designed layouts of homes grouped together to preserve surrounding environmental features may be possible by working with the Planning Department on designs that preserve the rural character of the landscape. Any proposal requires a rezoning to Specific Plan zoning.

Areas with the potential for unstable soils are also referenced and require a geotechnical report before any development is undertaken.

The majority of the study area, 98.5 percent, is zoned AR2a which already allows one dwelling unit per 2 acres. The application of the Rural Residential policy, which would also allow one dwelling unit per two acres, acknowledges this zoning. However, Rural Residential policy offers opportunities to move away from that lot and land use pattern

and encourages larger lots, agricultural uses, and siting homes so that significant environmental features are preserved. The Rural Residential policy also allows one dwelling unit per five acres. If property owners and/or the Council member wanted to rezone to a lower density that is more rural in character, this policy would support that rezoning.

- **Village Center Policy** Village Center policy encompasses land in the previously adopted Neighborhood Center policy (in the *Bordeaux-Whites Creek Community Plan: 2003 Update*) and additional surrounding property that is currently zoned commercial. This area totals 27 acres, less than 1 percent of the study area, and includes the former Wade School. The goal of Village Center policy is to create a pedestrian-friendly, mixed use, rural center that serves as the community hub for daily gathering and activity.

In the Village Center, stakeholders have expressed a desire to see uses similar to those found in Leipers Fork, such as a small grocery, restaurant, music venue, hardware store, café, farmers market, or coffee shop. Appropriate land uses include:

- Commercial
- Civic or Public Benefit
- Office
- Mixed Use

Village Center policy also encourages the use of pedestrian crosswalks, signage and medians to make the area more safe and comfortable for pedestrians, especially at the prominent intersection of Old Hickory Boulevard and Ashland City Highway.

- **Village Residential Policy** Village Residential policy is comprised of existing residential uses along Old Hydes Ferry Road, much of it already zoned RS20. A total of 54 acres is placed in this policy, less than 1 percent of the study area. The goal of Village Residential policy is to create a residential area that complements and supports the Village Center while also providing housing choice for community residents.

Since this area already has a pattern of smaller lots, the Village Residential policy allows for a mixture of rural housing styles that supports the nearby businesses in the Village Center. Appropriate land uses include:

- Residential (limited to single-family and two-family houses, accessory units and cottages)
- Civic or Public Benefit

- **District Impact Policy** District Impact policy applies to the Harpeth Valley Utility District in the southern portion of Bells Bend, which comprises 3 percent of the study area.

- **Guidance for Rural Corridors** The plan also calls for preserving existing rural corridors and, when appropriate, creating new rural roads that maintain the rural character that currently exists in the study area. Structures along the corridor, such as along Old Hickory Boulevard, should contribute to the rural character with irregular setbacks from the road that follow the environmental constraints of the land, instead of using established setbacks. Spacing and orientation of homes should also follow the environmental constraints of the land, including preserving open space and viewsheds. Corridors should utilize cross sections with swales, instead of curb and gutter, and reflective striping and signage for safety, instead of lighting.

- **Alternate Development Area Policy** As noted above, an alternate vision was offered for one portion of the Scottsboro/Bells Bend community.

- An Alternate Development Area policy is applied to this area, which is comprised of approximately 1,500 acres or 11 percent of the study area.

Two alternate visions – representing two worthy public policy goals – have been proposed for the Alternate Development Area, comprised of property owned by the May family.

One vision calls for this area to be preserved in a natural or rural state with the rest of the study area. This could be accomplished by including this land in the Natural Conservation and Rural Residential policy categories.

An alternate vision for this area proposes that the site be redeveloped as a compact mixed use pedestrian friendly town center surrounded by a zone of preserved rural transition uses. The center would provide for a joint corporate headquarters location and regional center with retail, office, commercial and residential components, while preserving environmental features and important community characteristics such as prime farmland, ridgetops, steep slopes, viewsheds, woodlands, streams and wetlands. This vision concentrates development onto approximately one-third of the property while permanently preserving at least 900 acres in a natural/rural state, including a defined edge to delineate and buffer the center from the surrounding rural area and Old Hickory Boulevard.

To ensure the alternative vision supports the remainder of the policies of the study area, there are additional goals and conditions necessary for the ADA.

First, there are goals and conditions that must be met for the Alternate Development Area to be *eligible* for Regional Center and Corporate Campus policies (that would replace the Natural Conservation and Rural Residential policies). These are titled “Conditions that Trigger the Special Policy.”

Second, there are general goals and conditions that describe how the Alternate Development Area (if it is eligible for Regional Center and Corporate Campuses development) is to interact with the rest of the Scottsboro/Bells Bend community. These are titled “Conditions for Balancing Economic Development and Rural Preservation.”

Finally, there are the goals specific to the Regional Center policy and the Corporate Campus policy.

Conditions that Trigger the Special Policy The provisions and conditions of the Alternate Development Area balance allowing specifically designed economic development while preserving the rural character. These conditions include building a bridge as primary access to the site and submitting a master plan for the site that illustrates:

- Designing a unique development concept in a manner so that site and building design meet high standards of sustainability;
- Providing true transportation options for pedestrians, cyclists, vehicles, and transit;
- No extension of commercial, office or higher intensity residential development to the north of the southernmost defined ridgeline;
- Tying development of the Alternate Development Area to preservation to the north of the area to permanently preserve the natural/rural character of the remainder of Scottsboro/Bells Bend;
- Including significant protection of environmentally sensitive features and a defined buffer to create a firm edge around the proposed development (at least 900 acres will be permanently preserved);
- Completing an archeological survey for the entire site, except for those portions left undisturbed, and preserving significant sites, cemeteries, and other features;
- Preserving at least 200 acres of prime farmland for farming;
- Buffering development from the existing Bells Bend Park and Nature Center; and
- Applying for inclusion in the Urban Services District.

Any proposed development in the Alternate Development Area will be implemented through zoning that includes a site plan, such as Specific Plan zoning, to provide assurance that the development will occur as approved.

- Conditions for Balancing Economic Development and Rural Preservation The purpose of these goals and conditions is to balance economic development and rural preservation. The conditions address development of the Alternate Development Area, but also address how this defined area relates to the remainder of the Scottsboro/Bells Bend community. To address how the Alternate Development Area interacts with the rest of the Scottsboro/Bells Bend community, conditions are levied that include:

- Preserving viewsheds from Old Hickory Blvd.;
- Preserving buffers between the Alternate Development Area and the rest of the Scottsboro/Bells Bend community;
- Limiting development and instituting a land preservation program to assist in maintaining Old Hickory Blvd. as a rural corridor and prevent “strip development” from occurring;
- Requiring access from the south or east via a bridge, with guidance on preserving Old Hickory Blvd. as a rural corridor; and
- Requiring sustainable design of the site layout and buildings, per standards established by the Leadership in Energy and Environmental Design – Neighborhood Development (LEED-ND) program.

Regional Center Policy The goal of Regional Center policy is to create an intense, mixed use, multi-modal center area that forms a unique sustainable and walkable community. The Regional Center policy provides additional guidance through design principles and development guidelines, including addressing access to and within the site, preserving significant environmental features, block length, building form, connectivity, appropriate density, landscaping, lighting, parking, signage, and transit. These include specifying how buildings interact with each other, with their unique setting, and with the surrounding rural area.

Corporate Campus Policy The goal of Corporate Campus policy is to create employment and office centers that are uniquely integrated into the adjacent mixed use center, served by multi-modal transportation systems, and uniquely designed to complement the existing rural setting and preserve environmental features. The Corporate Campus policy provides additional guidance through design principles and development guidelines, including addressing access to and within the site, preserving significant environmental features, building form, connectivity, appropriate density, landscaping, lighting, parking, signage, and transit. These include specifying how the campuses are sited and how they interact with each other and with the Regional Center.

Implementation Tools/Ideas The detailed design plan also includes a chapter on implementation tools, ideas and examples to assist the community in achieving its vision of preserving rural character. These tools include conservation easements, transfer/purchase of development rights, cultural heritage tourism, eco-tourism, recreational tourism, agri-tourism, sustainable agriculture, a sustainable agricultural institute, community supported agriculture, organic farming co-ops, conservation subdivisions, including preservation as an important aspect of development, and the Adirondack Park model.

Recommendation The community planning process involves seeking the input of all community stakeholders. It also requires Planning staff to provide professional recommendations to ensure that each community and neighborhood meets the goals of Nashville/Davidson County's General Plan, the County's commitment to sustainable development. In doing so, the preservation and development of each community and neighborhood is considered in light of its role in Davidson County and in the Middle Tennessee region.

In the case of the *Scottsboro/Bells Bend Detailed Design Plan*, two important public policy goals – rural preservation and economic development through the creation of sustainable development and corporate campuses – must be weighed.

Whenever a community plan or detailed design plan is undertaken, stakeholders are asked to compromise in their visions – to accommodate competing visions and to accommodate the needs of the overall County. The *Scottsboro/Bells Bend Detailed Design Plan* is unique, however, in that the final product represents significant compromise for stakeholders of the area, and includes significant guidance from Planning staff, on how the Scottsboro/Bells Bend community can meet two equally valid public policy goals – rural preservation and economic development of a unique corporate campus/regional center product.

Planning staff recommends adoption of the plan as presented. Correctly implemented, the detailed policy guidance can allow a unique economic development opportunity in Nashville/Davidson County, along with new businesses, jobs, and increased revenues. At the same time, the detailed design plan calls for significant rural preservation throughout the Scottsboro/Bells Bend area, including significant preservation of the Alternate Development Area – at least 900 acres, to be permanently preserved in a natural/rural state that can contribute to the rural character not only in appearance, but can provide certain community amenities such as hiking trails, equestrian trails, greenways, farming opportunities, and local food production. The preservation of this land provides a viable option for preservation. Since over 2,500 acres of the study area are already part of the Metro parks system, it seems unlikely that Metro would acquire this property as parkland due to priorities for parkland in other areas of the County and current financial constraints.

The plan also provides a viable option for development of land that is currently zoned AR2a and could be developed as numerous single-family homes today, which could also negatively impact the rural character of the community. A subdivision of this magnitude also could result in pressure to change the rural character of Old Hickory Boulevard since it would likely not include a provision for building a bridge across the Cumberland River.

STAFF RECOMMENDATION Staff recommends adoption of the *Scottsboro/Bells Bend Detailed Design Plan*, as presented, as a model to balance rural preservation with economic development.

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

Ms. Carlat presented and stated that staff is recommending approval of the *Scottsboro/Bells Bend Detailed Design Plan* as an amendment to the *Bordeaux-Whites Creek Community Plan: 2003 Update* to provide more detailed guidance on planning for preservation and growth for the *Scottsboro/Bells Bend* community.

The Public Hearing was opened for comments from constituents or from anyone that wanted to comment on the Detailed Design Plan, (other than comments on the Alternative Development Area). The following addressed the Commission:

Mr. Sumpter Camp, 5204 Tidwell Hollow Road

Ms. Kathleen Wolff, 6268 Old Hickory Boulevard

Ms. Sharon Work, 5262 Tidwell Hollow Road

Ms. Linda Bernardo, 4435 Pecan Valley Road

Ms. Sherry Knott, 5204 Tidwell Hollow Road

Ms. Jennifer Hagan-Dier, 602 Russell Street

Ms. Grace Louisa Glenn, 4496 Cleeces Ferry Road

Mr. George Breaux, 5300 Tidwell Hollow Road

Mr. Jim Price, 5268 Old Hickory Boulevard

Ms. Melinda Welton, 5241 Old Harding Road

Ms. Jane Bibring, 6547 Brownlee Drive. She submitted information to the Commission for the record.

Ms. Nancy Dorman, 5421 Eatons Creek Road

Mr. George West, 5214 Old Hickory Boulevard

Ms. Candace Corrigan, 707 N. Spring Street and Janne Henshaw, of Murfreesboro performed a song referencing the proposal

Ms. Brenda Butka, 5188 Old Hickory Boulevard

Mr. Robert Brandt, 504 Brighton Place

Ms. Jane Coble, 5033 Old Hickory Boulevard

Mr. Carlos Trenary, 627 River Rouge Drive

Mr. Thomas Byl, 645 River Rouge drive

Mr. Jeff Williams, a resident of Nashville (did not complete a request to speak form)

Mr. Scott Gillihan, 6124 Morrow Road

Ms. Adelle Wood, 4641 Villa Green Drive
Ms. Maggie Odle, 5186 Ashland City Highway
Ms. Alys Venable, 6608 Rolling Fork Drive
Ms. Sandra Lee, 1244 Mary Helen Drive
Mr. Christopher Foley, 5665 Old Hickory Boulevard
Mr. Dave Pelton, 5400 Bradfield Drive
Mr. Chris Chambers, 713 Harpeth Parkway West
Mr. Mack Prichard, 1828 River Drive
Mr. Matt Glassmeyer, 1203 Gartland Avenue
Ms. Anna Haislip, 2630 Malden Drive
Mr. Edward Wansing, 102 Eisenhower Drive
Mr. Shelby White, 6733 Currywood Drive
Mr. Glenn Crissman, of Eatons Creek Road (did not complete a request to speak form)
Mr. David Phillips, of Scottsboro Bells Bend (did not complete a request to speak form)
Mr. John Summer, 5000 Wyoming Avenue
Mr. Jim Haney, 1613 17th Avenue South
Mr. Mark Cleveland (did not complete a request to speak form)
Mr. William Kantz, (did not complete a request to speak form)
Ms. Kate Kiefling, 1512A Rosebank Avenue
Ms. Sara Bellows, 4852 Eatons Creek
Mr. Ryan Chapman, 837 North 2nd Street

The Commission recessed at 9:20 p.m.

The Commission resumed at 9:40 p.m.

The Public Hearing was continued for an additional one hour and twenty minutes to hear public comments on the Alternative Development Area.

At this time, the proponents were alerted that they had up to 40 minutes for their presentation and they could set aside ten minutes for their rebuttal.

The following spoke in support of the Alternative Development Plan:

Mr. Tony Giarratana, 201 4th Avenue North, spoke in favor of the alternative development plan. He submitted information for the record.

Mr. Shawn Johnson, President of the Bordeaux Business Coalition, spoke in favor of the alternative development plan

Mr. Derrick Bell, representing his father, spoke in favor of the alternative development plan

Mr. Pat Emory, Crescent Resources, spoke in favor of the alternative development plan

Ms. Rebecca Brooks, Wilbur Smith & Associates, spoke in favor of the alternative development plan

Mr. Michael Schemerling spoke in favor of the alternative development plan

Mr. Paul Shaw, RTKL Associates, spoke in favor of the alternative development plan

Ms. Shirley Zeitlin, spoke in favor of the alternative development plan

Mr. Leon May, a resident of Ensworth Avenue, spoke in favor of the alternative development plan

At this time, the opponents were alerted that they had up to 40 minutes for their presentation and they could set aside ten minutes for their rebuttal.

Mr. David Briley, 511 Union Street, spoke in opposition to the alternative development plan

Mr. John Miller spoke in opposition to the alternative development plan

Mr. David Eichenthal, Community Research Council, spoke in opposition to the alternative development plan. He submitted information to the Commission for the record.

Mr. Kim Schen, Director of Sustainable Design, spoke in opposition to the alternative development plan

Mr. Bill Terry, a resident of Nashville, spoke in opposition to the alternative development plan

Mr. Greer Tidwell spoke in opposition to the alternative development plan

Mr. Matt Walker spoke in opposition to the alternative development plan

Mr. Mark Dewichman, Village Real Estate Services, spoke in opposition to the alternative development plan

Mr. Bill Coble, 5033 Old Hickory Boulevard, spoke in opposition to the alternative development plan

Mr. Joe Engle, 5711 Old Hickory Boulevard, spoke in opposition to the alternative development plan

Mr. Barry Sulken, Environmental Consultant, spoke in opposition to the alternative development plan

Ms. Trish Folian, a resident of Hillwood, spoke in opposition to the alternative development plan

Mr. Jeff Ockerman, former Councilmember, spoke in opposition to the alternative development plan

At this time, the proponents of the alternative development plan were alerted that they had up to 10 minutes for their rebuttal.

Mr. Tony Giarratana, 201 4th Avenue North, addressed the Commission.

At this time, the opponents of the alternative development plan were alerted that they had up to 10 minutes for their rebuttal.

Mr. Sumpter Camp, 5204 Tidwell Hollow Road, addressed the Commission

Ms. Cummings moved and Mr. Gotto seconded the motion to close the public hearing.

Ms. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to discuss the merits of the Scottsboro/Bells Bend Detailed Design Plan at a date to be determined. (9-0)

Resolution No. RS2008-166

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008CP-07G-03 has a **closed public hearing and will discuss the merits of the Scottsboro/Bells Bend Detailed Design Plan at a date to be determined. (9-0)**”

XVII. OTHER BUSINESS

22. Executive Director Reports


23. Legislative Update

XVIII. ADJOURNMENT

The meeting adjourned at 11:05 p.m.

Chairman

Secretary

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