



**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**

**9/11/2008**

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**4:00 PM**

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

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Hunter Gee  
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 II  
Bob Leeman, Planner III  
Trish Brooks, Admin. Svcs Officer 3  
Carrie Logan, Planner II  
Craig Owensby, Communications Officer  
Brenda Bernards, Planner III  
Nedra Jones, Planner II  
Brian Sexton, Planner I  
Greg Johnson, Planner II  
Steve Mishu, Metro Water

**Commission Members Absent**

Derrick Dalton  
Victor Tyler

*Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to evolve into a more socially, economically and environmentally sustainable community with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.*

**I. CALL TO ORDER**

The meeting was called to order at 4:01 p.m.

**II. ADOPTION OF AGENDA**

There were no changes to the agenda.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously to adopt the agenda as presented. **(6-0)**

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

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the August 28, 2008, minutes as presented. **(6-0)**

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

Councilmember Toler explained he would address the Commission after his items were presented for discussion. Councilmember McGuire stated he would address the Commission after his item was presented for discussion.

#### **V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

1. 2008S-125U-10 A request for final plat approval to create 2 lots and a variance from the lot comparability requirement of the Subdivision Regulations on property located at 1705 Beechwood Avenue, located within the Belmont-Hillsboro Neighborhood Conservation Overlay – deferred to September 25, 2008, at the request of the applicant.

Mr. Clifton moved, and Mr. Gotto seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items as presented. **(6-0)**

Ms. Hammond announced, “As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission’s decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.”

#### **VI. PUBLIC HEARING: CONSENT AGENDA**

##### **PUBLIC HEARING: SPECIFIC PLANS**

4. 2008SP-021U-10 A request to change from CF to SP-MU zoning for properties located at 1800 and 1806 West End Avenue and 1801 and 1807 Hayes Street, to permit the development of a 190,033 square foot, 8-story mixed-use building containing hotel, restaurant and financial institution space. -Approve w/conditions
5. 2008SP-024G-12 A request to change from RS10 to SP-MR zoning for properties located at 6943 and 6947 Burkitt Road and Burkitt Road, to permit the development of 64 single-family, 80 attached cottage, and 40 townhome units. -Approve w/conditions

##### **ZONING MAP AMENDMENTS**

8. 93P-004U-12 A request to amend the Maxwell Brothers Produce Market Planned Unit Development located on a portion of property at 1645 Bell Road, to permit the development of a one-story, 17,694 square foot retail establishment, replacing a 2,250 square foot retail establishment and to add the remainder of Parcel 41 to the boundaries of the PUD. -Approve w/conditions

##### **CONCEPT PLANS**

9. 2006S-270U-013 A request to extend the concept plan approval for one year for a 42 lot subdivision on properties located at 6235 and 6247 Mt. View Road and Mt. View Road. -Approve w/condition
10. 2008S-141G-14 A request for concept plan approval to create 62 cluster lots on properties located at 4103 and 4109 Smotherman Lane and 2237 Seven Points Circle. -Approve w/conditions

## REVISIONS AND FINAL DEVELOPMENT PLANS

12. 153-79-G-06 A request to revise the preliminary plan and for final approval for a portion of the Galleries at Bellevue Planned Unit Development located at 7661 Highway 70 S, to permit 29,500 square feet of retail uses where 12,000 square feet of retail uses were previously approved. -Approve w/ conditions
13. 195-76-G-06 A request to revise the preliminary plan and for final site plan approval for a portion of the Bellevue Center Planned Unit Development located at 7128 Highway 70 S, to convert three existing automated car wash bays into two automated car wash bays with additional 285 square feet car wash bay. -Approve w/conditions
14. 2007P-005U-13 A request to revise the preliminary plan for a portion of the Shoppes at Ridgeview Planned Unit Development located at Bell Road (unnumbered), at the southwest corner of Bell Road and Eagle View Boulevard, to permit a 3,740 square foot of automobile convenience store where 13,000 square feet of retail space was previously approved.
- Approve with conditions, including deleting Condition 1 of the staff report and replacing it with the following condition:**
- 1. access on Eagle View Boulevard shall be right in and right out only as approved by Metro Public Work standards**
- and adding the following conditions:**
- 7. Building roof and canopy roof shall be similar in type and finishing material. No flat roof shall be allowed on the building or the canopy.**
- 8. Building elevations fronting Bell road shall include windows. If interior building design prohibits windows, then some type of glazing treatment mimicking windows shall be used. All elevations shall be approved by planning staff with final site plan approval.**
15. 8-65-U-03 A request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development located at 2700 Whites Creek Pike, to permit the addition of two fuel dispensers and a canopy for an existing convenience market facility. -Approve w/conditions

## URBAN DESIGN OVERLAY

16. 2005UD-003G-12 A request to modify the Carothers Crossing Urban Design Overlay standards established in the Urban Code, the Architectural Regulations, and the Landscape Regulations of the UDO for property located north and south of the Carothers Road and Battle Road intersection -Approve

Ms. Jones moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the Consent Agenda as presented. **(6-0)**

## VII. ITEMS PREVIOUSLY DEFERRED

- 1. 2008S-125U-10**  
Michalena Subdivision  
Map: 104-16 Parcel: 272  
Green Hills/Midtown Community Plan  
Council District 18 – Keith Durbin

A request for final plat approval to create 2 lots and a variance from the lot comparability requirement of the Subdivision Regulations on property located at 1705 Beechwood Avenue, approximately 300 feet west of Oakland Avenue (0.4 acres), zoned RS7.5 and located within the Belmont-Hillsboro Neighborhood Conservation Overlay, requested by Jeffrey and

Michelle Rencher, owners, Advantage Land Surveying, surveyor.

**Staff Recommendation: Disapprove**

**The Metropolitan Planning Commission DEFERRED Final Plat 2008S-125U-10 to September 25, 2008, at the request of the applicant. (6-0)**

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Ms. LeQuire arrived at 4:09 p.m.

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

### **2. 2002UD-001U-10**

Green Hills UDO (modification)  
Map: 117-14 Parcel: 137  
Green Hills/Midtown Community Plan  
Council District 25 – Sean McGuire

A request to modify the existing Urban Design Overlay District to allow a business located at 3909 Hillsboro Pike, (1.7 acres) classified SCR, to vary from requirements of the Green Hills UDO related to signage height and display area size, requested by Premier Sign & Lighting Services.

**Staff Recommendation: Disapprove**

### **APPLICANT REQUEST - Modify UDO**

A request to modify the existing Urban Design Overlay District to allow a business located at 3909 Hillsboro Pike, (1.7 acres) classified Shopping Center Regional (SCR), to vary from requirements of the Green Hills UDO related to signage height and display area size.

### **BASE ZONING**

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

**APPLICATION DETAILS** Premier Sign and Lighting requests to modify the standards of the Green Hills Urban Design Overlay (Green Hills UDO) to allow for the construction of a ground sign at 3909 Hillsboro Pike. The proposed sign has an overall height of 10 feet with an overall display area of approximately 56 square feet. The applicant requests relief from height and sign area standards of the Green Hills UDO, which allow for a maximum height of 6 feet from grade and a sign area of 28 square feet for all ground signs. The applicant previously submitted a sign with a height of 30 feet and a display area of approximately 105 square feet. Since staff was recommending disapproval of the previously proposed sign, the applicant changed the request at the August 28, 2008, Planning Commission meeting. The Commission deferred the item to allow staff more time to review the request.

**Sign Requirements** The Green Hills UDO was adopted in 2003, as a voluntary Urban Design Overlay with development incentives promoting mixed-use development. In 2006, Metro Council specifically made the signage portion of the Green Hills UDO mandatory for all new signage and any changes to existing signage requiring a permit. To date, two businesses have received approval through the mandatory standards: Shell/Daily's on Hillsboro Pike and AT&T on Hillsboro Pike. Monument signs for the Hill Center in Green Hills were also approved through the Green Hills UDO standards.

The signage standards are intended to implement the Green Hills UDO plan that focuses on reducing "the scale of signs to a pedestrian standard" and "ensuring that signs will be placed and illuminated in a manner that is appropriate to a pedestrian environment." The Green Hills UDO document is the result of a community process that focused on creating an "urban village concept" for Green Hills. The standards reinforce this intent by requiring ground signs to have an overall height similar to that of an adjacent pedestrian and by limiting the size of sign display areas to a scale more appropriate to pedestrians and motorists.

Below is the sign standards table contained in the UDO. Under these standards, all free-standing signs are required to be

monument-style signs, with a maximum height of 6 feet and a maximum size of 28 square feet.

**Table of Sign Standards**

Permanent On-Premise Sign Types	Minimum Setback	Maximum Height	Maximum Display Surface Area of Individual Signs
Ground Sign-Monument	None Required	2.5 ft. for any part of sign within 15 ft. of a driveway; 6 ft. otherwise	28 sq. ft.
Building Sign-Projecting 2nd story and above	N/A	1 foot below the cornice or eave line <sup>c</sup>	20 sq. ft.
Building Sign-Projecting	N/A	14 ft. <sup>b</sup>	10 sq. ft.
Awning Sign-Front	N/A	14 ft.	52 sq. ft. or 5% of the building facade wall facing the public street, whichever is less
Awning Sign-Side Treated the same as Building Sign-Projecting	N/A	14 ft. <sup>b</sup>	10 sq. ft.
Building Sign-Wall -Mounted Type	N/A	1 foot below the cornice or eave line	100 sq. ft. or 5% of the building facade wall facing the public street, whichever is less.

**Proposed Sign Details** The proposed sign is a monument-style sign, which is required by the Green Hills UDO. The sign structure is 8 feet in height. The applicant proposes to construct a 2 foot tall landscaped berm surrounding the sign for additional height. According to the Metro Zoning Code (17.32.160.H), the berm is included in determining the height of a sign. The sign structure and berm have a combined height of 10 feet.

Additionally, Trader Joe’s, the business which will occupy the building, has received approval for a 100 square foot illuminated building sign on the Hillsboro Pike side of the building. The size of this sign will make it highly visible from Hillsboro Pike.

To support the need for a larger ground sign than allowed by the Green Hills UDO, the applicant has identified several issues that could lead to visual distraction from ground signs on the Trader Joe’s site. These issues include taller existing signs for surrounding businesses, surrounding building placement, existing parking layout and driveway location, and car/truck height. All of these issues fall under two categories:

- 1) Issues that could be directly corrected by the applicant or Trader Joe’s through changes in the parking layout of the site.
- 2) Issues that are not substantially different from any other property along Hillsboro Pike within the Green Hills UDO. Many other properties along Hillsboro Pike could cite similar circumstances with tall surrounding signs, deep building setbacks, and tall vehicles on Hillsboro Pike.

Because these issues can be directly affected by the applicant and are not unique, they are not valid reasons for granting a modification to the Green Hills UDO requirements for this specific property. Regardless of these perceived obstacles to visibility, the intent of the Green Hills UDO is to create a strong pedestrian atmosphere, not to ensure that all ground signs will have unobstructed visibility 100% of the time in all directions.

**Analysis** Modifying the Green Hills UDO to allow for signs that are visible above the heights of SUVs or trucks will result in signs that are out-of-scale with the pedestrian realm. Ground signs that extend above the visual height of an average pedestrian will be perceived as visual barriers and will have a negative effect on the pedestrian environment within the Green Hills UDO. The 6 foot height was reached through a mutual process including area property owners, residents, business owners, and Metro departments.

Several options exist for placing signage within the site that complies with the requirements of the Green Hills UDO.

- The applicant could place a monument sign at each of the two existing driveway entrances. Taking advantage of these two locations would allow for visually unblocked views of signage from each direction on Hillsboro Pike (see “alternative signs” attachment).
- Trader Joe’s could revise the existing parking lot layout to comply with current codes by constructing a 5-foot wide landscaped planter between the front property line and the parking lot. A monument sign could be placed in this area with a lessened chance for visual blockage from vehicles in driveways or on Hillsboro Pike.

Several other locations within and surrounding the Green Hills UDO currently use low-profile monument signs along Hillsboro Pike among taller surrounding signage. Taller ground signs are still prevalent within the Green Hills UDO boundary because the signage portion of the Green Hills UDO was made mandatory less than two years ago by the Metro Council in November 2006. Since then, staff has reviewed only a few sign applications for ground signs. The existing tall signs within the Green Hills UDO area are a part of the reason that additional size and height requirements were put into place. The trend of the Green Hills UDO toward pedestrian-scaled signage will become more visible over time as redevelopment occurs.

**STAFF RECOMMENDATION** Staff recommends disapproval as the proposed sign does not meet the Green Hills UDO sign standards. Modification of the UDO standards to allow the requested sign would effectively revoke the standards included in the UDO for free-standing signs.

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

Councilmember McGuire explained that he was still in opposition to the requested modification. He briefly explained the various issues associated with the request and recommended that the Commission disapprove. He also mentioned the value of the UDO and how it will continue to enhance and improve any future development for this area.

Mr. Jim Shulman, 3516 Hampton Avenue, spoke in opposition to modifying the Urban Design Overlay.

Mr. Carl Paparella, 2150 Fifth Avenue, NY, spoke in favor of modifying the Urban Design Overlay.

Mr. Mike Fisher, 3525 Mantino, OH, spoke in favor of modifying the Urban Design Overlay.

Ms. Angie Henderson, 112 Clydelan Court, spoke in opposition to modifying the urban design overlay.

Ms. Cummings arrived at 4:21 p.m.

Mr. Ponder requested clarification on the location of the proposed signage.

Mr. Bernhardt explained that the location of the sign was only a recommendation, and that the applicant could chose their own location for placement of the sign.

Mr. McLean inquired as to the number of signs the applicant could place on the property.

Mr. Johnson stated that the Zoning Code would allow up to two signs.

Mr. Clifton spoke on the issue of setting a precedent if the Commission were to grant the request. He acknowledged the importance of the Urban Design Overlay adopted for this area and its intended uses.

Mr. Gotto requested clarification on how the applicant would proceed if the application were denied. He also questioned whether the applicant would have to submit another application if they chose to reconfigure their parking lot.

Mr. Bernhardt explained this concept to the Commission.

Mr. Gotto moved, and Mr. Clifton seconded the motion, which passed unanimously, to disapprove 2002UD-001U-10, as it does not meet the Green Hills UDO sign standards. (8-0)

**Resolution No. RS2008-187**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2002UD-001U-10 is **DISAPPROVED. (8-0)**”

**IX. PUBLIC HEARING: SPECIFIC PLANS**

- 3. 2007SP-081G-06**  
Mt. Laurel Reserve  
Map: 128-00 Parcel: 038  
Bellevue Community Plan  
Council District 22 – Eric Crafton

A request to amend the Mt. Laurel Reserve Specific Plan district (SP-R) located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres), zoned SP, to permit the development of 129 townhomes where 106 townhomes were previously approved, requested by Dale & Associates, applicant, for Hicks Road Development LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST -Amendment to Preliminary**

A request to amend the Mt. Laurel Reserve Specific Plan district (SP-R) located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres) zoned Specific Plan (SP), to permit the development of 129 townhomes where 106 townhomes were previously approved.

**Existing Zoning**

Specific Plan (SP-R) -Specific Plan-Residential is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

**BELLEVUE COMMUNITY PLAN**

**Existing Policy**

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

**Consistent with Policy?** Yes. The density of this development is 3.56 units/acres, which is within the RLM policy. The Bellevue Community Plan states a community desire to preserve rural character and protect hills from being cut away to help keep the scenic views. This plan does not significantly change the areas to be graded or disturbed from the originally approved plan. The final SP site plan should take these goals into consideration by conforming to the Hillside Development Standards of Section 17.28.030 of the Metro Zoning Ordinance.

**PLAN DETAILS**

**History** A preliminary SP plan was approved for Mt. Laurel Reserve by Metro Council in July 2007. The property was rezoned from one and two family residential (R20) to Specific Plan (SP) to allow a development of 106 attached units. A final site plan has been submitted and is currently under review by the Planning Department staff.

**Site Plan** The current site plan proposes an amendment to the previously approved preliminary plan to increase the number of units from 106 to 129 attached units. All units are planned to consist of three bedrooms. The plan also proposes recreational uses to include a clubhouse, pool, a walking trail, a gazebo and picnic area. The building standards for the plan specify a maximum height of three stories, and side and rear setbacks of 5 feet and 20 feet, respectively.

**Site Conditions** The site is severely constrained by steep slopes and problem soils. Slopes on the property are in excess of

25 percent and the units have been clustered within the flattest part of the site along the ridgeline to limit disturbance of the topography. Sensitive soils are also present on the site. The soils are composed of Bodine-Sulfura and Dellrose Cherty-Silt Loam which require a geotechnical study during final site plan approval.

**Access** The site is accessed from Hicks Road. All units will have direct vehicle access to a private drive. Internal walkways measuring four feet in width provide pedestrian connections throughout the development and connect to a trail system.

**Parking** A total of 323 parking spaces would be require by the Zoning Code, and the plan shows a total of 340 parking spaces, which also includes guest parking.

**Landscaping** The site plan includes landscaping around the perimeter of the parking area and meets the minimum requirements for screening as defined in the Metro Zoning Ordinance.

**PUBLIC WORKS RECOMMENDATIONS** 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.

Prior to the submittal of construction plans, submit a "field run" survey along Hicks Road at the project access, and provide adequate intersection and stopping sight distance, per AASHTO standards.

**Typical and Maximum Uses in Existing Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	36.25	N/A	106	675	55	64

**Typical and Maximum Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	36.25	N/A	129	797	64	75

**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	+122	+9	+11

**STORMWATER RECOMMENDATION** Approved.

**FIRE MARSHAL RECOMMENDATION**

1. Before a building permit can be issued Water Plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided.
2. All roadways with-two way traffic shall comply with public works minimum requirements.
3. Additional information will be required before a building permit can be issued, adequate information not provided to allow unconditional approval of this project at this time.
4. Due to new information about this project it will be approved.
5. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.



6. Fire Hydrants shall be in-service before any combustible material is brought on site.

## **METRO SCHOOL BOARD REPORT**

**Projected student generation**     9 **Elementary**     6 **Middle**     5 **High**

**Schools Over/Under Capacity** Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. None of these schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated May 2008.

**STAFF RECOMMENDATION** Staff recommends approval of the amendment to the Mt. Laurel Reserve Specific Plan to increase the number of units from 106 to 129 attached units. The proposed density and site plan is consistent with the RLM land use policy outlined in the Bellevue Community Plan.

## **CONDITIONS**

1. 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 RM4 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan 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.
6. Minor adjustments to the site 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 intensity, 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.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Mr. Roy Dale spoke in favor of the proposed development.

Ms. Margaret Weinberg, 406 Post Creek Road, spoke in opposition to the proposed development.

Ms. LeQuire requested additional information on the history of the proposal in relation to the number of units that were being requested.

Ms. Nedra Jones explained the number of units included in the proposal.

Ms. LeQuire then questioned whether a traffic study was included as a condition for the development.

Ms. Nedra Jones explained that a “field run” survey was required by the Public Works department.

Ms. LeQuire moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions, the request to amend Specific Plan 2007SP-081G-06 as recommended by staff. **(8-0)**

**Resolution No. RS2008-188**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-081G-06 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. 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 RM4 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan 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.
6. Minor adjustments to the site 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 intensity, 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.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

**The proposed amendment to the SP-R is consistent with the Bellevue Community Plan’s Residential Low Medium policy which is intended for residential development with a density between 2 and 4 dwelling units per acre.”**

- 4. 2008SP-021U-10**  
1800 West End Mixed Use Development  
Map: 092-12 Parcels: 470, 472, 477  
Map: 092-16 Parcels:156  
Green Hills/Midtown Community Plan  
Council District 19 – Erica Gilmore

A request to change from CF to SP-MU zoning for properties located at 1800 and 1806 West End Avenue and 1801 and 1807 Hayes Street, at the northwest corner of West End Avenue and 18th Avenue North (1.36 acres), to permit the development of a 190,033 square foot, 8-story mixed-use building containing hotel, restaurant and financial institution space, requested by Littlejohn Engineering Associates, Inc., applicant, for Concord Hospitality, Inc, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP**

A request to change from Core Frame (CF) to Specific Plan-Mixed-Use (SP-MU) zoning for properties located at 1800 and 1806 West End Avenue and 1801 and 1807 Hayes Street, at the northwest corner of West End Avenue and 18th Avenue North (1.36 acres), to permit the development of a 190,033 square foot, 8-story mixed-use building containing two hotels, and restaurant and financial institution space.

**Existing Zoning**

**CF District - Core Frame** is intended for a wide range of parking and commercial service support uses for the central business District.

**Proposed Zoning**

**SP-MU District - Specific Plan-Mixed Use** is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a bank use, in addition to hotel and restaurant uses.

**GREEN HILLS MIDTOWN COMMUNITY PLAN**

**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.

**Consistent with Policy?** Yes. The proposed plan is consistent with the Neighborhood Urban policy calling for a variety of commercial uses with a mixture of uses within the same structure. The proposed plan provides an urban form with a building located on West End Avenue, 18<sup>th</sup> Avenue North and Hayes Street, and includes an appropriate pedestrian environment for this area.

**PLAN DETAILS**

**Existing Conditions** The proposed preliminary SP-MU plan includes four parcels totaling 1.35 acres with frontage on West End Avenue, 18<sup>th</sup> Avenue North, Hayes Street, and public alley No. 382. This development will replace the existing Days Inn hotel that is currently located on the property. The proposed building will bridge over the alley as does the existing Days Inn. The surrounding property is zoned CF.

The hotel currently operating on-site has one existing curb cut on West End Avenue, two on Hayes Street, and access to the public alley. These access points will be maintained on West End Avenue and Hayes Street frontages, while adding one additional access point onto 18<sup>th</sup> Avenue North.

The existing building will be demolished in its entirety to allow for the new construction.

**Proposed Site Plan** The SP development plan proposes 190,033 square feet of building floor area, including 173,464 square feet for two hotels, 5,201 square feet for a bank and 10,394 square feet for a restaurant use. The two separate hotel vendors will be operating within the building and sharing common area services (such as loading and trash facilities).

The development is consistent with the NU policy in that the building is located at the street edge and has a vertical edge for the full eight-story height of the structure, while creating a strong pedestrian environment.

A Mandatory Referral request will be necessary to address three components of the proposed site plan:

- Bridging of the public alleyway with the building construction. Even though this condition is present with the existing building, the encroachment will be wider across the alley. This condition must be reapproved by Metro Council.
- Encroachment of building canopies into the right-of-way of West End Avenue and 18<sup>th</sup> Avenue North.
- Incorporation of tree wells and pervious pavement detail for street tree plantings within the right-of-way of West End Avenue, 18<sup>th</sup> Avenue North, and Hayes Street.

**Bulk Standards** The proposed floor area ratio (FAR) of 3.2 is consistent with the surrounding CF zoning pattern and consistent with the intent of the NU policy. This FAR falls within 5.0 that is currently permitted by the CF zoning. With the exception of the allowable building height at the setback line under the CF zoning (65 feet is allowed while the proposed structure will encompass approximately 115 feet at the street edge setback along West End Avenue and 18<sup>th</sup> Avenue North), the proposed SP development would comply with other development criteria of the CF zoning district.

**Parking** A surface lot and an internal three-level parking deck are utilized to meet the Urban Zoning Overlay parking requirements. The SP plan proposes that 35% of the spaces provided are defined as compact (which exceeds the 30% allowed by the Zoning Code).

**Public Street Edge** The plan proposes four main pedestrian access points along the adjoining streets:

- Two access points on West End Avenue – one to serve the hotel and bank common lobby (which also serves the 2<sup>nd</sup> floor retail/ restaurant space fronting West End Avenue) and one sited at the corner of West End Avenue and 18<sup>th</sup> Avenue North to serve the bank tenant space only.
- Two access points along 18<sup>th</sup> Avenue North – one to serve as a secondary entry point to the bank tenant space and one to enter into the lobby space of the second hotel vendor further to the north and in proximity of the Hayes Street/ 18<sup>th</sup> Avenue North intersection.

These entry locations will be made visually prominent within the fabric of the streetscape with over-hanging pedestrian scale canopies and other accent features such as planters, specialty pavement demarcation, lighting, etc. One condition that does affect the locations selected for the building entry points is the sloping nature of the adjacent streets. Several of the doorway locations are governed by the relationship between internal floor elevations and sidewalk grade along the building perimeter.

The staging of vehicles for the arrival of hotel guests will occur outside of the public right-of-way. The hotel vendor facing West End Avenue will have a designated access lane and parallel parking spaces along the western perimeter of the site, allowing direct access into the hotel lobby, and the second hotel vendor facing 18<sup>th</sup> Avenue North will have an internal driveway beneath the building footprint (accessible from Hayes Street and the public alleyway).

The street edge will be further enhanced by the provision of street tree plantings along all street frontages. The trees will offer separation for the pedestrian from the vehicular travel way.

**Architectural Narrative** While the massing and three-dimensionality of the building are complete for this application, the drawings, as presented, are meant to represent general design principles to allow some flexibility as design proceeds with certain finish selections. Those principles are as follows:

- Maintain an active edge at the street, with emphasis on the importance of the West End Avenue side and the corner at 18<sup>th</sup> Avenue North. Use only non-tinted transparent glass on the 1<sup>st</sup> and 2<sup>nd</sup> floor. All active/semi-public uses are located against the street edge, with service-type uses pushed to the interior of the floor plan.
- Maximize the number and quality of pedestrian entries from the street.
- Mask the garage levels on the façade by using openings that are coordinated with the proportions of the building as a whole. Screen those openings using trailing/draping vegetation growing from an upper level planter integrated into the design of the building.
- Articulate the base of the building with differentiated materials, up to the 4<sup>th</sup> floor level on the 18<sup>th</sup> Street side and the 3<sup>rd</sup> level on the West End Avenue side.
- Articulate the upper, hotel floors with differentiated materials, colors, and/or textures, window/storefront openings, and insets in the building mass.
- Hold the corner at 18<sup>th</sup> Avenue North and West End Avenue with a strong mass, extending higher than the rest of the building, and articulated with a change in material, color, and/or texture, with a different type of window/storefront opening on the upper, hotel floors.

**Remaining Issues** Along 18th Avenue North and Hayes Street the base element and the upper floors are strongly contrasted in form, materials, and the rhythm of materials changes. This contrast may over-emphasize the parking on the elevation. This emphasis could be minimized by extending the rhythm of the upper floors facade down through the parking garage and coordinating materials and colors to be more uniform rather than emphasizing the parking structure on the elevation. Staff recommends that the Commission include a condition of approval that the applicant continue to develop the plans to improve these elements prior to final site plan submittal.

**Signage** Permanent materials, such as metal, wood, and glass are required for all signage. Internally illuminated box signs shall not be used. Box-type signs must be either backlit or indirectly lit from a separate source. Monument and/or pole signs shall not be used on this site, only signs attached to the building.

**Projecting signs shall be:**

- Limited to one sign per street frontage of each individual business. Total of 6 projecting signs, maximum. One for Spring Hill Suites and the restaurant on West End Avenue, and two for the Bank (West End Avenue and 18<sup>th</sup> Avenue North) and the Residence Inn (18<sup>th</sup> Avenue North and Hayes Streets).
- Small, perpendicular to the building, and made of permanent materials, metal, glass, and wood.
- No larger than 15 square feet and to be mounted such that the tops of the signs will be no higher than 20' above the sidewalk.
- Locations of these signs are not specified to provide some flexibility for future retail tenants.

**Minor building signs shall be:**

- Wall mounted signs, slightly bigger than projecting signs, located at or near pedestrian entries. There will be one for the restaurant on West End Avenue and one for the building in general, as shown on the West End Avenue elevation.
- No underlit, backlit, or diffused lit canopy signage.
- This signage may be physically attached to building canopies or to the building nearby and may be parallel to the building face or perpendicular. Traffic directional signs for the alley and bank drive-thru may be projecting size (in addition to the 7 described above) or wall mounted.
- No larger than 40 square feet.

**Major building signage shall be:**

- Signs mounted outside the pedestrian realm in the upper parapet of the building, no portion of the sign may be lower than 90' above the adjacent sidewalk. These signs will be located on the "book-end" tower elements of the mass of the building – see elevations for conceptual locations.
- Backlit only.
- Metal signage only, with glass or translucent plastic for certain features of the signage needing contrasting emphasis.
- No larger than 150 square feet.

**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.

Locate building foundations and doorway openings outside of the public right of way.

All encroachment into the public right of way requires approval of an encroachment agreement, and proof of insurance.

Removal of parking meters, parking / traffic control signs and lighting standards are to be reviewed and approved by the Department of Public Works / Traffic and Parking Commission.

All work in the right of way requires an excavation permit from the Department of Public Works. Street and sidewalk closures are to be reviewed and approved by the Department of Public Works.

Provide plans for solid waste disposal and recycling collection. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division. Identify locations of all garage service levels and / or screened areas. All service locations to accommodate accessibility for SU-30 design vehicle turning movement and service vehicle height elevations.

For sidewalk construction, provide a minimum five (5') foot clear path of travel within the public right of way.

Design drive thru bank point of service to ensure that vehicles will not protrude into the public right-of-way.

Only one exiting lane for the bank will be permitted at 18th Ave. and shall be signed as a right turn only.

Provide adequate sight distance at driveway intersections with public streets and alley.

Because alley serves as primary access to the garage, provide adequate turning radius into the garage.

Parallel parking in entrance drive from West End Ave. shall be signed as temporary parking only.

Relocate valet pickup / drop off area (entrance) away from West End Avenue.

**Typical/Maximum Uses in Existing Zoning District: CF**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.36	5	296,208	3079	448	411

**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
Hotel(310)	1.36	N/A	173,464 (245rooms)	2186	162	157

**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
Sit Down Restaurant(931)	1.36	N/A	9,394	845	8	71

**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
Bank (drive in)(912)	1.36	N/A	5,272	1219	66	242

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			-108,078	+1171	-212	+59

**STORMWATER RECOMMENDATION** - Approved.

**STAFF RECOMMENDATION** Staff recommends approval with conditions since the proposed plan is consistent with the Neighborhood Urban policy in the area.

**CONDITIONS**

1. The permitted uses for this SP shall include hotel, restaurant and general office/financial institution.
2. Final site plan shall provide an increased sidewalk width along West End Avenue of a minimum of one to two feet.
3. Along 18th Avenue North and Hayes Street the base element and the upper floors are strongly contrasted in form, materials, and the rhythm of materials changes. This contrast may over-emphasize the parking on the elevation. This emphasis could be minimized by extending the rhythm of the upper floors facade down through the parking garage and coordinating materials and colors to be more uniform rather than emphasizing the parking structure on the elevation. The final site plan shall be modified to de-emphasize the parking on all of the elevations, and to add vertical breaks into the parking and screening areas along West End Avenue.
4. The final site plan shall be modified so that the balcony columns are more in line with the parking garage columns.
5. All Public Works' conditions and 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.
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 CF 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.

Approved with conditions, (6-0) *Consent Agenda*

**Resolution No. RS2008-189**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2008SP-021U-10 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. The permitted uses for this SP shall include hotel, restaurant and general office/financial institution.
2. Final site plan shall provide an increased sidewalk width along West End Avenue of a minimum of one to two feet.
3. Along 18th Avenue North and Hayes Street the base element and the upper floors are strongly contrasted in form, materials, and the rhythm of materials changes. This contrast may over-emphasize the parking on the elevation. This emphasis could be minimized by extending the rhythm of the upper floors facade down through the parking garage and coordinating materials and colors to be more uniform rather than emphasizing the parking structure on the elevation. The final site plan shall be modified to de-emphasize the parking on all of the elevations, and to add vertical breaks into the parking and screening areas along West End Avenue.
4. The final site plan shall be modified so that the balcony columns are more in line with the parking garage columns.
5. All Public Works' conditions and 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.
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 CF 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-MU district is consistent with the Green Hills/Midtown Community Plan's Neighborhood Urban policy which 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."**

5. **2008SP-024G-12**  
Jennings Springs  
Map: 187-00 Parcels: 009, 154, 155, 178  
Southeast Community Plan  
Council District 31 – Parker Toler

A request to change from RS10 to SP-MR zoning for properties located at 6943 and 6947 Burkitt Road and Burkitt Road (unnumbered), approximately 4,200 feet east of Nolensville Pike (46.63 acres), to permit the development of 64 single-family, 80 attached cottage, and 40 townhome units, requested by Littlejohn Engineering Associates, Inc., applicant, for Turner Farms, LLC, owner.

**Staff Recommendation: Approve with conditions**



### **APPLICANT REQUEST - Preliminary SP**

A request to change from Single-Family Residential (RS10) to Specific Plan-Mixed Residential (SP-MR) zoning for properties located at 6943 and 6947 Burkitt Road and Burkitt Road (unnumbered), approximately 4,200 feet east of Nolensville Pike (46.63 acres), to permit the development of 64 single-family, 80 attached cottage, and 40 townhome units.

### **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.

### **Proposed Zoning**

**SP-MR District** - Specific Plan-Mixed 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 a mixture of housing types.

### **SOUTHEAST 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?** Yes, the proposed development, at 3.95 units per acre, is consistent with the RLM policy. The RLM policy supports single-family residential uses primarily but also envisions other forms of housing, including the attached cottages and townhomes proposed in the Jennings Springs SP.

**PLAN DETAILS** The SP application consists of two components: the site plan and a pattern book. The site plan provides details of the overall layout of the SP, as well as details of existing conditions, the grading plan, and landscape plan. The pattern book provides additional details of these elements as well as the open space network, bulk standards, and architectural standards.

**Site Access and Street Pattern** The Planning Commission approved a revised preliminary plat for the 153 lot Turner Farms cluster lot subdivision on this property in January 2008. The subdivision included a connection to Burkitt Road and four future connections. The proposed street layout for the SP maintains the general layout of the approved subdivision with two notable exceptions. One of the two connections to the east has been removed. This street was proposed to cross a stream and run through an area with many trees. The street is now proposed to terminate in a cul-de-sac, avoiding the stream crossing and preserving the treed area as open space.

The second change is the proposed conversion of a portion of one street into a pedestrian walkway. The street would end in a T-intersection with a raised central round-about to calm traffic and a community square. Alley access is proposed for all of the townhome units, including the units that will face onto the pedestrian connector. Alley access is also proposed for a number of the single-family and cottage units as well. Sidewalks are proposed on all new streets.

**Open Space Network** The proposed open space network consists of three main elements, including open spaces and buffer yards, pocket parks, and a system of trails and walkways. Two of the three large open space areas were included in the cluster lot subdivision. These include open space at the entry of the development and a large open space around a natural lake on the western side of the development. The third, as noted above, is a treed area abutting a stream. The subdivision plat had proposed lots in this area but it is now designated as open space. The buffer yards were a requirement of preliminary plat approval.

Pocket parks are proposed to flank the community square at the entry of the pedestrian connector leading to the lake. A series of pedestrian walkways, in addition to the sidewalks, are included. The main pedestrian connector leads from the community square to the lake. A second pedestrian connector provides a break for one long block in the development. This connection was a requirement of the preliminary plat approval. There is also a trail around the lake.

The management and maintenance of the open space network will be the responsibility of the Homeowners' Association that is to be established.

**Residential Units** Three types of residential units are included in the SP. Single-family units are proposed along the northern, eastern and western edges of the property. The layout of these lots has not changed from the preliminary plat. Generally, the applicant proposes these lots to face each other or onto open space. More intense housing units are proposed for the interior and southern portion of the development. Attached cottage units surround townhomes. The townhomes are in the center of the development around the community square. Through the pedestrian connectors and sidewalk system, all units have easy, walkable access to the open space and community square.

**Building Standards** The pattern book contains the bulk standards and the architectural standards. Staff has been working with the applicant to refine both sets of standards. There is some additional clarification required and staff will continue to work with the applicant.

Staff will be responsible for the review and sign-off of the building plans for compliance with the bulk standards. An Architectural Review Committee (ARC) is proposed to review and sign-off on architectural details. The ARC will be a committee of the Homeowners' Association.

The bulk standards include elements such as building height, setbacks, encroachments, parking, building orientation, finished floor elevations, screening of utility boxes on the street side of the lots, and front and rear loaded standards. These elements are including in the Regulating Plan.

The architectural standards include building materials, building rhythm, articulation, and variations in the buildings to provide interest and diversity. Approval of the architectural standards is included in the approval of the SP. The proposed ARC would be responsible for implementing these standards. Any modifications to the architectural standards will require staff review and approval.

Included in the responsibilities of the ARC is the implementation of the landscape and amenity standards. As in the case of the architectural standards, any modifications to the landscape and amenity standards would need to be reviewed and approved by staff.

**Parking** Two parking spaces per unit are included in the SP. In addition, there are a number of guest parking areas associated with the townhome and attached cottage units. In order to avoid parked cars hanging over sidewalks or into alleys, all driveways will be less than 5 feet or more than 20 feet in length.

**Infrastructure Deficiency Area** The Planning Commission has adopted an "Infrastructure Deficiency Area" (IDA) as part of the Southeast Community Plan. The IDA identifies an area where the Commission has determined that infrastructure is insufficient to accommodate expected new development in the area.

The site for the Jennings Springs SP has been determined to be in the IDA. The applicant will be required to provide approximately 606 linear feet of roadway improvements within the IDA.

**STORMWATER RECOMMENDATIONS** Preliminary SP approved.

Note: A Department of Army / United States Fish and Wildlife permit (with Biological Assessment) may be required for this site (discharging into a tributary to the Mill Creek drainage basin).

**WATER SERVICES RECOMMENDATION** Preliminary approval.

**FIRE MARSHAL RECOMMENDATION** Before a plat for 1 or 2 families can be approved plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided

Provide Civil Plans which show water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.

One & 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.

**NES RECOMMENDATION**

- 1) Developer to provide construction drawings and a digital .dwg file @ state plane coordinates (TN83F) that contains the civil site information (Engineer shall provide approved plans by Metro Planning w/ any changes from other departments).
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property/r-o-w.
- 3) 20-foot easement required adjacent to all public rights of way and all NES conduits shall lie inside a public utility easement (width to be determined).
- 4) NES can meet with developer/engineer upon request to determine electrical service options.
- 5) NES needs any drawings that will cover any road improvements that Metro PW might require.
- 6) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules.
- 7) NES needs load information and future plans or options to buy other properties (over all plans).
- 8) Developer to provide high voltage layout for underground conduit system and proposed transformer locations for NES review and approval.
- 9) Any 3 phase load in any of the phases?
- 10) NES's existing line shall remain in the center of a 30' public utility easement.

**PUBLIC WORKS RECOMMENDATION** Proposed plan appears to be located in Planning's IDA policy area.

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.

Document sight distance at project entrance, and that adequate site distance is available per AASHTO for the posted speed limit.

**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)	19.51	3.7	72	769	60	80

**Maximum Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached(210 )	19.51	n/a	17	204	22	22

**Maximum Uses in Proposed Zoning District: SP**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230 )	19.51	n/a	120	1230	94	127

**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
--			+65	+665	+56	+69

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     **19** Elementary   **11** Middle     **11** High

**Schools Over/Under Capacity** Students would attend Maxwell Elementary School, Marshall Middle School, or Cane Ridge High School. Maxwell Elementary School has been identified as being over capacity by the Metro School Board. There are Elementary Schools with capacity in the cluster.

**Fiscal Liability** The fiscal liability for 19 elementary students is \$380,000. This is for informational purposes to show the potential impact of this proposal. It is not a staff condition of approval. This information is based upon data from the school board last updated August 2008.

**STAFF RECOMMENDATION** Staff recommends approval with conditions.

**CONDITIONS**

1. This SP is limited to single-family, attached cottages and townhome residential use.
2. Prior to recording of the final plat, the IDA requirements must be completed or bonded.
3. Prior to final plan approval all requirements of the Public Works Department shall be met.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the single family portion of the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the multi-family portion of the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
5. 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.
6. 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.
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.

Approved with conditions, (6-0) *Consent Agenda*

**Resolution No. RS2008-190**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-024G-12 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. This SP is limited to single-family, attached cottages and townhome residential use.
2. Prior to recording of the final plat, the IDA requirements must be completed or bonded.
3. Prior to final plan approval all requirements of the Public Works Department shall be met.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the single family portion of the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the multi-family portion of the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
5. 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.
6. 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.
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.

**The proposed SP-MR district is consistent with the Southeast Nashville Community Plan's Residential Low Medium policy which is intended for residential development with a density between 2 and 4 dwelling units per acre."**

**X. PUBLIC HEARLING: ZONING MAP AMENDMENTS**

6. **2008Z-067G-12**  
Map: 180-00 Parcel: 030  
Southeast Community Plan  
Council District 31 – Parker Toler

A request to rezone from AR2a to R15 zoning property at 6541 Redmond Lane, at the northeast corner of Redmond Lane and Redmond Court (6.65 acres), requested by Betsy and Monte Carroll, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to rezone from Agriculture Residential (AR2a) to One and Two Family Residential (R15) zoning property at 6541 Redmond Lane, at the northeast corner of Redmond Lane and Redmond Court (6.65 acres).

**Existing Zoning**

AR2a District -Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan. The current zoning would allow 3 lots.

**Proposed Zoning**

R15 District -R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. The proposed zoning would allow 16 lots under the cluster lot provisions. With 25% duplex lots, there could be a total of 20 total dwelling units.

**SOUTHEAST COMMUNITY PLAN POLICY**

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

**Consistent with Policy?** Yes. The RLM policy of the Southeast Community Plan calls for density in the range of 2 to 4 dwelling units per acre. The proposed R15 zoning density of approximately 3.09 dwelling units per acre, including 25% duplex lots, is consistent with policy.

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

**Typical Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	6.65	0.5	3	29	3	4

**Typical Uses in Proposed Zoning District: R15**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210 )	6.65	3.09	16	201	16	22

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+18	+172	+13	+18

**METRO SCHOOL BOARD REPORT**

**Projected student generation** 1Elementary 1Middle 1High

**Schools Over/Under Capacity** Students would attend Shayne Elementary School, Oliver Middle School, and Overton High School. Oliver Middle School and Overton 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 there is capacity in an adjacent cluster for high school students.

**Fiscal Impact** The fiscal liability for the high school students is \$29,000. This information is based upon data from the school board last updated June 2008.

**STAFF RECOMMENDATION** Staff recommends approval.

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

Ms. Teresa Veazey, 6565 Holt Road spoke in opposition to the requested zone change.

Ms. Frances Taylor, 1041 Redmond Court, spoke in opposition to the requested zone change.

Mr. David Binkley, 312 Lynn Drive, spoke in favor of the requested zone change.

Mr. McLean questioned the applicant to see if he would agree to RS15 zoning as it would only allow single-family units.

Mr. Binkley stated he would agree to RS15 zoning.

Ms. Melba Walker, 6566 Holt Road, spoke in opposition to the requested zone change.

Councilmember Toler explained that he has not received any information on this project. He further explained that he would not support the requested R15 zoning, but would support RS15, as it would be more consistent with surrounding subdivisions in the area.

Mr. Ponder questioned whether staff recommended RS15 to the applicant.

Mr. Bernhardt briefly explained the procedures that staff follows whenever they receive a zone change request.

Ms. LeQuire requested additional information on the floodplain what was located near this proposal and questioned when it would be reviewed in more detail by Metro Stormwater.

Mr. Bernhardt explained the review process to the Commission.

Ms. Cummings explained to the audience that the proposal would have to meet Stormwater guidelines prior to any development.

Mr. Clifton suggested that Metro Stormwater address the floodplain issues that were mentioned by the constituents.

Mr. Mishu offered that in addition to the FEMA regulations, Metro Stormwater also has their own guidelines that could be considered more stringent than federal regulations.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve RS15 zoning for Zone Change 2008Z-067G-12. **(8-0)**

**Resolution No. RS2008-191**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-067G-12 is APPROVED RS15, BUT DISAPPROVED R15. (8-0)**

**The R15 district is consistent with the Southeast Nashville Community Plan’s Residential Low Medium policy which is intended for residential development with a density between 2 and 4 dwelling units per acre, but the RS15 district is more consistent with the area’s current development pattern.”**

7. **2008IN-001U-10**  
Aquinas College Institutional Overlay  
Map: 103-12 Parcel: Part of 001  
Green Hills/Midtown Community Plan  
Council District 24 – Jason Holleman

A request to apply an Institutional Overlay District to Aquinas College which is part of the Dominican Campus located at 4210 A Harding Pike, approximately 2,270 feet east of White Bridge Pike (46.28 acres), zoned R8, for a campus master plan containing a student recreation building, academic buildings, student center, several chapels, a library, a dining hall, an administration building, and several dormitories, requested by Barge Cauthen & Associates, applicant, for St. Cecilia Academy and Overbrook School, owners.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST** - A request to apply an Institutional Overlay District to Aquinas College which is part of the Dominican Campus located at 4210 A Harding Pike, approximately 2,270 feet east of White Bridge Pike (46.28 acres), zoned One and Two-Family Residential (R8), for a campus master plan containing a student recreation building, academic buildings, student center, several chapels, a library, a dining hall, an administration building, and several dormitories.

**Existing Zoning**

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots. This zoning district would permit 214 lots, including 54 duplex lots.

**Proposed Zoning**

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

**GREEN HILLS-MIDTOWN COMMUNITY PLAN**

**Major Institutional (MI)** MI is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood.

**Special Policy Area # 7**

1. Development intended in this MI area is limited to the existing institutional uses. Health care and neighborhood convenience services, in particular, are not intended. Other than the existing development, the only appropriate use without a change in policy is one and two-family residential at low-medium intensity.
2. Additional development is appropriate only when it is determined that it will not have any adverse impacts on the adjoining Cherokee Park neighborhood.
3. Future development of the college campus portion of this area should be governed by "Institutional Overlay" [IO] zoning.
4. A generous amount of green space should be preserved along and near West End Avenue and Cherokee Avenue in conjunction with the development of the area between those streets and the existing facilities.
5. Nonresidential base zoning is not recommended for any of this MI area.

**Consistent with Policy?** Yes. Special Policy Area #7 specifically calls for an Institutional Overlay to be applied to the college campus.

**PLAN PURPOSE** The Zoning Code intends for the application of the institutional overlay district to be limited to those land areas encompassed by a college or university master development plan. The plan shall adequately describe the extent of the existing and proposed campus of the institution along with long-range growth objectives and an assignment of institutionally related land uses. The master development plan and accompanying documentation shall be sufficient in detail to provide the public with a good understanding of the developed campus's impact on the adjoining neighborhood(s). The master development plan shall distinguish between the following types of generalized campus activities: academic areas, such as classrooms and labs; general administrative offices; support services, such as major parking areas, food services and bookstores; campus-related residential areas, including dormitories, fraternities and sororities; operational areas, such as maintenance buildings, power plants and garages; and athletic areas, including gymnasiums, intramural facilities, stadiums and tracks.

**PLAN DETAILS** Aquinas College is situated on a 46-acre portion of the 83-acre Dominican Campus, which also includes St. Cecilia Academy (high school) and Overbrook School (elementary and middle school).



The plan includes approximately 600,000 square feet of new floor area, three new parking areas with one parking deck. Of the seven existing buildings, only three buildings, the White House, the Little White House, and Aquinas Library will remain. Since St. Cecilia Academy and Overbrook School are not part of the university, they are not included in this plan. The plan establishes architectural guidelines, setback requirements and landscaping guidelines for Aquinas College.

**Architectural Guidelines** The plan includes an architectural description of each proposed building that also includes specific uses and potential floor area. The plan also includes the following overview statement for the architectural guidelines:

*The intent of the masterplan is to create an aesthetically cohesive campus. The campus buildings are envisioned to be brick with limestone or precast concrete detailing. The detailing should create a distinctive base, cornice and potentially window articulation. The buildings are typically envisioned to be two to three stories with potential for a fourth story as a basement level on the western side of the campus as the grade recedes. The upper levels of the campus buildings, other than the chapel, are envisioned to be a lighter material to reduce the visual scale of each building. The building roofs are envisioned to be sloped with metal roofs or architectural shingles.*

**Setback Requirements** The R8 base zoning requires a setback of 94' from the centerline of Harding Road. This required setback will be maintained with the Institutional Overlay, in addition to a 75' buffer that is required to the north of Richland Creek, which runs through the front of the property. The plan also proposed a rear setback of 25' and a side setback on 75'.

**Landscaping Guidelines** The plan states that "[e]very effort will be made to plan new buildings and site improvements in a manner that will preserve many of these existing trees" and requires a landscape plan to be approved with every final site plan application. It calls for trees within the courtyards and guidelines for screening mechanical and service equipment. Even though the property is not part of the Institutional Overlay, a standard B buffer between Overbrook School/St. Cecilia Academy and the residences on Cherokee Road is required under the existing zoning for that portion of the property and will be installed in conjunction with the appropriate building permits.

**Access** The plan for the campus includes the construction of a loop road around the perimeter of the three schools. Only a portion of this loop road is proposed to be within the Institutional Overlay. The remainder of the loop road will be constructed under the existing zoning for Overbrook School and St. Cecilia Academy.

The Dominican campus will continue to use the existing ingress/egress to Harding Road and existing egress to Cherokee Road. This plan does not propose any additional access points. The plan includes a statement that the campus is "...seeking no access to Cherokee Road and that any future request for access to Cherokee Road, regardless of which campus school (Overbrook, St. Cecilia, or Aquinas) requests the access, will require a amendment to the Institutional Overlay and approval from Metropolitan Nashville Council."

Staff is uncertain whether this prohibition against new access from Overbrook or St. Cecilia would be enforceable by the Metropolitan Nashville government. As noted above, St. Cecilia Academy and Overbrook School are not included within the Institutional Overlay. As elementary, middle, and high schools, those uses are permitted with conditions in residential districts. These uses normally would not permission from the Board of Zoning Appeals, Planning Commission, or Metropolitan Council to construct an access to Cherokee Road. The Zoning Administrator has indicated, however, that the condition would be enforceable in this situation because St. Cecilia and Overbrook are owned by the same entity that owns the Aquinas College campus.

**HISTORICAL COMMISSION RECOMMENDATION** Recommend approval.

**PUBLIC WORKS RECOMMENDATIO** No Exception Taken.

A TIS has been approved for this Institutional Overlay with proposed 1100 FTE [full time equivalent] college students. Provide on-site circulation and parking as proposed in IO document.

Conduct a revised TIS for more than 1100 FTE college students and in accordance with the Institutional Overlay ordinance.

**STORMWATER RECOMMENDATION** Preliminary overlay approved.

**STAFF RECOMMENDATION** In reviewing the Aquinas College Institutional Overlay, staff has determined that the proposed plan meets the requirements, as outlined by the Metro Zoning Code, for applying the IO district. Staff recommends conditional approval.

**CONDITIONS**

1. Any new or additional vehicular access points to public streets shall require approval by the Metropolitan Council.
2. The White House shall be preserved as shown on the master plan.
3. The Little White House shall be preserved and relocated as shown on the master plan. Engineering reports indicate that the Little White House is a good candidate to be moved, but a detailed plan for the move shall be reviewed and approved by the Metropolitan Historical Commission prior to or in conjunction with a final site plan application to relocate the structure.
4. A TIS has been approved for this Institutional Overlay with proposed 1100 FTE [full time equivalent] college students. Provide on-site circulation and parking as proposed in IO document. Conduct a revised TIS for more than 1100 FTE college students and in accordance with the Institutional Overlay ordinance.
5. The parking area in front of the Administration Building shall not be visible from Harding Road and shall not compromise the pastoral setting at the entrance to the campus. The height of the wall and landscape screen will be required to be specified on any final site plan for this portion of the campus, and that the height must be demonstrated at the final site plan stage to be sufficient to block the view of the parking area from West End.
6. No electronic signs shall be permitted. No additional signs shall be approved along the frontage of the property.
7. Prior to the submittal of the first final site plan, coordinate with MTA to provide an upgraded bus stop, which may include a shelter, along the property frontage. A letter from MTA detailing the agreement shall be submitted with the first final site plan. The upgrades shall be constructed with the sidewalks along Harding Road.
8. Show and label the sidewalk along the entire property frontage.
9. Change the timing of the sidewalk and pedestrian path construction to prior to the issuance of the Use and Occupancy permit for the third dorm, or the equivalent of the third dorm.
10. Update the vicinity map on page 1 to reflect the proposed IO boundaries.
11. On page 2, revise the language to state "zoned R8, which permits residential lots greater than 8,000 square feet each." The same applies to R6.
12. Revise proposed building square footage on page 4 to 600,000 square feet.
13. Revise proposed building square footage on page 2, under FAR to 600,000 square feet.
14. Add a statement that building backflow preventers will be placed within buildings. Additionally, add standards for the placement and screening of backflow preventers along Harding Road.
15. Add a statement to the Overview on page 11 that the Planning Commission must approve all elevations with each final site plan.
16. Add a statement that each final site plan shall minimize the impact to hillsides.
17. Add a statement to the plan that the applicant will continue to work with the Fire Marshal to meet the Fire Marshal requirements while maintaining the pedestrian-centered character of the campus.

18. A corrected copy of the preliminary Institutional Overlay (IO) 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 IO 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 IO plan shall be presented to the Metro Council as an amendment to this IO ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Mr. Ron Szejner, 4400 Harding Pike, spoke in favor of the Institutional Overlay.

Sr. Mary Peter Muehlenkap, 4210 Harding Road, spoke in favor of the Institutional Overlay.

Mr. Steven Wall, 4121 Aberdeen Road, spoke in favor of the Institutional Overlay.

Mr. Leon Kelly, 300 20<sup>th</sup> Avenue North, spoke in favor of the Institutional Overlay.

Ms. Julie Campos, 120 Mockingbird Road, spoke in favor of the Institutional Overlay.

Ms. Layne Pickett, 4201 Aberdeen Road, spoke in favor of the Institutional Overlay.

Ms. Alice Bolster, 3823 Central Avenue, spoke in favor of the Institutional Overlay.

Mr. Damon Romano, 141 Westfield Drive, spoke in favor of the Institutional Overlay.

Mr. Gary Askew, 1615 Sixteenth Avenue South, spoke in favor of the Institutional Overlay.

Ms. Sue Amos, 225 Cherokee Road, expressed issues with the Institutional Overlay.

Ms. Leslie Vasquez, 132 Jacksonian Drive, spoke in favor of the Institutional Overlay.

Ms. Mary Ellen Anderson, 415B Theresa Avenue, spoke in favor of the Institutional Overlay.

Mr. Tom Bauer spoke in favor of the Institutional Overlay.

Ms. Patsy Bruce, 6134 Fire Tower Road, expressed issues with the Institutional Overlay.

Ms. Marie Brown, 103B Cherokee, spoke in favor of the Institutional Overlay.

Sr. Catherine Marie Hopkins, 4210 Harding Road, spoke in favor of the Institutional Overlay.

Mr. Michael Sheridan, 6333 Chickering Circle, spoke in favor of the Institutional Overlay.

Ms. Sandra Carlton, a resident of Mockingbird Road, spoke in favor of the Institutional Overlay.

Ms. Nancy Ray, a resident of Valley Road, spoke in favor of the Institutional Overlay.

Mr. George Dean spoke in favor of the Institutional Overlay.

Mr. John Cooper, 3925 Woodlawn, spoke in favor of the Institutional Overlay.

Mr. George Barrett, a resident of Regency Park, spoke in favor of the Institutional Overlay.

Councilmember Holleman briefly explained the issues and concerns as expressed by area residents with regard to the

requested overlay – in particular, a concern that involved access points and Cherokee Road. He further explained that an agreement was reached by the Sisters of the Dominican Campus and the community members affected by the expansion, that specifically addresses the issue of access points and Cherokee Road. He stated that an enforceable condition will be included in the overlay that states that the campus is seeking no access to Cherokee Road and that any future request for access to Cherokee Road, regardless of which campus school (Overbrook, St. Cecilia or Aquinas) request the access, will require a amendment to the Institutional Over and approval from Metro Council. The thanked all involved for their cooperation and requested its approval.

Mr. Ponder acknowledged the additional housing that would be located on campus and suggested a possible reduction of traffic to and from the college.

Mr. Leeman explained that a traffic impact study was performed and there were no additional requirements regarding traffic that resulted from the study.

Ms. LeQuire requested clarification on current and future bus stops planned for the campus.

Mr. Leeman explained the various locations of the bus stops, current and proposed, and he offered additional explanation of the condition that addresses an upgraded bus stop along the property frontage.

Mr. Gee acknowledged the greatness of the plan and spoke of the enhancements that will result from its implementation.

Ms. Cummings too, spoke of the wonderful plan and thanked all of the residents who addressed the Commission.

Mr. Clifton acknowledged the extra attention that is needed when a request involves institutions and neighborhoods. He then spoke of thriving communities that are located next to healthy institutions and businesses. He spoke in favor of the approving the request.

Mr. McLean questioned whether the enforceable condition would be included on the final plat.

Mr. Leeman explained that it would be included in the Council bill and also included in the final site plan.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve with conditions 2008IN-001U-10. **(8-0)**

#### **Resolution No. RS2008-192**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2008IN-001U-10 is **APPROVED WITH CONDIITONS. (8-0)**

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

1. Any new or additional vehicular access points to public streets shall require approval by the Metropolitan Council.
2. The White House shall be preserved as shown on the master plan.
3. The Little White House shall be preserved and relocated as shown on the master plan. Engineering reports indicate that the Little White House is a good candidate to be moved, but a detailed plan for the move shall be reviewed and approved by the Metropolitan Historical Commission prior to or in conjunction with a final site plan application to relocate the structure.
4. A TIS has been approved for this Institutional Overlay with proposed 1100 FTE [full time equivalent] college students. Provide on-site circulation and parking as proposed in IO document. Conduct a revised TIS for more than 1100 FTE college students and in accordance with the Institutional Overlay ordinance.
5. The parking area in front of the Administration Building shall not be visible from Harding Road and shall not compromise the pastoral setting at the entrance to the campus. The height of the wall and landscape screen will be required to be specified on any final site plan for this portion of the campus, and that the height must be

- demonstrated at the final site plan stage to be sufficient to block the view of the parking area from West End.
6. No electronic signs shall be permitted. No additional signs shall be approved along the frontage of the property.
  7. Prior to the submittal of the first final site plan, coordinate with MTA to provide an upgraded bus stop, which may include a shelter, along the property frontage. A letter from MTA detailing the agreement shall be submitted with the first final site plan. The upgrades shall be constructed with the sidewalks along Harding Road.
  8. Show and label the sidewalk along the entire property frontage.
  9. Change the timing of the sidewalk and pedestrian path construction to prior to the issuance of the Use and Occupancy permit for the third dorm, or the equivalent of the third dorm.
  10. Update the vicinity map on page 1 to reflect the proposed IO boundaries.
  11. On page 2, revise the language to state "zoned R8, which permits residential lots greater than 8,000 square feet each." The same applies to R6.
  12. Revise proposed building square footage on page 4 to 600,000 square feet.
  13. Revise proposed building square footage on page 2, under FAR to 600,000 square feet.
  14. Add a statement that building backflow preventers will be placed within buildings. Additionally, add standards for the placement and screening of backflow preventers along Harding Road.
  15. Add a statement to the Overview on page 11 that the Planning Commission must approve all elevations with each final site plan.
  16. Add a statement that each final site plan shall minimize the impact to hillsides.
  17. Add a statement to the plan that the applicant will continue to work with the Fire Marshal to meet the Fire Marshal requirements while maintaining the pedestrian-centered character of the campus.
  18. A corrected copy of the preliminary Institutional Overlay (IO) 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 IO 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 IO plan shall be presented to the Metro Council as an amendment to this IO ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

**The proposed Institutional Overlay is consistent with the Green Hills/Midtown Community Plan's Major Institutional and special policies, and it is also consistent with the intent of the Institutional Overlay District."**

8. **93P-004U-12**  
ALDI (Amendment #1) (formerly Maxwell Brothers Produce Market)  
Map: 162-00 Parcel: 041  
Southeast Community Plan  
Council District 32 – Sam Coleman

A request to amend the Maxwell Brothers Produce Market Planned Unit Development located on a portion of property at 1645 Bell Road, at the northwest corner of Bell Road and Benzing Road, zoned CL, (2.94 acres), to permit the development of a one-story, 17,694 square foot retail establishment, replacing a 2,250 square foot retail establishment and to add the

remainder of Parcel 41 to the boundaries of the PUD, requested by ALDI Inc., applicant, for Ben Maxwell and Walter Battle, owners.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Amend Preliminary**

A request to amend the existing Planned Unit Development located on a portion of property at 1645 Bell Road, at the northwest corner of Bell Road and Benzing Road, zoned Commercial Limited (CL), (2.94 acres), to permit the development of a one story, 17,694 square foot retail establishment, replacing a 2,250 square foot retail establishment and to add the remainder of Parcel 41 to the boundaries of the PUD.

**Existing Zoning**

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

**PLAN DETAILS** The Maxwell Brothers Produce Market PUD is approved for a 2,250 square foot retail establishment, which is constructed. This request is to amend the approved PUD plan to permit a one-story, 17,694 square foot retail establishment. Retail is consistent with the existing commercial use already approved in the PUD. Section 17.40.120.G.2.h of the Zoning Code requires that the total floor area of a commercial PUD not be increased more than ten percent beyond the total floor area last approved by the Metro Council. As the proposed plan increases the building square footage more than 10%, from 2,250 to 17,694 square feet, the request is required to be approved by Metro Council.

**Building Orientation** The proposed retail facility is orientated toward Old Hickory Boulevard with one row of parking between Old Hickory Boulevard and the proposed building. The rear of the facility faces the back of the property and Benzing Road. The Benzing Road façade will be landscaped to provide a softer appearance at the street.

**Access/Parking** The primary access onto the site is from Old Hickory Boulevard with a secondary truck access from Benzing Road. The plan proposes a total of 92 parking spaces which meets the minimum requirement of the Zoning Code. A traffic impact study is required for this project but it has not been submitted to Public Works for review.

**Sidewalks/Landscaping** The applicant has agreed to provide a five foot sidewalk along Benzing Road that will connect with the existing sidewalk on Old Hickory Boulevard. While the plans show landscaping to be provided along the perimeters of Benzing and Old Hickory Boulevard, the plans submitted do not contain sufficient details. Additional plans that meet the Zoning Code standards are required.

**Signage** The plan proposes a 25 foot tall pylon sign located at the corner of Benzing and Bell Road, which is consistent with the CL zoning requirements of the Zoning Code.

**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.

Extend the existing three lane cross section on Benzing Road along the property frontage, providing two-way left turn storage into the proposed driveway on Benzing Road with transitions per AASHTO/MUTCD standards. Provide a full width pavement overlay within the limits of construction.

Modify traffic signal to include separate left turn signal phases for southbound and northbound left turns on Benzing Road and Old Hickory Boulevard, respectively.

Modify proposed driveway onto Benzing Road

Modify proposed driveway onto Old Hickory Boulevard to provide a single entering and exiting lane.

**STAFF RECOMMENDATION** Staff recommends approval with conditions.

**CONDITIONS**

1. The corrected copy of the PUD final site plan will address the requirements of the Public Works Department stated above.

2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved with conditions, (6-0) **Consent Agenda**

**Resolution No. RS2008-193**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 93P-004U-12 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. The corrected copy of the PUD final site plan will address the requirements of the Public Works Department stated above.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

**The proposed PUD amendment is consistent with the intent of the original commercial PUD and is consistent with the Commercial Limited base zoning district."**

**XI. PUBLIC HEARING: CONCEPT PLANS**

9. **2006S-270U-13**  
Legends Drive Subdivision  
Map: 150-00 Parcels:078, 079, 80, 168  
Antioch/Priest Lake Community Plan  
Council District 33 – Robert Duvall

A request to extend the concept plan approval for one year for a 42 lot subdivision on properties located at 6235 and 6247 Mt. View Road and Mt. View Road (unnumbered), approximately 800 feet east of Belle Oaks Drive (12.05 acres), zoned R10 and RS10, requested by Alaa Jwaad and K. Meean et al, owners, Dale & Associates, surveyor.

**Staff Recommendation: Approve with condition**

**APPLICANT REQUEST - Concept Plan Extension**

A request to extend the concept plan approval for one year for a 42 lot subdivision on properties located at 6235 and 6247 Mt. View Road and Mt. View Road (unnumbered) , approximately 800 feet east of Belle Oaks Drive (12.05 acres), zoned R10 and RS10.

**Zoning**

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

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

**SUBDIVISION DETAILS** The concept plan for the 42 lot Legends Drive subdivision was approved with conditions by the Planning Commission on August 24, 2006. The request for the extension was received prior to the expiration of the concept plan. The applicant is requesting an extension of the approval due to delays that have occurred in dealing with a sinkhole on the site and financing issues.

Section 2-3.4.f of the Subdivision Regulations provide for an extension of one additional year for a concept plan:

f. *Effective Period of Concept Plan Approval.* The approval of a concept plan of a minor subdivision shall be effective for a period of one year and the approval of a concept plan for a major subdivision shall be effective for two years from the date of Planning Commission Approval. Prior to the expiration of the concept plan approval, such plan approval may be extended for one additional year upon request and if the Planning Commission deems such extension appropriate based upon progress made in developing the subdivision.

The applicant has made this request because progress has been made on the development of this subdivision including:

- Construction documents have been completed.
- The sinkhole permit has been approved.
- Grading plans have been approved.
- Financing has been approved.
- A pre-construction meeting has been held.

**STAFF RECOMMENDATION** Staff recommends that approval of the concept plan be extended for one year from the Planning Commission agenda date of September 11, 2008, since significant progress has been made.

**CONDITION** All conditions of the August 24, 2006, approval of this concept plan remain with the extension.

Approved with conditions, (6-0) *Consent Agenda*

**Resolution No. RS2008-194**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-270U-13 is **APPROVED WITH CONDITIONS. (6-0)**”

**Conditions of Approval:**

1. All conditions of the August 24, 2006, approval of this concept plan remain with the extension.”

**10. 2008S-141G-14**

The Meadows Of Seven Points, Ph 6  
Map: 110-00 Parcels: 166, 167, 193  
Donelson/Hermitage/Old Hickory Community Plan  
Council District 12 – Jim Gotto



A request for concept plan approval to create 62 cluster lots on properties located at 4103 and 4109 Smotherman Lane and 2237 Seven Points Circle, at the end of Seven Points Circle (31.18 acres), zoned RS15, requested by Iris P. Fisher, Trustee, owner, Weatherford & Associates LLC, surveyor.

**Staff Recommendation: Approve with conditions**

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

A request for concept plan approval to create 62 single-family cluster lots on properties located at 4103 and 4109 Smotherman Lane and 2237 Seven Points Circle, at the end of Seven Points Circle (31.18 acres), zoned Single Family Residential (RS15).

#### **ZONING**

RS15 District - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

#### **SUBDIVISION DETAILS**

**Concept Plan** The concept plan proposes to create 62 single-family lots within The Meadows of Seven Points subdivision, a cluster lot development. The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS15 (minimum 15,000 sq. ft. lots) to RS7.5 (minimum 7,500 sq. ft. lots) if the plan meets all the requirements of the cluster lot provisions of the Metro Zoning Code. The proposed lots range in size from 10,124 square feet to 15,461 square feet.

**Open Space** Cluster lot developments are required to provide 15 percent common open space per phase that uses lot size reduction. The concept plan designates 9.79 acres or 30 percent of the site as open space. The plan also proposes 4.89 acres of active open space in the form of walking trails and a gazebo.

**Sidewalk** A five foot wide sidewalk on both sides of the new streets is planned within the right-of-way throughout the development.

**Access/Street Connectivity** The proposed development will be accessible by a public street connection to Seven Points Circle, which was previously approved within Phase 4 and Phase 5. The streets are designed to have a curvilinear pattern with future connections planned to the east, the west and south of the site. The stub streets connect to large parcels of undeveloped land or land occupied by a single residential structure. The western stub street will eventually intersect Smotherman Lane upon development of the adjacent parcel 010, tax map 110.

Smotherman Lane is maintained by the Metropolitan Department of Public Works, but the portion of the road that abuts parcel 010 has not been dedicated or platted as public right of way. The plat proposes an extension of Smotherman Lane that would end in a cul de sac. As a condition of approval, the proposed extension of Smotherman Lane must be directly connected to dedicated public right of way. Prior to the recording of the final plat for any lots on the proposed new section of Smotherman Lane, that section of road must have direct access to dedicated public right of way.

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

**STORMWATER RECOMMENDATION** Approved.

#### **FIRE MARSHAL RECOMMENDATION**

1. All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
2. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
3. More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
4. Dead end fire mains over 600 feet in length are required to be no less than 10 inch in diameter. If this is to be a

public fire main, a letter from Metro Water is required excepting the length and size.

5. Any easement that is part of a Fire Lane must be deeded as a perpetual on going self renewing document w/ no termination.
6. Before a plat for 1 or 2 families can be approved plans showing water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations shall be provided.
7. Access to each property shall be from a public access way or from a public access way onto property controlled by the property owner w/out crossing other property owners property lines to reach the property.

**STAFF RECOMMENDATION** Staff is recommending approval with conditions of the concept plan for the Meadows of Seven Points, Phase 6.

#### **CONDITIONS**

1. The proposed new right of way for the Smotherman Lane cul-de-sac must be directly connected to dedicated public right of way. Prior to the recording of the final plat for any lots on the proposed new section of Smotherman Lane, that section of road must have direct access to dedicated public right of way.
2. All development plans shall comply with the design regulations established by the Department of Public Works.
3. All development plans submitted for approval must comply with the Fire Marshal's requirements listed above
4. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.

Approved with conditions, (6-0) *Consent Agenda*

#### **Resolution No. RS2008-195**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-141G-14 is **APPROVED WITH CONDITIONS. (6-0)**

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

2. The proposed new right of way for the Smotherman Lane cul-de-sac must be directly connected to dedicated public right of way. Prior to the recording of the final plat for any lots on the proposed new section of Smotherman Lane, that section of road must have direct access to dedicated public right of way.
3. All development plans shall comply with the design regulations established by the Department of Public Works.
4. All development plans submitted for approval must comply with the Fire Marshal's requirements listed above
5. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.”

## **XII. PUBLIC HEARING: FINAL PLANS**

11. **2008S-140U-10**  
Belmont Terrace, Resub. Lot 21, Blk B, Annex 4  
Map: 117-04 Parcels: 373

Green Hills/Midtown Community Plan  
 Council District 18 – Keith Durbin

A request for final plat approval to create 2 lots on property located at 1811 Primrose Avenue, approximately 300 feet west of Brightwood Avenue (0.39 acres), zoned R8, requested by Dana L. Smith, owner, Joe M. Cummings, surveyor.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create 2 lots on property located at 1811 Primrose Avenue, approximately 300 feet west of Brightwood Avenue (0.39 acres) zoned One and Two-Family Residential (R8).

**ZONING**

R8 District - ~~R8~~ requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots.

**SUBDIVISION DETAILS** The final plat subdivides one lot into two lots for property located at 1811 Primrose Avenue. Currently, the existing lot is vacant. The proposed new lots have a combined acreage of 16,595 square feet; Lot 1 has a total acreage of 8,098.8 square feet and Lot 2 contains 8,496.7 square feet. The proposed subdivision would also result in 47.50 feet of linear frontage for each lot. The plat also designates the two lots for single family housing only, therefore no duplexes could be built on the property.

**Lot Comparability** Section 3-5 of the Subdivision Regulations state that new lots in areas previously subdivided and predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. Staff performed a lot comparability analysis that yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Primrose	7,036	55

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

- Lot 1: 8,098.8 sq. ft. with approximately 47.50 linear ft. of frontage
- Lot 2: 8,496.7 sq. ft. with approximately 47.50 linear ft. of frontage

Both lots fail for frontage by approximately 7.5 feet. The Subdivision Regulations allow for exceptions to the minimum area and frontage when the proposed smaller lots are shown to be consistent with the General Plan. This plat application does not meet any of the requirements for an exception, however.

One or more of the criteria listed below may be used by the Commission to determine whether the proposed smaller lot size is consistent with the General Plan:

- a. If the proposed subdivision is within a one-half mile radius of any area designated as a "Regional Activity Center" land use policy category.
- b. If the proposed subdivision is within a one-quarter mile radius of any area designated as a "Mixed Use", "Office", "Commercial", or "Retail" land use policy categories.
- c. If the proposed subdivision is within an area planned for a town center or neighborhood center.
- d. Where the proposed lot sizes are consistent with the adopted land use policy that applies to the property.

The applicant posits that an exception to lot comparability can be made because the site is within a quarter mile radius of Neighborhood Center policy which encourages more intense development and supports greater density. Nevertheless, there is a clear distinction in the Subdivision Regulations that an exception can be granted if the proposed subdivision is within an area planned for neighborhood center. The proposed subdivision is located in an area designated Residential Low Medium policy where the recommended densities are two to four units per acre (the proposed two-lot subdivision would result in a density of 5.13 units per acre) and there are no plans to create a neighborhood center in this area.

**Variance from Lot Comparability** Variances from the Subdivision Regulations may be granted by the Planning Commission if the Commission finds that extraordinary hardship or practical difficulties may result from strict compliance with the regulations, and that the variance will not have the effect of nullifying the intent and purpose of the regulations.

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).
5. Before the Commission can grant a variance to the lot comparability requirements of the Subdivision Regulations, the applicant must demonstrate a hardship based upon conditions unique to this property. The applicant has not identified any unique or physical characteristics of the property that would preclude compliance with the Subdivision Regulations.

**PUBLIC WORKS RECOMMENDATION** Submit construction plans for the proposed sidewalk along Primrose Avenue to the Department of Public Works for review and approval.

**STORMWATER RECOMMENDATION** Approved.

**STAFF RECOMMENDATION** Staff recommends disapproval of the final plat to create two lots on property located at 1811 Primrose Avenue. The proposed new lots fail lot comparability for frontage and will result in lots that are incompatible with the neighboring lots along Primrose Avenue.

**CONDITIONS (if approved)** Construction plans for the sidewalk must be submitted as required by the Department of Public Works.

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

Mr. Dana Smith, 5290 Hickory Ridge, spoke in favor of the proposed subdivision.

Mr. Justin Rogers, 608 Regent Park Drive, spoke in favor of the proposed subdivision. He submitted information to the Commission for the record.

Mr. Van Pond, 1802 Primrose Avenue, spoke in favor of the proposed subdivision.

Mr. Pete Lefferts, 1815 Primrose Avenue, spoke in opposition to the proposed subdivision.

Mr. Clifton requested clarification on how the Commission could approve the subdivision without setting a precedent for any future subdivisions that would be similar in nature.

Ms. Nedra Jones offered explanation to the Commission.

Mr. Kleinfelter provided additional information on the criteria that would be necessary in order to grant variances for lot comparability.

Ms. Cummings expressed issues with granting the request as submitted.

Mr. Gee requested clarification on the allowable density for this area in relation to the request being made by the applicant.

Ms. Nedra Jones explained this concept to the Commission.

There was a question as to whether a duplex could be built on the property.

Ms. Nedra Jones explained the R8 policy and the allowable density for this parcel.

Mr. McLean acknowledged that a duplex would also fail lot comparability.

Mr. Bernhardt offered that the applicant had agreed to limit each lot to single-family units.

Mr. Gotto questioned the width of various lots that surround the proposed subdivision.

Ms. Nedra Jones provided the various lot widths to the Commission.

Ms. LeQuire requested additional information on the calculations that were used to determine lot comparability for this request.

Ms. Nedra Jones explained this process to the Commission.

Ms. LeQuire then questioned the type of transect this area would be considered.

Mr. Bernhardt explained that it would fall under the T4 transect.

Mr. Kleinfelter offered further explanation on the exception criteria that is used by the Commission when deliberating requested variances.

Mr. Bernhardt offered additional explanation on the criteria that was used to determine the applicant's request for a variance.

Ms. Jones expressed issues with the current zoning for the parcel and its allowable uses.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to disapprove Subdivision 2008S-140U-10, as recommended by staff. **(8-0)**

**Resolution No. RS2008-196**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-140U-10 is **DISAPPROVED. (8-0)**"

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### **XIII. PUBLIC HEARING: REVISIONS AND FINAL DEVELOPMENT PLANS**

**12. 153-79-G-06**

Galleries at Bellevue  
Map: 142-00 Parcel: 308  
Bellevue Community Plan  
Council District 22 – Eric Crafton

A request to revise the preliminary plan and for final approval for a portion of the Galleries at Bellevue Planned Unit Development located at 7661 Highway 70 S, approximately 580 feet east of Coley Davis Road (1.49 acres), to permit 29,500 square feet of retail uses where 12,000 square feet of retail uses were previously approved, zoned SCR, requested by Civil Site Design Group, PLLC, applicant, for Hickory 1, LLC, owner.

**Staff Recommendation: Approve with conditions. Disapprove if applicant does not address Stormwater requirements prior to the meeting.**

**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 Galleries at Bellevue Planned Unit Development located at 7661 Highway 70 S, approximately 580 feet east of Coley Davis Road (1.49 acres), to permit

29,500 square feet of retail uses where 12,000 square feet of retail uses were previously approved, zoned Shopping Center Regional (SCR).

### **Zoning District**

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

### **PLAN DETAILS**

**History** This Planned Unit Development (PUD) was originally approved in 1979, for 225,000 square feet of various commercial/retail uses. The original PUD plan for this portion of the plan was never built and the plan has been revised several times through the years. On November 11, 2006, the Planning Commission approved a revision to the PUD to permit a 12,000 square foot retail establishment on the same out parcel as this request for a 29,500 square foot retail establishment.

**Site Plan** The proposed plan calls for a 29,500 square foot retail building, with associated parking. The proposed facility will be located between an existing Toys-R-Us and Taco Bell along U.S. Highway 70S. The Public Works Department has requested that the applicant demonstrate that there is adequate parking and that documentation of any shared parking agreements be provided. Access will be provided from private drives within the larger development which accesses Highway 70S.

While a number of stormwater issues are still outstanding, if the applicant can address these issues prior to the meeting approval may be granted. Additional plans that meet Metro Stormwater standards are required prior to the meeting.

As noted above, the preliminary PUD plan was approved to permit 228,866 square feet retail/commercial uses. Section 17.40.120.G.2.h of the Zoning Code requires that the total floor area of a commercial PUD not be increased more than 10% beyond the total floor area last approved by the Metro Council. The proposed plan increases the building square footage by 17,500 square feet to 29,500 square. The increased floor area is less than 10% of the total floor area of the PUD.

**Parking** While the proposed plan requires 148 parking spaces at one space per 200 square feet of retail, it includes only 30 on site spaces. There are approximately 999 total spaces within this PUD. With only 750 parking spaces required in the remainder of the PUD, this PUD exceeds the Zoning Code parking requirements by 249 spaces. The Zoning Code allows for shared parking arrangements within Commercial PUDs. The extra spaces in this PUD are proposed to be used within a shared parking agreement to satisfy the parking requirements.

**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.

Demonstrate that adequate parking can be provided per Metro Code. Provide documentation of shared parking agreements

**STORM WATER RECOMMENDATION** The stormwater runoff from all the disturbed area should be treated for water quality.

Check flow for each direction for existing and proposed conditions.

Provide the next two downstream structure information.

Provide a notarized Dedication of Easement document and Long Term Maintenance Agreement.

Provide the Grading permit fee.

**STAFF RECOMMENDATION** Approve with conditions. Disapprove if applicant does not address Stormwater requirements prior to the meeting.

### **CONDITIONS**

1. Prior to the issuance of building permits, a shared parking agreement between the properties within the PUD shall be provided to Planning.

2. The corrected copy of the final site plan shall comply with the requirements of 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 Stormwater Management division of Water Services.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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, (6-0) *Consent Agenda*

**Resolution No. RS2008-197**

“BE IT RESOLVED by The Metropolitan Planning Commission that 153-79-G-06 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. Prior to the issuance of building permits, a shared parking agreement between the properties within the PUD shall be provided to Planning.
2. The corrected copy of the final site plan shall comply with the requirements of 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 Stormwater Management division of Water Services.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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."

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**13. 195-76-G-06**

National Car Wash (Revision)

Map: 142-00 Parcel: 235

Bellevue Community Plan

Council District 22 – Eric Crafton

A request to revise the preliminary plan and for final site plan approval for a portion of the Bellevue Center Planned Unit Development located at 7128 Highway 70 S, approximately 800 feet west of Old Hickory Boulevard (0.57 acres), to convert three existing automated car wash bays into two automated car wash bays with additional 285 square feet car wash bay, zoned SCC, requested by Wamble & Associates, applicant, for Champion Car Wash LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary & Final Approval**

A request to revise the preliminary plan and for final site plan approval for a portion of the Bellevue Center Planned Unit Development located at 7128 Highway 70 S, approximately 800 feet west of Old Hickory Boulevard (0.57 acres), to convert three existing automated car wash bays into two automated car wash bays with 285 additional square feet, zoned Shopping Center Community (SCC).

**PLAN DETAILS** The plan proposes a 285 square foot addition to an existing car wash facility. The addition would accommodate the conversion of three automated car wash bays into two automated car wash bays and an equipment room. There are also three additional, existing self-service car wash bays on site.

**Access** The property has direct access to U. S. Highway 70 South by an internal driveway connection. Access is also available at the rear of the site to a 40 foot joint access easement, which provides an internal connection to the overall PUD.

**Sidewalks** Sidewalks are located within the perimeter of the PUD along U. S. Highway 70.

**Landscaping** The plan identifies landscaped areas interior to the site and around the perimeter of the property.

**Preliminary Plan** The preliminary PUD plan was approved in 1976, for a total of 56,100 square feet of commercial uses. The plan was revised in 2000, to allow a car wash consisting of 4,144 square feet. The Metro Zoning Ordinance, Section 17.40.120 states the Planning Commission may approve minor modifications to a previously approved PUD plan, if the total floor area of a commercial or industrial PUD does not increase more than ten percent beyond the total floor area last approved by council. The revised plan meets this requirement of the ordinance since the addition of 285 square feet increases the overall square footage by less than 10 percent.

**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.

**STORMWATER RECOMMENDATION** Approved.

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



**CONDITIONS**

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

Approved with conditions, (6-0) *Consent Agenda*

**Resolution No. RS2008-198**

“BE IT RESOLVED by The Metropolitan Planning Commission that 195-76-G-06 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

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

- 14. 2007P-005U-13**  
The Shoppes at Ridgeview (Thornton's)  
Map: 163-00 Parcel: 404  
Antioch/Priest Lake Community Plan  
Council District 33 – Robert Duvall

A request to revise the preliminary plan for a portion of the Shoppes at Ridgeview Planned Unit Development located at Bell Road (unnumbered), at the southwest corner of Bell Road and Eagle View Boulevard (5.22 acres), to permit a 3,740 square foot of automobile convenience store where 13,000 square feet of retail space was previously approved, zoned MUL, requested by Dale & Associates, applicant, for Ridgeview Heights LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary**

A request to revise the preliminary plan for a portion of the Shoppes at Ridgeview Planned Unit Development located at

Bell Road (unnumbered), at the southwest corner of Bell Road and Eagle View Boulevard (5.22 acres), to permit a 3,740 square foot of automobile convenience store where 13,000 square feet of retail space was previously approved, zoned (MUL).

**Zoning District**

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**PLAN DETAILS**

**Preliminary Plan** On November 8, 2007, the Metro Planning Commission disapproved a request for preliminary approval of a new Planned Unit Development (PUD) consisting of 40,411 square feet of retail space for the entire PUD and the cancellation of the portion of the Ridgeview Urban Design Overlay (UDO) covering this property. On May 20, 2008, the Metro Council approved both the preliminary PUD and UDO cancellation request.

The Council approved plan is for a total of 40,411 square feet of retail uses on three individual out parcels. Outparcel C is approved for 13,000 square feet of retail space within one building. The building's primary entrance is proposed to be oriented to Eagle View Boulevard and parking is proposed along the front, side and rear of the building.

**Site Plan** The revised plan proposes a new 3,740 square foot Thornton's convenience center and 10 gas pump islands on Outparcel C. The building has been pushed to the rear of the site with all of the parking and pump islands in front. The building does not address Eagle View Boulevard.

**Landscaping** The plan proposes interior landscape beds along the perimeter of Bell Road and Eagle View Boulevard. A 24 square foot stone veneer knee wall is proposed along the perimeters of Eagle View Boulevard and a driveway is proposed on the south side of the site.

**Access/Parking** There are three proposed access points into the site. One is located off Eagle View Boulevard. This access point was not included in the approved plan. Public Works has recommended that right in and right out access be provided onto Eagle View Boulevard from Out Parcel C. There are also two internal driveways accessing another internal driveway. These were included in the approved plan. The revised plan also proposes a total of 31 parking spaces, which meets the minimum requirement of the Metro Zoning Code.

**Staff Analysis** Staff recommends disapproval of this request as the proposed layout is inconsistent with the approved layout of Outparcel C. In addition, the revised plan shows a new access point onto Eagle View Boulevard that was not included in the approved PUD plan. Staff does not recommend approval of this new driveway entrance onto Eagle View, which is the main entrance to the Ridgeview Urban Design Overlay. If an entrance is approved, it should be limited to right-in and right-out, as recommended by Public Works.

**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.

Access onto Eagle View Boulevard from Out Parcel C shall be right in and right out only.

Construct a twelve (12') foot wide median for proposed median located on Eagle View Boulevard at Bell Road.

Construct separate left and right turn exit lanes from the joint access commercial driveway to Eagle View Blvd.

Provide seventy five (75') foot left turn storage on Eagle View Boulevard at the joint access commercial driveway.

**STAFF RECOMMENDATION** Staff recommends disapproval.

**CONDITIONS (if approved)**

1. No new ingress or egress from Out Parcel C to Eagle View Boulevard shall be permitted. If access is permitted, then it shall be right in and right out only as approved by Metro Public Work standards.
2. The corrected copy of the PUD final site plan will address the requirements of the Public Works Department stated

above.

3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the 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.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved with conditions, (6-0) **Consent Agenda**

**Resolution No. RS2008-199**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007P-005U-13 is **APPROVED WITH CONDITIONS, including deleting Condition 1 of the staff report and replacing it with the following condition:**

1. Access on Eagle View Boulevard shall be right in and right out only as approved by Metro Public Work standards

And adding the following conditions:

7. Building roof and canopy roof shall be similar in type and finishing material. No flat roof shall be allowed on the building or the canopy.
8. Building elevations fronting Bell Road shall include windows. If interior building design prohibits windows, then some type of glazing treatment mimicking windows shall be used. All elevations shall be approved by planning staff with final site plan approval. (6-0)"

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15. **8-65-U-03**  
AA Market  
Map: 059-00 Parcel: 179  
Bordeaux/Whites Creek Community Plan  
Council District 2 – Frank Harrison

A request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development located at 2700 Whites Creek Pike, at the northwest corner of Whites Creek Pike and Moormans Arm Road (0.62 acres), to permit the addition of two fuel dispensers and a canopy for an existing convenience market facility, zoned SCN, requested by Civil Resource Consultants, applicant, for Timage A. Omar, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary & Final Approval**

A request to revise the preliminary plan and for final approval for a portion of the Commercial Planned Unit Development located at 2700 Whites Creek Pike, at the northwest corner of Whites Creek Pike and Moormans Arm Road (0.62 acres), to permit the addition of two fuel dispensers and a canopy for an existing convenience market facility, zoned Shopping Center

Neighborhood (SCN).

**PLAN DETAILS** The plan proposes the addition of two fueling pumps and a canopy at an existing convenience market. The site consists of 0.62 acres and contains a convenience store that totals 2,094 square feet. The building extends to the adjacent parcel where a vacant self-service car wash consisting of 1,576 square is currently located.

**Access/Parking** The site is accessible by driveway connections to Whites Creek Pike and to Moormans Arm Road. Eleven parking spaces are on-site and one space is reserved for handicap parking. The number of spaces provided meets the minimum parking requirements of the Metro Zoning Ordinance.

**Sidewalks** The site is located within the Urban Services District; however sidewalks are not required at this location. The provision for sidewalks within non-residential developments, outlined in Section 17.20.120 of the Metro Zoning Ordinance, states the requirements for sidewalks do not apply to the redevelopment of property when the total building square footage of any one expansion is less than 25 percent of the total building square footage of all improvements on the lot prior to expansion.

**Preliminary Plan** The preliminary PUD plan was approved in 1965, as a planned zoning district and was amended into a Planned Unit Development in 1967. The plan was approved for over 75,000 square feet of commercial uses, but was amended in 2006, to allow a total of 54,182 square feet. The Metro Zoning Ordinance, Section 17.40.120 states that the Planning Commission may approve minor modifications to a previously approved PUD plan, if the total floor area of a commercial or industrial PUD does not increase more than ten percent beyond the total floor area last approved by council. The revised plan meets this requirement of the ordinance since the addition of two fuel pumps and a canopy does not significantly increase the overall square footage.

**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.

**STORMWATER RECOMMENDATION** Approved.

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

#### **CONDITIONS**

1. The site includes an existing pole sign. Any modifications to the existing sign shall require the sign to be replaced with a monument sign not to exceed five feet in height and approval must be granted by the Metro Department of Codes Administration after consideration by the Metro Planning Department.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions, (6-0) *Consent Agenda*

#### **Resolution No. RS2008-200**

“BE IT RESOLVED by The Metropolitan Planning Commission that 8-65-U-03 is **APPROVED WITH CONDITIONS.**  
(6-0)

**Conditions of Approval:**

1. The site includes an existing pole sign. Any modifications to the existing sign shall require the sign to be replaced with a monument sign not to exceed five feet in height and approval must be granted by the Metro Department of Codes Administration after consideration by the Metro Planning Department.
5. 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.
6. 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.
7. 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."

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**XIV. PUBLIC HEARING: URBAN DESIGN OVERLAY**

- 16. 2005UD-003G-12**  
Carothers Crossing (Modify UDO Standards)  
Map: 188 Parcels: Various  
Southeast Community Plan  
Council District 31 – Parker Toler

A request to modify the Carothers Crossing Urban Design Overlay standards established in the Urban Code, the Architectural Regulations, and the Landscape Regulations of the UDO for property located north and south of the Carothers Road and Battle Road intersection, requested by Wood Ridge Investments Inc., applicant, and Wood Ridge Investments Inc. et al, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to modify the Carothers Crossing Urban Design Overlay standards established in the Urban Code, the Architectural Regulations, and the Landscape Regulations of the UDO for property located north and south of the Carothers Road and Battle Road intersection.

**ZONING**

RM9 and MUL Districts - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.  
Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**APPLICATION DETAILS** Wood Ridge Investments Inc. proposes revisions in Urban Code, Architectural Regulations, and Landscape Regulations within the Carothers Crossing Urban Design Overlay.

**Modifications to Urban Code Requirements** The Urban Code within the Carothers Crossing UDO contains bulk standards for building placement, building height, encroachments, and parking requirements. The proposed changes meet the intent of the Carothers Crossing UDO and are summarized below.

- Delete "lot area" requirements that specify the maximum percentage of the lot that can be occupied by a building footprint. The Urban Code already contains requirements for lot coverage and setbacks. The applicant and Planning staff agree that lot area requirements are not needed within the Urban Code to ensure appropriate development.

- Clarify the definition of encroachments. Encroachments are allowed to exist within required setbacks. Steps and chimneys will be added to the list that already contains porches, balconies, etc. The Urban Code revision clarifies the definition of encroachment, which allows certain elements (porches, fireplaces, bay windows, etc) to exist within required setbacks. A list of encroachments is provided with the maximum encroachment depth and height for each element.
- Provide a process for variations to the Carothers Crossing UDO. One element that was missing from the original Carothers Crossing UDO was a process for obtaining a variation from the standards of the Urban Code within the UDO. The proposal outlines a process for requesting a variation through the Planning Commission, subject to a finding of physical site constraints.
- Changes to parking setback requirements along alleys for garages and open parking pads. Side facing garages and parking pads can have a 0 foot setback from rear alleys. The front parking setback will be changed from 10 feet beyond the building setback to the front façade of the building. This change only occurs in the Neighborhood Edge area of the UDO, which has some street-loaded lots.
- Add “Porch and Fence” as a building frontage type.
- Allow for attics and raised basements independent of stories within building height standards. Attics and raised basements are desired features of houses in Carothers Crossing. Standards have been added to the UDO that define maximum heights of attics and basements that are not counted as stories.

**Modifications to Architectural Regulations** The Architectural Regulations within the Carothers Crossing UDO are administered by an appointee of the developer. Planning Staff must approve any changes to these Architectural Regulations. The proposed changes to the Architectural Regulations include additions, modifications, and deletions to the previous regulations. Staff finds that all proposed changes are consistent with the intent of the Carothers Crossing UDO and will maintain a high standard of architectural quality within the UDO boundary.

**Modifications to Landscape Regulations** Changes to the Landscape Regulations section of the Carothers Crossing UDO include clarification of intent language at the beginning of the Landscape Regulations section, modifications to the recommended tree species list, and the addition of more specific planting requirements within private lots.

**STAFF RECOMMENDATION** Staff recommends approval. The proposed modification to the Urban Code, Architectural Regulations, and Landscaping Standards serve to clarify the existing standards without compromising the purpose and intent of the Carothers Crossing UDO.

Approved, (6-0) *Consent Agenda*

**Resolution No. RS2008-201**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-003G-12 is **APPROVED. (6-0)**”

**XV. OTHER BUSINESS**

**17. Executive Director Reports**

Mr. McLean requested that an informal work session be scheduled to allow Mr. Bernhardt and Ms. LeQuire provide a report to the Commission on their recent trip to the Adirondacks. He suggested the session be scheduled for 2:30 p.m. on October 14, 2008 (prior to the Commission’s regularly scheduled meeting).


**18. Legislative Update**

**XVI. ADJOURNMENT**

The meeting adjourned at 6:00 p.m.

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Chairman

\_\_\_\_\_  
Secretary

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