



**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**

11/13/2008

4:00 PM

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

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Ted Morrissey, Legal Counsel
David Kleinfelter, Planning Mgr. II
Jason Swaggart, Planner II
Bob Leeman, Planner III
Trish Brooks, Admin. Svcs Officer 3
Carrie Logan, Planner II
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I
Steve Mishu, Metro Water
Jonathon Honeycutt, Public Works

Commission members absent:

Phil Ponder
Judy Cummings

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

Mr. McLean read the Planning Commission's mission statement to the audience.
The meeting was called to order at 4:04 p.m.

II. ADOPTION OF AGENDA

Ms. Hammond announced that Item #13, 2008S-183U-13, Hickory Woods Estates was removed from the agenda.
Ms. Jones moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the agenda as amended. **(6-0)**

III. APPROVAL OF OCTOBER 23, 2008, MINUTES

Mr. Gotto moved and Mr. Gee seconded the motion, which passed unanimously, to approve the October 23, 2008, minutes as presented. **(6-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Berry spoke in favor of 2008IN-002U-08, Fisk University Institutional Overlay and requested its approval.

Councilmember Toler spoke in favor of Item #96P-007G-12, Banbury Crossing PUD cancellation. He briefly explained the applicant's request to the Commission and requested its approval.

Councilmember McGuire addressed the Commission regarding Item #5, 2008SP-029U-10, Lombardy Court. He briefly explained the proposed development and the conciliatory efforts displayed by the developer in working with the community. He then spoke of the outstanding issues that still remain with the project and asked that the Commission consider these concerns as they deliberate the proposal. He also stated he would be holding additional community meetings on this project prior to its third reading at Council.

Mr. Clifton arrived at 4:08.

Councilmember Holleman addressed the Commission on Item #1, 2008Z-079U-10, Whitland Avenue. He explained that the proposed conservation overlay was deferred by Council to the January Public Hearing. He briefly spoke of the support, as well as the opposition that has been relayed to him by his constituents. He asked that the Commission defer the requested zone change until their December meeting to allow continued discussions in an effort to obtain a more favorable consensus on the request. He explained that he would be holding another community meeting in early December to further investigate alternative methods (such as SP Zoning) that could be used to enhance and preserve this area of his district. He asked that the Commission also consider SP zoning and whether its use would be a viable option, in lieu of the conservation overlay.

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

1. 2008Z-079U-10 A request to apply a Neighborhood Conservation Overlay for various properties on both sides of Whitland Avenue between Wilson Boulevard South and Bowling Avenue, zoned R8 (19.62 acres) – deferred to December 11, 2008, as requested by the applicant.
4. 2007SP-037U-12 A request to change from AR2a and RM20 to SP – MU zoning properties located at 1452, 1450, 1448, 1446, and 1444 Bell Road, to permit the development of multi-family dwelling units and retail space – deferred to December 11, 2008, as requested by the applicant.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the Consent Agenda as amended. **(7-0)**

Mr. Gee acknowledged the requested deferral of Item #1, 2008Z-079U-10, Whitland Avenue, and suggested that the Commission hold a discussion on the item, as requested by Councilmember Holleman.

Mr. McLean stated that the Commission would discuss this case at the end of the meeting.

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

VI. PUBLIC HEARING: CONSENT AGENDA PREVIOUSLY DEFERRED AND RE-REFERRED ITEMS

2. 95P-025U-12 A request to amend the Millwood Commons Planned Unit Development located at Bell Road (unnumbered), Blue Hole Road (unnumbered), 1617 Bell Road, and 5439 Blue Hole Road, permitted for 884 multifamily units and 116 single-family lots, to include additional conditions pertaining to the dedication of a school site and improvements within the Infrastructure Deficiency Area. - Approve w/conditions

3. 2007SP-114U-10 A request for final site plan approval for the Specific Plan (SP-R) located at 4000 Wayland Drive, to construct one single-family residence, and install drainage, landscaping, and a wall associated with the proposed residence.

- Approve with conditions, including a condition that prior to the issuance of any building permits, a revised plan shall be submitted to the Planning Department eliminating the detached garage.

CONCEPT PLANS

10. 2008S-165G-02 A request for concept plan approval to create eight lots on property located at 3465 Dickerson Pike. -Approve w/conditions
11. 2008S-175U-13 A request for concept plan approval to create two open space lots and to dedicate right-of-way connecting to Anderson Road on property located at 3166 Anderson Road. -Approve w/conditions

FINAL PLANS

12. 2008S-169G-14 A request for final plat approval to create one lot and remove the reserve status from a parcel located at 8304 Terry Lane and Terry Lane. -Approve

REVISED SITE PLANS

14. 89P-022U-10 A request to revise the preliminary plan and for final approval for grading only for (Phase 1) a portion of the Melrose Planned Unit Development Overlay located at Gale Lane (unnumbered), approximately 150 feet east of Vaulx Lane, zoned MUL, to permit the development of 16 townhomes, 62 single-family dwelling units, and 13 flats for a total of 91 units where 96 dwelling units were previously approved, and to allow for site grading.

- Approval with conditions. Prior to approval of the final site plan for the construction of any residential unit or commercial space, or the issuance of any building permits, comments from the Fire Marshal’s office must be addressed.

15. 2003P-010U-07 A request to revise the preliminary plan and for final approval in the Jardin de Belle Planned Unit Development (PUD) district located between Page Road and Maybelle Lane to reduce the overall number of lots from 34 single-family lots to 30 single-family lots.

-Approval with conditions, including a condition that all new construction will be required to be sprinkled with an NFPA (National Fire Protection Association) 13R system in lieu of the required water supply per NFPA table H in the 2006 version of the Uniform Fire Code. Additionally, these systems shall be monitored by an alarm company.

OTHER BUSINESS

17. A resolution to authorize the expenditure of up to \$80,000, with funding provided by the applicant for the May Town Center SP proposal, to provide for the study of the economic impacts and traffic/transportation impacts of implementing the Alternative Development Area Policy in Bells Bend (Bordeaux/Whites Creek Community, Subarea 3). -Approve
18. Employee contract renewals for Jennifer Carlat and Felix Castrodad -Approve

Mr. Bernhardt clarified two issues pertaining to Item #2, 95P-025U-12, Millwood Commons, which was re-referred to the Commission by Council. He explained that the monetary figures included in the infrastructure deficiency area were not part of the Commission’s recommendation, nor was the note that referenced connectivity of the project to the west if it were developed.

Mr. Clifton requested clarification on the staff’s recommendation on item #15, 2003P-010U-07.

Mr. Bernhardt explained the condition that referenced sprinkler systems to the Commission.

Ms. LeQuire questioned whether the issues were resolved with Item #3, 2007SP-114U-10, 4000 Wayland Drive.

Ms. Hammond explained that the garage in question was removed from the proposal.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed to adopt the Consent Agenda as amended. **(6-0-1)**
McLean - Abstained

VII. PREVIOUSLY DEFERRED

- 1. 2008Z-079U-10**
Whitland Avenue
Map: 103-16 Parcels: Various
Map: 104-09, 104-09-Q Parcels: Various
Green Hills/Midtown Community Plan
Council District 24 – Jason Hollman
Staff Reviewer: Carrie Logan

A request to apply a Neighborhood Conservation Overlay for various properties on both sides of Whitland Avenue between Wilson Boulevard South and Bowling Avenue, zoned R8 (19.61 acres), requested by Councilmember Jason Holleman, applicant, for various owners.

Staff Recommendation: Approve

The Metropolitan Planning Commission DEFERRED Zone Change 2008Z-079U-10 to December 11, 2008, at the request of the applicant. (7-0)

Mr. McLean explained to the audience that this item was deferred to the December 11, 2008, meeting, and due to Councilmember Holleman's request, the Commission would hold a brief discussion on the merits of SP zoning in lieu of a conservation overlay for this area.

Ms. LeQuire asked that Mr. Bernhardt provide a brief explanation on SP zoning and how it would relate to the requested overlay.

Mr. Bernhardt briefly explained SP zoning and how it could be used in lieu of an overlay.

Ms. LeQuire spoke on the importance of the deferral and how the additional time would allow the community to reach a more general consensus on the issue. She then expressed concern with utilizing SP zoning in lieu of the overlay, as the original intent of the rezoning was to preserve and protect historic values of the neighborhood, and that an SP may not provide this security.

Mr. Clifton explained various reasons in which the overlay might better serve what has been requested for this area. He then requested that the Commission hold an Informal Work Session prior to their December 11, 2008, meeting to further discuss this issue and invite Metro Historic to provide additional explanation on the standards used by the Department of Interiors as well as how they perceive the issues associated with this conservation overlay.

Mr. Bernhardt offered that it would be up to the community to produce the design guidelines and design standards if they chose to implement an SP in lieu of a conservation overlay.

Mr. Tyler questioned whether the end result would differ depending on which method was used for this area.

Mr. Bernhardt explained this concept to the Commission.

Mr. Gee questioned whether a structure could be demolished if it were located in a conservation overlay area.

Mr. Gee explained that he was a proponent of both methods being discussed –historic overlays for preservation, and SP zoning for development. He then expressed a concern with setting a precedent in utilizing SP zoning for conservation

overlay purposes. He also addressed the concern mentioned by some constituents regarding property values in relation to historic overlays.

Mr. Gotto acknowledged and spoke on the negative impact that an overlay may sometimes have on a community. He expressed his interest in utilizing SP zoning for this area as the SP could be developed in a way to preserve the historic significance of the neighborhood while maintaining the necessary balance needed in a community. He also recommended that the Metro Historic Commission further investigate ways to implement the overlay that would be more suitable for the entire community. He commended Councilmember Holleman on his actions to defer the request, and stated he was encouraged by the possibilities of utilizing SP zoning.

Ms. LeQuire offered that the guidelines used in overlays could be written to fit individual needs of various neighborhoods.

Mr. Clifton offered that the issue regarding guidelines be discussed at the work session.

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED AND RE-REFERRED ITEMS

2. **95P-025U-12**
Council Bill - BL2007-109
Millwood Commons (Amendment #2)
Map: 162-00 Parcels: 117, 118, 119, 120, 222, 250
Southeast Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Jason Swaggart

A request to amend the Millwood Commons Planned Unit Development located at Bell Road (unnumbered), Blue Hole Road (unnumbered), 1617 Bell Road, and 5439 Blue Hole Road, at the southwest corner of Bell Road and Blue Hole Road (159.38 acres), zoned RS7.5, R15, and RS20, permitted for 884 multifamily units and 116 single-family lots, to include additional conditions pertaining to the dedication of a school site and improvements within the Infrastructure Deficiency Area, requested by Councilmember Sam Coleman, applicant, Bell Road Vacant Land LLC, Bell Road L.P., and Kristi L. Warren, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST -Amend PUD

A request to amend the Millwood Commons Planned Unit Development located at Bell Road (unnumbered), Blue Hole Road (unnumbered), 1617 Bell Road, and 5439 Blue Hole Road, at the southwest corner of Bell Road and Blue Hole Road (159.38 acres), zoned Single-Family Residential (RS7.5), One and Two-Family Residential (R15), and Single-Family Residential (RS20), permitted for 884 multifamily units and 116 single-family lots, to include additional conditions pertaining to the dedication of a school site and improvements within the Infrastructure Deficiency Area.

PLAN DETAILS This is a request by Councilmember Sam Coleman to amend the Millwood Commons Planned Unit Development. The amendment provides additional conditions pertaining to schools and the Infrastructure Deficiency Area. This request does not propose any new development or change to the last preliminary PUD plan approved by the Planning Commission.

History In 2007 an application to revise the preliminary plan for Millwood Commons was filed, and on November 11, 2007, the Planning Commission approved the revision. During the Commission hearing, the Councilmember who represents the district in which the properties are located expressed concern over the development's impact on area schools and roadways. The Councilmember requested that the Commission require the PUD to meet current policy standards for new PUDs or PUD amendments in regards to schools and the Infrastructure Deficiency Area.

The applicant's request in 2007 was for the Planning Commission to revise the PUD and did not require subsequent approval by the Metro Council. The Commission did not believe it was appropriate to include the conditions requested by the Councilmember in a Commission-approved revision to the PUD. Along with its approval of the PUD revision, however, the Planning Commission accommodated the Councilmember's request by also recommending approval of a Councilmember

initiated amendment that would apply current policy standards regarding schools and the Infrastructure Deficiency Area.

Subsequently a bill was filed by the Councilmember (Ordinance No. BL2007-109) to amend the PUD. The bill passed second reading on September 2, 2008, and on September 16, 2008, was amended and deferred to the November 18, 2008, Council Meeting and re-referred to the Planning Commission.

Ordinance No. BL2007-109 Amendment #2 specifies that prior to issuance of any building permits for development of the property in accordance with the first final PUD site plan, the property owner or developer of the final shall a) offer for dedication a school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students; or b) make a cash contribution to the Metropolitan Board of Education equal to the product of \$814 per student multiplied by the number of the projected student generation potential of such owner's/developer's Property Parcel(s) being developed in accordance with the first final PUD Site plan.

Secondly, it requires that in the event that option "b" above is elected, each other owner of property parcels shall subsequently contribute their proportional sums, as determined by the Metropolitan Planning Department and the Metropolitan Board of Public Education, prior to the issuance of any building permit(s) for their respective Property Parcel(s) within the PUD. Any offer of dedication of a school site under (a) above shall be in accordance with the locational criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may decline such dedication under (a) above if it finds that a site is not needed or desired.

Lastly, the amendment requires that prior to the issuance of any building permit(s) for any property parcel within the Infrastructure Deficiency Area (IDA) containing a deficiency relating to transportation, such transportation deficiency for such property parcel must be completed or bonded for 557 linear feet of roadway, or such other lesser project that the Metropolitan Public Works Department determines is satisfactory.

Staff Analysis It is the policy of the Planning Commission when making recommendations on a zoning request to include recommendations to Council for school site dedications and for roadway improvements when new development is located within the IDA. If Millwood Commons were a new development proposal, Planning Staff would evaluate the potential number of students generated by the specific number of units. In this case the PUD calls for 884 multi-family units and 116 single-family lots. According to the current school calculator the development would generate 95 elementary students, 53 middle school students and 53 high school students. Since it would generate more than 100 students the Commission would include a recommendation that an elementary school site be offered for dedication. In addition to recommendations for the school site dedication, the Commission also provides a monetary value for the developments' fiscal impact on Metro Schools. According to current figures the total fiscal liability would be \$4,391,000.

Of the approximately 159 acres within the PUD, about 43 acres is within the IDA. The length of roadway to be improved is based on land use policy and would require a total of 559 linear feet of roadway improvements.

Amendment #2 addresses the Councilmember's original concerns, but alters the implementation of the original conditions. Amendment #1 held the owner or developer of the first phase of the final PUD responsible for carrying the full burden for school and IDA requirements for the entire PUD regardless of the actual development's impact or if the proposal is within the IDA. Amendment #2 requires that the owner or developer for each phase of the final PUD to either offer a school site for dedication or make a financial contribution to the Metropolitan Board of Education. It further states that only property within the PUD that is actually within the IDA will be required to meet the IDA requirements.

The PUD plan currently does not include street connections to the west. A development is proposed for the adjacent property that may permit a future connection to this PUD. Any future revisions should include a street connection to the west.

STAFF RECOMMENDATION Staff recommends approval of the amendment since it does not exceed current Planning Commission policy requirements that would be applied to a comparable rezoning.

CONDITION Any revision to the last approved preliminary plan shall consider providing a street connection to any development approved on adjacent property to the west.

Approved with conditions, (6-0-1) *Consent Agenda*

Resolution No. RS2008-229

“BE IT RESOLVED by The Metropolitan Planning Commission that 95P-025U-12 is **APPROVED WITH NO CONDITIONS, and with a clarification that the \$814 per student contribution is not part of the recommendation.** (6-0-1)

The proposed amendment is consistent with current Planning Commission Policy. It is the policy of the Planning Commission when making recommendations on a zoning request to include recommendations to Council for school site dedications and for roadway improvements when new development is located within the IDA.”

3. **2007SP-114U-10**
4000 Wayland Dr (Formerly Beacon Way Townhomes)
Map: 130-11-0-A Parcels: 001, 002, 003
Green Hills/Midtown Community Plan
Council District 34 – Carter Todd
Staff Reviewer: Bob Leeman

A request for final site plan approval for the Specific Plan (SP-R) located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive (1.25 acres), to construct one single-family residence with a detached garage, and install drainage, landscaping, and a wall associated with the proposed residence, requested by Carbine and Associates, applicant, for Charles R. Carroll, owner.

Staff Recommendation: Approve with conditions, including a condition that prior to the issuance of any building permits, a revised plan shall be submitted to the Planning Department eliminating the detached garage.

APPLICANT REQUEST - Final Site Plan

A request for final site plan approval for the Specific Plan-Residential (SP-R) located at 4000 Wayland Drive, at the northwest corner of Wayland Drive and Beacon Drive (1.25 acres), to construct one single-family residence with a detached garage, and install drainage, landscaping, and a wall associated with the proposed residence.

Proposed Zoning

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

PLAN DETAILS

History This property was rezoned from RS40 to SP-R in July 2007. Prior to that, this property was rezoned from R40 to RS40 in September 2006. The owner of the property at that time was issued a building permit to build a duplex on the property before the RS zoning took effect. While the RS40 did not permit duplexes, the owner could have legally built a duplex. Instead of building a duplex on this property, a request to rezone to an SP district was made to allow two lots smaller than the 40,000 square feet required by the existing RS40 zoning (27,992 sq. ft. and 24,029 sq. ft.). The Planning Commission recommended approval and the Council subsequently approved the rezoning to SP in July 2007.

The approved SP contains two single-family homes on two lots, including a new 6,000 sq. ft. house on Lot 1 and an existing 7,200 sq. ft. house on Lot 2. The SP plan provided more requirements, such as specific landscaping, a wall, and design standards, than if the property was developed under straight zoning. To date, not all of the requirements have been met. Prior to the issuance of building permits for Lot 1, all requirements of the SP for Lot 2 must be completed, including landscaping and completion of the wall on Lot No. 2.

Proposed Final Site Plan The SP final site plan for Lot 1 maintains approximately the same building footprint for the proposed home, which includes 5,996 sq. ft. for the primary structure and an additional 330 sq. ft. for a detached garage along Wayland Drive. The garage has been reduced in size since the October 23, 2008, meeting when it was proposed at 430 square feet. The access point for the garages has also changed since the last meeting. All access is now proposed from Beacon Drive, with no driveway onto Wayland Drive.

While the primary structure is consistent with the Preliminary SP plan, a detached one-car garage is proposed with this final site plan, in addition to the two-car attached garage. The detached garage is closer to Wayland Drive (35 feet from Wayland) than the primary structure (59 feet from Wayland). The proposed plan for the detached garage includes a stucco exterior. The proposed detached garage is turned to face Beacon Drive, which serves to minimize the overall visual impact of the garage doors on Wayland Drive. There is also a wall separating this SP from the neighboring property to the west, as was approved with the preliminary SP. This wall will serve to screen the garage area from the neighboring property.

Although the proposed additional garage and driveway location is different from the approved preliminary SP plan, staff recommends approval since it is not out of character with the street. The proposed final site plan is consistent with the house at the corner of Lynnwood Boulevard and Wayland Drive, which is set back approximately 30 feet from Wayland Drive with the garage facing Wayland Drive.

Changes to Final Site Plan Even though the detached garage and driveway location was not included on the preliminary plan approved by Council, staff recommends that the changes be considered as a minor adjustment to the final site plan as permitted by the standard condition included in the Council Bill. That condition states:

“Be it further enacted, that 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 present in the plan that is a part of this ordinance.”

Sidewalks Since there are no existing sidewalks in the area, the preliminary SP plan included a requirement for a monetary contribution to be made in lieu of sidewalk construction, consistent with the Subdivision Regulation requirements. With this requirement, staff recommends a condition that the contribution for 148 linear feet be made prior to final plat recordation.

WATER SERVICES RECOMMENDATION Approved

METRO STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No exception taken.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. Prior to the issuance of any building permits for Lot 1, a final plat shall be recorded subdividing Lot 1 and Lot 2 as depicted on the SP plan.
2. Prior to the issuance of any building permits for Lot 1, a sidewalk contribution must be made to the Public Works Department for 148 linear feet of frontage consistent with the requirements of the Subdivision Regulations.
3. Prior to the issuance of any building permits for Lot 1, all requirements of the SP for Lot 2 shall be completed, including landscaping and completion of the wall on Lot 2.
4. No drains shall be located so as to drain directly onto neighboring properties. Drains shall be directed toward the drainage areas on site between Lot 1 and Lot 2. French drains, or similar type drain, shall be installed around the wall to direct water flow to a centralized location on site.
5. New home on Lot 1 shall have a maximum height of 30 feet.
6. The wall shall be built as depicted on the final site plan. This wall will be constructed of stone. All columns will be at least 8 feet (from the ground) at their lowest point. The wood portion will be no more than six inches from the top of stone on the column. The fence will extend from the northwest corner of Lot 2 to a point that is parallel with the southwest corner of the proposed house on Lot 1. It shall be located so that no existing mature trees will be removed

during the installation. If necessary, the fence will be re-directed at 90 degree angles only.

7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS20 zoning district as of the date of the applicable request or application.
8. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
9. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with conditions, including a condition that prior to the issuance of any building permits, a revised plan shall be submitted to the Planning Department eliminating the detached garage, **(6-0-1) Consent Agenda**

Resolution No. RS2008-230

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-114U-10 is APPROVED WITH CONDITIONS, including a condition that prior to the issuance of any building permits, a revised plan shall be submitted to the Planning Department eliminating the detached garage. (6-0-1)

Conditions of Approval:

1. Prior to the issuance of any building permits for Lot 1, a final plat shall be recorded subdividing Lot 1 and Lot 2 as depicted on the SP plan.
2. Prior to the issuance of any building permits for Lot 1, a sidewalk contribution must be made to the Public Works Department for 148 linear feet of frontage consistent with the requirements of the Subdivision Regulations.
3. Prior to the issuance of any building permits for Lot 1, all requirements of the SP for Lot 2 shall be completed, including landscaping and completion of the wall on Lot 2.
4. No drains shall be located so as to drain directly onto neighboring properties. Drains shall be directed toward the drainage areas on site between Lot 1 and Lot 2. French drains, or similar type drain, shall be installed around the wall to direct water flow to a centralized location on site.
5. New home on Lot 1 shall have a maximum height of 30 feet.
6. The wall shall be built as depicted on the final site plan. This wall will be constructed of stone. All columns will be at least 8 feet (from the ground) at their lowest point. The wood portion will be no more than six inches from the top of stone on the column. The fence will extend from the northwest corner of Lot 2 to a point that is parallel with the southwest corner of the proposed house on Lot 1. It shall be located so that no existing mature trees will be removed during the installation. If necessary, the fence will be re-directed at 90 degree angles only.
7. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS20 zoning district as of the date of the applicable request or application.
8. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan

incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

9. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

IX. PUBLIC HEARING: SPECIFIC PLANS

4. 2007SP-037U-12

Forest View
Map: 162-00 Parcels: 115, 219, 221, 220, 223
Southeast Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Brian Sexton

A request to change from AR2a and RM20 to SP – MU zoning properties located at 1452, 1450, 1448, 1446, and 1444 Bell Road, approximately 3,515 feet west of Blue Hole Road (40.21 acres), to permit the development of multi-family dwelling units and retail space, requested by Dale & Associates, applicant, for Charles Leach, Ben Odom, Joanne Davis, F. West, and GTA Investments, owners.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Specific Plan 2007SP-037U-12 to December 11, 2008, at the request of the applicant. (7-0)

5. 2008SP-029U-10

Lombardy Court
Map: 117-07 Parcel: 046
Green Hills/Midtown Community Plan
Council District 25 – Sean McGuire
Staff Reviewer: Nedra Jones

A request to change from R10 to SP-R zoning property located at 2007 Lombardy Avenue, approximately 260 feet east of Hillsboro Pike (0.8 acres), to permit the development of 8 units, requested by Dale & Associates, applicant, for Steven and Claire Slone, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - A request to change from One and Two Family Residential (R10) to Specific Plan Residential (SP-R) zoning property located at 2007 Lombardy Avenue, approximately 260 feet east of Hillsboro Pike (0.67 acres), to permit the development of 8 units.

Existing Zoning

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

Proposed Zoning

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

GREEN HILLS MIDTOWN COMMUNITY PLAN

Residential Medium High (RMH) RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

Consistent with Policy? Yes. The proposed plan is consistent with the Residential Medium High policy which encourages densities within 9 to 20 units per acre in areas adjacent to existing development and with direct or good indirect access to a collector or arterial street. The SP plan proposes a density of 12 units per acre in an urban area where dense multi-family housing presently exists. The site also has good indirect access to Hillsboro Pike, an urban arterial and to Interstate 440. The proposed development, with its cottage-like design also fits within the context of the surrounding area which is predominantly residential in character. Parcels immediately adjacent to this site include single-family and high density multi-family uses.

PLAN DETAILS The site plan has been designed to accommodate 8 single-family units on 0.67 acres. Three units will front Lombardy Avenue, while the other five units will be constructed internal to the site and front a courtyard or open space area. Each unit will have vehicular access from the rear.

Access/Parking The plan proposes access to the site by a private driveway that will intersect Lombardy Avenue. The pavement width is planned to be 24 feet providing for two-way traffic within the development. A 24 foot cross-access easement is also shown on the plan to provide a future connection to the east. Three parking spaces will accommodate visitor parking and each unit will contain a two car garage. A five-foot public sidewalk is planned along the frontage of Lombardy Avenue and will connect to a private four-foot sidewalk internal to the site.

Landscaping The plan illustrates new plantings and landscaping features around the perimeter and throughout the interior of the site. A landscaping buffer that measures from five to ten feet in width around the site will screen the units from the neighboring uses. Other landscaped areas include a gazebo and sitting area.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design may vary based on field conditions.
2. Modify discharge of underground detention to prohibit stormwater from discharge over the public sidewalk.

Typical/Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.8	4.63*	4	39	3	5

*Includes 25% duplex

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.8	N/A	8	77	6	9

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
--			+4	+38	+3	+4

STORMWATER RECOMMENDATION Preliminary SP approved

FIRE MARSHAL’S RECOMMENDATION Approved

NES RECOMMENDATION

1. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments).
2. Developer drawing should show any and all existing utilities easements on property.
3. 20-foot easement required across rear of property for existing overhead power line.
4. Developer must maintain access to existing NES overhead power line at rear of property. NES has conflicts with landscaping designs and 6 foot masonry wall at this location.
5. Developer needs to show power design on the Utility Plans. NES can meet with developer/engineer upon request to determine electrical service options for the future services of the new buildings.
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 property (over all plans).

METRO SCHOOL BOARD REPORT

Projected student generation 1Elementary 0Middle 0High

Schools Over/Under Capacity Students would attend Glendale Elementary School, Moore Middle School, and Hillsboro High School. All three schools have been identified as being over capacity by the Metro School Board. There is capacity within the cluster to accommodate elementary students and middle school students. The adjacent cluster would accommodate high school students. This information is based upon data from the school board last updated May 2008.

STAFF RECOMMENDATION Staff recommends approval with conditions of the request to rezone 0.67 acres from One and Two-Family Residential (R10) to Specific Plan (SP-R). The proposed single-family residential uses at a density of 12 units per acre are consistent with the intent of the Residential Medium High land use policy and are compatible with the surrounding residential character.

CONDITIONS

1. A corrected copy of the SP plan shall include a 10 foot landscaping buffer consisting of small maturing trees, understory trees not to exceed 10 feet in height and evergreen shrubs along the south property line
2. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
3. The requirements of NES must be met prior to or in conjunction with final site plan approval
4. The SP uses shall be limited to single-family residential uses.
5. 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 RM15 zoning district as of the date of the applicable request or application.
6. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

7. 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.

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

Mr. McLean asked that staff update their zoning code description books with information on cottage style developments.

Ms. Jean Dedman, 1907 Lombardy Avenue, spoke in opposition to the proposed development and submitted information to the Commission for the record.

Mr. Michael Red, 2013 Lombardy Avenue, spoke in opposition to the proposed development.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed development.

Ms. Kate Gannon, 1808 Stokes Lane, spoke in opposition to the proposed development.

Ms. Karla Bartholomew, 2000 Stokes Lane, spoke in opposition to the proposed development.

Mr. Luke Feely, 1808 Stokes Lane, spoke in opposition to the proposed development.

Mr. Clifton requested additional information on the structures located off Hillsboro Road.

Mr. McLean questioned the setback of those structures located off Lombardy in relation to those structures located on the corner of Hillsboro Pike.

Ms. Nedra Jones offered information on the setbacks as well as the required setbacks of the requested zoning.

Mr. Clifton acknowledged the use of smaller setbacks in relation to density. He then expressed issues with the density of the proposed development and its affect on the existing neighborhood. He questioned the types of developments that would be allowed under R10 zoning if the current proposal were denied.

Ms. Nedra Jones explained this concept to the Commission.

Mr. Bernhardt offered additional information on the subarea plan for this parcel and the difficult nature of utilizing R10 zoning on the subject parcel – as it is located near both higher density developments as well as single-family homes.

Mr. Gee questioned whether architectural standards were included in the SP.

Ms. Nedra Jones explained the information included in the application.

Mr. Gee spoke of the importance of maintaining quality developments located near right-of-ways. He questioned the overall level of detail required with SP applications. He then stated he was in support of the plan's concept and comfortable with the land use policy, however, reiterated his concern on the level of detail included in the proposal.

Mr. Gotto acknowledged the commitment made by Councilmember McGuire to continue community meetings on the development. He also spoke of the ability that Council has to amend an SP prior to its approval at third reading. He stated he would be supporting the development.

Ms. LeQuire acknowledged the difficult nature of the proposal in that the applicant was attempting to increase density while maintaining a balance with the existing neighborhood. She too agreed that additional design guidelines be included in the plan. She stated she would support the proposal.

Mr. Clifton acknowledged many of the comments made and he too expressed his concern on the lack of design guidelines included in the proposal. He suggested deferring the proposal so that additional design guidelines could be submitted and reviewed by the Commission.

Mr. Bernhardt explained that a Council bill for this proposal was not yet filed and due to the size of the December 11 agenda, he suggested the Commission defer the proposal to their first meeting in January.

There was a brief discussion on cottage style developments.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to close the public hearing and defer 2008SP-029U-10 to January 8, 2009, unless a Council Bill is requested, then the proposal would be deferred to December 11, 2008; to allow time for the councilmember to hold additional community meetings and so that architectural design guidelines can be added for Commission review. (7-0)

Resolution No. RS2008-231

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-029U-10 is **DEFERRED TO THE JANUARY 8, 2009, PLANNING COMMISSION MEETING unless council bill is requested, then defer to December 11, 2008, Planning Commission Meeting; Closed Public Hearing. (7-0)**”

X. PUBLIC HEARING: ZONING MAP AMENDMENTS

6. 2008Z-083G-06

Map: 114-00 Parcel: 186
Bellevue Community Plan
Council District 23 – Emily Evans
Staff Reviewer: Brian Sexton

A request to rezone from CL to R20 zoning property located at 566 Old Hickory Boulevard, approximately 1,100 feet south of Tolbert Road (1.97 acres), requested by Sherry Carney Rogers, owner.

Staff Recommendation: Disapprove R20 zoning within the Commercial Mixed Concentration land use policy area, but approve R20 zoning within the Natural Conservation land use policy area.

APPLICANT REQUEST - A request to rezone from Commercial Limited (CL) to One and Two-Family Residential (R20) zoning property located at 566 Old Hickory Boulevard, approximately 1,100 feet south of Tolbert Road (1.97 acres).

Existing Zoning

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

Proposed Zoning

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

BELLEVUE COMMUNITY PLAN

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

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

Consistent with Policy? No. The CMC policy calls for medium high to high density residential development of nine or more dwelling units per acre and the NCO policy calls for a density of one dwelling unit per two acres. The residential density of the R20 zoning district is 2.31 dwelling units per acre.

Analysis The CMC policy area covers approximately 1.5 acres of land fronting Old Hickory Boulevard. The NCO policy area covers approximately .47 acres of land fronting Tolbert Road. While the R20 zoning exceeds the low intensity called for in the NCO policy, it is closer to the policy than the current CL zoning. Staff recommends disapproval of the requested rezoning within CMC policy area, but approval of the request on the portion of the property within the NCO policy area.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market(851)	1.97	0.06	5,149	3800	345	270

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	1.97	0.60	51,487	2241	49	146

Typical Uses in Proposed Zoning District: R20

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.97	2.31	4	39	3	5

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
--			+46,339	-1520	-293	-119

STAFF RECOMMENDATION Staff recommends disapproval of R20 zoning within the CMC land use policy area, but approval of R20 zoning within the NCO land use policy area. The proposed R20 zoning district lacks the appropriate density needed to be consistent with CMC policy.

Mr. Sexton presented and stated that staff is recommending disapproval of R20 zoning within the Commercial Mixed Concentration land use policy area, but approval of R20 zoning within the Natural Conservation land use policy area.

Councilmember Evans gave a brief explanation for the zone change request. She spoke of the hardship incurred by the owner and requested that the Commission approve the request.

Ms. Beverly Leach Brown, 568 Old Hickory Boulevard, spoke in opposition to the requested zone change.

Mr. Bernhardt offered clarification on Ms. Brown’s request to deny the zone change.

Ms. Jones acknowledged the issue of the hardship mentioned, however, expressed concern with approving the request.

Ms. LeQuire requested clarification on split zoning in relation to staff’s recommendation.

Mr. Sexton explained that the suggested split zoning would comply with the existing land use policies in this area.

Mr. McLean questioned whether the staff recommendation would remedy the owner's hardship mentioned by Councilmember Evans.

Mr. Clifton acknowledged the concern of the owner, however, stated that from a planning perspective, he could not support the request.

Mr. Gotto requested further clarification on the staff's recommendation for split zoning.

Mr. Bernhardt explained this concept to the Commission.

Mr. Gotto explained the various reasons that he would be supporting the requested zone change.

Ms. LeQuire expressed her opposition in rezoning parcels for reasons unrelated to land use.

Ms. LeQuire moved and Ms. Jones seconded the motion, to disapprove the application for Zone Change 2008Z-083G-06. **(6-1) No Vote - Gotto**

Resolution No. RS2008-232

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-083G-06 is **DISAPPROVED. (6-1)**

The proposed R20 district is not consistent with the Bellevue Community Plan's Commercial Mixed Concentration policy which is intended for medium high to high density residential, and all types of retail trade and is not consistent with the Natural Conservation Policy which is intended for undeveloped areas environmental constraints and low density residential uses not exceeding one dwelling unit per acre may be appropriate."

7. 2008Z-084U-03

Map: 069-00 Parcels: Part of 074, 075
Bordeaux/Whites Creek Community Plan
Council District 1 – Lonnell Matthews, Jr.
Staff Reviewer: Jason Swaggart

A request to rezone from RS15 to AR2a (18.35 acres) and from AR2a to CS (3.2 acres) and IWD (18.6 acres) zoning a portion of properties located at 3952 Stewarts Lane and Stewarts Lane (unnumbered), approximately 1,725 feet south of Ashland City Highway (40.15 acres), requested by Dale & Associates, applicant, for Samara Farms LLC, owner.

Staff Recommendation: Disapprove the proposed change of 21.8 acres from AR2a to CS and IWD, but approve the proposed change of approximately 18.35 acres from RS15 to AR2a.

APPLICANT REQUEST - Agricultural/Residential (AR2a)

A request to rezone from Single-Family Residential (RS15) to (18.35 acres) and from Agricultural/Residential (AR2a) to Commercial Service (CS) (3.2 acres) and Industrial Warehousing/Distribution (IWD) (18.6 acres) zoning a portion of properties located at 3952 Stewarts Lane and Stewarts Lane (unnumbered), approximately 1,725 feet south of Ashland City Highway (40.15 acres).

Existing 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.

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.

Proposed Zoning

IWD District - Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

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

AR2a District - See description above.

BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY

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

Industrial (IN) IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with Policy? The 18.35 acres zoned RS15 and proposed for AR2a is consistent with the NCO policy. The 3.2 acres zoned AR2a and proposed for CS is not consistent with the NCO policy. The 18.6 acres zoned AR2a and proposed for IWD would allow uses that are called for in the IN policy, but the policy requires a design plan such as a PUD or UDO accompany the request or that an SP zoning district be requested. No design plan was included in this request.

PUBLIC WORKS RECOMMENDATION

Typical/Maximum Uses in Existing Zoning District: RS15

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	18.35	2.47	45	499	41	53

Typical/Maximum Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	21.55	0.5	10	96	8	11

Typical Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	18.35	0.5	9	87	7	10

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market(851)	3.2	0.04*	5,576	4116	374	293

*adjusted as per use

Maximum Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	3.2	0.60	83,635	3616	NA	223

Typical Uses in Proposed Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Small Warehouse (150)	18.35	0.170	135,885	674	62	64

Maximum Uses in Proposed Zoning District: IWD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	18.35	0.80	639,461	3172	288	301

STAFF RECOMMENDATION Staff recommends disapproval of the proposed change of 21.8 acres from AR2a to CS and IWD, but approval the proposed change of approximately 18.35 acres from RS15 to AR2a.

Mr. Swaggart presented and stated that staff is recommending disapproval of the proposed change of 3.2 acres from AR2a to CS, but approve the proposed change of approximately 18.35 acres from RS15 to AR2a and 18.6 acres from AR2a to IWD.

Mr. Dalton arrived at 5:25 p.m.

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed zone change request.

Mr. Matt Dawson, 161 West Kingston Springs Road, spoke in favor of the proposed zone change request.

Ms. LeQuire requested additional information on policies relating to parcels located in floodways and floodplains.

Ms. Jones acknowledged the issues associated with the request and questioned whether there was a policy in place that would recognize and assist those businesses that contain various components requiring different zoning guidelines.

Mr. Swaggart offered additional information on the uses of IWD in relation to the requested zone change.

Ms. LeQuire requested additional information on the requested CS portion of the parcel.

Mr. Swaggart explained this concept to the Commission.

Ms. Jones then questioned whether the IWD zoning, if granted, would allow the owner to continue to operate his business.

The Commission asked the applicant to clarify his intentions of his request.

Mr. Dawson, applicant, explained his request, in detail, to the Commission.

Ms. Jones questioned whether the applicant was requesting a subdivision of the property.

Mr. Swaggart offered that he was not aware of a request to subdivide the property and that he did not receive a plat.

Ms. Jones questioned the type of business located on the CS parcel north of the subject property.

Mr. Dawson, applicant, explained the business that was located on the parcel.

Mr. Dalton explained that he would not comment on the proposal due to his late arrival to the meeting.

Mr. Clifton asked that staff explain the policy issues associated with the CS portion of the proposal and their recommendation of disapproval.

Mr. Swaggart explained the policy issues to the Commission.

Mr. Bernhardt offered additional information on the policies related to this request.

Mr. Clifton spoke of the need to support multi-faceted businesses within the city and stated he would be in favor of approving the request as submitted by the applicant.

Mr. Tyler asked the applicant use the map currently displayed on the PowerPoint, and explain each portion of his request, including the type of business planned for each section.

Mr. Dawson, applicant, explained each portion of his request to the Commission.

Mr. Gee acknowledged the issue of rezoning parcels located in natural conservation overlays and questioned how parcels located in the overlays are defined during the community planning process.

Mr. Bernhardt explained this process to the Commission.

Mr. Gotto moved, and Mr. Clifton seconded the motion, to approve the applicant's request for Zone Change 2008Z-084U-03. **(7-0-1) Abstain - Dalton**

Resolution No. RS2008-233

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-084U-03 is **APPROVED. (7-0-1)**

The proposed IWD and AR2a are both consistent with the Bordeaux Whites Creek Community Plan's Natural Conservation and Industrial policies. While the proposed CS district is not consistent with the Natural Conservation policy it is consistent with the adjacent zoning and the proposed CS district also provides for flood plain protection.”

The Commission recessed at 5:55 p.m.

The Commission resumed at 6:10 p.m.

Councilmember Berry requested that the Commission defer Item #8, 2008IN-002U-08, Fisk University Institutional Overlay to the January 22, 2009, meeting to allow additional time for the applicants to meet with affected property owners and area residents.

8. 2008IN-002U-08

Fisk University Institutional Overlay

Map: 092-03 Parcels: Various

Map: 092-04 Parcels: Various

Map: 081-150 Parcels: Various

Map: 092-08 Parcel: 001

North Nashville Community Plan

Council District 19 – Erica Gilmore

Staff Reviewer: Bob Leeman

A request to apply an Institutional Overlay District to Fisk University located east of Dr. D.B. Todd Boulevard, along 16th

Avenue North, 17th Avenue North, Herman Street, Jackson Street, Jefferson Street, Meharry Boulevard, and Phillips Street (44.23 acres), zoned RM20 and within the Jefferson Street Redevelopment District, to identify the existing campus boundaries and future university planning efforts, requested by Councilmember Megan Barry for various owners, and Tuck-Hinton Architects, applicant, for Fisk University, owner, and various other owners.

Staff Recommendation: Approve with conditions

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

Mr. Dan Lane spoke in opposition to the institutional overlay and requested its deferral.

Ms. Mary Roskilly, 410 Elm Street, spoke in favor of the institutional overlay.

Mr. William Coleman, 1712 Jefferson Street, spoke in opposition to the institutional overlay.

Ms. Marie Williams, 410 Elm Street, spoke in favor of the institutional overlay.

Mr. Gotto moved and Ms. LeQuire seconded the motion, which passed unanimously to keep the public hearing open and to defer 2008IN-002U-08, Fisk University Institutional Overlay, to January 22, 2009, as requested by the applicant. **(8-0)**

Resolution No. RS2008-234

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008IN-002U-08 is DEFERRED TO THE JANUARY 22, 2009, PLANNING COMMISSION MEETING; Public Hearing is kept open. (8-0)”

9. 96P-007G-12

Banbury Crossing (Pud Cancellation)
Map: 172-09-0- A Parcel: Part of 098
Southeast Community Plan
Council District 31 – Parker Toler
Staff Reviewer: Brian Sexton

A request to cancel a portion of the Banbury Crossing Planned Unit Residential Development district located on a portion of property at 5999 Edmondson Pike, approximately 180 feet north of Mt. Pisgah Road, zoned R40, (4.2 acres), requested by Kathy Harriman, owner.

Staff Recommendation: Approve

APPLICANT REQUEST -Cancel PUD

A request to cancel a portion of the Banbury Crossing Planned Unit Residential Development district located on a portion of property at 5999 Edmondson Pike, approximately 180 feet north of Mt. Pisgah Road, zoned One and Two-Family Residential (R40), (4.2 acres).

Existing Zoning

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

Residential PUD A residential PUD overlay was applied to these properties in July 1996 to permit the development of 190 single-family lots. There have been several revisions made to the PUD. The last revision was approved on August 20, 1998, to permit the development of 4 single-family lots.

DONELSON HERMITAGE COMMUNITY PLAN

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

Consistent with policy? RLM policy calls for a residential density of two to four dwelling units per acre. Removal of the residential PUD overlay on this site would revert to the base zoning district of One and Two-Family Residential (R40). While this is slightly less dense than the policy calls for, the cancellation of the PUD will not increase residential density and will not preclude this property from being rezoned in the future to be consistent with the RLM policy.

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

STAFF RECOMMENDATION Staff recommends approval of the request to cancel the Banbury Crossing PUD. The cancellation of the PUD will not increase residential density and will not preclude this property from being rezoned in the future to be consistent with the RLM policy.

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

Mr. William Kimbro, 5997 Edmondson Pike, expressed issues with the proposed development.

Ms. Kathy Harriman, 5999 Edmondson Pike, spoke in favor of the proposed development.

Mr. Clifton briefly summarized the requested PUD cancellation and the outcomes if approved.

Ms. Jones questioned whether the open space located on the parcel would remain open space.

Mr. Bernhardt explained that it would remain open space until it was rezoned by Council.

Ms. LeQuire too expressed concern with the open space included in the PUD and questioned whether there was restrictive language protecting its uses.

Mr. Bernhardt explained that the PUD contains language that designates the land as open space.

Mr. Sexton offered additional information on the open space included in the PUD.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously to approve 96P-007G-12, Banbury Crossing, PUD Cancellation **(8-0)**

Resolution No. RS2008-235

“BE IT RESOLVED by The Metropolitan Planning Commission that 96P-007G-12 is **APPROVED. (8-0)**

Since the base zoning district is R40, the cancellation of the PUD will not allow for a density that is over the area’s Residential Low Medium policy that is called for in the Donelson Hermitage Community Plan.”

XI. PUBLIC HEARING: CONCEPT PLANS

- 10. 2008S-165G-02**
3465 Dickerson Road
Map: 050-00 Parcel: 075
Parkwood/Union Hill Community Plan
Council District 4 – Michael Craddock
Staff Reviewer: Brenda Bernards

A request for concept plan approval to create eight lots on property located at 3465 Dickerson Pike, approximately 1,400 north of Briley Parkway (23.68 acres), zoned CS, requested by Skyline Commercial Properties LLC, owner, Barge Cauthen & Associates, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create eight lots on property located at 3465 Dickerson Pike, approximately 1,400 north of Briley Parkway (23.68 acres), zoned Commercial Service (CS).

ZONING

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

SUBDIVISION DETAILS The concept plan proposes eight commercial lots at 3465 Dickerson Pike. Five lots are to front onto Dickerson Pike with three larger lots accessed from private drives. Access onto the site will be from two points along Dickerson Pike. Both will line up with driveways across the street with the southern access at the signalized driveway of the Nashville Commons development.

Public sidewalks are proposed along Dickerson Pike and private sidewalks are proposed along the private drives that serve the eight lots. In addition, a four foot bicycle lane is shown along Dickerson Pike, consistent with the Strategic Plan for Sidewalks & Bikeways.

Taylor-O’Connell Cemetery There is an existing cemetery on the property. The Taylor O’Connell cemetery will remain. An access easement is shown on the plan but a ten foot buffer around the gravesites is required under Tennessee Code 46-8-103 and will need to be shown on the development plan and final plat.

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.

Along Dickerson Pike, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Locate sidewalks within the public right of way / dedicate right of way.

Along Dickerson Pike construct bike lanes, consistent with the Strategic Plan for Sidewalks & Bikeways. If you have any questions or need any additional information, please let me know.

No direct access to Dickerson Pike will be permitted from any proposed out parcel. All access to Dickerson Pike shall limited to the proposed center and northernmost access drives.

Align proposed northernmost drive with existing commercial driveway on the west side of Dickerson Pike. Remove the island shown in this driveway.

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

1. Construct additional 3rd NB thru lane on Dickerson Pike along project frontage from Skyline medical Center and terminate just north of northernmost access drive with transitions and signage per AASHTO/MUTCD/TDOT standards.
2. Construct the northernmost site access drive at Dickerson Pike with one entering and two exiting lanes (LT and RT).
3. At Dickerson Pike and the Nashville Commons signalized access at the southern access drive: modify eastbound approach from Nashville Commons to provide a left turn lane a shared lane for left and thru traffic and a right turn lane.
4. At Dickerson Pike and Nashville Commons signalized access at the southern access drive, construct an exclusive northbound right turn lane with 100 ft of storage and transitions per AASHTO/MUTCD standards.
5. Southern access drive should provide 4 lanes that include 3 exiting lanes (dual left turn lanes and a shared lane for thru and right turns) and 1 entering lane.
6. Provide a bus shelter on-site. Coordinate the location with MTA.

STORMWATER RECOMMENDATION Approved

NES RECOMMENDATION

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) 20-foot public utility easement required adjacent to public r-o-w and 20 foot PUE adjacent to the private drive. Make drainage and common open space areas should be a public utility easement.
- 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 to Metro r-o-w that Public Works will 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 (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).
- 7) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 8) Developer shall work with the NES Vegetation Management Section if NES has to build ovhd distributions lines for serve.

FIRE MARSHAL RECOMMENDATION Reviewed

- Show all fire hydrant(s) flow data or the proposed fire hydrant(s) flow data on plans or the fire hydrant with the highest elevation and the most remote in the development.
- All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
- All roadways with two way traffic shall comply with public works minimum requirements.
- 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.
- More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- 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.
- The turning radius of a fire department access road shall be 25' inside and 50' outside.
- Fire Hydrants shall be in-service before any combustible material is brought on site.
- All new construction shall be protected by a fire hydrant(s) that comply with the 2006 edition of NFPA 1 table H.
- 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.
- Access to each property shall be from a public access way or property controlled by the property owner w/out crossing other property owner's property lines to reach the property unless an easement.

STAFF RECOMMENDATION The 3465 Dickerson Road Concept Plan meets the requirements of the Subdivision Regulations and staff recommends the request be approved with conditions.

CONDITIONS

1. The development plan and final plat shall include a ten foot buffer around the gravesites as required by Tennessee Code 46-8-103.
2. The development plan shall comply with the requirements of the Fire Marshal as identified in the staff report.
3. The development plans shall comply with the requirements of the Public Works Department.

Approved with conditions, **(6-0-1) Consent Agenda**

Resolution No. RS2008-236

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-165G-02 is **APPROVED WITH CONDITIONS. (6-0-1)**

Conditions of Approval:

1. The development plan and final plat shall include a ten foot buffer around the gravesites as required by Tennessee Code 46-8-103.
2. The development plan shall comply with the requirements of the Fire Marshal as identified in the staff report.
3. The development plans shall comply with the requirements of the Public Works Department.”

11. 2008S-175U-13

Alicia Lane Subdivision
Map: 150-00 Parcel: 018
Antioch/Priest Lake Community Plan
Council District 29 – Vivian Wilhoite
Staff Reviewer: Nedra Jones

A request for concept plan approval to create two open space lots and to dedicate right-of-way connecting to Anderson Road on property located at 3166 Anderson Road, approximately 330 feet west of Towne Village Road (1.0 acres), zoned AR2a and R10, requested by Larry Hall, owner, Dale & Associates, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create two open space lots and to dedicate right-of-way connecting to Anderson Road on property located at 3166 Anderson Road, approximately 330 feet west of Towne Village Road (1.0 acres), zoned Agricultural Residential (AR2a) and One and Two Family Residential (R10).

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 non-urban land use policies of the general plan.

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

SUBDIVISION DETAILS The concept plan proposes to create two open space lots and to dedicate 50 feet of right-of-way for the extension of Alicia Lane. The open space lots are designated as non-buildable lots. Lot 1 consists of 0.10 acres and Lot 2 totals 0.66 acres. The eastern boundary of Lot 2 lies within the floodplain and a 75 foot buffer is provided to preserve the natural state of the floodplain.

Access/Street Connectivity The concept plan proposes the construction of 50 feet of right-of-way to extend Alicia Lane south to Anderson Road. The extension of Alicia Lane will provide additional access for The Park at Priest Lake Subdivision which is immediately north of the site. Five-foot sidewalks are proposed within the right-of-way on both sides of the street and will extend to the property’s frontage along Anderson Road.

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

STAFF RECOMMENDATION Staff recommends conditional approval of the concept plan to create two open space lots and dedicate right of way.

CONDITIONS

1. All development plans shall comply with the design regulations established by the Department of Public Works.
2. 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, **(6-0-1) Consent Agenda**

Resolution No. RS2008-237

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-175U-13 is **APPROVED WITH CONDITIONS. (6-0-1)**

Conditions of Approval:

1. All development plans shall comply with the design regulations established by the Department of Public Works.
2. 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

12. 2008S-169G-14

Hermitage Estates, Resub. Lots 177 & Reserve Parcel 'A'
Map: 075-10 Parcels: 142, 192
Donelson/Hermitage/Old Hickory Community Plan
Council District 11 – Darren Jernigan
Staff Reviewer: Brenda Bernards

A request for final plat approval to create one lot and remove the reserve status from a parcel located at 8304 Terry Lane and Terry Lane (unnumbered), approximately 160 feet north of Tyler Drive (0.29 acres), zoned RS10, requested by Lisa Benedict, owner, James Terry & Associates, surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST - Final Plat

A request for final plat approval to create one lot and remove the reserve status from a parcel located at 8304 Terry Lane and Terry Lane (unnumbered), approximately 160 feet north of Tyler Drive (0.29 acres), zoned Single-Family Residential RS10.

ZONING

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

SUBDIVISION DETAIL The purpose of this subdivision is to remove the reserve parcel status on a parcel and to combine that parcel with an existing lot in order to create one buildable lot. A number of reserve parcels were included in the original platting of Hermitage Estates. A note on the plat indicated that these were to not be used as building sites until approved by the Planning Commission.

Section 2-9.1.b of the Subdivision Regulations requires that the removal of the reserve status on a parcel be approved by the Planning Commission except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel. There is no explanation provided on the original plat as to why this parcel has been designated as reserved.

The applicant is requesting that the reserve status be removed from Parcel A. While this parcel does not have street frontage, it is being combined with Lot 177, which fronts onto Terry Lane to create one lot with street frontage.

PUBLIC WORKS RECOMMENDATION No exception taken.

STORMWATER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION Approved

FIRE MARSHAL RECOMMENDATION Ignore; no comments at this time

STAFF RECOMMENDATION Staff recommends approval of the request to remove the reserve parcel status and to combine the parcel with an exiting lot to create one buildable lot.

Approved, (6-0-1) *Consent Agenda*

Resolution No. RS2008-238

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-169G-14 is **APPROVED. (6-0-1)**”

XIII. PUBLIC HEARING: REVISED SITE PLANS

13. Removed from the Agenda

14. 89P-022U-10
Melrose PUD (Gale Park Revision #1)
Map: 118-06 Parcels: 162
Green Hills/Midtown Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for grading only for (Phase 1) a portion of the Melrose Planned Unit Development Overlay located at Gale Lane (unnumbered), approximately 150 feet east of Vaulx Lane (6.95 acres), zoned MUL, to permit the development of 16 townhomes, 62 single-family dwelling units, and 13 flats for a total of 91 units where 96 dwelling units were previously approved, and to allow for site grading, requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant, for L5 Development, LLC, owner.

Staff Recommendation: Approval with conditions. Prior to approval of the final site plan for the construction of any residential unit or commercial space, or the issuance of any building permits, comments from the Fire Marshal’s office must be addressed.

APPLICANT REQUEST - Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for grading only for a portion of the Melrose Planned Unit Development Overlay located at Gale Lane (unnumbered), approximately 150 feet east of Vaulx Lane (6.95 acres), zoned Mixed Use Limited (MUL), to permit 4,200 square feet of commercial space, 16 townhomes, 62 single-family (cottage) units, and 13 flats.

Zoning

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

PLAN DETAILS -This application is to revise the last approved preliminary plan and for final approval for grading. Approval will not allow for any development, but will allow for grading only. Prior to any development a final site plan must be approved by the Planning Commission.

Preliminary Plan The Melrose PUD was originally a commercial development that was approved in 1989. The PUD was amended to allow for residential uses in 2007. The amendment, which included this portion of the PUD, was approved for 4,200 square feet of retail and restaurant uses and 96 residential units consisting of 33 attached townhomes, 5 flats over retail, and 58 detached single-family townhomes.

Revised Site Plan The revised site plan calls for 4,200 square feet of commercial space and 91 residential units. Residential units consist of 16 townhomes, 62 single-family (cottage) units, and 13 flats. The overall residential density will be approximately 13 units per acre, with a total floor area of 143,214 square feet. The development will be constructed in three phases. Phase 1 will consist of mass grading which is requested with this application. Phase 2 will consist of 53 units and the retail building, and Phase 3 will consist of 38 units.

Units along Gale Lane are oriented towards Gale Lane, with parking located at the rear of the units. Interior units front on small public greens. Sidewalks are shown on the plan and will provide for efficient pedestrian movement within the development and to adjacent streets.

Access to all the residential units and the commercial area will be provided from private drives. Access into the development will be provided from two locations. One main access point will be from Gale Lane, and the secondary access point will be from the commercial portion of the PUD to the east.

The PUD is within the Urban Zoning Overlay (UZO) and would require a total of 130 parking spaces. The plan calls for 231 parking spaces and is in compliance with Metro parking requirements.

Staff Analysis The proposed revised site plan is consistent with the concept and general layout of the last plan approved by Council, and meets current zoning requirements. Revisions include minor shifts in the number of unit types and the reduction in the number of total residential units, as well as minor revisions to the interior layout. An additional revision includes the removal of a vehicular access point off of Gale Lane. While this revision could be considered major due to its potential impact on access, sufficient access is retained and access has been approved by Public Works. A sidewalk connection is shown where the drive was originally located. Since the revisions do not alter the concept or general layout of the plan last approved by Council, no Council action is required.

PUBLIC WORKS RECOMMENDATION All Public Work's design standards shall be met prior to any final approvals and permit issuance. Final design may vary based on field conditions.

STORMWATER RECOMMENDATION Approved with conditions:

- Water quality units placed in series is not acceptable.

FIRE MARSHAL RECOMMENDATION Pending

1. A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
2. Before a plat for 1 or 2 family construction can be approved mains, fire hydrants, the proposed flow from the hydrant with the highest elevation and most remote in this project shall all be shown on plans also street access and topographic elevations.
3. The turning radius of a fire department access road shall be 25' inside and 50' outside.
4. Fire hydrant(s) shall comply with 2006 edition of NFPA 1 table H.
5. 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.
6. Fire Hydrants shall be in-service before any combustible material is brought on site.
7. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.

STAFF RECOMMENDATION Staff recommends approval with conditions. Prior to the approval of the final site plan or the issuance of any building permits for the construction of any residential unit or commercial space, comments from the Fire Marshal's office must be addressed.

CONDITIONS

1. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
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, including the condition that prior to approval of the final site plan for the construction of any residential unit or commercial space, or the issuance of any building permits, comments from the Fire Marshal's office must be addressed. **(6-0-1) Consent Agenda**

Resolution No. RS2008-239

“BE IT RESOLVED by The Metropolitan Planning Commission that 89P-022U-10 is **APPROVED WITH CONDITIONS.**
(6-0-1)”

Conditions of Approval:

1. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
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.”

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- 15. 2003P-010U-07**
Jardin De Belle (formerly Belle Park)
Map: 130-13-0-A Parcels:various
West Nashville Community Plan
Council District 34 – Carter Todd
Staff Reviewer: Bob Leeman

A request to revise the preliminary plan and for final approval in the Jardin de Belle Planned Unit Development (PUD) district located between Page Road and Maybelle Lane to reduce the overall number of lots from 34 single-family lots to 30 single-family lots, requested by Littlejohn Engineering Associates Inc., applicant, for Deer Creek Construction Inc., Susan Michael, W. Hugh Nelson Builders LLC, Elizabeth and William Minkoff, Csaba Rusznak, Marta Papp, Charles Rogan Allen, Thomas L. Black, owners.

Staff Recommendation: Approval with conditions, including a condition that all new construction will be required to be sprinkled with an NFPA (National Fire Protection Association) 13R system in lieu of the required water supply per NFPA table H in the 2006 version of the Uniform Fire Code. Additionally, these systems shall be monitored by an alarm company.

APPLICANT REQUEST -Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final approval for a residential Planned Unit Development district located between Page Road and Maybelle Lane to reduce the overall number of lots from 34 single-family lots to 30 single-family lots.

PLAN DETAILS The proposed plan reduces the overall number of lots within the PUD from 34 to 30 single-family lots, while still maintaining the requirements of the PUD for a “Charleston Style” development. The proposed plan combines lots in areas where owners were having difficulty developing the homes due to large trees that are required to be protected and because lots were too small, in some instances, to develop side entry garages as is encouraged under a Charleston Style development. The proposed revision also maintains the requirement for the review and approval of all building plans by the Architectural Review Committee and Metro Planning Department for compliance with the original intent of the PUD, and review of a tree maintenance plan prior to the issuance of building permits.

History The preliminary PUD plan was approved by the Planning Commission in November 2003, and the Metro Council in January 2004. The approved PUD included 34 single-family lots consisting of a mix of Charleston-style houses. Every lot was proposed to have either rear access or side access leading to a rear-located garage / carriage house. The plan includes a private street for ingress and egress from Forrest Park Drive. A condition of the approval of the PUD was that many of the existing trees on the site were to remain. A tree Maintenance Plan was subsequently adopted by the Planning Commission after many trees were removed during the initial installation of infrastructure.

The tree maintenance plan included the following steps:

- Re-establish the tree-save fencing on the designated trees to be preserved prior to the issuance of any building permit. The fencing shall be installed per Metro standards in the location designated as “construction phase tree protection fencing” on the final PUD plan. It shall be agreeable to leave an opening in the tree protection fencing to allow for continued maintenance of these areas.
- The Architectural Review Committee (ARC) as established by the covenants and restrictions shall serve in the role of interfacing with the homebuilders to communicate the requirements of the tree preservation maintenance program. When architectural plans are submitted to the ARC for lots containing preservation trees, the ARC shall have a certified arborist review the building plans and develop specific tree maintenance recommendations to be performed by the homebuilder. The arborist’s recommendations will then be incorporated as a part of the ARC’s plan approval for that particular lot. The homebuilder/lot owner would then contract with a certified arborist to have these measures implemented. The homeowner shall perform these measures in accordance with the approved tree preservation recommendations or the ARC shall implement their authority to have the measures performed in accordance with the provisions of the covenants and restrictions.
- Trees planted as a compensatory measure for displaced or damaged preservation trees shall be maintained by the developer’s property manager until such time that a homeowner purchases a lot containing such tree(s). The responsibility shall transfer to the homeowner at the juncture when a building plan application is filed with the ARC or when a period of two years expires from the time of planting for the replacement tree(s).
- If any Preservation or Replacement trees die, the tree shall be replaced with a tree of similar size up to a maximum of 6” caliper size within a period of 90 days. This time frame shall apply with the exception of times of the year when trees are not being dug due to drought or mid-winter conditions.

Variations This plan also includes all of the variations that were originally approved by the Planning Commission and the Board of Zoning Appeals under BZA Case No. 2004-048. The Zoning Administrator has indicated that the variations within the PUD run with the land, not with the original lot layout. The variations that were granted were for: front setbacks, side setbacks, rear setbacks, perimeter lot size, maximum building coverage, buffer yard design requirements, height and setback requirements for perimeter walls and columns, and, allowable building height for accessory structures.

Council Conditions The proposed revision will also be conditioned upon meeting the conditions included in the original Council Ordinance BL2003-91.

METRO PUBLIC WORKS RECOMMENDATION No exception taken.

METRO FIRE MARSHAL RECOMMENDATION Denied. We are not approving this project because of the low water pressure from the Fire Hydrants in that area.

- Due to new information about this project it will be rejected. Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.
- A fire hydrant shall be provided within 100' of the fire department connection.
- 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. More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed.
- Fire Hydrant flow data shall be printed on the plans for the fire hydrant(s) used to protect new construction for this project.
- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds.
- Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

STORMWATER RECOMMENDATION Approved.

STAFF RECOMMENDATION Staff recommends disapproval, however, if the Fire Marshal has approved the plan prior to the Planning Commission meeting, staff recommends approval with conditions.

CONDITIONS

1. The Tree Maintenance Plan outlined above shall apply to all future construction activity. The mitigation and maintenance plan shall not void any previous conditions of approval not related to landscaping.
2. All conditions of Council Ordinance BL2003-91 are applicable and shall be enforced.
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. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

7. 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.
8. 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.
9. 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, including a condition that all new construction will be required to be sprinkled with an NFPA (National Fire Protection Association) 13R system in lieu of the required water supply per NFPA table H in the 2006 version of the Uniform Fire Code. Additionally, these systems shall be monitored by an alarm company, **(6-0-1) Consent Agenda**

Resolution No. RS2008-240

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003P-010U-07 is **APPROVED WITH CONDITIONS, including a condition that all new construction will be required to be sprinkled with an NFPA (National Fire Protection Association) 13R system in lieu of the required water supply per NFPA table H in the 2006 version of the Uniform Fire Code. Additionally, these systems shall be monitored by an alarm company. (6-0-1)**

Conditions of Approval:

1. The Tree Maintenance Plan outlined above shall apply to all future construction activity. The mitigation and maintenance plan shall not void any previous conditions of approval not related to landscaping.
2. All conditions of Council Ordinance BL2003-91 are applicable and shall be enforced.
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. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. 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.
8. 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.
9. 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."

XIV. OTHER BUSINESS

16. A resolution to authorize the expenditure of up to \$20,000 to provide specific technical assistance to staff in the development of a Form-Based Code for Downtown Nashville, meant to supersede (either entirely or in part) the present zoning ordinance and land development regulations that apply to the Downtown Community (sub-area 9 boundary).

Mr. Gotto questioned if Metro was funding the \$20,000 for the study.

Mr. Bernhardt explained that Section 614 of the Metro Charter, sets aside \$50,000 for the Planning Commission to conduct studies, and that this request required adoption by the Commission.

Mr. Gotto moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the resolution to authorize the expenditure of \$20,000 to provide specific technical assistance to staff in the development of a Form-Based Code for Downtown Nashville. **(8-0)**

Resolution No. RS2008-241

"BE IT RESOLVED by The Metropolitan Planning Commission that the resolution to authorize the expenditure of up to \$20,000 to provide specific technical assistance to staff in the development of a Form-Based Code for Downtown Nashville is **APPROVED. (8-0)**"

17. A resolution to authorize the expenditure of up to \$80,000, with funding provided by the applicant for the May Town Center SP proposal, to provide for the study of the economic impacts and traffic/transportation impacts of implementing the Alternative Development Area Policy in Bells Bend (Bordeaux/Whites Creek Community, Subarea 3).

Approved, **(6-0-1)** *Consent Agenda*

Resolution No. RS2008-242

"BE IT RESOLVED by The Metropolitan Planning Commission that expenditure of up to \$80,000 with funding provided by the applicant for the May Town Center SP proposal is **APPROVED. (6-0-1)**"

18. Employee contract renewals for Jennifer Carlat and Felix Castrodad

Approved, **(6-0-1)** *Consent Agenda*

19. Executive Director Reports

Mr. Bernhardt requested comments from the Commissioners on the methods currently used to relay messages from constituents on agenda items. Present practice includes printing out and copying all e-mails addressed to the Commission, and providing these copies to them at their 4:00 p.m. meeting. He questioned if they would be interested in receiving the comments via e-mail, which would allow additional time for their review, as well as lower the printing costs.

Ms. Jones commented that the Commission does not have enough time to read all of the materials that are given to them, prior to each meeting.

Mr. Clifton stated he preferred receiving information via e-mail as long as they are received in a timely fashion. He spoke of the importance of the community being able to communicate with commission and board members and preferred to receive them as soon as they are sent to the office.

Mr. Bernhardt acknowledged Mr. Clifton's request and explained that staff will encourage constituents to forward their e-mails to staff so that a public record can be kept, and then staff will forward them on to the Commission.

Mr. Gee suggested bundling the e-mails as opposed to sending individual messages as they are received.

Mr. Gotto suggested possibly creating a repository on the website so that the Commission could view them as they are received.

Mr. Bernhardt offered that staff will work on a method that would accommodate the Commission's request.

Mr. Bernhardt then presented the plans on the new Howard School Building currently under construction which is scheduled to be completed in July of 2010.

a. Budget Adjustments

Mr. Bernhardt presented the FY09 Budget Reversion Work to the Commission.

Mr. McLean requested that Mr. Bernhardt prepare an organizational chart that lists employee names, as well as a brief description on the duties of each department.

b. Work Program

Mr. Bernhardt presented the Planning Department's 2008-09 Work Plan.

Mr. McLean suggested that the Affordable Housing Plan mentioned should be renamed to Affordable/Workforce Housing Plan. He also suggested that the Commission hold an Informal Work Session to discuss ideas and ways to develop an Affordable/Workforce Housing Plan and the importance of moving this work plan to a higher priority due to the commitment of various Councilmembers wanting to develop and implement a plan.

Mr. Gee suggested that the Commission hold an Informal Work Session so that the Commission could discuss Form Based Codes and its implementation in the downtown area.

c. Bond Performance Agreement Review

Mr. Bernhardt and Mr. Kleinfelter presented Bond Performance Agreement information to the Commission.

d. Consultant Feedback

Mr. Bernhardt was asked to present information on his consultant work to the Commission.


20. Legislative Update

XIV. ADJOURNMENT

The meeting adjourned at 7:45 p.m.

Chairman

Secretary

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