



**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**

January 8, 2009

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Tonya Jones
Hunter Gee
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
Jason Swaggart, Planner II
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Brian Sexton, Planner I
Steve Mishu, Metro Water
Jonathon Honeycutt, Public Works

Commission members absent:

Derrick Dalton

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

I. CALL TO ORDER

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

Mr. McLean read the Planning Commissioner's mission statement to the audience.

II. ADOPTION OF AGENDA

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

III. APPROVAL OF DECEMBER 11, 2008, MINUTES

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the December 11, 2008, minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Coleman acknowledged that Item #12, 2009S-003-001, Rivendell Woods was scheduled to be deferred indefinitely and briefly spoke of its outstanding issues. He stated he was in favor of its deferral as this action would allow additional time for the developers to meet with the community members to update them on the project.

Councilmember Hodge addressed the Commission on Item #10, 2009Z-003PR-001. He presented a brief slideshow to the Commission which displayed various photographs of the area and spoke in favor of approving the proposed development. He acknowledged that staff's recommendation was disapprove, however, explained that he and the neighbors were in support of the project and requested its approval.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

2. 2008CP-009-010 A request to amend the Green Hills-Midtown Community Plan: 2005 Update by changing from Residential Low Density to T3 Suburban Neighborhood Center policy for land located at the southeast quadrant of the intersection of Hillsboro Pike and Old Hickory Boulevard – withdrawn at the request of the applicant.
3. 2008SP-028G-10 A request to change from R40 to SP-MNR zoning property located at Hillsboro Pike, at the southeast corner of Old Hickory Boulevard and Hillsboro Pike, to permit the development of an office and/or commercial development – withdrawn at the request of the applicant.
7. 2009Z-001PR-001 A request to change from SCN to CS zoning property located within a Commercial Planned Unit Development at Moormans Arm Road, at the northwest corner of Moormans Arm Road and Whites Creek Pike – deferred to January 22, 2009 at the request of the applicant.
8. 8-65P-001 A request to amend a portion of the Commercial Planned Unit Development located at Moormans Arm Road, at the northwest corner of Moormans Arm Road and Whites Creek Pike to permit 900 square feet of office, and 47, 572 square feet of self-storage uses deferred to January 22, 2009 at the request of the applicant.
12. 2009S-003-001 A request to revise a previously approved preliminary plat for 408 single-family lots and now proposed for 243 single-family lots with different lot, open space, and public right-of-way configurations located at 765 Preston Road and Preston Road deferred indefinitely at the request of the applicant.
14. 74-79P-001 A request to revise the preliminary plan and for final approval for a portion of the Nashboro Village Planned Unit Development located at 3040 Glencrest Drive, approximately 1,000 feet east of Murfreesboro Pike, zoned R10, to remove a connection of a private drive across the Colonial Pipeline gas line easement – deferred to January 22, 2009 at the request of the applicant.

Ms. Jones arrived at 4:10 p.m.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously to approve the Deferred and Withdrawn items as presented. (8-0)

Ms. Hammond read the following statement to the audience. "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 SPECIFIC PLANS

5. 2009SP-001-001 A request to change from CN to SP-C zoning properties located at 7860 Learning Lane and 8236 Collins Road, to permit a 15,824 square foot day care center for up to 175 children. -Approve w/conditions

ZONING MAP AMENDMENTS

6. 2008Z-094U-03 A request to rezone from AR2a and CS to IWD zoning a portion of property located at 4032 Stewarts Lane. -Approve

FINAL PLATS

13. 2009S-005-001 A request for final plat approval to create two lots on property located at 1600 Long Avenue, at the southeast corner of Long Avenue and S. 16th Street.

- Approve, including an exception to the lot comparability requirements of the Subdivision Regulations.

OTHER BUSINESS

15. Employee contract renewal for Craig Owensby. -Approve

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously to adopt the Consent Agenda as amended. (8-0)

VII. ITEMS PREVIOUSLY DEFERRED

1. **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 (0.67 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.

This item was deferred from the November 13, 2008, Planning Commission meeting to allow more detailed discussions about the proposed project between the applicant and the neighbors. The applicant has since provided a list of architectural standards along with front and side elevations for the proposed housing 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 Lombary Court, 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 Lombary 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.

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 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity The proposed development is projected to generate no new students. If the development generated any new students, they 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 June 2008.

STAFF RECOMMENDATION 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 at maturity 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 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 conditional approval 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.

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

Mr. Ponder spoke in favor of staff's recommendation to approve the request.

Mr. Gotto expressed concerns with the proposal and mentioned its lack of community support. He spoke of the already congested traffic located in this area and suggested that roadway improvements be made prior to approving additional developments. He also commented that the development would not be in character with the rest of the neighborhood.

Dr. Cummings arrived at 4:19 p.m.

Mr. Gee acknowledged the architectural information submitted and spoke in favor of the design of the development. He also commented on the traffic located in this area however acknowledged that the development is consistent with the subarea plan and spoke in favor of its approval.

Dr. Cummings spoke in support of the proposed development.

Mr. Clifton expressed concerns with density of the development as well as the change it would bring to this area. He then requested additional information on the cottage style units included in the proposal.

Mr. Leeman provided additional information on the design elements of the proposal.

Mr. Bernhardt offered additional information on cottage-style developments in relation to the Metro Code.

Mr. Ponder moved and Ms. LeQuire seconded the motion, to approve with conditions Zone Change 2008SP-029U-10. **(7-2)**
No Votes – Clifton, Gotto

Resolution No. RS2008-258

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-029U-10 is **APPROVED WITH CONDITIONS. (7-2)**

Conditions of Approval:

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 at maturity 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 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 conditional approval 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.

The proposed SP-R is consistent with the Green Hills/Midtown Community Plan’s Residential Medium High policy which calls for a density between 9 and 20 units per acre, and will provide an appropriate buffer between the higher density uses to the west and lower density uses to the east.”

VIII. PUBLIC HEARING: COMMUNITY PLANS

2. **2008CP-009-010**
Green Hills/Midtown Community Plan Amendment
Council District 34 – Carter Todd
Staff Reviewer: Bob Eadler

A request to amend the Green Hills-Midtown Community Plan: 2005 Update by changing from Residential Low Density to T3 Suburban Neighborhood Center policy for land located at the southeast quadrant of the intersection of Hillsboro Pike and Old Hickory Boulevard. (See also proposal 2008SP-028G-10).

Staff Recommendation: Disapprove

The Metropolitan Planning Commission WITHDREW Community Plan Amendment 2008CP-009-010 at the request of the applicant. (8-0)

IX. PUBLIC HEARING: SPECIFIC PLANS

3. **2008SP-028G-10**
Hillsboro Park
Map: 158-00 Parcel: 130
Green Hills/Midtown Community Plan
Council District 34 – Carter Todd
Staff Reviewer: Brenda Bernards

A request to change from R40 to SP-MNR zoning property located at Hillsboro Pike (unnumbered), at the southeast corner of Old Hickory Boulevard and Hillsboro Pike (6.72 acres), to permit the development of an office and/or commercial development, requested by EDGE Planning, Landscape Architecture & Graphic Design, applicant, for Regency Realty Group Inc., owner. (See also Community Plan Amendment 2008CP-009-010).

Staff Recommendation: Disapprove. Approve with conditions only if accompanying Community Plan Amendment is approved with limitations.

The Metropolitan Planning Commission WITHDREW Zone Change 2008SPZ-028G-10 at the request of the applicant. (8-0)

4. **2008SP-036U-10**
Cottage Cove
Map: 118-01 Parcels: 385, 386, 387, 388
Green Hills/Midtown Community Plan
Council District 17 – Sandra Moore
Staff Reviewer: Jason Swaggart

A request to change from R8 to SP-R zoning properties located at 2412, 2414, 2500, and 2502 9th Avenue South, approximately 275 feet north of Montrose Avenue (1.63 acres), to permit the development of 15 cottage units around a common open space, requested by Randy Morgan, applicant, for Kelvin Pennington, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from Single and Two-Family Residential (R8) to Specific Plan – Residential (SP-R) zoning properties located at 2412, 2414, 2500, 2502 9th Avenue South, approximately 240 feet north of Montrose Avenue (1.68 acres), to permit the development of 15 cottage units.

Existing Zoning

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots. Under the R8 zoning the four existing lots could each have a duplex for a total of eight lots, and would allow for a maximum of 9 lots with 2 duplex units for a total of 11 units.

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.

GREENHILLS/MIDTOWN COMMUNITY PLAN

Residential Medium (RM) RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact,

single-family detached units, town-homes, and walk-up apartments.

Consistent with Policy? Yes. The proposed plan is consistent with the area’s Residential Medium policy. The density with the proposed development is nine units per acres which is the maximum density allowed under the policy.

PLAN DETAILS The proposed site consists of four vacant properties. The site is wooded along the rear which includes numerous large trees. The property slopes down away from 9th Avenue South. Therefore, a majority of the site is below the street.

Site Plan The SP calls for 15 small “cottage like” units with an overall density of nine units per acre. Units are arranged around a central green. Six units front on 9th Avenue South and back onto the central green. The remaining units front the central green.

Vehicular access to the site is proposed from private drives. A private drive loops around the perimeter of the site at the rear of the units. Two units along 9th Avenue South will also have direct access by a single private drive which will line up with Gilmore Avenue. The single drive will serve a dual purpose providing direct pedestrian access to the central green from 9th Avenue South.

All parking is provided on site. The plan identifies a total of 35 spaces which is 2.3 spaces per unit. Some units will have garages and the remainder of the spaces will be surface parking distributed around the property adjacent to the private loop drive. There may also be an opportunity to utilize on-street parking along 9th Avenue South. Currently there is a parking restriction on 9th Avenue South, which is likely due to the narrow width of the street and right-of-way. The restriction must be removed by the Traffic and Parking Commission before on-street parking would be permitted.

Stormwater will be handled through conventional detention/retention methods, through Low Impact Development (LID) methods, or a combination of the two. Any detention/retention area will be located at the rear of the site and will not be visible from the street. If LID is used then the central green could double as a stormwater facility.

STORMWATER RECOMMENDATION Preliminary SP approved

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Improve 9th Avenue South along property frontage, per the Department of Public Works' standards and specifications.
3. Construct sidewalks along 9th Avenue South within the public right of way / dedicate right of way.
4. Label and dimension twelve (12') foot minimum driveway width for the proposed shared driveways along 9th Avenue South.
5. Provide documentation of passenger vehicle (P) design templates demonstrating adequate vehicular turning movements.
6. Provide plans for solid waste disposal and recycling collection. All service locations to accommodate accessibility for SU-30 design vehicle turning movement. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.
7. On-street parking is currently prohibited on 9th Avenue South along a portion of the property frontage. Any proposed changes to such will require approval of the Metro Traffic and Parking Commission at the time of development.

Typical/Maximum Uses in Existing Zoning District: R8

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.63	5.79	9	87	7	10

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.63	N/A	15	144	12	16

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
--			+6	+57	+5	+6

METRO SCHOOL BOARD REPORT

Projected student generation 1Elementary 1Middle 1High

Schools Over/Under Capacity Students would attend Glendale Elementary School, Moore Middle School and Hillsboro High School. All three schools are identified as over capacity. There is additional capacity in other elementary and middle schools within the cluster. There is capacity for additional students within adjacent clusters. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION Approval with conditions. The request is consistent with the area’s land use policy and the layout and design is appropriate for the site.

CONDITIONS

1. Permitted uses include multi-family and single-family residential. Home occupation is allowed as an accessory use as outlined in Section 17.16.250 of the Metro Zoning Code.
2. Improve 9th Avenue South along property frontage, per the Department of Public Works' standards and specifications.
3. Construct sidewalks along 9th Avenue South within the public right of way / dedicate right of way.
4. Label and dimension twelve (12') foot minimum driveway width for the proposed shared driveways along 9th Avenue South.
5. Provide documentation of passenger vehicle (P) design templates demonstrating adequate vehicular turning movements.
6. Provide plans for solid waste disposal and recycling collection. All service locations to accommodate accessibility for SU-30 design vehicle turning movement. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.
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 RM9 zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Mr. John Brittle, 5474 Franklin Pike Circle, spoke in favor of the proposed zone change.

Ms. Malvina Golden-Collier, 811 Halcyon, spoke in opposition to the proposed zone change.

Ms. Trish Talon-Blanchard spoke in favor of the proposed zone change.

Mr. Rex Collier spoke in opposition to the proposed zone change.

Mr. Kelvin Pennington, owner, spoke in favor of the proposed zone change.

Mr. Gee stated he was in support of the plan and its design. He then spoke of the traffic concerns mentioned and requested clarification on the street widths, right-of-ways and any additional pavement requirements that would be required to support this development.

Mr. Swaggart explained the street requirements in relation to this proposal to the Commission.

Mr. Bernhardt explained there was approximately 18 to 19 feet of pavement that currently exist in front of the property.

Mr. Gee questioned how much additional pavement would be added to the street by the applicant.

Mr. Honeycutt, Public Works, explained there would be approximately 7 to 8 feet of pavement added to the existing roadway.

Mr. Tyler expressed concerns with stormwater issues as mentioned during he public hearing and requested additional information on whether these issues would be addressed.

Mr. Swaggart explained stormwater retention methods contained in the proposal.

Mr. Mishu, Metro Stormwater, offered additional information on stormwater management contained in the plan and explained that this issue would be studied further during the construction drawing phase.

Dr. Cummings requested additional clarification on the ingress/egress and parking plans contained in the proposal.

Mr. Swaggart explained these concepts to the Commission.

Mr. Clifton spoke in favor of the development.

Mr. Ponder questioned the maneuverability of large vehicles, both waste management and public safety, that would service this development.

Mr. Swaggart explained there were requirements included that would address these issues.

Ms. LeQuire spoke in favor of the development.

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to approve with conditions Zone Change 2008SP-036U-10. (9-0)

Resolution No. RS2008-259

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-036U-10 is **APPROVED WITH CONDITIONS.** (9-0)

Conditions of Approval:

1. Permitted uses include multi-family and single-family residential. Home occupation is allowed as an accessory use as outlined in Section 17.16.250 of the Metro Zoning Code.
2. Improve 9th Avenue South along property frontage, per the Department of Public Works' standards and specifications.
3. Construct sidewalks along 9th Avenue South within the public right of way / dedicate right of way.
4. Label and dimension twelve (12') foot minimum driveway width for the proposed shared driveways along 9th Avenue South.
5. Provide documentation of passenger vehicle (P) design templates demonstrating adequate vehicular turning movements.
6. Provide plans for solid waste disposal and recycling collection. All service locations to accommodate accessibility for SU-30 design vehicle turning movement. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.
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 RM9 zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-R is consistent with the Green Hills/Midtown Community Plan's Residential Medium policy which calls for a density between 4 and 9 units per acre, and the layout and design is appropriate for the site.”

5. **2009SP-001-001**
The Academy at Bellevue
Map: 155-00 Parcels: 090, 091
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Brenda Bernards

A request to change from CN to SP-C zoning properties located at 7860 Learning Lane and 8236 Collins Road, at the northeast corner of Collins Road and Learning Lane (1.58 acres), to permit a Class IV Daycare Center for up to 175 individuals, requested by E. Roberts Alley & Associates, applicant, for Harold McClain etux and Rosalee Gann, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

Neighborhood (CN) to Specific Plan-Commercial (SP-C) zoning properties located at 7860 Learning Lane and 8236 Collins Road, at the northeast corner of Collins Road and Learning Lane (1.58 acres), to permit a Class IV Daycare Center for up to 175 individuals.

Existing Zoning

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

Proposed Zoning

SP-C District - Specific Plan-Commercial is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a Class IV daycare center

BELLEVUE COMMUNITY PLAN

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

Special Policy Area 5 Special Policy 5 applies to the CC area around the intersection of Highway 100 and Old Harding Pike. Within this area, no zoning district more intense than Commercial Limited (CL) shall be applied. In addition, the tree line along the stream that separates the CC area from the OT area shall be preserved.

Consistent with Policy? Yes. A Class IV daycare center is an appropriate use for the CC policy and the SP includes a site plan which is required under this policy. In addition, as this is a permitted use within the CL zoning district, the site design is also consistent with Special Policy Area 5.

PLAN DETAILS The proposed SP use is limited to a Class IV daycare center for up to 175 individuals. The property is irregularly shaped at the corner of Collins Road and Learning Lane. The building is set back 100 feet from the Learning Lane property line with parking in front. A playground will be provided at the rear of the property. As required by the Zoning Code, the playground will be fenced and details of the proposed fencing have been provided.

Parking and Access As the parking is at the front of the property, screening is required. Details of landscape buffers and a knee wall have been provided.

Access to the site is from Learning Lane and Collins Road. As is required by the Zoning Code, a circular drive is provided to allow for efficient drop-off and pick-up of the children. A sidewalk is proposed on Learning Lane and Collins Road.

Building Standards and Materials While no elevations are provided, the plan does include bulk standards for height, setbacks, floor area and impervious surface. In addition, details of building materials to be used are provided. Landscaping details for the proposed landscape buffers along the eastern property line and fencing along the western property line have been provided.

Signs The signage permitted for this SP includes a freestanding ground sign. A freestanding ground sign is supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height and 28 square feet in size.

The sign is to be externally lit or lit from a ground lighting source with steady, stationary, down directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. The sign background must be opaque, only letters and logos may be illuminated.

The sign must be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. Pole signs and electronic message signs are prohibited.

STORMWATER RECOMMENDATIONS Preliminary SP approved.

FIRE MARSHAL RECOMMENDATION

- 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.
- Additional information will be required before a building permit can be issued, adequate information not provided to allow unconditional approval of this project at this time.
- All new construction shall be protected by a fire hydrant(s) that comply with the 2006 edition of NFPA 1 table H. To see table H go to (<http://www.nashfire.org/prev/tableH51.htm>)
- 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 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.

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.
- Show and dimension right of way along Learning Lane. Label and dedicate right of way 30 feet from centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
- Along Collins Road, label and dedicate right of way, 30 feet from centerline to property boundary, consistent with the approved major street / collector plan.
- Along Learning Lane, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways.
- Sidewalk to be located within right of way / dedicate right of way.
- Identify headwall location, protection, etc. as part of design.
- Construct twenty four (24') foot drive isles with ninety (90) degree angle parking.
- An access study will be required prior to Final SP.

Typical Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.58	0.066	4,542	232	11	33

Maximum Uses in Existing Zoning District: CN

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.58	0.25	17,206	774	21	63

Typical/Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Day Care(565)	1.58	N/A	15,824 (175 children)	790	133	123

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
--				+16	+112	+60

STAFF RECOMMENDATION Approval as presented with conditions. The proposed Bellevue Academy SP is consistent with the CC policy and meets the requirements of Special Policy Area 5.

CONDITIONS

1. The requirements of the Public Works Department shall be addressed on the final site plan.
2. Signage is limited to one ground sign that is a maximum of 28 square feet in size and six feet in height shall be permitted for the property. Pole signs and electronic message signs are prohibited.
3. 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 CL zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. 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.
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.

Approved with conditions, **(8-0) Consent Agenda**

Resolution No. RS2008-260

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-001-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. The requirements of the Public Works Department shall be addressed on the final site plan.
2. Signage is limited to one ground sign that is a maximum of 28 square feet in size and six feet in height shall be permitted for the property. Pole signs and electronic message signs are prohibited.

3. 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 CL zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. 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.
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.

The proposed SP-C district is consistent with the Bellevue Community Plan's Community Center policy and the area's special policy."

X. PUBLIC HEARING: ZONING MAP AMENDMENTS

6. **2008Z-094U-03**
 Map: 069-00 Parcel: part of 232
 Bordeaux/Whites Creek Community Plan
 Council District 1 – Lonnell R. Matthews, Jr.
 Staff Reviewer: Brian Sexton

A request to rezone from AR2a and CS to IWD zoning a portion of property located at 4032 Stewarts Lane, approximately 1,050 feet south of Ashland City Highway (4.5 acres), requested by James and Norma Holland, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone from Agricultural/Residential (AR2a) and Commercial Service (CS) to Industrial Warehousing/Distribution (IWD) zoning a portion of property located at 4032 Stewarts Lane, approximately 1,050 feet south of Ashland City Highway (4.5 acres).

Existing Zoning

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

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.

Proposed Zoning

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

BORDEAUX/WHITES CREEK COMMUNITY PLAN

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.

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

Consistent with Policy? Yes. The proposed IWD zoning is consistent with the IN policy of the Bordeaux / Whites Creek community plan. The IN policy calls for uses such as non-hazardous manufacturing, and distribution centers. The IWD zoning is only being proposed for a portion of the property located within the IN policy area. The proposed IWD rezoning is not being requested within any portion of the NCO policy area.

Floodway Buffer Eatons Creek runs through the property with a 75 foot floodway buffer on each side. Staff recommends that the existing CS and AR2a zoning on the creek and floodway buffers remain to avoid any disturbance of the floodway buffer as these two zoning districts provide better and more extensive protection of the floodway than the proposed IWD district.

PUBLIC WORKS RECOMMENDATION TIS may be required at time of development

Typical Uses in Existing Zoning District: AR2a and CS

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.5*	0.5	2	20	2	3

*Majority of the property is currently zoned AR2a. For purposes of this table AR2a was used for the calculation.

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
Warehousing (150)	4.5	0.170	33,323	119	10	11

Maximum Uses in Existing Zoning District: AR2a and CS

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	4.5	0.5	2	20	2	3

*Majority of the property is currently zoned AR2a. For purposes of this table AR2a was used for the calculation.

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)	4.5	0.80	156,816	559	48	51

STAFF RECOMMENDATION Approval of the proposed IWD zoning district, with the exception of the portion of the property containing Eatons Creek and the floodway, as the request is consistent with the IN land use policy of the Bordeaux / Whites Creek Community Plan. Staff recommends that the existing CS and AR2a zoning on the creek and floodway buffers remain to avoid any disturbance of the floodway buffer.

CONDITION

The existing CS and AR2a zoning on the creek and floodway buffers shall remain to avoid any disturbance of the floodway buffer.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2008-261

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-094U-03 is **APPROVED WITH CONDITIONS.** (8-0)

Conditions of Approval:

1. The existing CS and AR2a zoning on the creek and floodway buffers shall remain to avoid any disturbance of the floodway buffer.

With the condition that the area within the floodway and floodway buffer along Eaton’s Creek remain as CS and AR2a along the proposed IWD district is consistent with the Bordeaux/Whites Creek Community Plan’s Industrial and Natural Conservation policies.”

7. 2009Z-001PR-001

Map: 059-00 Parcel: 154
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank R. Harrison
Staff Reviewer: Nedra Jones

A request to change from SCN to CS zoning property located within a Commercial Planned Unit Development at Moormans Arm Road (unnumbered), at the northwest corner of Moormans Arm Road and Whites Creek Pike (8.53 acres), requested by M.A. Williams Properties Inc., owner (See also Proposal No. 8-65P-001).

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-001PR-001 to January 22, 2009, at the request of the applicant. (8-0)

8. 8-65P-001

Nashville Park & Mini Storage (Amendment #1)
Map: 059-00 Parcel: 154
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank R. Harrison
Staff Reviewer: Nedra Jones

A request to amend a portion of the Commercial Planned Unit Development located at Moormans Arm Road (unnumbered), at the northwest corner of Moormans Arm Road and Whites Creek Pike (8.53 acres), zoned SCN and proposed for CS, to permit a 6,942 square foot retail center, 1,170 square feet of office, and 42,572 square feet of self-storage uses, requested by Arnold Consulting Engineering Services Inc., applicant, for M.A. Williams Properties, Inc., owners (See also Zone Change No. 2009Z-001PR-001).

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Planned Unit Development 8-65P-001 to January 22, 2009, at the request of the applicant. (8-0)

9. 2009Z-002PR-001

Map: 093-01 Parcels: 033, 034
Downtown Community Plan
Council District 19 – Erica S. Gilmore

Staff Reviewer: Brian Sexton

A request to rezone from IR to CF zoning properties located at 607 and 612 10th Avenue North, on the north side of Jo Johnston Avenue (6.66 acres), requested by Hawkins Partners Inc., applicant, for North Charlotte Avenue Holdings LLC, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone from Industrial Restrictive (IR) to Core Frame (CF) zoning properties located at 607 and 612 10th Avenue North, on the north side of Jo Johnston Avenue (6.66 acres).

Existing Zoning

IR District -Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

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

DOWNTOWN COMMUNITY PLAN

Structure Policy

Downtown Neighborhood (DN) DN Structure Plan category applies to those parts of Downtown where intense mixed use development that includes significant residential development is desired, although at a less intense scale than the Downtown Core

North Gulch Detailed Neighborhood Design Plan

Mixed Use (MxU) MxU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

Consistent with Policy? Yes. The existing MxU in DN land use policy encourages mixed use development. The proposed zone change request would permit a wide range of commercial service support uses.

PUBLIC WORKS RECOMMENDATION TIS may be required at time of development

Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	6.66	0.334	96,896	676	90	94

Typical Uses in Proposed Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building High Rise(710)	6.66	2.578	747,902	6282	939	917

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	6.66		+651,006	+5606	+849	+823

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial(110)	6.66	0.6	174,065	1199	117	92

Maximum Uses in Proposed Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building High Rise ()	6.66	5.0	1,450,548	10,461	1594	1704

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+1,276,483	+9262	+1477	+1612

STAFF RECOMMENDATION Approval as the proposed CF zoning district is consistent with the MxU in DN land use policy of the Downtown Community Plan.

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

Mr. Bernhardt offered additional information on how the development conforms to both the mixed use land use policies, as well as the downtown community plan for this area.

Mr. William Morgan, 1024 Harrison Street, spoke in opposition to the requested zone change.

Mr. David White, 201 Lone Oak Village Way, spoke in opposition to the requested zone change.

Ms. Kim Hawkins, 2205 Natchez Trace, spoke in favor of the requested zone change.

Mr. Clifton spoke in favor of the requested zone change. He acknowledged the compatibility of the development and its conformance to the various land use policies.

Dr. Cummings requested clarification on the land use of surrounding properties in relation the requested zoning.

Mr. Tyler expressed concerns with the uses of core frame zoning and how it would affect surrounding property owners.

Mr. Gee spoke in favor of core frame zoning for this parcel.

Mr. Gotto too acknowledged the uses of core frame zoning and spoke in favor of the request.

Mr. Tyler clarified that the applicant owned other nearby parcels already zoned CF.

Ms. LeQuire explained that due to a possible conflict, she would be recusing herself from the discussion.

Ms. Jones spoke in support of the development.

Mr. Ponder spoke in favor of the proposal and suggested that Hawkins Partners continue meeting with surrounding businesses on their development.

Mr. Ponder moved and Mr. Gotto seconded the motion, to approve Zone Change 2009Z-002PR-001. **(7-1-1) No Vote –**

Tyler, Abstained – LeQuire

Resolution No. RS2008-262

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-002PR-001 is **APPROVED (7-1-1)**

The proposed CF district is consistent with the Downtown Community Plan’s Downtown Neighborhood and Mixed Use policies which encourage an intense mixture of uses including residential, retail and office uses.”

10. 2009Z-003PR-001

Map: 147-07 Parcel: part of 116
Southeast Community Plan
Council District 30 – Jim Hodge
Staff Reviewer: Nedra Jones

A request to rezone from R6 to OR20 zoning a portion of property located at 361 Flora Maxwell Road, approximately 205 feet east of Nolensville Pike (0.25 acres), requested by Action Security Systems, Inc., applicant, Clarence and V. Marlene Hight, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to rezone from One and Two-Family Residential (R6) to Office/Residential (OR20) zoning a portion of property located at 361 Flora Maxwell Road, approximately 205 feet east of Nolensville Pike (0.25 acres).

Existing Zoning

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

SOUTHEAST COMMUNITY PLAN

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

Consistent with Policy? No. The proposed OR20 zoning district is not consistent with the Residential Low Medium (RLM) land use policy. The property is currently split between R6 and OR20 zoning. The 0.25 acre portion of the property zoned R6 is consistent with the RLM policy. The applicant is requesting that the OR20 district on the site be expanded from a small area of .07 acres to apply to the entire 1/3 acre property. However, extending the OR20 district into an area that is predominantly single-family residential in character would be inconsistent with the RLM land use designation.

The OR20 district allows a greater intensity of uses than is supported by RLM policy. For example, the OR20 district would permit multi-family housing, office, certain institutional and educational uses, as well as certain medical office uses. The OR20 district has been applied to properties with frontage along Nolensville Pike. To permit the expansion of the OR20 district would set the stage for more intense development encroaching into the residential properties that exist along Flora Maxwell Road. The RLM community plan policy is appropriate for this area because of the conventional suburban residential style of development that presently exists.

PUBLIC WORKS RECOMMENDATION An access study may be required at development.

Typical Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.25	7.71	1	10	1	2

Typical Uses in Proposed Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office: Low Rise (710)	0.25	0.129	1,405	50	7	7

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.25	7.71	1	10	1	2

Maximum Uses in Proposed Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk In Bank (911)	0.25	0.8	10,890	NA	NA	132

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Schools Over/Under Capacity Students would attend Haywood Elementary School, McMurray Middle School, or Overton High School. Each school has been identified as being over capacity by the Metro School Board. There is capacity within the elementary and middle school cluster. There is capacity for projected high school students within the adjacent high school. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION Disapproval of the request to rezone 0.25 acres from One and Two-Family Residential (R6) to Office Residential (OR20). The OR20 district is not consistent with the Residential Low Medium land use policy designated by the Southeast Community Plan.

Ms. Bernards presented and stated that staff is recommending disapproval.

Mr. Clarence Hight, 6930 Nolensville Pike, spoke in favor of the proposed zone change.

Councilmember Hodge offered additional information on a comment that he had received from a neighboring property owner.

Mr. Clifton acknowledged the Councilmember’s request to approve the requested zone change and spoke of the parcel’s close proximity to commercial development. He also acknowledged that there was no opposition from neighboring parcels.

Dr. Cummings requested further clarification on the various parcels included in the proposal as well as the existing uses on the surrounding parcels.

Mr. Gotto spoke in favor of supporting the applicant's request.

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously to approve the applicant's request and approve Zone Change 2009Z-003PR-001. **(9-0)**

Resolution No. RS2008-263

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-003PR-001 is **APPROVED. (9-0)**

While the proposed OR20 district is not consistent with the Southeast Community Plan's Residential Low Medium policy which is intended for residential uses only it is compatible with the adjacent zoning north of the property and directly across the street.”

11. 2004P-036-001

Nashville West Shopping Center (Amendment #1)
Map: 102-00 Parcels: 093, 094, 095, 096, 097, 098, 099
West Nashville Community Plan
Council District 20 – Buddy Baker
Staff Reviewer: Jason Swaggart

A request to amend the preliminary plan for the Nashville West Planned Unit Development located at 6702, 6704, 6708, 6734, 6806, 6814, and 6816 Charlotte Pike and Charlotte Pike (unnumbered), located between Summerly Drive and I-40 (53.16 acres), to increase the overall PUD square footage from 521,921 to 527,458 square feet of retail, office, and restaurant uses and to eliminate the approved 24 multi-family units, zoned SCR, requested by Littlejohn Engineering Associates Inc., applicant, for Nashville West Shopping Center LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Amend Preliminary PUD

A request to amend the preliminary plan for the Nashville West Planned Unit Development located at 6702, 6704, 6708, 6734, 6806, 6814, and 6816 Charlotte Pike and Charlotte Pike (unnumbered), (53.16 acres) zoned Shopping Center Regional (SCR), to increase the overall PUD square footage from 521,921 to 527,458 square feet of retail, office, and restaurant uses and to eliminate the approved 24 multi-family units.

ZONING

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

PLAN DETAILS This is a request to amend the Nashville West Planned Unit Development. The original Council approved preliminary plan was approved in 2005 for 474,484 square feet of retail, restaurant and office use and 24 residential units. The Planning Commission approved revisions in 2005, 2007 and 2008 to allow increases in the commercial floor area. This proposal exceeds the floor area last approved by the Council by more than 10%. As a result, this request requires Council approval.

Site Plan The proposed plan increases the overall PUD square footage from 521,921 square feet to 527,458 square feet of retail, restaurant and office uses. The plan maintains the same access points, including three ingress/egress points on Charlotte Pike and one ingress/egress drive through the neighboring properties to the east leading to Annex Avenue.

The proposed amendment does not affect the buildings already constructed along the rear of the site backing up to I-40. The changes primarily occur on the out parcels along the Charlotte Pike frontage which are designated for smaller shops and offices. The majority of the changes are minor floor area swaps between retail and restaurant uses, and an overall increase in the floor area for retail, restaurant, and office uses.

The major changes involve out parcels 97 and 98. The 24 residential units that were to be located above first-floor retail on these parcels are proposed to be removed. In addition, the buildings on these parcels have been moved to the rear of the lots

away from the entrance road. On the previous plan the buildings were located along the entrance road and the parking was located behind the buildings.

Staff Analysis The relocation of the buildings located on parcels 97 and 98 removes a strong design element from one of the main entrances into the development. The original plan has the buildings up to the drive which frame the drive and help create a pedestrian scaled environment. The proposed plan moves the buildings to the rear of the lots and puts parking along the drive. To retain the pedestrian scaled environment along the drive, the buildings should remain along the drive as originally approved.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Submit document with trip generation comparison of originally approved PUD land uses, revised trip generation of the constructed PUD land uses, and amended land use changes.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Approval with conditions of the request as an alternative design option. This alternative would be in addition to the currently approved plan, thus allowing the developer to implement the additional building square footage with the original design layout if the developer chooses. This revised plan strips the original plan of the few remaining design features that characterize successful mixed-use lifestyle centers. However given the lack of interest among owners, stakeholders and decision-makers to impose generally accepted design standards for lifestyle centers when this PUD was initially approved, staff acknowledges the alternative design option will not materially change the form of the shopping center as approved in 2005.

CONDITIONS

1. The maximum development on the site shall be 527,458 square feet of retail, restaurant and office uses and (if desired) a maximum of 30 dwelling units.
2. The developer may apply the available development entitlements through either the implementation of the design concept as presented in this request or as shown on the originally approved preliminary plan.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Mr. Phillip Piercy, 1935 21st Avenue South, spoke in favor of the proposed development.

Mr. Biplab Bhattacharjee, 6680 Charlotte Pike, E-8, spoke in opposition to the proposed development.

Mr. Swaggart addressed the concern as expressed by Mr. Bhattacharjee in the public hearing.

Councilmember Baker spoke in favor of the proposed development. He stated that the development will further enhance this portion of his district and requested its approval.

Mr. Clifton expressed concerns with this development, in particular, the removal of the portion containing condominiums. He mentioned that this development was originally approved due to its mixed use contents and stated he would not be supporting the amendment.

Ms. LeQuire also expressed her concerns with the development no longer containing a residential component.

Mr. Gee requested clarification on the requirements of the original planned unit development.

Mr. Bernhardt explained the requirements to the Commission.

Mr. Ponder moved and Mr. Gotto seconded the motion to approve the request to amend Planned Unit Development 2004P-036-001. **(5-4) No Votes – Tyler, Gee, Clifton, LeQuire**

Resolution No. RS2008-264

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-036-001 is **APPROVED WITH CONDITIONS, including a condition that the park green, as identified on the site plan, shall be completed six months after the Use and Occupancy permit for the final building east of the park has been issued. (5-4)**”

While the proposed PUD amendment removes the residential units from the plan, the small number of units that were originally approved was insignificant due to the size of the overall development. Due to the insignificance of the residential component, the proposed amendment does not change the overall concept of the plan.”

XI. PUBLIC HEARING: FINAL PLATS

12. 2009S-003-001

Rivendell Woods, Revision to Preliminary
Map: 174-00 Parcels: part of 001, 002, 192, 230
Southeast Community Plan
Council District 32 – Sam Coleman
Staff Reviewer: Jason Swaggart

A request to revise a previously approved preliminary plat for 408 single-family lots and now proposed for 243 single-family lots with different lot, open space, and public right-of-way configurations located at 765 Preston Road and Preston Road (unnumbered), on the east side of Hickory Park Drive (93.01 acres), zoned RS10 and RM9, requested by Rivendell LLC, owner, Dale & Associates, surveyor.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Final Plat 2009S-003-001 indefinitely at the request of the applicant. (8-0)

13. 2009S-005-001

Edgefield Land, Resub. Lot 212
Map: 094-01 Parcel: 432
East Nashville Community Plan
Council District 6 – Mike Jameson
Staff Reviewer: Jason Swaggart

A request for final plat approval to create two lots on property located at 1600 Long Avenue, at the southeast corner of Long

Avenue and S. 16th Street (0.23 acres), zoned RS5, requested by Virage LLC, owner, Hart Freedland Roberts Inc., surveyor.
Staff Recommendation: Approve, including an exception to the lot comparability requirements of the Subdivision Regulations.

APPLICANT REQUEST - Final Plat

A request for final plat approval to create two lots on property located at 1600 Long Avenue, at the southeast corner of Long Avenue and 16th Street (0.23 acres), zoned for Single-Family Residential (RS5).

ZONING

RS5 District - **RS5** requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

SUBDIVISION DETAILS The plat will create two new lots from one lot located at 1600 Long Avenue on the southeast corner of Long Avenue and 16th Street. The lot is zoned single-family residential and a single-family home was recently removed from the lot.

Lot Comparability Both lots meet the minimum lot size requirement for the RS5 zoning district, but Section 3-5 of the Subdivision Regulations requires that new lots in areas previously subdivided and predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. As the surrounding area is predominately developed staff performed a lot comparability analysis that yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq. ft.):	Minimum lot frontage (linear ft.):
Long Avenue	5,445	45.5

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

- **Lot 1:** 6,000 sq. ft., (0.138 acres), with ~40 linear ft. of frontage on Long Avenue (Frontage along 16th will not change).
- **Lot 2:** 6,000 sq. ft., (0.138 acres), with ~40 linear ft. of frontage on Long Avenue.

Both lots are larger than 5,445 square feet and pass for area, but the frontage for both lots is less than 45.5 feet and does not meet the minimum requirement of the comparability analysis.

Lot Comparability Exception A lot comparability exception can be granted when a proposed lot does not meet the minimum requirements of the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots meet **one** of the qualifying criteria for the exception to lot comparability:

- The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Neighborhood General (NG) land use policy. NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, and allows a density of up to 20 units per acre.

STORMWATER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Approval including an exception to the lot comparability requirement based on the fact that the proposed subdivision is consistent with the long range plan for the area. Also as proposed the lots are consistent with the existing lot pattern in the area.

Approved, including an exception to the lot comparability requirements of the Subdivision Regulations, **(8-0) Consent Agenda**

Resolution No. RS2008-265

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-005-001 is **APPROVED WITH CONDITIONS, including an exception to the lot comparability requirements of the Subdivision Regulations. (9-0)**

Conditions of Approval:

1. The proposed lots are consistent with the adopted land use policy that applies to the property. The lots are located in the Neighborhood General (NG) land use policy. NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, and allows a density of up to 20 units per acre.”

XII. PUBLIC HEARING: REVISED SITE PLANS

14. **74-79P-001**
Nashboro Village (Revision to Tract 3)
Map 135-11-0-D, parcel 900.00CO
Antioch/Priest Lake Community Plan
Council District 29 - Vivian Wilhoite
Staff Reviewer: Brian Sexton

A request to revise the preliminary plan and for final approval for a portion of the Nashboro Village Planned Unit Development located at 3040 Glencrest Drive, approximately 1,000 feet east of Murfreesboro Pike, zoned R10, (12.59 acres), to revise the access to remove a connection of a private drive across the Colonial Pipeline gas line easement.

Staff Recommendation: Approve

The Metropolitan Planning Commission DEFERRED Planned Unit Development 74-79P-001 to January 22, 2009, at the request of the applicant. (8-0)

XIII. OTHER BUSINESS

15. Employee contract renewal for Craig Owensby.

Approved, **(8-0) Consent Agenda**


16. Executive Director Reports
17. Legislative Update

XIV. ADJOURNMENT

The meeting adjourned at 5:30 p.m.

Chairman

Secretary

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