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**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**

1/22/2009

4:00 PM

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

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
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:

Tonya Jones

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 4:02 p.m. and Mr. McLean read the mission statement to the audience.

II. ADOPTION OF AGENDA

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

III. APPROVAL OF JANUARY 8, 2009, MINUTES

Ms. LeQuire moved and Mr. Clifton seconded the motion, which passed unanimously to approve the January 8, 2009, minutes as presented. (9-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Barry briefly explained that resolution was found on outstanding issues associated with Item #1, 2008IN-

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002U-08, Fisk University Institutional Overlay and requested its approval.

Councilmember Harrison addressed the Commission on Items #2 and 3, 2009Z-001PR-001 and 8-65P-001, Nashville Park and Mini Storage. He acknowledged that the planning staff was recommending disapproval, but briefly explained the support expressed by his community, as well as himself, and requested its approval.

Councilmember Wilhoite expressed concerns with Item #4, 74-79P-001, Nashboro Village. She briefly explained the issues associated with the proposal and requested that it be removed from the Consent Agenda.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

9. 96-72P-001 A request to revise the preliminary plan and for final approval for a portion of the Bellevue Plaza Planned Unit Development Overlay located at 7102 Highway 70 South, to permit the development of a 2,854 square foot restaurant – deferred to February 12, 2009, as requested by the applicant.

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 Dalton seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn Items as presented.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

Mr. 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 ITEMS PREVIOUSLY DEFERRED

1. 2008IN-002U-08 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, to identify the proposed campus boundaries and future university planning efforts. -Approve w/conditions

ZONING MAP AMENDMENTS

5. 2008Z-068U-07 A request to change from R6 to CS zoning for property located within a portion of the Charlotte Center Planned Unit Development at 3710 Annex Avenue and Old Hickory Boulevard. -Approve
6. 1-72-U-07 A request to amend a portion of the Charlotte Center Planned Unit Development located at 3710 Annex Avenue and Old Hickory Boulevard (unnumbered), at the northwest corner of Charlotte Pike and Annex Avenue, to permit 153,231 square feet of retail, restaurant, commercial amusement (indoor), and financial institution uses where 134,578 square feet of retail, restaurant and commercial amusement (indoor) were previously approved. - Approve w/conditions
7. 2009P-001-001 A request for preliminary and final site plan approval for a proposed Planned Unit Development located at 97 Chapel Avenue, at the northwest corner of Chapel Avenue and Eastland Avenue, zoned CN and located within the Eastwood Neighborhood Conservation Overlay (0.26 acres), to permit the existing restaurant of approximately 2,490 square feet an exemption from the minimum distance requirements included in the beer provisions of the Metro Code -Approve w/conditions

OTHER BUSINESS

10. Employee Contract Renewals for John Broome and David Kline. -Approve

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the Consent Agenda as

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presented. (9-0)

VII. PUBLIC HEARING: ITEMS PREVIOUSLY DEFERRED

1. 2008IN-002U-08

Fisk University Institutional Overlay
Map: 092-03, 092-04 Parcels: Various
Map: 081-15 Parcels: Various
North Nashville Community Plan
Council District 19 – Erica S. 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, to identify the proposed campus boundaries and future university planning efforts, requested by Councilmember Megan Barry for various owners, and Tuck-Hinton Architects, applicant, for Fisk University, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Institutional Overlay

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 Multi-Family Residential (RM20), to identify the proposed campus boundaries and future university planning efforts.

Existing Zoning

RM20 District - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

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

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

Redevelopment District - The Jefferson Street Redevelopment District is a zoning overlay administered by the Metro Development and Housing Agency for certain properties located along Jefferson Street.

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

Fisk-Meharry, Hadley-Washington, McKissack Park (& Watkins Park Detailed Neighborhood Design Plan)

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

Mixed Housing in Neighborhood General (Special Policy Area # 2) Neighborhood General covers areas with primarily residential character. They include a full range of residential housing types from well-integrated apartment buildings to single-family detached homes. NG includes a lower intensity residential character that will remain as such with the addition of new residences on vacant lots. Neighborhood General covers a majority of the McKissack Park and Hadley-Washington

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neighborhoods. It also covers most of the Fisk-Meharry neighborhood not included in the master plans for Fisk University and Meharry Medical College.

Mixed Use in Neighborhood Urban/ Mixed use in Major Institutional (MU) MU 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 residential above.

Consistent with Policy? Yes. The proposed plan is consistent with the Major Institutional Policy and the Mixed Use and Mixed Housing Policies outlined in the North Nashville Community Plan, including the adopted Detailed Neighborhood Design Plan calling for an Institutional Overlay to be applied to the Fisk University campus.

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

PLAN DETAILS Fisk University is situated on approximately 44-acres of land located south of Jefferson Street, including properties located along both sides of 16th Avenue North to Dr. D.B. Todd Jr. Boulevard, to Parrish Street on the south side. There are three parcels included on the west side of Dr. D.B. Todd Jr. Boulevard and multiple properties located on the east side of 16th Avenue North between Meharry Boulevard and Jackson Street.

The stated purpose of the plan is *not* to significantly expand the boundaries of the university, but to establish more definitive boundaries and edges so it can be more easily distinguished from Meharry Medical College to the west and the surrounding neighborhood.

The proposed plan includes new buildings intended to replace outdated facilities, while preserving the important historic features and buildings existing on the campus. The plan proposes several new buildings, included in the following table:

New Buildings/Facilities and Uses	Proposed Floor Area	Proposed Number of Stories/Units
Gymnasium and Wellness Center	100,000 sq. ft. with a seating capacity of 2,000	2-3 Levels
Administrative Building: Offices	30,000 sq. ft.	2-3 Levels
Academic/Support Building: Classrooms, meeting space, bookstore, sub shop, and cafeteria	35,000-45,000 sq. ft.	2-3 Levels
Community Arts/Academic Building: Practice and teaching studios, music labs, faculty offices, music library; and Lobby/Community space including box office, retail, restaurants/concessions, meeting space, art gallery, Fisk Jubilee Museum	60,000-75,000 sq. ft.	2-3 Levels
Science Building: Classrooms and labs	130,000 sq. ft.	3 Levels
Residence Hall West	63,200 sq. ft. / 170-175 beds	4 Levels
Residence Hall East	94,800 sq. ft. / 170-275 beds	5-6 Levels
Maintenance Building	15,000-20,000 sq. ft.	1-2 Levels
Residential along 17th Avenue North	N/A	14 Units
Track and Field Facilities	N/A	N/A

Proposed Number of Students The enrollment for the 2007-2008 school year was 770 students, while the proposed

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Institutional Overlay plans for a capacity of up to about 950 students.

The plan includes approximately 925,000 square feet of total floor area, where about 560,000 square feet of total floor area currently exists. While the plan includes approximately 550,000 square feet of new construction, it also includes about 195,000 square feet of demolition of existing structures.

Architectural Guidelines The plan provides architectural character and building façade guidelines to insure that any new construction on the Fisk campus will complement the historic structures and reinforce the ambiance of the historic district without replicating the historic structures. These standards will insure that each building will be architecturally compatible with the surrounding buildings and overall campus in terms of building materials and scale. They also insure that the views and vistas to the historic structures are preserved.

Landscaping Guidelines Landscaping standards for all new buildings and parking areas are included. The plan states that “[e]very effort will be made to plan new buildings and site improvements in a manner that will preserve many of these existing trees” and requires a landscape plan to be approved with every final site plan application. It calls for trees within the courtyards and guidelines for screening mechanical and service equipment.

Parking New parking facilities are proposed around Crosthwaite Hall and the New Residence Hall West at the corner of Jefferson Street and D.B. Todd Jr. Boulevard, as well as the reconfiguration of the existing parking lot behind Jubilee Hall. Staff recommends that a condition be added to the overlay to require that with any Final Site Plan for new parking facilities along Jefferson Street and/or Dr. D.B. Todd Jr. Boulevard, a detailed landscaping plan must be provided showing the preservation of the existing trees outside of the area shown on the Master Plan for parking, and showing additional landscaping at a minimum of 30 inches in height immediately surrounding the parking lots along Jefferson Street and Dr. D.B. Todd Jr. Boulevard to provide screening of vehicles from the streets.

Historic Properties Fisk University includes 15 buildings listed on the National Register of Historic Places and three that are National Register Eligible. While most of the proposed Institutional Overlay is located within a National Register Historic District (not a Historic Zoning district), the Historical Commission has indicated that there are no buildings of historic significance being demolished with this plan.

HISTORICAL COMMISSION RECOMMENDATION Approval.

PUBLIC WORKS RECOMMENDATION

1. A reevaluation of the access and parking requirements will be required in the future if building sizes and uses are changed significantly from what is included in the Master Plan.
2. In accordance with the IO requirements, the Traffic Impact Study shall be updated a minimum of every 5 years and shall include an updated parking analysis.
3. An updated parking analysis may be required by the Metro Traffic Engineer if significant changes are made concerning the availability of on-street public parking on and around the Fisk campus.

STORMWATER RECOMMENDATION Approved. Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services prior to final site plan approval.

FIRE MARSHAL RECOMMENDATION Conditional. The turning radius of a fire department access road shall be 25' inside and 50' outside. 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. More than 50 ft (15 m) above grade and containing intermediate stories or balconies, Class I standpipe system shall be installed. More than three stories above grade, Class I standpipe system shall be installed. 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.

METRO DEVELOPMENT AND HOUSING AGENCY (MDHA) “MDHA has reviewed the master plan and Phase III does follow our land use guidelines. University/ Institutional-related Facilities and Cultural Facilities in the Jefferson Street

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Redevelopment District are allowed.

As described in the approved Redevelopment Plan, MDHA will review any plans for new construction or addition to any building in this parcel. For any new development, redevelopment or improvement, a site plan shall be prepared which shows location of structures, appurtenance, walls, signs, driveways, parking and service areas, walks, utilities, plantings, and grades. The site plan shall be submitted for review and approval by MDHA's Design review Committee before issuance of any associated building permits."

STAFF RECOMMENDATION In reviewing the Fisk University Institutional Overlay, staff has determined that the proposed plan is consistent with the North Nashville Community Plan and DNDP, and meets the requirements, as outlined by the Metro Zoning Code, for applying the IO district. Staff recommends conditional approval.

CONDITIONS

1. All Public Works conditions and requirements shall be met with the submittal of any Final Site Plan.
2. With any Final Site Plan for new parking facilities along Jefferson Street and/or Dr. D.B. Todd Jr. Boulevard, a detailed landscaping plan must be provided showing the preservation of the existing trees outside of the area shown on the Master Plan for parking and showing additional landscaping at a minimum of 30 inches in height immediately surrounding the parking lots along Jefferson Street and Dr. D.B. Todd Jr. Boulevard to provide screening of vehicles from the streets.
3. No electronic signs shall be permitted.
4. Prior to the issuance of any permits, MDHA will review any plans for new construction or addition to any building in Phase 3 of the Institutional Overlay. For any new development, redevelopment or improvement, a site plan shall be prepared which shows location of structures, appurtenance, walls, signs, driveways, parking and service areas, walks, utilities, plantings, and grades. The site plan shall be submitted for review and approval by MDHA's Design review Committee before issuance of any associated building permits.
5. Temporary buildings and/or structures, to be used for a limited, specified time period, must be approved by the Planning staff.
6. A corrected copy of the preliminary Institutional Overlay (IO) plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the IO plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the IO plan shall be presented to the Metro Council as an amendment to this IO ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Resolution No. RS2009-1

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008IN-002U-08 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. All Public Works conditions and requirements shall be met with the submittal of any Final Site Plan.
2. With any Final Site Plan for new parking facilities along Jefferson Street and/or Dr. D.B. Todd Jr. Boulevard, a detailed landscaping plan must be provided showing the preservation of the existing trees outside of the area shown on the Master Plan for parking and showing additional landscaping at a minimum of 30 inches in height immediately surrounding the parking lots along Jefferson Street and Dr. D.B. Todd Jr. Boulevard to provide screening of vehicles from the streets.
3. No electronic signs shall be permitted.

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4. Prior to the issuance of any permits, MDHA will review any plans for new construction or addition to any building in Phase 3 of the Institutional Overlay. For any new development, redevelopment or improvement, a site plan shall be prepared which shows location of structures, appurtenance, walls, signs, driveways, parking and service areas, walks, utilities, plantings, and grades. The site plan shall be submitted for review and approval by MDHA's Design review Committee before issuance of any associated building permits.
5. Temporary buildings and/or structures, to be used for a limited, specified time period, must be approved by the Planning staff.
6. A corrected copy of the preliminary Institutional Overlay (IO) plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the IO plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the IO plan shall be presented to the Metro Council as an amendment to this IO ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed Institutional Overlay District to Fisk University is consistent with the North Nashville Community Plan's Major Institutional, Mixed Use, and Mixed Housing, and the adopted Detailed Neighborhood Design Plan which calls for an Institutional Overlay District to be applied the Fisk University campus."

2. **2009Z-001PR-001**
Map: 059-00 Parcel: 154
Bordeaux/Whites Creek Community Plan
Council District 2 – Frank R. Harrison
Staff Reviewer: Bob Leeman

A request to change from SCN to CS zoning for 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

APPLICANT REQUEST -A request to change from Shopping Center Neighborhood (SCN) to Commercial Service (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).

Existing Zoning

SCN District - Shopping Center Neighborhood is intended for a limited range of retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

Proposed Zoning

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

BORDEAUX-WHITES CREEK COMMUNITY PLAN

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

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Consistent with Policy? No. The Commercial Service (CS) district is not consistent with the Neighborhood Center policy. The CS district does not encourage a mixture of neighborhood oriented uses that reinforce NC policy design principles. The CS district permits uses that are greater in intensity than the small scale convenience type uses supported by NC policy.

While the proposed CS district and associated PUD plan do not promote the development form or encourage uses reflective of Neighborhood Center land use policy, if the proposed PUD plan were changed to include a small-scale, neighborhood component along Whites Creek Pike in front of the self-service storage (as was previously proposed) then this type of rezoning may be appropriate. As proposed, the zoning and development form are not consistent with the Neighborhood Center policy.

Maximum Uses in Existing Zoning District: SCN/Commercial PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	8.53	N/A	54,182	2356	51	152

Maximum Uses in Proposed Zoning District: CS/Commercial PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	8.53	N/A	1,170	44	6	6

Maximum Uses in Proposed Zoning District: CS/Commercial PUD

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mini-Storage Warehouse (151)	8.53	FAR	37,652	89	6	10

STAFF RECOMMENDATION Staff recommends disapproval of the request to rezone 8.53 acres from Shopping Center Neighborhood (SCN) to Commercial Service (CS). The CS district, with the proposed PUD plan, is not consistent with the Neighborhood Center land use policy of the Bordeaux-Whites Creek Community Plan.

[Note: Item #2 and Item #3 were discussed by the Metropolitan Planning Commission together. See Item #3 for actions and resolutions.]

- 3. **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: Bob Leeman

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), to permit a 45,773 square foot self-service storage facility, and a possible future park, 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

APPLICANT REQUEST - Amend Preliminary PUD

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), to permit a 45,773 square foot self-service storage facility, and a possible future park.

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PLAN DETAILS The plan proposes a commercial development consisting of a 45,773 square foot self-service storage facility, including a 900 square foot office for the facility, and a possible future park. The self-service storage facility includes five building; two buildings consisting of roughly 16,000 square feet each and three buildings that range from 4,785 square feet to 5,000 square feet. The office component of the self-storage facility will consist of 900 square feet.

Park The plan proposes a possible future park accessible to the public. The applicant proposes dedicating the park to the Metro government. The park will contain 3.29 acres of land and include playground equipment and an area designated for parking. The site plan designates the park as: "Publicly Accessible Park and Open Space". The plan states that if the park is accepted by the Metro Parks Board, that the applicant will be responsible for construction of the park. The plan also states that if the Metro Parks Board does not accept the park that the owner will not construct the park and will maintain the property as private property. The park area would be required to be maintained as undisturbed open space if the park is not constructed.

Access The commercial portion of the site is proposed to be accessible from Whites Creek Pike, while the park is proposed to be accessed from Moormans Arm Road.

Landscaping A standard landscape C Buffer is required around the perimeter of the site to screen the proposed development from the adjacent residential uses. The landscape plan proposes maintaining a significant amount of existing trees on site to screen the self service storage buildings from the neighboring residential uses and the park. Several streams traverse the property and stream buffers are planned to minimize disturbance of the streams.

Preliminary Plan The preliminary PUD plan was approved in 1965, as a planned zoning district and was amended into a Planned Unit Development in 1967. The plan was approved for over 75,000 square feet of commercial uses, but was revised in 2006, to allow a total of 54,182 square feet. This proposed amendment would permit 50,684 square feet of self-service storage and office uses.

The proposed PUD plan and the associated zone change do not promote the form of development nor the uses encouraged by the Bordeaux-Whites Creek community plan. The community plan designates a policy of Neighborhood Center (NC) to this area. The NC policy is intended for neighborhood scale convenience type uses that are within walking distance to the surrounding residential areas. Uses that are appropriate in this area include single and multifamily residential, public benefit activities and small scale office and commercial uses. With the exception of the park and the office, which will serve the self storage facility, the site is dominated by the self storage use. Without a mixture of neighborhood scale commercial uses, the stand-alone, self-service storage facility is out of character with the area and does not live up to the intent of neighborhood scale development encouraged by the policy.

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.

Submit a revised traffic analysis that complies with current proposal or comply with the previous conditions as follows:

1. Widen Whites Creek Pike to provide a 3 lane cross section from the existing joint use driveway to 100 ft south of Moormans Arm Road with transitions per AASHTO/MUTCD standards. Stripe Whites Creek Pike with 100 ft of northbound and 50 ft of southbound left turn storage at Moormans Arm Road.
2. Widen Moormans Arm Road to provide a 3 lane cross section from Whites Creek Pike to 100 ft west of the proposed access drive with transitions per AASHTO/MUTCD standards. Stripe Moormans Arm Road with 150 ft of dedicated left turn storage at Whites Creek Pike.
3. Rebuild existing traffic signal at Moormans Arm Road and Whites Creek Pike. Developer shall submit signal plan to Metro traffic engineer for approval. Plan shall include pedestrian signals and ADA facilities, if sidewalks are constructed at intersection.

STORMWATER RECOMMENDATION Approved.

WATER SERVICES RECOMMENDATION MWS recommends conditional approval at this time.

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FIRE MARSHAL RECOMMENDATION

1. 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.
2. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
3. The turning radius of a fire department access road shall be 25' inside and 50' outside. 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>)

STAFF RECOMMENDATION Staff recommends disapproval of the amendment to the preliminary PUD since the plan is not consistent with the Community Plan for this area.

CONDITIONS

1. The Final PUD site plan shall include a standard C Buffer Yard along the perimeter of the site separating the CS zoning from the surrounding R6 zoning.
2. If the park is accepted by Metro, the applicant will be responsible for construction of the proposed park facility in accordance with the Metro Parks Department design standards. If the park is not accepted by Metro, the owner will maintain the property as private property in its natural state. There shall be no development or grading of the park portion of the property. The park design shall be approved by Metro Parks staff during the final site plan review.
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 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.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the 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. Leeman presented and stated that staff is recommending disapproval.

Mr. John Fox, 1577 Wellington Way, spoke in favor of the proposed development.

Mr. Brian Shirley, 1136 Southford Drive, spoke in favor of the proposed development.

Mr. Thomas Stewart, 2615 Whites Creek Pike, expressed concerns with the proposed development.

Ms. Gillian Fishbach spoke in favor of the proposed development.

Mr. Shawn Henry, 315 Deadrick Street, spoke in favor of the proposed development.

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Mr. Dalton requested clarification on the left turn lane that was mentioned during the Public Hearing and the staff's recommendation on this issue.

Mr. Leeman explained that this was a recommendation of the Public Works Department.

Mr. Jonathan Honeycutt explained the necessity of the left turn lane as reviewed by the Public Works Department.

Mr. Dalton acknowledged both the positive attributes of the development as well as the issue that it did not meet the policy guidelines for this area. He then questioned whether staff could offer alternative zoning for the development in order to meet the policy guidelines.

Mr. Leeman explained that the original plan submitted by the applicant met policy guidelines, however, since then, the retail component was moved within the design layout, which caused the plan to be non-compliant.

Mr. Ponder questioned whether an alternative zoning would better suit this development.

Mr. Bob Leeman explained that CS zoning supports self storage facilities.

Mr. Clifton requested clarification on the various uses of CS zoning.

Mr. Leeman explained the various uses of CS zoning and the procedures that would take place if the plan was altered prior to development.

Mr. Clifton then questioned how the plan would be reviewed if the use was changed from supporting a self-storage development to an alternative CS use.

Mr. Leeman explained this concept to the Commission.

Mr. Clifton requested clarification on the various land uses contained in this proposal.

Mr. Bernhardt explained these uses to the Commission.

Dr. Cummings acknowledged and agreed that the proposed development would compliment this area. She then requested additional clarification on the required left turn lane.

Mr. Honeycutt offered additional information on the left turn lane requirement included in the proposal.

Mr. Tyler questioned whether staff was made aware of the reasons that the community was not in favor of additional retail components be included in this proposal.

Councilmember Harrison explained that the development would be less intrusive without additional retail components.

Mr. Tyler then requested clarification on the location of the ingress/egress component that would service the park included in the development.

Mr. Leeman explained there would be an additional traffic impact study if the park component were accepted and approved by the Parks Department.

Mr. Tyler then questioned if the retail square footage contained in the proposal triggered the required left turn lane.

Mr. Leeman explained the Neighborhood Center policy to the Commission.

Mr. Gee requested further clarification on the park component of the development.

Mr. Gee then questioned the components of the original planned unit development for this area.

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Mr. Leeman explained the original PUD components to the Commission.

Mr. Gee expressed concern with the staff's recommendation to disapprove the plan.

Mr. Gotto requested additional clarification on the left turn lane requirement and the components included in the proposal that triggered the additional lane.

Mr. Honeycutt explained the studies that were used by Public Works which resulted in the left turn lane requirement for this development.

Mr. Gotto then requested additional information on the existing traffic lighting located in this area and questioned whether the Commission could add a condition that would move the recommended left turn lane to Moormans Arm and Whites Creek Pike.

Mr. Honeycutt explained that moving the turn lane could be an option for the Commission to consider.

Mr. Gotto questioned whether the Commission could legally include such a condition.

Mr. Morrissey offered his thoughts on the legal aspects of moving the access point for this development.

Mr. Bernhardt explained that the Commission was currently deliberating two issues and briefly explained each in an effort to assist with their final recommendation.

Mr. Gotto then spoke of a similar self-storage proposal that was approved by Council that actually was complimentary and well received by a neighborhood. He then questioned the reason that storage facilities require CS zoning and suggested that staff re-review this required zoning. He then spoke in favor of approving the proposal.

Ms. LeQuire expressed concerns with the under utilization of this site and then questioned whether additional retail centers were located nearby the development.

Councilmember Harrison briefly explained the nearest retail centers located within this area.

Ms. LeQuire then questioned whether additional landscaping would be included to assist with screening the park setting from the storage unit.

Additional information on landscaping was provided by the applicant.

Mr. Clifton briefly explained his reasons for supporting the applicant's proposal and offered a motion to approve.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve with conditions Commercial Planned Unit Development 8-65P-001, including the conditions that 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, and additional traffic analysis may be required with the development of the future park, as well as removing the condition requiring construction of a left turn lane on Whites Creek Pike. **(9-0)**

Resolution No. RS2009-2

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

The proposed CS zoning district and associated PUD amendment are consistent with the Bordeaux-Whites Creek Community Plan's Neighborhood Commercial policy."

Resolution No. RS2009-3

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“BE IT RESOLVED by The Metropolitan Planning Commission that 8-65P-001 is **APPROVED WITH CONDITIONS, including the condition that 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, and additional traffic analysis may be required with the development of the future park. The condition requiring construction of a left turn lane on Whites Creek Pike was removed. (9-0)**

Conditions of Approval:

1. The Final PUD site plan shall include a standard C Buffer Yard along the perimeter of the site separating the CS zoning from the surrounding R6 zoning.
2. If the park is accepted by Metro, the applicant will be responsible for construction of the proposed park facility in accordance with the Metro Parks Department design standards. If the park is not accepted by Metro, the owner will maintain the property as private property in its natural state. There shall be no development or grading of the park portion of the property. The park design shall be approved by Metro Parks staff during the final site plan review.
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 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.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed PUD amendment and associated zone change for CS are consistent with the Bordeaux-Whites Creek Community Plan’s Neighborhood Commercial policy.”

Ms. Cummings left the meeting at 5:05 p.m.

- 4. 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),

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to revise the access to remove a connection of a private drive across the Colonial Pipeline gas line easement, requested by Wamble & Associates, PLLC, applicant, for Vastland Nashboro Development, LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary PUD and Final Site Plan

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 One and Two-Family Residential (R10), (12.59 acres), to revise the access to remove a connection of a private drive across the Colonial Pipeline gas line easement.

Zoning District

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

PLAN DETAILS The proposed plan removes a portion of a previously approved private drive that crosses over the Colonial Pipeline gas line easement. The revised private drive will serve 10 townhome units with one row of parking fronting the townhome units. There is one access point to the townhome units from Nashboro Boulevard.

History On December 8, 2005, the Planning Commission approved a request to permit the development of 73 town homes. The approval included an unimproved private drive that provides access to Nashboro Boulevard in two locations and crossed over the Colonial Pipeline gas line easement. The applicants have improved the private drive by resurfacing the asphalt. The private drive appears to need an additional coat. The applicant has agreed to add an additional coat upon the completion of the townhome units. The newly resurfaced private drive will serve 63 townhome units. The 10 townhome units to the west of the Colonial Pipeline gas line easement will be accessed from Nashboro Boulevard.

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

STORMWATER RECOMMENDATION Provide hydraulic grade line for the storm system.

FIRE MARSHAL RECOMMENDATION 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>)

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.

STAFF RECOMMENDATION Approval with conditions because the revision meets the intent of the approved PUD plan.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs. Pole signs shall not be permitted within this Planned Unit Development; 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, except for time/temperature/date signs, shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the

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Metro Department of Codes Administration.

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. 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.
6. 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.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Councilmember Wilhoite made a brief slide presentation of this area to the Commission. She then requested that the proposal contain additional conditions that would address any safety issues associated with the moving of the connection of the private drive across the Colonial Pipeline gas line easement.

Mr. Gotto acknowledged and agreed with the Councilmember's concerns. He offered a motion to approve the request and to include a condition that would require a warning apparatus be placed appropriately to warn motorists of the driveway ingress/egress point.

Mr. Clifton questioned whether the proposal could be deferred to allow additional time to work on the ingress/egress points contained in this proposal.

Mr. Bernhardt explained that a deferral would not benefit this request.

Mr. Gotto moved and Mr. Ponder seconded the motion, to approve 74-79P-001 with the condition that, prior to the issuance of building permits for units 56-65, the developer shall install or bond a warning signal along Nashboro Boulevard at a location approved by Metro Public Works to warn on coming vehicles of driveway ingress/egress. **(8-0)**

Resolution No. RS2009-4

"BE IT RESOLVED by The Metropolitan Planning Commission that 74-79P-001 is **APPROVED WITH CONDITION. (8-0)**

Condition of Approval:

1. Approved with the condition that prior to the issuance of building permits for units 56-65, the developer shall install or bond a warning signal along Nashboro Boulevard at a location approved by Metro Public Works to warn on coming vehicles of driveway ingress/egress.

The proposed revision is consistent with the intent of the Council approved preliminary plan."

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS

5. **2008Z-068U-07**
Map: 102-08 Parcels: 001, 117

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West Nashville Community Plan
 Council District 20 – Buddy Baker
 Staff Reviewer: Bob Leeman

A request to change from R6 to CS zoning for property located within a portion of the Charlotte Center Planned Unit Development at 3710 Annex Avenue and Old Hickory Boulevard (unnumbered), at the northwest corner of Charlotte Pike and Annex Avenue (15.94 acres), requested by Walter Davidson & Associates, applicant, for UlaX Estates, Inc., owner (See also Proposal No. 1-72-U-07).

Staff Recommendation: Approve; Disapprove if Stormwater issues related to PUD 1-72-U-07 are not addressed prior to the meeting

APPLICANT REQUEST - A request to change from One and Two-Family Residential (R6) to Commercial Services (CS) zoning for property located within a portion of the Charlotte Center Planned Unit Development at 3710 Annex Avenue and Old Hickory Boulevard (unnumbered), at the northwest corner of Charlotte Pike and Annex Avenue (15.94 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

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

Subarea 7 Community Plan

Retail Concentration Community (RCC) RCC policy is intended to accommodate concentrations of community scale retail. Community scale retail includes many forms of retail activity, including most types of retail shops, restaurants, entertainment, and consumer services but at a scale smaller than that of a regional mall.

Consistent with Policy? Yes. The Commercial Service (CS) district is consistent with the Retail Concentration Community (RCC) policy. The CS district allows for a wide range of commercial uses, including uses found in shopping centers like the Charlotte Center PUD. There is an associated PUD amendment (1-72-U-07), which proposes to add a new bank and grocery store to the existing shopping center. These uses are appropriate within the RCC policy area.

Zoning within PUD The R6 base zoning is the underlying base zoning within this existing Commercial PUD because, when this PUD was originally adopted in 1972, the Zoning Code in place did not require the base zone district to be consistent with what was proposed in the PUD. The Commercial PUD was simply applied as an overlay on top of the base zoning. Under the current Zoning Code, if a PUD is amended by the Metro Council, the base zoning must be brought into compliance with the current Zoning Code so that the PUD and base zoning are consistent. Rezoning to CS will accomplish this.

PUBLIC WORKS RECOMMENDATION See PUD report for 1-72-U-07.

Typical Uses in Existing Zoning District: R6 with a Commercial PUD Overlay

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	15.94	N/A	134,578*	8238	188	762

*Current floor area approved within the PUD

Typical Uses in Proposed Zoning District: CS with a Commercial PUD Overlay

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	15.94	N/A	153,231*	8963	203	830

*Proposed floor area within the PUD

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+18,653	+725	+15	+68

STAFF RECOMMENDATION Staff recommends approval, but disapproval of the request to rezone from R6 to CS if Stormwater issues related to PUD 1-72-U-07 are not addressed prior to the meeting. The request is consistent with the existing uses within the PUD and consistent with the RCC policy.

Approved, (9-0) *Consent Agenda*

Resolution No. RS2009-5

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-068U-07 is **APPROVED. (9-0)**

The proposed CS district and associated PUD amendment are consistent with the West Nashville Community Plan’s Retail Concentration Community policies.”

6. 1-72-U-07

Charlotte Center (Amendment #1)
 Map: 102-08 Parcels: 001, 117
 West Nashville Community Plan
 Council District 20 – Buddy Baker
 Staff Reviewer: Bob Leeman

A request to amend a portion of the Charlotte Center Planned Unit Development located at 3710 Annex Avenue and Old Hickory Boulevard (unnumbered), at the northwest corner of Charlotte Pike and Annex Avenue, zoned R6 and proposed for CS (15.94 acres), to permit 153,231 square feet of retail, restaurant, commercial amusement (indoor), and financial institution uses where 134,578 square feet of retail, restaurant and commercial amusement (indoor) were previously approved, requested by Walter Davidson & Associates, applicant, for Utax Estates Inc., owner. (See also Proposal No. 2008Z-068U-07).

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST - Amend Preliminary PUD

A request to amend a portion of the Charlotte Center Planned Unit Development located at 3710 Annex Avenue and Old Hickory Boulevard (unnumbered), at the northwest corner of Charlotte Pike and Annex (15.94 acres), to permit 153,231 square feet of retail, restaurant, commercial amusement (indoor), and financial institution uses where 134,578 square feet of retail, restaurant and commercial amusement (indoor) were previously approved.

PLAN DETAILS The plan proposes to add a 15,074 square foot retail use (grocery store) and a 3,579 square foot bank to an existing shopping center currently containing 134,578 square feet. The retail use is proposed to be located where there is currently a Metro recycling facility.

PUD Amendment Since the proposed additions exceed 10% of the square footage last approved by the Metro Council, and since the proposed bank is a use not originally approved by Council and not permitted by the current R6 base zoning, a PUD amendment is necessary. PUD amendments are considered major changes to the plan, which require Metro Council approval.

Access All access points within the PUD remain the same. There is one ingress/egress driveway along Charlotte Pike and two ingress/egress points along Annex Avenue (formerly Old Hickory Boulevard).

Shared Parking Study A shared parking study was submitted and reviewed by the Metro Traffic Engineer. The study indicates that there are 610 parking spaces existing within the PUD, while the current plan proposes 550 spaces. The study indicates that this PUD has a weekday parking demand of only 551 spaces and a weekend parking demand of 581 spaces.

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The study also indicates that current parking occupancy counts show that the parking demand and subsequent utilization of the shopping center is currently very low due to the relatively low parking demand that is generated by the Bowling Alley land use.

The plan also indicates that the proposed GFS Food Store is not a typical grocery store: "Although it is open to the public, the primary purpose of the GFS store is to provide wholesale bulk food items to commercial customers. For this reason, the GFS store will generate less parking demand than the required 1 space per 200 square feet."

Required Parking Spaces The Metro Zoning Code requires the following number of parking spaces:

Bowling Alley: 82,400 sq. ft	= 412 spaces
Retail: 43,820 sq. ft.	= 220 spaces
Restaurant: 8,358 sq. ft	= 84 spaces
Food Market (retail): 15,074 sq. ft	= 76 spaces
Bank (financial institution): 3,579 sq. ft.	= 18 spaces
Total Required Spaces	<hr/> = 810 spaces

Since the Metro Traffic Engineer has approved the shared parking study submitted by the applicant, staff recommends approval of the plan with the proposed 550 parking spaces.

Landscaping The proposed plan adds internal tree islands to the existing parking lot for the entire shopping center, not just the areas with the proposed new construction. The existing shopping center does not have any internal landscaping.

Traffic Impact Study A Traffic Impact Study was completed for this proposal by RG Phillips Consulting in November 2008 at the request of Metro Public Works.

The analyses included in the TIS indicate that the proposed development can be supported by the existing roadway network and will not significantly impact the operation of the traffic signal located at the intersection of Charlotte Pike and Annex Avenue/Hillwood Boulevard. The study indicates that the existing driveways to the Charlotte Center PUD will help to effectively disperse traffic and minimize any traffic impacts associated with the development. The TIS proposes no additional off-site roadway improvements.

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 Charlotte Pike. 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).
- Show and dimension right of way along Annex Avenue.
- A shared parking study was submitted by the engineer and approved by Metro Public Works.
- Prior to any subdivision plat or final PUD submittals, a revised TIS may be required of the developer to determine if mitigations are required.

STORMWATER RECOMMENDATION Amendment to preliminary PUD returned for corrections:

- Add C/D Note to plans:

(Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)

- Provide a water quality concept for the building addition and new parking lot.

WATER SERVICES RECOMMENDATION Approve.

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FIRE MARSHAL RECOMMENDATION Conditional

- New commercial developments 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>)
- 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, but disapproval if the Stormwater requirements are not satisfied prior to the meeting. The amendment to the preliminary PUD is consistent with the Community Plan for this area.

CONDITIONS

1. A revised shared parking study may be required with any change of use within the shopping center.
2. 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.
3. The PUD Final Site plan for the bank shall be in compliance with Chapter 17.20.070 of the Metro Zoning Code for adequate queuing for the bank drive-through.
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. 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.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Resolution No. RS2009-6

“BE IT RESOLVED by The Metropolitan Planning Commission that 1-72-U-07 is **APPROVED WITH CONDITIONS.**
(9-0)

Conditions of Approval:

1. A revised shared parking study may be required with any change of use within the shopping center.
2. 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.
3. The PUD Final Site plan for the bank shall be in compliance with Chapter 17.20.070 of the Metro Zoning Code for adequate queuing for the bank drive-through.
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.

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5. 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.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed PUD amendment and associated CS district are consistent with the West Nashville Community Plan's Retail Concentration Community policies."

7. **2009P-001-001**
Eastland Café (Beer PUD)
Map: 083-06 Parcels: 258, 259
East Nashville Community Plan
Council District 6 – Mike Jameson
Staff Reviewer: Brian Sexton

A request for preliminary and final site plan approval for a proposed Planned Unit Development located at 97 Chapel Avenue, at the northwest corner of Chapel Avenue and Eastland Avenue, zoned CN and located within the Eastwood Neighborhood Conservation Overlay (0.26 acres), to permit the existing restaurant of approximately 2,490 square feet an exemption from the minimum distance requirements included in the beer provisions of the Metro Code, requested by Kimley-Horn and Associates, Inc., applicant, for JJC, LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary PUD and Final Site Plan

A request for preliminary and final site plan approval for a proposed Planned Unit Development located at 97 Chapel Avenue, at the northwest corner of Chapel Avenue and Eastland Avenue, zoned Commercial Neighborhood (CN) and located within the Eastwood Neighborhood Conservation Overlay (0.26 acres), to permit the existing restaurant of approximately 2,490 square feet an exemption from the minimum distance requirements included in the beer provisions of the Metro Code.

Zoning District

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.

PLAN DETAILS In July 2003, the Metro Council passed an ordinance that allows some restaurants with a valid on-premises liquor license from the state alcoholic beverage commission to be exempt from the minimum distance requirements included in the beer permit provisions of the Metro Code. In order to qualify for the exemption, the restaurant must be on property that is subject to a commercial Planned Unit Development (PUD).

The proposed PUD plan is to allow an existing 2,490 square foot restaurant at the corner of Chapel Avenue and Eastland Avenue to serve beer. The property contains 22 on-site parking spaces and 6 off-site parking spaces, which meets the requirements of the zoning code, and is accessed from two points on Eastland Avenue.

An existing dumpster area in the rear of the building is inadequately screened. As a condition of approval of this PUD, staff recommends that the dumpster area be screened with an opaque or wooden fence.

STAFF RECOMMENDATION Staff recommends approval with conditions since the proposed PUD plan meets the requirements of the PUD provisions of the zoning code.

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CONDITIONS

1. Dumpster area shall be screened with opaque or wooden fencing.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2009-7

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009P-001-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Dumpster area shall be screened with opaque or wooden fencing.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. 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.

The proposed PUD plan meets the requirements of the PUD provisions of the zoning code."

IX. PUBLIC HEARING: FINAL PLATS

8. **2009S-009-001**
Highlands of Tulip Grove, Reserve Parcel 21
Map: 075-12 Parcel: 021
Donelson/Hermitage/Old Hickory Community Plan
Council District 12 – Jim Gotto
Staff Reviewer: Brenda Bernards

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A request for final plat approval to create 1 lot and remove the reserve status from a parcel located at 704 Netherlands Drive, approximately 150 feet south of Belgium Drive (0.25 acres), zoned R10, requested by Sunset, LLC, owner, James Terry & Associates, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Final Plat

A request for final plat approval to create 1 lot and remove the reserve status from a parcel located at 704 Netherlands Drive, approximately 150 feet south of Belgium Drive (0.25 acres), zoned One and Two-Family Residential (R10).

ZONING

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

SUBDIVISION DETAILS The purpose of this subdivision is to remove the reserve parcel status on this parcel in order to make this a buildable lot. The parcel was originally platted in August 1974 with a note on the plat indicating that this parcel was not to be used as a building site 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.

PUBLIC WORKS RECOMMENDATION No exception taken.

STORMWATER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION The 2 lot plat for Highlands of Tulip Grove is currently under review. At this point approval will be held until the total capacity has been paid for this plat. The 30% payment was enough to reserve capacity for one year per the original capacity letter. The owner/developer will need to complete the final payment with the Water Services Permits Office.

FIRE MARSHAL RECOMMENDATION Additional information requested.

- 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.
- Developer needs to provide more information to the Fire Marshal's Office.

STAFF RECOMMENDATION Staff recommends approval with conditions of the request to remove the reserve parcel status to create a buildable lot.

CONDITIONS

1. Payment of outstanding water and sewer service charges shall be remitted to the Water Services Permits Office prior to the recordation of the Final Plat.
2. The requirements of the Fire Marshal shall be met prior to the recordation of the Final Plat.

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

Mr. Greg Terry, 198 Jacksonian Drive, spoke in favor of the proposed development.

Mr. Jon Norris, 661 Netherlands Drive, spoke in opposition to the proposed development.

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Ms. Helen Benedict, 237 Santa Rosa Court, spoke in favor of the proposed development.

Mr. Gotto acknowledged that the proposal met the subarea requirements however expressed various concerns with the requested development. He briefly explained these concerns and requested that if the proposal were to be approved that a condition be included that would require proper setbacks as enforced by the Metro Codes department.

Mr. Tyler requested additional information on the specifics of the lot, in particular, the reserve status on the parcel.

Mr. Bernhardt explained this concept to the Commission.

Mr. Clifton acknowledged the opposing concerns however addressed the issue that the requested zoning met all the necessary requirements.

Mr. Ponder expressed his concerns with the proposed request.

Mr. McLean suggested that the plat include a condition that would require a single family unit only.

Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions, 2009S-009-001, including the conditions that only a single family residence is permitted and the setback encroachments of the property located to the north are to be resolved prior to the recording of the plat. (7-1)

Resolution No. RS2009-8

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-009-001 is **APPROVED WITH CONDITIONS, including the condition that only a single family residence is permitted and the setback encroachments of the property located to the north are to be resolved prior to the recording of the plat. (7-1)**”

Conditions of Approval:

1. Payment of outstanding water and sewer service charges shall be remitted to the Water Services Permits Office prior to the recordation of the Final Plat.
2. The requirements of the Fire Marshal shall be met prior to the recordation of the Final Plat.”

X. PUBLIC HEARING: REVISED SITE PLANS

9. 96-72P-001

Bellevue Plaza (Hardee's)
Map: 142-00 Parcel: 183
Bellevue Community Plan
Council District 22 – Eric W. Crafton
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Bellevue Plaza Planned Unit Development Overlay located at 7102 Highway 70 South, at the northwest corner of Highway 70 South and Old Hickory Boulevard (6.38 acres), zoned SCC, to permit the development of a 2,854 square foot restaurant, requested by Hardee's Food Systems, Inc., applicant, for Bellevue Plaza Partners, owner.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED 96-72P-001 to February 12, 2009, at the request of the applicant. (9-0)

XI. OTHER BUSINESS

DRAFT

10. Employee Contract Renewals for John Broome and David Kline.

Approved, (9-0) *Consent Agenda*

11. Executive Director Reports

Mr. Bernhardt gave a brief presentation on the issues associated with the FY2009-10 Budget. He then answered questions the Commission had resulting from his presentation.

Mr. McLean suggested that a Budget Subcommittee be formed by the Commissioners to assist Mr. Bernhardt with the preparation of the FY2009 Budget.

Ms. LeQuire, Mr. Gee and Mr. McLean agreed to serve on the Budget Subcommittee.

12. Legislative Update

Mr. Gotto explained and clarified that the motion he made for Item #4, 74-79P-001, Nashboro Village, was to include a condition that would require the installation of a flashing apparatus or signal, as opposed to just posting a sign that would alert motorists of ingress/egress points.


Mr. McLean announced that he was appointing Mr. Stewart to serve as the chair of the Commission subcommittee to study the policies and procedures relating to Public Hearings and that Mr. Dalton and Ms. LeQuire will serve on that committee.

XII. ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Chairman

Secretary

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