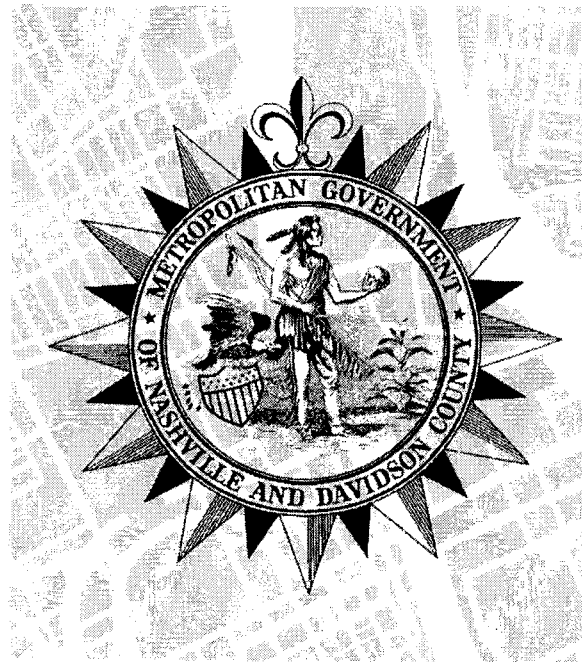


Metropolitan Planning Commission



Staff Reports

January 22, 2009

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

PREVIOUSLY DEFERRED ITEMS



Project No.
Project Name
Council District
School District
Requested by

Institutional Overlay 2008IN-002U-08

Fisk University I.O.

19 - Gilmore

07 - Kindall

Councilmember Megan Berry for various property owners, and Tuck-Hinton Architects, for Fisk University, owner

Deferred from the November 13, 2008, Planning Commission meeting.

Deferral

Staff Reviewer

Leeman

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.

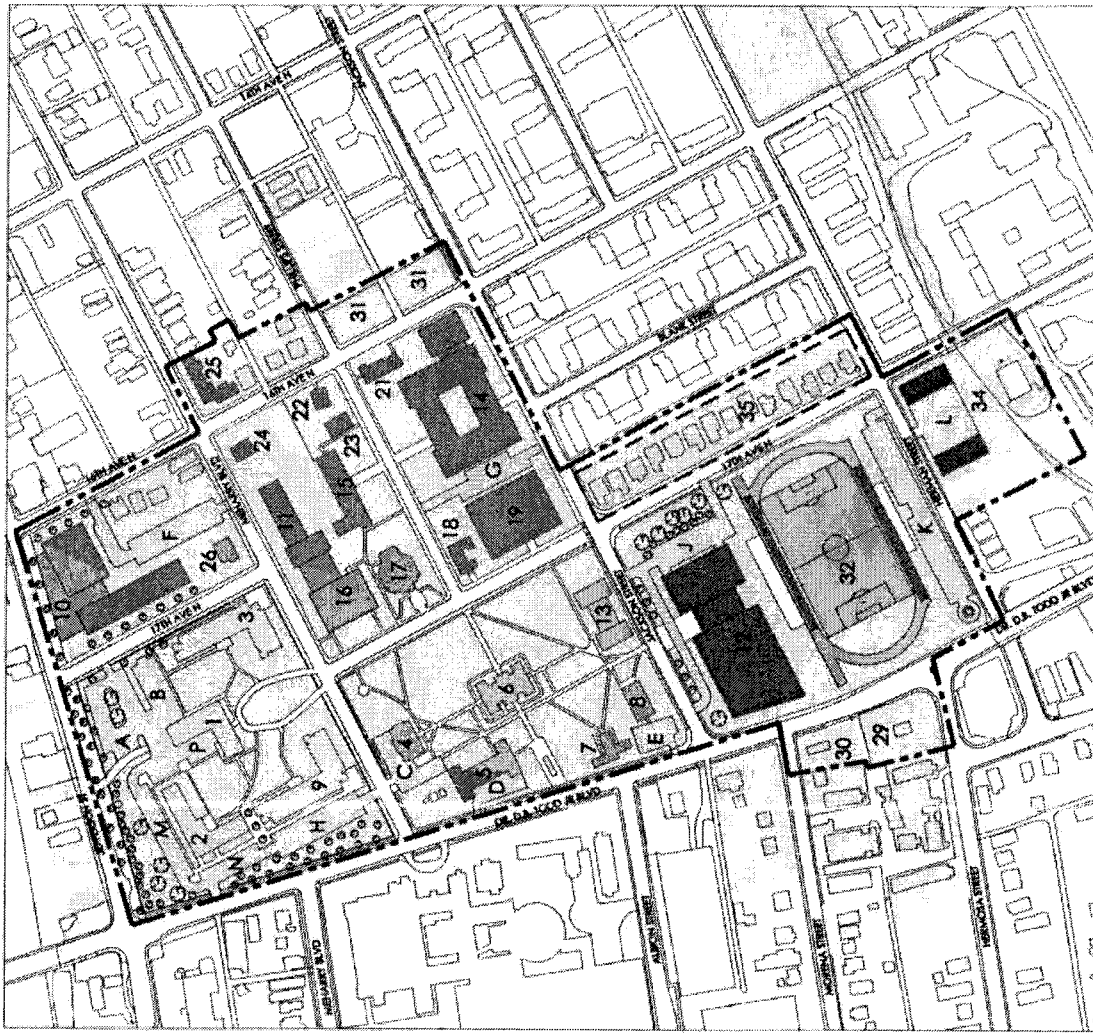
Redevelopment District

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



UNIVERSITY PARKING	
A.	38 Spaces
B.	27 Spaces
C.	17 Spaces
D.	12 Spaces
E.	21 Spaces
F.	50 Spaces
G.	12 Spaces
H.	50 Spaces
J.	36 Spaces
K.	108 Spaces
L.	42 Spaces - Possible Overflow
M.	27 Spaces
N.	17 Spaces
P.	16 Spaces

LEGEND	KEY
1. Jobilee Hall	Academic Area
2. Groshwaite Hall	Campus Related Residential
3. New Residence Hall East	General Admin. Offices
4. Carnegie Hall	Support Services - Buildings
5. Talley Brady Hall	Support Services - Parking
6. Cravath Hall	Operational Areas
7. Little Theater	Athletic Areas - Buildings
8. Van Vechten Art Gallery	Athletic Areas - Fields
9. New Residence Hall West	Proposed 1/0 Zoning Boundary (44.23 Acres)
10. New Community Arts/Academic Building	
11. New Expanded Student Union/Academic Building	
12. New Gymnasium & Wellness Center	
13. New Administrative Building	
14. New Science Building	
15. Park - Johnson Hall	
16. New/Renovated Spence Hall	
17. Fisk University Memorial Chapel	
18. Harris Music Building	
19. John Hope & Aurelia E. Franklin Library	
20. Race Relations Building	
21. General Administrative Offices	
22. Alumni House	
23. W.E.B. Du Bois Honors Center	
24. Boyd House	
25. Burrus Hall	
26. John Wesley Work House	
27. Campus Grounds Shop	
28. Basic College	
29. James Weldon Johnson House	
30. Bontemps House	
31. Tennis Courts	
32. New Track & Field	
34. Maintenance/Operational Building	
35. New Infill Residential	

NOTE
 Any future expansion of the Institutional Overlay boundary will require an amendment to the Institutional Overlay and Metro Council approval
 Future development outside the Institutional Overlay will be governed by the zoning on the property and/or the redevelopment district, not by this Institutional Overlay.



Metro Planning Commission Meeting of 01/22/2009

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 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.



Metro Planning Commission Meeting of 01/22/2009

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:



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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 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



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“[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.



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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 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."



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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.

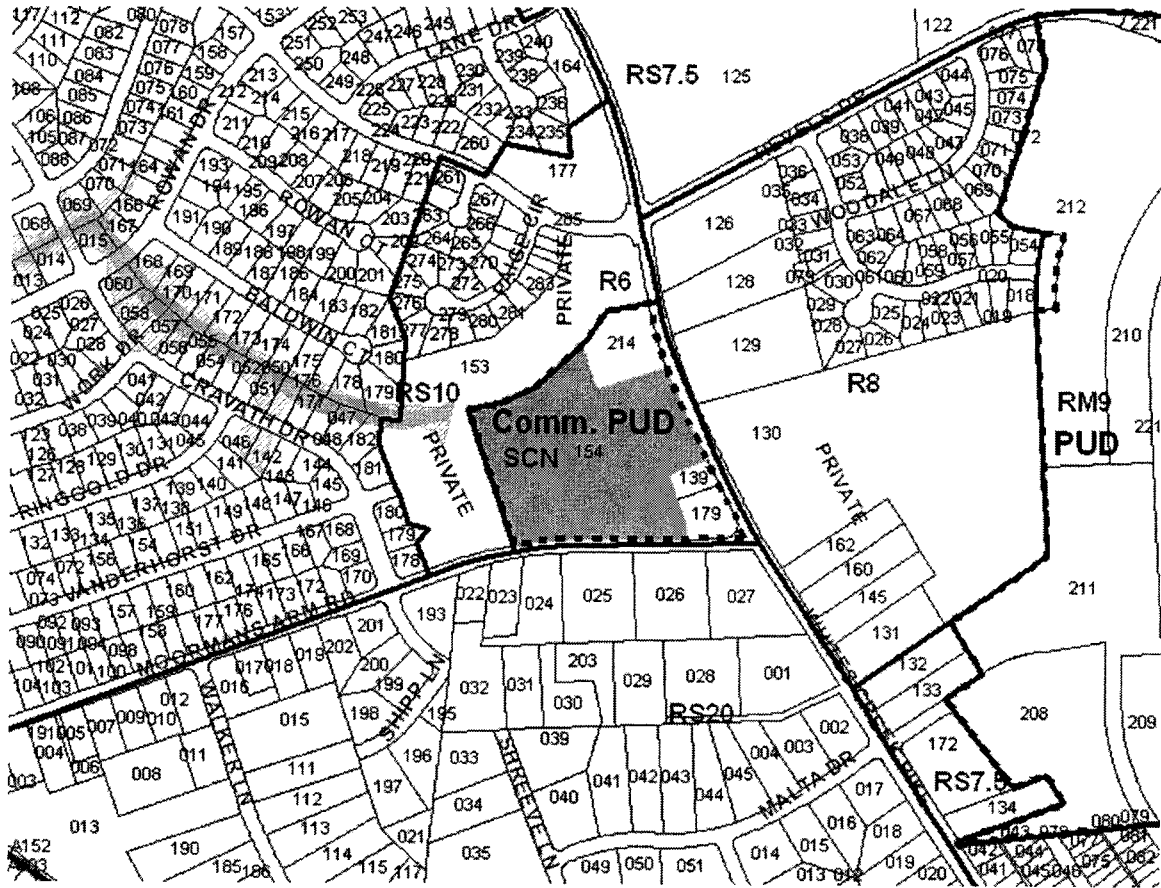
CONDITIONS

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



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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.



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



Project No.
Associated Case
Council District
School District
Requested by
Deferral

Zone Change 2009Z-001PR-001
PUD Amendment Proposal No. 8-65P-001
2 - Harrison
1 - Gentry
M.A. Williams Properties Inc., owner
*Deferred from the January 8, 2009, Planning
Commission meeting at the request of the applicant*

Staff Reviewer
Staff Recommendation

Leeman
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.

PUBLIC WORKS RECOMMENDATION

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

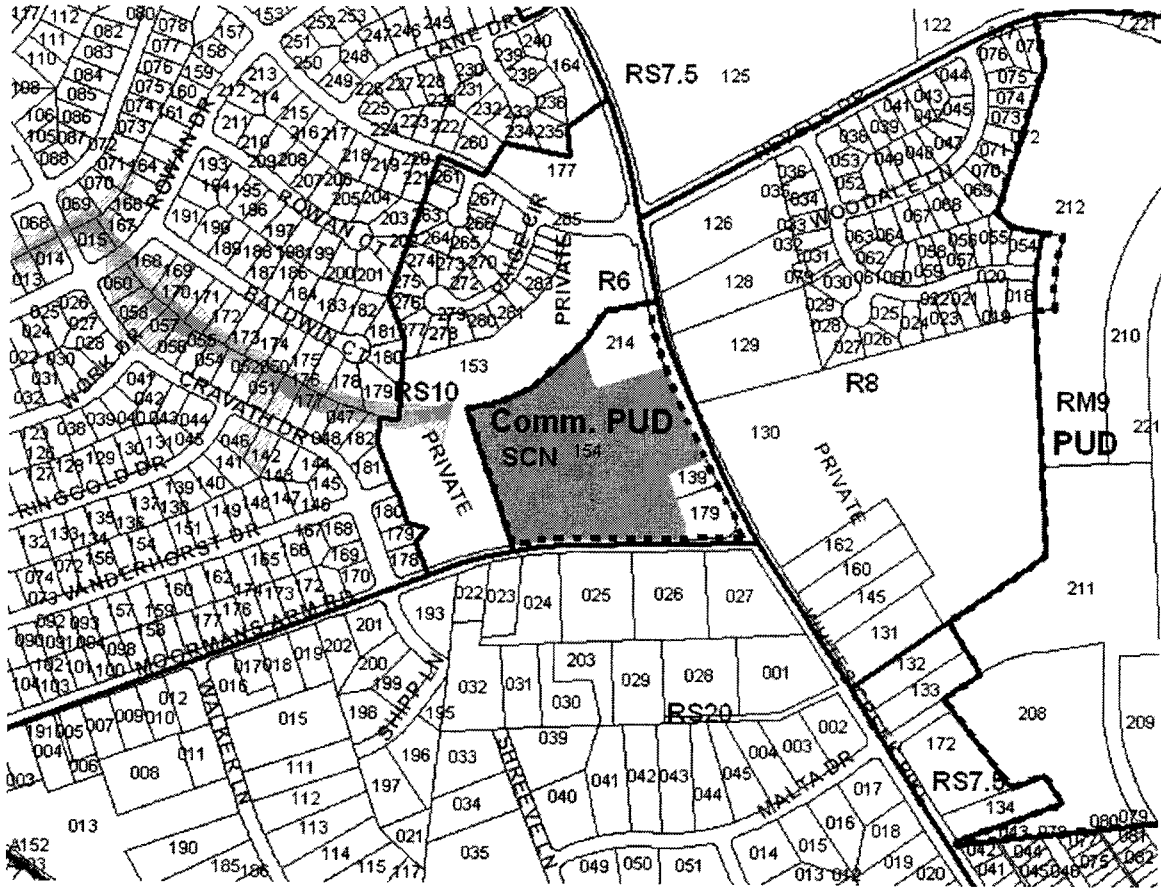
Maximum Uses in Proposed Zoning District: CS/Commercial PUD

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.

SEE NEXT PAGE



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



Project No.
Project Name
Associated Case
Council District
School District
Requested By

Planned Unit Development 8-65P-001
Nashville Park & Mini Storage

Zone Change No. 2009Z-001PR-001

2- Harrison

1 - Gentry

Arnold Consulting Engineering Services Inc., applicant,
for M.A. Williams Properties, Inc., owners

*Deferred from the January 8, 2009, Planning Commission
meeting at the request of the applicant*

Deferral

Staff Reviewer
Staff Recommendation

Leeman

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.**

PLAN DETAILS

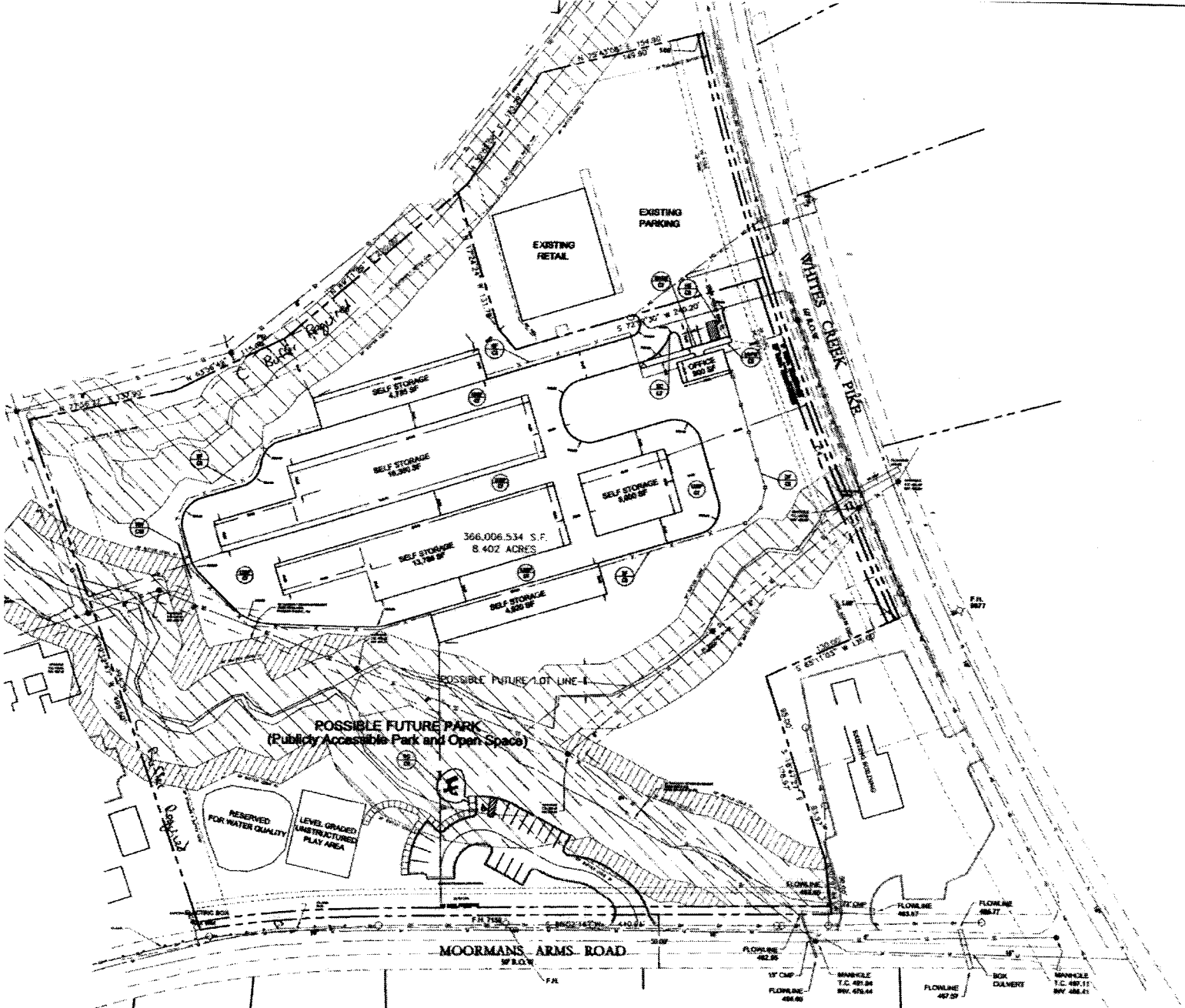
The plan proposes a commercial development consisting of a 45,773 square foot self-service storage facility, including a 900 square foot office for the facility, and a possible future park. The self-service storage facility includes five building; two buildings consisting of roughly 16,000 square feet 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.



MOORMAN'S ARMS ROAD

12" CMP FLOWLINE 486.00
 MANHOLE T.C. 481.04 INV. 675.44
 FLOWLINE 482.25
 FLOWLINE 483.37
 FLOWLINE 486.77
 BOX CULVERT
 FLOWLINE 487.29
 MANHOLE T.C. 487.11 INV. 486.41

POSSIBLE FUTURE PARK
 (Publicly Accessible Park and Open Space)

366,006.534 S.F.
 8.402 ACRES

EXISTING RETAIL

EXISTING PARKING

SELF STORAGE 4,740 SF

SELF STORAGE 14,300 SF

SELF STORAGE 8,800 SF

SELF STORAGE 4,800 SF

FLOWLINE 488.00

FLOWLINE 483.37

FLOWLINE 486.77

FLOWLINE 482.25

FLOWLINE 487.29

FLOWLINE 486.41

POSSIBLE FUTURE LOT LINE-1

RESERVED FOR WATER QUALITY

LEVEL GRADED UNSTRUCTURED PLAY AREA

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP

12" CMP



Metro Planning Commission Meeting of 01/22/2009

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



Metro Planning Commission Meeting of 01/22/2009

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.

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 (if approved)

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.



Metro Planning Commission Meeting of 01/22/2009

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.



Project No.
Project Name
Council District
School Board District
Requested By
Deferral
Staff Reviewer
Staff Recommendation

Planned Unit Development 74-79P-001
Nashboro Village (Revision to Tract 3)
29 - Wilhoite
6 - Johnson
Wamble & Associates, PLLC, applicant, for Vastland
Nashboro Development, LLC, owners
*Deferred from the January 8, 2009, Planning Commission
meeting at the request of the Councilmember*

Sexton
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.



Metro Planning Commission Meeting of 1/22/2009

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

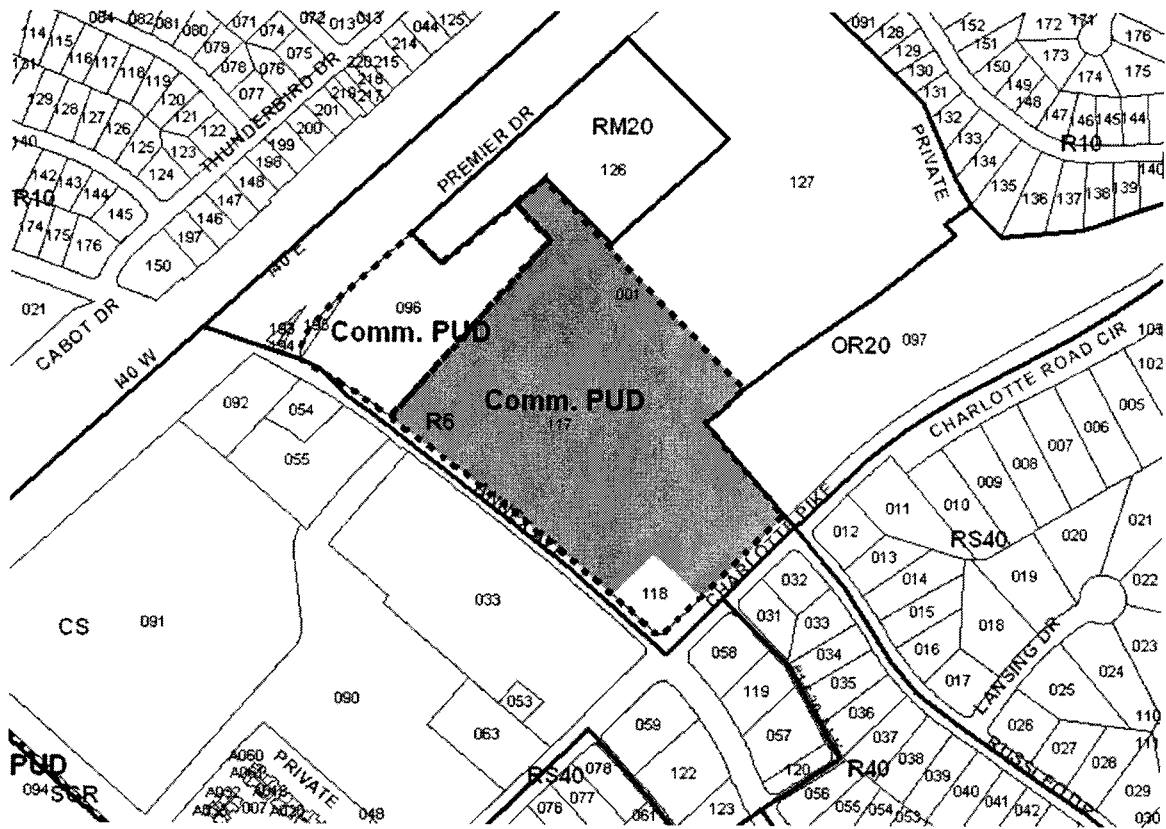


Metro Planning Commission Meeting of 1/22/2009

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 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.

ZONING MAP AMENDMENTS



2008Z-068U-07

Map: 102-08 Parcels: 001, 117
 West Nashville Community Plan
 Council District 20 – Buddy Baker



Project No.
Associated Case
Council District
School District
Requested by

Zone Change 2008Z-068U-07
PUD Amendment Proposal No. 1-72-U-07
20 - Baker
1 - Gentry
Walter Davidson & Associates, applicant, for Ulax Estates, Inc., owner

Staff Reviewer
Staff Recommendation

Leeman
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.



Metro Planning Commission Meeting of 1/22/2009

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

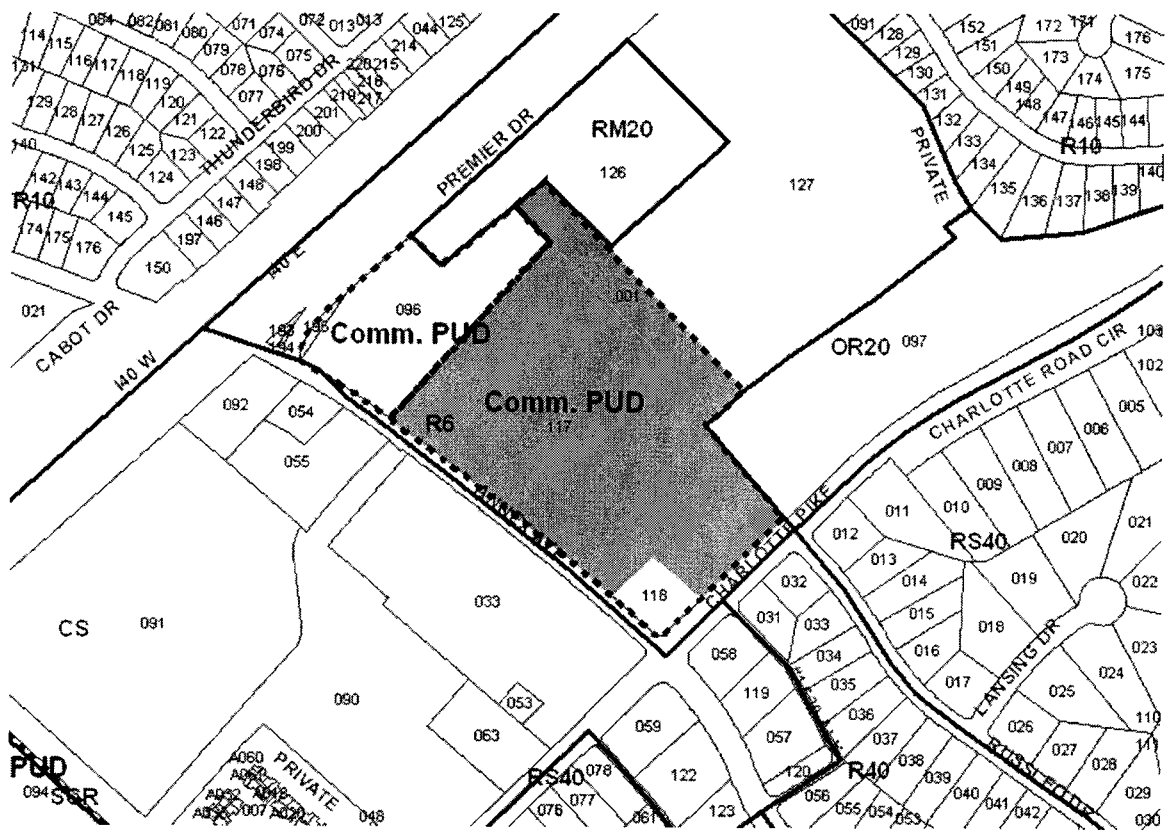
Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

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.

SEE NEXT PAGE



1-72-U-07
 Charlotte Center (Amendment #1)
 Map: 102-08 Parcels: 001, 117
 West Nashville Community Plan
 Council District 20 – Buddy Baker



Project No.
Project Name
Associated Case
Council District
School District
Requested By

Planned Unit Development 1-72-U-07
Charlotte Center PUD (Amend. #1)
Zone Change No. 2008Z-068U-08
20- Baker
1 - Gentry
Walter Davidson & Associates, applicant, for Ulax Estates Inc., owner

Staff Reviewer
Staff Recommendation

Leeman
Approve with conditions; Disapprove if Stormwater issues are not addressed prior to the meeting.

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. The study also indicates that current parking occupancy counts



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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	= 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.



Metro Planning Commission Meeting of 1/22/2009

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.

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.



Metro Planning Commission Meeting of 1/22/2009

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.



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



Project No. Planned Unit Development 2009P-001-001
Project Name Eastland Café (Beer PUD)
Council District 6 - Jameson
School Board District 5 - Porter
Requested By Kimley-Horn and Associates, Inc., applicant, for JJC, LLC, owner

Staff Reviewer Sexton
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

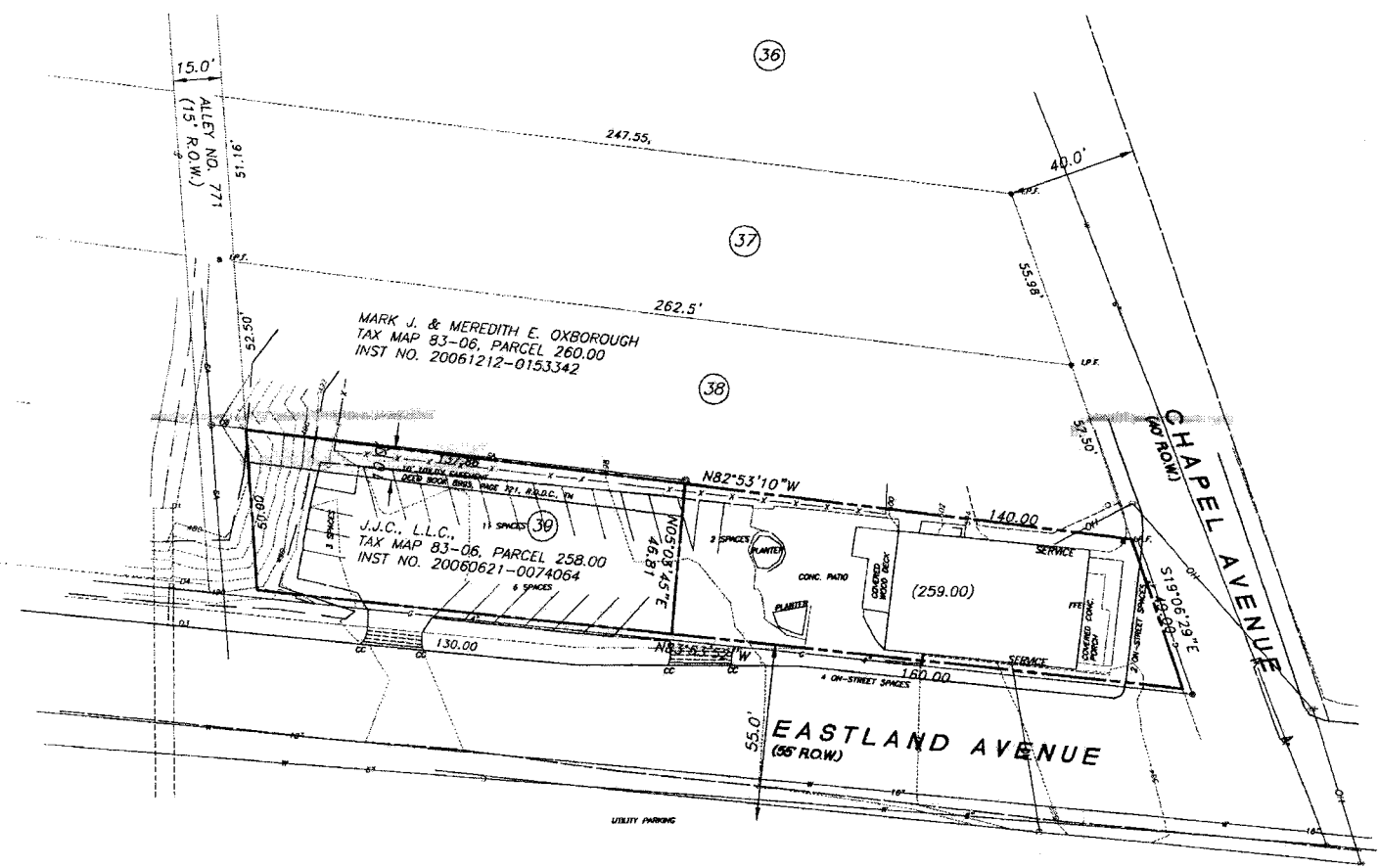
Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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.



15.0'

ALLEY NO. 771
(15' ROW)

91.15

247.55

(36)

40.0'

(37)

262.5'

55.55'

(38)

MARK J. & MEREDITH E. OXBOROUGH
TAX MAP 83-06, PARCEL 260.00
INST NO. 20061212-0153342

N82°53'10"W

140.00

J.J.C., L.L.C.,
TAX MAP 83-06, PARCEL 258.00
INST NO. 20060621-0074064

(39)

N05°05'45"E
46.81

2 SPACES

PLANTER

CONC. PATIO

LOADING DOCK RECY.

(259.00)

SERVICE

6 SPACES

130.00

N83°36'32"W

180.00

4 ON-STREET SPACES

(40 ROW)

CHapel AVenue

S119°06'29"E
148.80

55.0'

EASTLAND AVenue
(85' ROW)

UTILITY PARKING



Metro Planning Commission Meeting of 1/22/2009

STAFF RECOMMENDATION

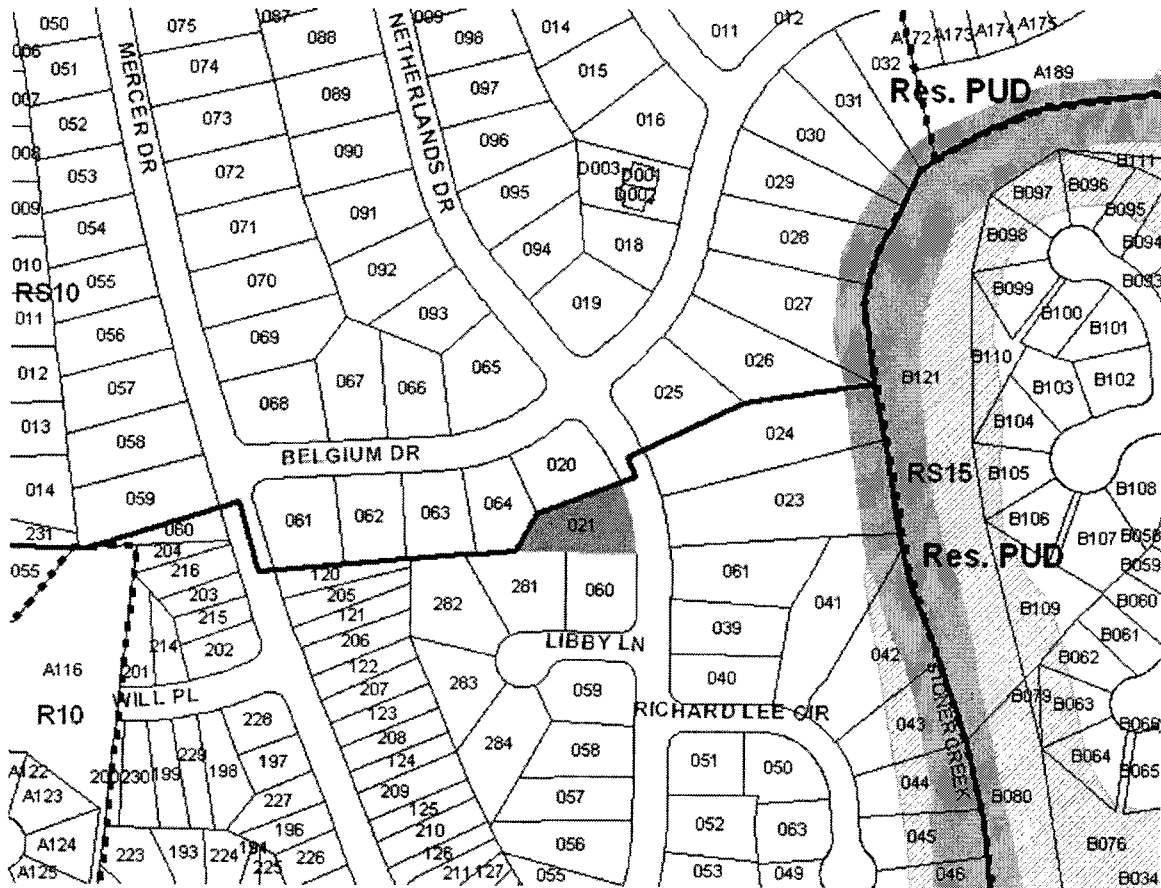
Staff recommends approval with conditions since the proposed PUD plan meets the requirements of the PUD provisions of the zoning code.

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.

SEE NEXT PAGE

FINAL PLAT SUBDIVISIONS





Project No.
Project Name
Council District
School District
Requested by

Subdivision 2009S-009-001
Highlands of Tulip Grove, Reserve Parcel 21
12- Gotto
4 – Glover
Sunset, LLC, owner, James Terry & Associates, surveyor

Staff Reviewer
Staff Recommendation

Bernards
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

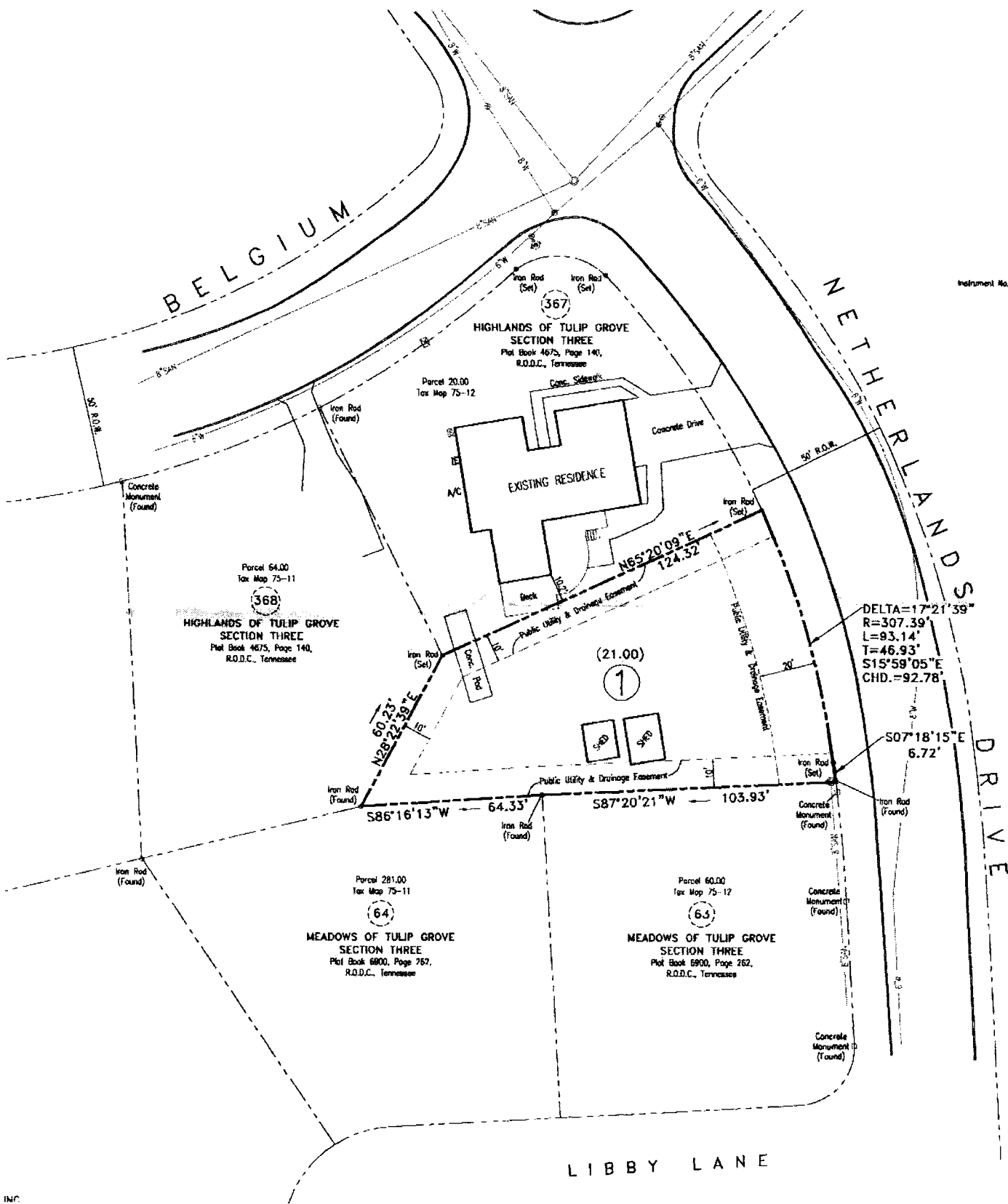
No exception taken.

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





Metro Planning Commission Meeting of 1/22/2009

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

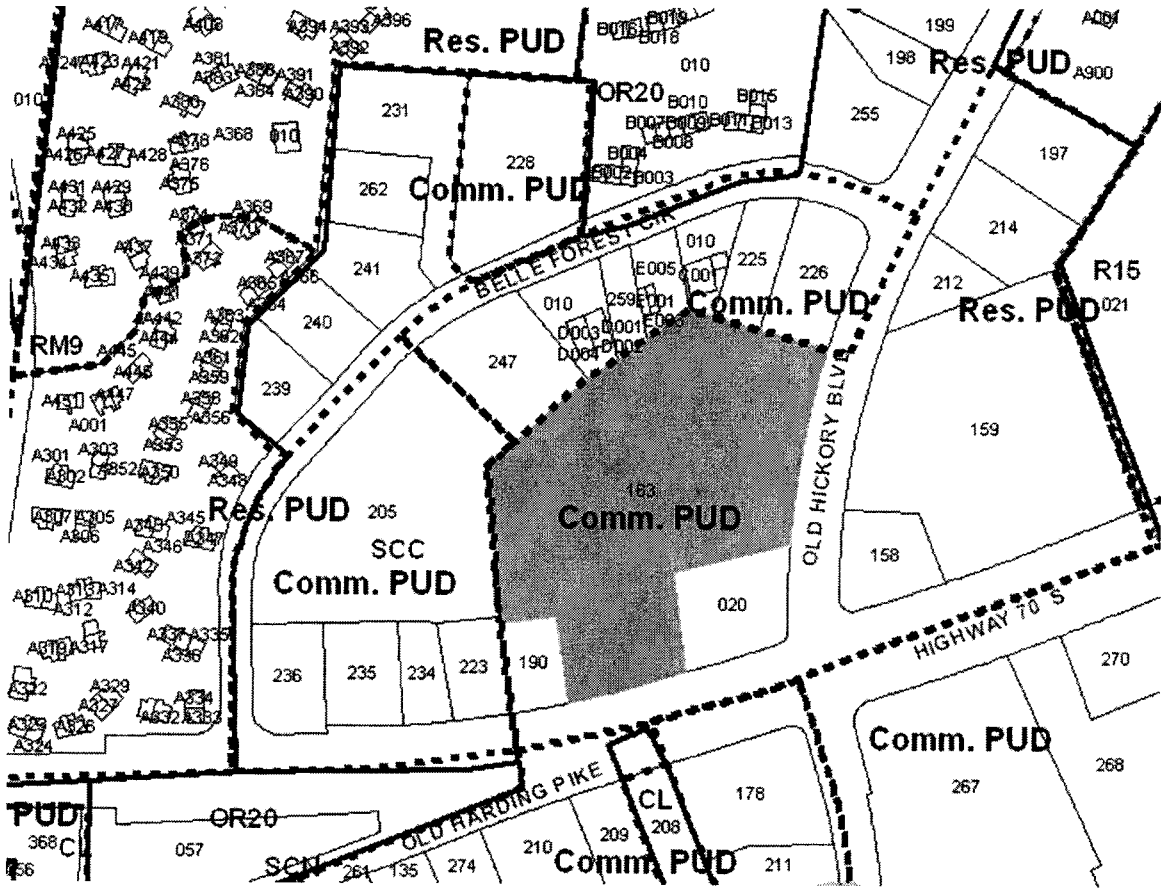
Staff recommends approval with conditions of the request to remove the reserve parcel status to create a buildable lot.

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.

SEE NEXT PAGE

**REVISIONS
and FINAL SITE PLANS**



96-72P-001
 Bellevue Plaza (Hardee's)
 Map: 142-00 Parcel: 183
 Bellevue Community Plan
 Council District 22 – Eric W. Crafton



Project No.
Project Name
Council District
School District
Requested By

Planned Unit Development 96-72P-001
Bellevue Plaza (Hardee's)
22 - Crafton
9 - Coverstone
Hardee's Food Systems, Inc., applicant for Bellevue Plaza Partners, owner

Staff Reviewer
Staff Recommendation

Swaggart
Disapprove

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 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 Shopping Center Community (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.

ZONING
SCC District

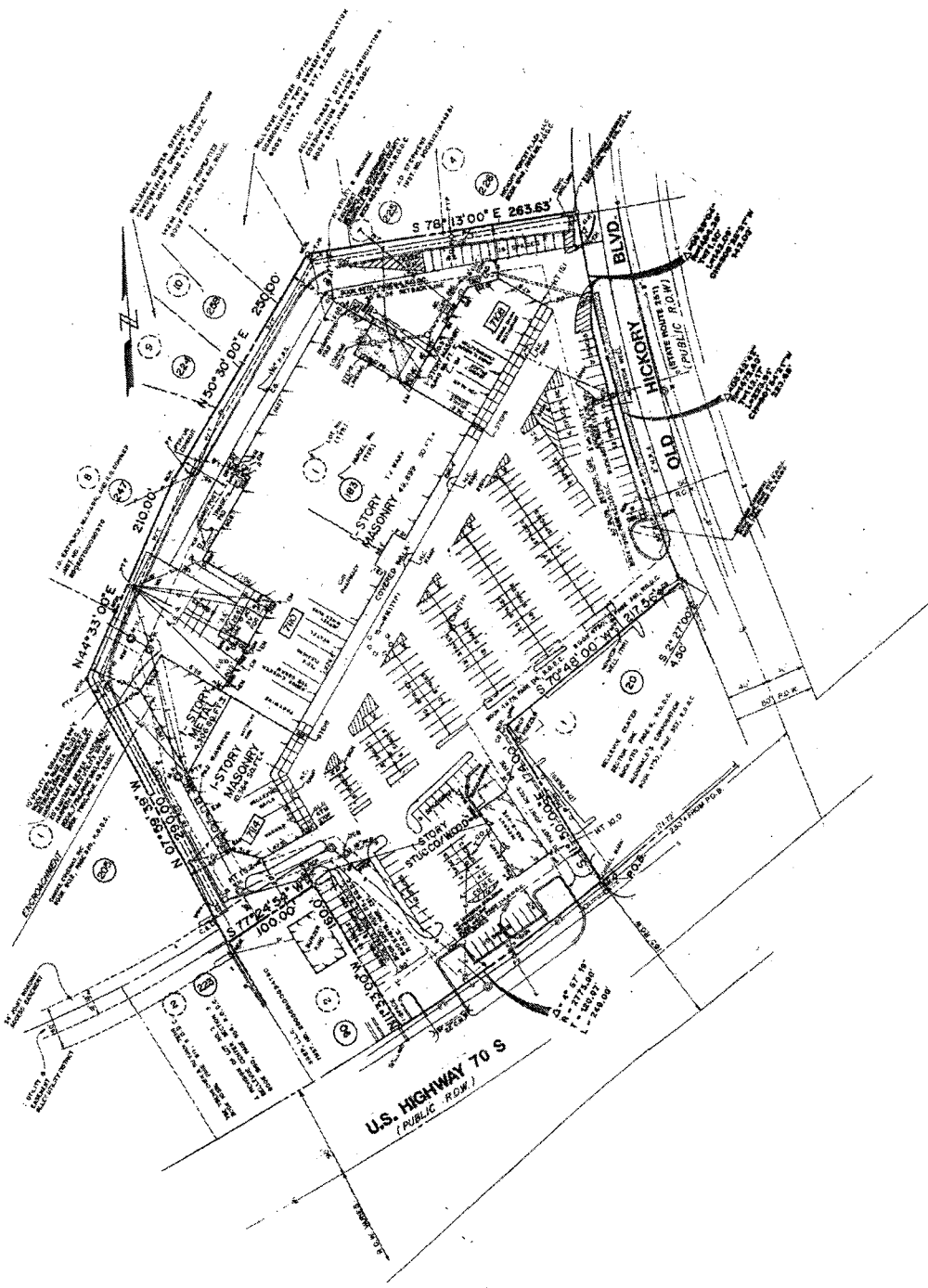
Shopping Center Community is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

PLAN DETAILS

This is a request to revise a portion of the plan for Bellevue Plaza. The PUD was originally approved in 1972, and includes property on the east and west side of Old Hickory Boulevard north of Highway 70 South. The most recent revision to the PUD was approved by the Planning Commission in April 2008 for an out parcel located at the northwest intersection of Old Hickory Boulevard and Highway 70 to permit a 4,052 square foot McDonald's restaurant. Prior to this revision, the Planning Commission approved a revision to this portion of the PUD in June 2003 to allow an 800 sq. ft. Moto Photo to be converted to a restaurant with 40 patio seats and a drive-thru lane.

Site Plan

The site plan calls for a 2,854 sq. ft. Hardee's fast-food restaurant with a drive-thru. The area proposed for the restaurant is not on a separate parcel, but is part of a larger parcel which includes a strip center. The strip center consists of approximately 71,286 square feet of retail, commercial, and restaurant uses.



U.S. HIGHWAY 70 S
(PUBLIC R.O.W.)

BLVD.

HICKORY

OLD HICKORY

N 44° 33' 00" E

S 78° 13' 00" E 263.63

S 50° 30' 00" E 200.00

1-STORY MASONRY

1-STORY STUCCO WOOD

107° 58' 25" N

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Metro Planning Commission Meeting of 1/22/2009

Sidewalks

The plan does not propose any new sidewalk along Highway 70. Currently a portion of parcel 183 contains sidewalk along Highway 70. Sidewalks are also located along Highway 70 adjacent to the site. A sidewalk will be required along Highway 70 along parcel 183 as a condition of approval.

Parking

The proposed Hardee's restaurant requires a total of 29 parking spaces. The strip center is required to have 399 spaces for a total of 428 required for the parcel. The plan identifies a total of 223 spaces, and is significantly below what is required by zoning. The neighboring McDonalds at the corner of Old Hickory Boulevard and Highway 70 is within the same PUD, but is on a separate lot. Since it is on a separate lot then it must meet the parking requirements for that lot, and does not have to provide parking for the adjacent parcel which includes the strip center and proposed Hardee's site.

The existing development is currently under parked. Staff has attempted to work with the applicant to resolve the parking issue. Typically all required parking spaces should be located on the same lot as the principle use, but the zoning code also allows for off-site parking and shared parking. The applicant has been informed of these options, but at this time the applicant has not proposed off-site parking or shared parking.

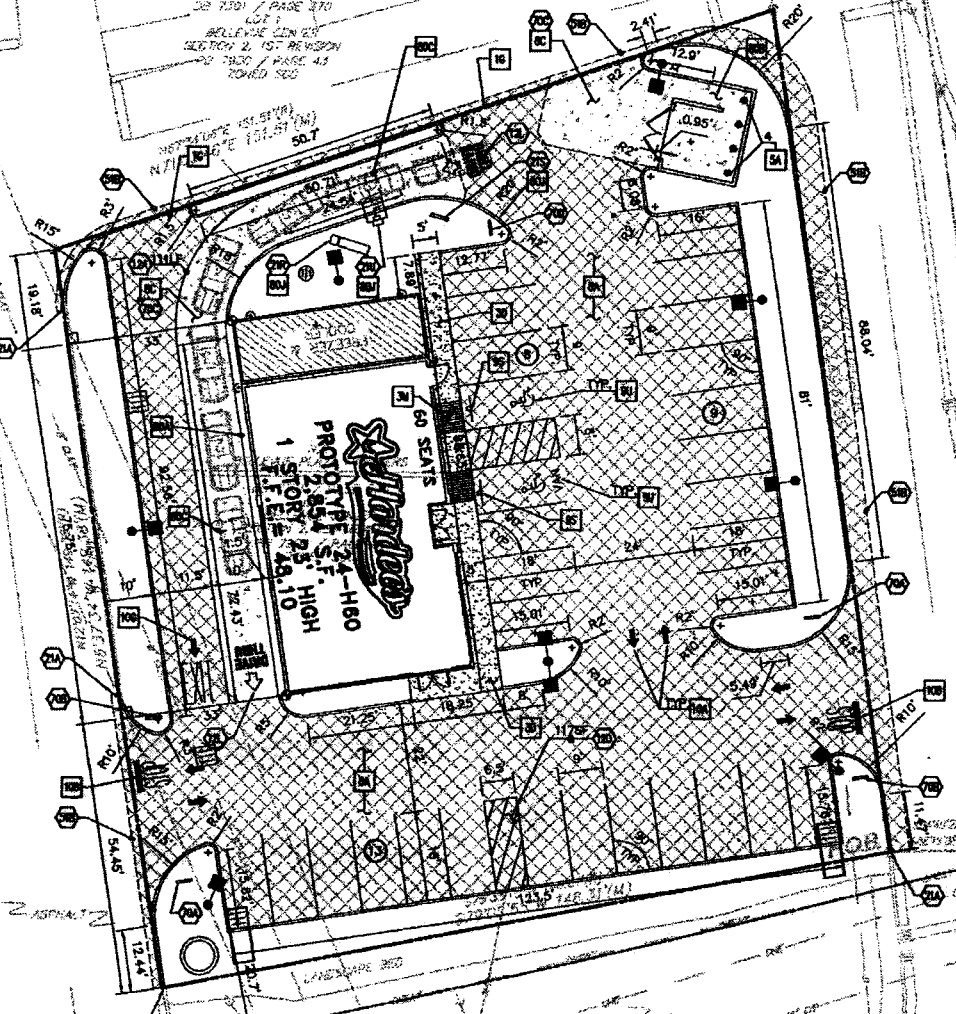
Off-site parking allows required parking spaces to be located on a remote and separate lot from the lot on which the principle use is located. Shared parking allows for fewer parking spaces than what the zoning code requires when uses within a mixed use developments have different peak parking demands and operating hours that would enable them to share parking. Both off-site parking and shared parking must be approved by the Zoning Administrator and/or Planning Commission, which shall be based on a recommendation from the Metropolitan Traffic Engineer.

Another option to address the parking shortage is for the applicant to request a variance from the parking requirements. At this time the applicant has not requested that the Board of Zoning Appeals (BZA) grant a variance to the parking requirements. The BZA is the agency that hears requests for variances from zoning requirements. The Planning Commission must make recommendations to

H/F
D'ELLEVILLE PLAZA PARTNERS
DIP 7301 / PAGE 270
LOF 1
BELLEVUE LIN 27
SECTION 2, 1ST REVISION
DIP 7300 / PAGE 43
TOWNSHIP

H/F
MCDONALD'S USA, LLC
DIP 200818 / PAGE 5092
TOWNSHIP

McDonald's
PROPOSED 24-HOUR
1 STORY 25,100 S.F. HIGH
60 SEATS



BENCHMARK
CHISELED
ON HEADWALL
ELEV 641.43

HIGHWAY 70 SOUTH
165' RIGHT-OF-WAY
(PUBLIC ROAD)

P.O.C.
CHISELED
ON BENCH
ELEV 641.43



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the BZA for variance requests within Planned Unit Developments.

Staff has visited the site on several different occasions and has observed a busy and full lot. Although the lot was relatively full, several spaces were available. Nevertheless, numerous patrons were observed parking within the area proposed for the Hardee's. Without a parking study it is impossible to determine if there really is a shortage of parking in the development. Since the existing parking is significantly below what is required by the zoning code, no alternative options have been proposed by the applicant, and observation has indicated a shortage of parking spaces, then staff does not recommend that the Planning Commission approve a variance to the parking requirement.

PUBLIC WORKS RECOMMENDATION

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

STORMWATER RECOMMENDATION

Approved with the following conditions:

1. Provide flow calculation for backside gutter to verify the offsite water will be diverted out.
2. Correct the contour error on the northwest corner.
3. Correct the contour labeling error.
4. Provide grading permit fee.
5. Submit easement document with recoding fee (\$5.00 per page plus \$2.00).
6. Submit Maintenance agreement with recording fee (\$5.00 per page plus \$7.00).

STAFF RECOMMENDATION

Staff recommends disapproval. Since the existing development currently provides significantly less parking than is required under the zoning code, it is not appropriate to approve additional uses without a parking study to justify alternative parking standards. Staff also recommends that the Commission recommend to the BZA that any parking variance for the PUD be disapproved until such time as the applicant provides a parking study justifying a reduction in the required parking.



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CONDITIONS (if approved)

1. A sidewalk shall be required along Highway 70 adjacent the development on parcel 183. A corrected final site plan shall identify the sidewalk as required with this condition, and shall be identified on all construction drawings.
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 for approval.
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. 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.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the



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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.