



**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**

*May 14, 2009*

\*\*\*\*\*

*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Hunter Gee  
Victor Tyler  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

**Staff Present:**

Rick Bernhardt, Executive Director  
Doug Sloan, Legal Counsel  
Ted Morrissey, Legal Counsel  
Bob Leeman, Acting Planning Mgr. II  
Trish Brooks, Admin. Svcs Officer 3  
Craig Owensby, Public Information Officer  
Brenda Bernards, Planner III  
Brian Sexton, Planner I  
Jason Swaggart, Planner II  
Anita McCaig, Planner III  
Bob Eadler, Planner II  
Carrie Logan, Planner II  
Steve Mishu, Metro Water  
Jonathon Honeycutt, Public Works

**Commission Members:**

Derrick Dalton

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

**I. CALL TO ORDER**

The meeting was called to order at 4:04 p.m.

**II. ADOPTION OF AGENDA**

Mr. Leeman explained that Items 18 and 19, the Historical Commission Report and the Parks Commission Report were added to the agenda. He also explained that Item #12, was modified to read,

“Request for final plat approval for Phase 9 of the Creekside Trails Planned Unit Development (Jordan Ridge at Eatons Creek Phase 9)” and that this item was added to the Consent Agenda.

Ms. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the revised agenda as presented. **(8-0)**

### **III. APPROVAL OF APRIL 14, 2009, AND APRIL 23, 2009, MINUTES**

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the minutes of April 14, 2009, and April 23, 2009, as submitted. (8-0)

Mr. Clifton arrived at 4:05 p.m.

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

Councilmember Hunt spoke in favor of approving Item #7, 2009Z-022PR-001. He gave a brief explanation on the requested rezoning as well as the current land uses on the parcel. He then stated that the applicant agreed to sign an agreement that would rezone the parcel back to CS, R15 and RS20 if the applicant were to move out of the area. He requested that the Commission approve the requested rezoning.

Councilmember Todd spoke in favor of Item #6, 2009SP-008-001. He briefly explained that he has held neighborhood meetings and will continue working with those constituents who had issues with the development prior to hearing this bill at its third reading in Council. He requested its approval.

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

There were no withdrawn or deferred items.

Mr. Leeman 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 ZONING MAP AMENDMENTS**

- |    |                |  |   |
|----|----------------|--|---|
| 4. | 2006SP-152-002 | A request to amend the Nolensville Road Automart Specific Plan District located at 2721 and 2725 Nolensville Pike and 2722 Grandview Avenue, to amend Condition 3 in Council Bill 2006-1258 pertaining to sidewalk requirements. | -Approve with revised amendment, including that the funds will be used within the same pedestrian benefit zone. |
|----|----------------|--|---|

#### **FINAL PLANS**

- |    |               |   |
|----|---------------|---|
| 8. | 2009S-036-001 | A request for final plat approval to create two lots and to grant a variance to Section 3-4.2.b for lot frontage on property located at 2122 Murfreesboro Pike. |
|----|---------------|---|

**- Approve with condition and a variance to the requirements for street frontage**

#### **REVISED SITE PLANS**

- |     |               |   |                       |
|-----|---------------|---|-----------------------|
| 9.  | 2005P-030-001 | A request to revise portions of the preliminary plan for Phase 1, Section 1A and for final approval for Phase 1, Section 2A of the Ravenwood Residential Planned Unit Development located on a portion of property at Stones River Road (unnumbered), at the end of Stone Hall Boulevard, to permit the development of 14 single-family lots in Phase 1, Section 2A, and to revise a landscape buffer yard and to eliminate a portion of sidewalk in Phase 1, Section 1A. | -Approve w/conditions |
| 10. | 31-85P-001    | A request to revise the preliminary plan for the Southplace Office Park Planned Unit Development Overlay located at 5880 Nolensville Pike, to permit a 2-story, 32,200 square foot addition where 112,000 square feet of office uses has been previously approved, yet only 91,000 square feet has been built.  | -Approve w/conditions |

**OTHER BUSINESS**

- 12. Approval of the final plat for Phase 9 of the Creekside Trails (Jordan Ridge at Eaton’s Creek) Planned Unit Development. - Approve
- 16. An amended employee contract for Bob Leeman. -Approve

Mr. Clifton moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the Consent agenda as presented. (9-0)

**VII. PUBLIC HEARING: PREVIOUS DEFERRED ITEMS**

- 1. **2009Z-017PR-001**  
 Map: 069-00 Parcel: 120  
 Bordeaux/Whites Creek Community Plan  
 Council District 1 – Lonnel R. Matthews, Jr.  
 Staff Reviewer: Brian Sexton

A request to rezone from RS15 to OR20 zoning property located at Ashland City Highway (unnumbered), approximately 1,620 feet east of Eatons Creek Road (7.14 acres), requested by A. Brandon Starks, applicant, for Jackson Street Missionary Baptist Church, owner.

**Staff Recommendation: Disapprove**

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

Councilmember Matthews briefly explained the requested rezoning and its proposed uses to the Commission. He explained that area residents were in favor of the request, however, expressed their interest in having security that in the future, the parcel would only house the requested funeral home and one single-family home. He further explained that he suggested that the applicant pursue SP zoning instead of OR20 zoning, as the SP would further restrict land uses on the parcel.

Mr. H. Hill, 2205 10<sup>th</sup> Avenue South spoke in favor of the requested rezoning.

Mr. Gotto questioned whether the Commission could keep the public hearing open if this item were to be deferred, so that the application could be converted to an SP as mentioned by the Councilmember.

Mr. Bernhardt offered additional information on the Planning Commission’s procedures if the request were to be deferred by the Commission, applicant or Councilmember.

Mr. Clifton offered that the Commission could approve and amend the request to an SP.

Councilmember Matthews explained that he would like for the request to be an approval with the added amendment that it be converted to an SP. He also stated that he could hold the public hearing at the council level, if the Commission were to approve the application at their meeting.

Mr. Gotto offered additional information to Councilmember Matthews regarding the filing of the bill in relation to when it would be heard at the Council Public Hearing.

Mr. H. Hill spoke in opposition to the suggested public hearing being heard at the Council level as opposed to being heard at the Planning Commission level.

The Public Hearing was closed.

Mr. Gotto spoke in favor of approving the request, however, suggested amending the request to an SP, so that it could be heard at the July Public Hearing at Council.

Dr. Cummings questioned past history on this parcel. She then acknowledged that the area residents were in favor of the proposal as long as nothing more than a funeral home with one single-family dwelling would ever exist on the parcel. She then requested further clarification on the procedures if the Commission were to defer this request.

Mr. Bernhardt explained the various procedures in which this request could be processed if it were deferred by the Commission, applicant or Councilmember.

Mr. Sloan offered his opinion on the best method the Commission should follow on this application.

Mr. Clifton agreed with deferring the proposal and acknowledged the citizen's concern if the application were approved and amended at the Commission level. He then spoke on the integrity of SP zoning fees and the issue of amending bills to avoid various fees.

Mr. Ponder questioned whether the staff's recommendation would move to an approved status if the application were for an SP zoning.

Mr. Sexton explained that staff's recommendation would remain a disapproval due to the application being inconsistent with the general policy for the area.

Ms. LeQuire questioned the original content of the commercial PUD that was previously approved by the Commission.

Mr. Leeman responded however, his comments were inaudible.

Ms. LeQuire questioned whether Commissioners had issues with approving an application that went against the policy for this area.

Mr. Gotto expressed his concerns with deferring the proposal and suggested it be sent forward with an amendment.

Mr. Clifton spoke on the issue of approving the application even though it was against policy for that area.

Mr. Gotto also offered his views on approving the application for the requested uses even though they were not compatible with the policy for the area.

Ms. Cummings moved, and Mr. Gotto seconded the motion, which passed unanimously, to keep the public hearing open and defer Zone Change 2009Z-017PR-001 to June 11, 2009, to allow additional review on the application. **(9-0)**

**Resolution No. RS2009-54**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-017PR-001 is DEFERRED TO THE JUNE 11, 2009 PLANNING COMMISSION MEETING, re-opening the public hearing. (9-0)”**

**VIII. PUBLIC HEARING: COMMUNITY PLANS**

2. **2009CP-008-001**  
9th & Cheatham  
Map: 081-12 Parcel: 309  
North Nashville Community Plan  
Council District 19 – Erica S. Gilmore  
Staff Reviewer: Bob Eadler

A request to amend the North Nashville Community Plan by changing from Single Family Detached in Neighborhood General to Transition or Buffer in Neighborhood General policy for 0.08 acres located at 906 Cheatham Place, requested by Dale and Associates and the Metro Planning Department, for Alpha Street Real Estate Development and Investments LLC, owner. (See also Proposal No. 2009SP-007-001).

**Staff Recommendation: Approve**

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

## **IX. PUBLIC HEARING: ZONING MAP AMENDMENTS**

### **3. 2009SP-007-001**

9th & Cheatham

Map: 081-12 Parcels: 309, 310, 311

Map: 081-12-N Parcels: 001, 002, 003, 004, 005, 006, 007, 008, 009

North Nashville Community Plan

Council District 19 – Erica S. Gilmore

Staff Reviewer: Brian Sexton

A request to change from CN, MUL, and R6 to SP-R zoning properties located at 1501 and 1505 9th Avenue North, 9th Avenue North (unnumbered), and 906 Cheatham Place, at the northwest corner of 9th Avenue North and Cheatham Place (0.76 acres), to permit a 3-story, 44 unit multi-family complex, requested by Dale & Associates and the Metro Planning Department, applicants, for Alpha Street Real Estate Development & Investments, LLC, owner. (See also Proposal No. 2009CP-008-001).

**Staff Recommendation: Approve with conditions, subject to approval of the accompanying Community Plan Amendment.**

Mr. Eadler presented and stated that staff is recommending approval on Community Plan 2009CP-008-001.

Mr. Sexton presented and stated that staff is recommending approval with conditions on Zone Change 2009SP-007-001.

Ms. Lisa Carter, 1415 9<sup>th</sup> Avenue North, spoke in opposition to the proposed development.

Mr. Michael Garrigan, Dale & Associates, spoke in favor of the proposed plan amendment.

Mr. Mark Harmon, 1417 9<sup>th</sup> Avenue North, spoke in opposition to the proposed plan amendment.

Ms. LeQuire questioned whether community meetings were held regarding this plan amendment.

Mr. Eadler explained the Commission's requirements on community meetings.

Mr. Ponder questioned whether the number of parking spaces included in the proposal met all public works regulations.

Mr. Clifton acknowledged that the request was consistent with policies however acknowledged the opposition mentioned by area residents.

Dr. Cummings too acknowledged the issue of no community meeting and questioned whether the application was noticed properly.

Mr. Eadler explained the requirements on noticing and stated that eighty-seven notices were mailed regarding the requested rezoning and plan amendment.

Dr. Cummings expressed issues with the number of notices sent for this rezoning. She then requested additional information on the requirements included in alleys and right-of-ways in relation to this proposed development.

Mr. Honeycutt, Public Works, offered additional information on the regulations and requirements for alleys, as well as standard streets.

Mr. Clifton also expressed issues with the alley uses in the development.

There was additional discussion on the current length of the alley and whether it would provide adequate access for the proposed development.

Mr. Tyler questioned whether recent similar projects have been proposed for this area.

Mr. Sexton stated he was unaware of similar developments in this immediate area.

Mr. Tyler then acknowledged that this development would be first of this type for this neighborhood. He then questioned whether the existing alley was considered an improved or unimproved alley.

Mr. Sexton stated that the alley was improved, as it was paved.

Mr. Tyler expressed concerns with the density of the development and it only containing one ingress/egress.

There were additional projects mentioned that were similar in size and layout located in other parts of the city that were considered successful.

Ms. LeQuire explained she was in favor of the proposed development however expressed issues with the lack of support expressed by the neighbors and suggested there be additional meetings to better inform the community of the project.

Mr. Tyler explained that additional work was needed on the alley access included in the proposal, as well as, the need for additional community meetings.

Mr. Gee spoke in favor of the proposed plan. He then spoke of the need to encourage small neighborhood centers and nodes for various communities. He then expressed concern with the signage included in the proposal.

Mr. Sexton explained that the proposed sign would act as a screen for the parking lot.

Ms. Lequire too expressed concerns with the proposed sign.

Mr. Gotto stated he too was in favor of the development however due to the opposition expressed during the public hearing, he would recommend that the request be deferred to June 11, 2009, to allow additional time for staff to hold a community meeting, similar to those meetings held for major plan amendments, and for staff to invite the Councilmember. He also recommended that the public hearing remain open for the June 11 meeting, and if information pertaining to building materials were available that they also bring that back to the June 11, 2009 meeting.

Mr. Gotto moved and Ms. Cumming seconded the motion, which passed unanimously, to keep the public hearing open, and defer Zone Change 2009SP-007-001 to June 11, 2009 to allow additional time for a community meeting with the Councilmember and developer to continue working on any outstanding issues associated with the proposed development.

**Resolution No. RS2009-55**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-008-001 is DEFERRED TO THE JUNE 11, 2009, PLANNING COMMISSION MEETING, re-opening the public hearing, in order for a community meeting to be held with the Councilmember to address outstanding issues. (9-0)”**

**Resolution No. RS2009-56**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-007-001 is DEFERRED TO THE JUNE 11, 2009, PLANNING COMMISSION MEETING, re-opening the public hearing, in order for a community meeting to be held with the Councilmember to address outstanding issues. (9-0)”**

4. **2006SP-152-002**  
Nolensville Road Automart (Amendment #1)  
Map: 119-09 Parcels: 042, 062, 063  
South Nashville Community Plan  
Council District 16 – Anna Page  
Staff Reviewer: Brian Sexton

A request to amend the Nolensville Road Automart Specific Plan District located at 2721 and 2725 Nolensville Pike and 2722 Grandview Avenue, at the northwest corner of Nolensville Pike and McClain Avenue (0.82 acres), zoned SP-A, to amend Condition 3 in Council Bill 2006-1258 pertaining to sidewalk requirements, requested by the Metro Planning Department and Ronald and Alfred J. Haislip, applicants, for Ronald and Alfred J. Haislip, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to amend the Nolensville Road Automart Specific Plan District located at 2721 and 2725 Nolensville Pike and 2722 Grandview Avenue, at the northwest corner of Nolensville Pike and McClain Avenue (0.82 acres), zoned Specific Plan - Auto (SP-A), to amend Condition 3 in Council Bill 2006-1258 pertaining to sidewalk requirements.

**History** On September 28, 2006, the Metro Planning Commission recommended approval of a change in zoning from CS to Specific Plan for the Nolensville Road Automart SP. The approved SP plan consists of a one story used automobile dealership.

On January 16, 2007, Metro Council approved the Nolensville Road Automart SP (BL2006-1258) and included the following additional condition of approval in Section 3 of the ordinance:

3. *Along McClain Avenue and Grandview Avenue adjacent to the property, the applicant shall construct a sidewalk that meets current Metro standards for construction. Any damage to the sidewalk along Nolensville Pike shall be repaired by the applicant.*

**Amendment** The existing approval required that a sidewalk be constructed along both McClain and Grandview Avenues. The amendment adds an option for a contribution to the sidewalk fund in lieu of construction the sidewalks. The applicant had posted a bond for the sidewalks in the amount of \$10,000. With the amendment of the sidewalk condition, the applicant has agreed to contribute the amount of the bond towards the construction of a sidewalk in another location within Council District 16. The proposed condition reads as follows:

3. *Along McClain Avenue and Grandview Avenue adjacent to the property, the applicant shall construct a sidewalk that meets current Metro standards for construction. Any damage to the sidewalk along Nolensville Pike shall be repaired by the applicant. In lieu of construction of the sidewalks, the applicant shall make a contribution of \$10,000 towards the construction of a sidewalk in another location within Council District 16, with the location of the sidewalk to be determined by the District 16 Councilmember.*

**STAFF RECOMMENDATION** Staff recommends approval of the request to amend the condition in BL2006-1258. The applicant has indicated that a contribution of \$10,000 towards the construction of a sidewalk in another location within Council District 16 will be made.

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

**Resolution No. RS2009-57**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-152-002 is **APPROVED WITH REVISED AMENDMENT. (9-0)**”

**Amendment Revision:**

*Along McClain Avenue and Grandview Avenue adjacent to the property, the applicant shall construct a sidewalk that meets current Metro standards for construction. Any damage to the sidewalk along Nolensville Pike shall be repaired by the applicant. In lieu of construction of the sidewalks, the applicant shall make a contribution of \$10,000 towards the construction of a sidewalk within -the same pedestrian benefit zone.*

**The proposed amendment to the SP to allow the property owner to make a \$10,000 contribution to Metro for the construction of sidewalks within the same pedestrian benefit zone in lieu of constructing the sidewalk along McClain and Grandview Avenue providing a means for new sidewalks within the same area.”**

**5. 2009SP-005-001**

10th Avenue South  
Map: 105-13 Parcels: 245, 246, 247  
Green Hills/Midtown Community Plan  
Council District 17 – Sandra Moore  
Staff Reviewer: Brian Sexton

A request to change from R8 to SP-MU zoning for properties located at 2223, 2225, and 2227 10th Avenue South, approximately 50 feet north of Waldkirch Avenue (0.60 acres), to permit a 13,600 square foot mixed use building containing 2,000 square feet of restaurant space, 4,800 square feet of retail space and 6,800 square feet of office space, requested by Randall Morgan, applicant, for William McElroy and Mary Hardin, owners.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP**

A request to change from One and Two-Family (R8) to Specific Plan - Mixed Use (SP-MU) zoning for properties located at 2223, 2225, and 2227 10th Avenue South, approximately 50 feet north of Waldkirch Avenue (0.6 acres), to permit a 13,600 square foot mixed use building containing 2,000 square feet of restaurant space, 4,800 square feet of retail space and 6,800 square feet of office space.

**Existing Zoning**

R8 District - R8 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

**Proposed Zoning**

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

**GREEN HILLS MIDTOWN COMMUNITY PLAN**

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

**Neighborhood Center (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 with the intent of the policy.

**Consistent with Policy?** Yes. The proposed plan is consistent with the MxU in NC policy of the Green Hills-Midtown community plan. The NC policy encourages small scale office and commercial uses such as retail and restaurant.

**PLAN DETAILS** The preliminary site plan proposes a two-story, 13,600 square foot mixed-used building that will front 10<sup>th</sup> Avenue South. The site currently contains an existing one-story, single-family home that will be demolished, and a one-story, retail establishment that will be incorporated into the development. The site is made up of three properties which will need to be consolidated into one lot before this project can be constructed.



**Uses** The SP includes 2,000 square feet of restaurant space, 4,800 square feet of general retail space and 6,800 square feet of general office space. Primary pedestrian entries will be located on 10<sup>th</sup> Avenue South with each ground floor commercial unit having a separate entrance from 10<sup>th</sup> Avenue.

The SP development standards provide for a minimum of two stories and a maximum of three stories within an identified building envelope. The SP includes a front setback requirement of zero to five feet from the right-of-way and a minimum rear building setback of 20 feet.

A dumpster is located on the northwest portion of the property. Screening details for the dumpster were not submitted to staff and will need to be provided with the final site plan. Details of the proposed building materials were not provided. A list of building materials shall be identified on a set of elevations and submitted to staff prior to approval of the final site plan. Prohibited building materials include all plastics, plywood, metal buildings, and vinyl siding.

**Access/Parking** Access to the site will be provided by a private driveway from 10<sup>th</sup> Avenue South. The driveway extends throughout the site providing access to the parking area located in the rear of the building. The plan proposes a total of 31 parking spaces. The number of proposed parking spaces meets the Zoning Code requirements and UZO standards for parking.

**Landscaping/Screening** A standard A Landscape Buffer Yard is proposed along the northern property line in order to provide additional buffering for the existing residential property. Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forester's tree density requirement is needed.

**Sign** Sign details were not included in this SP. Permitted signs include wall mounted signs of a maximum area of 48 square feet. The design and alignment of the signs for each tenant shall compliment each other such that visual unity effect is achieved. An overall sign program shall be submitted with the final site plan. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Code, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

Signs shall be externally lit with steady, stationary, down directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds shall be opaque, only letters and logos may be internally illuminated.

#### **PUBLIC WORKS RECOMMENDATION**

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to the Department of Public Works' approval of the construction plans.
2. Along 10th Avenue South, identify existing / proposed right of way. Identify all proposed structures located with the sidewalk / public right of way. For sidewalk construction, provide a minimum five (5') feet clear path of travel. Public sidewalks to be located within the right of way, dedicate right of way as applicable. Building foundations, and doorway openings are to be located outside of the public right of way.
3. For the extension of Alley #608, construct Alley to the Department of Public Works' standards and specifications. Alley to be construction along the property boundary / property frontage.
4. Identify plans for solid waste disposal and recycling collection. All service locations to accommodate accessibility for SU-30 design vehicle turning movements. Solid waste disposal and recycling collection to be approved by the Department of Public Works Solid Waste Division.
5. The SP document submittal states that the parking requirements are established by the UZO standards. The required parking reductions taken by this development appear to exceed the twenty-five percent maximum allowable reductions per the UZO standards. Provide on-site parking per Metro code, or provide a shared parking study.

**Typical Uses in Existing Zoning District: R8**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210 )	0.60	5.79	3	29	3	4

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Sit down restaurant (932 )	0.60	n/a	2,000	255	24	23

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814 )	0.60	n/a	4,800	244	11	33

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710 )	0.60	n/a	6,800	169	22	22

**STORM WATER RECOMMENDATION**

1. Add FEMA Note / Information to plans.

**NES RECOMMENDATION**

1. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments).
2. Developer drawing should show any and all existing utilities easements on property.
3. 20-foot easement required adjacent to all public rights of way
4. NES can meet with developer / engineer upon request to determine electrical service options (currently existing properties are serviced from the alleys.
5. NES needs any drawings that will cover any road improvements that Metro Public Works might require
6. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 – 152.A.2 for complete rules
7. NES needs load information and future plans or options to buy other property (over all plans).

**STAFF RECOMMENDATION** The proposed SP plan is consistent with the MxU in NC policy and staff recommends approval with conditions.

**CONDITIONS**

1. Prior to the issuance of any grading or building permits, the existing lots shall be consolidated.
2. Screening dumpster details shall be submitted to staff for review and approval with the final site plan. Dumpster

screening shall be consistent with the requirements of the Metro Zoning Code.

3. Prior to final site plan approval, a list of building materials shall be identified on a set of elevations and submitted to staff for review. Prohibited building materials include all plastics, plywood, metal buildings, and vinyl siding.
4. Signs shall be limited to wall mounted signs a maximum of 48 square feet in size. An overall sign program shall be submitted with the final site plan for review and approval.
5. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list consistent with the MUN standards of the Zoning Code and to be approved by the Urban Forester.
6. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
7. Final Site Plan drawings shall show all proposed buildings outside of the public right-of-way.
8. This SP is limited to restaurant, retail and office uses.
9. All NES conditions shall be satisfied with final site plan.
10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Mr. Clifton left at 5:05 p.m.

Mr. Randy Morgan, 1203 Kirkwood Avenue, spoke in favor of the proposed development.

Dr. May Alice Ridley, spoke in opposition to the proposed development.

Ms. Rosetta Bass, 1108 Lawrence Avenue, spoke in opposition to the proposed development.

Mr. Todd McEachern, 1101 Montrose Avenue, spoke in favor of the proposed development.

Mr. Rodney Greer, 2038 Elliott Avenue, expressed concerns with the proposed development.

Mr. Henry Hill spoke in opposition to the proposed development.

Ms. Donna Crawford, 1246 Battlefield, spoke in opposition to the proposed development.

Mr. Bob Medley spoke in opposition to the proposed development.

Ms. Ray Watkins, for Ms. Ola Hudson at 920 Bradford Avenue spoke in opposition to the proposed development.

Mr. Shelton McElroy, 2511 West Linden, spoke in favor of the proposed development.

Mr. Donzell Johnson , 924 Bradford Avenue, spoke in opposition to the proposed development.

Ms. Mary Jenkins Hardin, 1504 Linden, spoke in favor of the proposed development.

Mr. Ken Winter, 1021 Paris Avenue, spoke in favor of the proposed development.

Ms. Nellie Hall, 827 Kirkwood spoke in opposition to the proposed development.

Ms. Darcy McElroy spoke in favor of the proposed development.

Mr. Ponder requested additional clarification as to the private drive mentioned in the staff report. He then questioned the amount of parking included in the proposal and whether there were any provisions that would address overflow parking for special events.

Mr. Sexton explained that the parking included in the proposal met the public work standards.

Mr. Ponder stated he favored the plan, however, acknowledged the concerns mentioned by the constituents affected by the development.

Ms. Jones spoke on the importance of commercial nodules and their integration within residential communities. She spoke in favor of the proposal.

Ms. LeQuire too spoke in favor of the proposed development. She spoke on the importance of area residents owning their own businesses located in a neighborhood and how this can draw a community together.

Dr. Cummings questioned the process used to update community plans and the issue of area residents being unaware of the land uses for the parcel in question. Dr. Cummings then questioned the proposed hours of operation and whether these hours were included in the SP plan. She then questioned the type of businesses that would be included in this SP plan. Dr. Cummings suggested that if the plan were approved, the SP should include conditions that would address hours of operation, lighting, noise levels and signage due to its location in a residential area.

Mr. Sexton explained that signage standards were included in the SP plan.

Mr. Tyler questioned whether a similar project has ever been proposed in or around this area. He then questioned the number of stories or height of buildings that could be placed on the SP and whether the single family residences surrounding this development were one or two stories. He expressed concerns with the scale of the proposed development as it may overpower the existing residential neighborhood. He suggested that if the plan were approved there needed to be certain conditions added to the SP so that it would provide some comfort to the long-time area residents.

Mr. Gee requested additional information on the parking requirements included in the staff report.

Mr. Sexton explained the parking requirements to the Commission.

Mr. Honeycutt further explained the parking requirements for this development and stated that it complies with UZO standards.

Mr. Gee too agreed with the plan and suggested additional community meetings be held in an effort to work out any outstanding issues associated with the proposal.

Mr. Gotto explained that Councilmember Moore has met and will continue to meet with area residents regarding the proposal. He further stated that Councilmember Moore will be amending the proposed development prior to its third reading at Council.

Mr. Gotto moved and Mr. Ponder seconded the motion, to approve with conditions, Zone Change 2009SP-005-001, including the consideration of providing additional standards for lighting, hours of operation, parking, noise, signage, and transition to adjacent residential properties. **(7-1) No Vote – Tyler**

**Resolution No. RS2009-58**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-005-001 is **APPROVED WITH CONDITIONS, including the consideration of providing additional standards for lighting, hours of operation, parking, noise, signage and transition to adjacent residential properties. (7-1)**

**Conditions of Approval:**

1. Prior to the issuance of any grading or building permits, the existing lots shall be consolidated.
2. Screening dumpster details shall be submitted to staff for review and approval with the final site plan. Dumpster screening shall be consistent with the requirements of the Metro Zoning Code.
3. Prior to final site plan approval, a list of building materials shall be identified on a set of elevations and submitted to staff for review. Prohibited building materials include all plastics, plywood, metal buildings, and vinyl siding.
4. Signs shall be limited to wall mounted signs a maximum of 48 square feet in size. An overall sign program shall be submitted with the final site plan for review and approval.
5. Prior to final site plan approval, the SP plan shall provide a tree density table and plant species list consistent with the MUN standards of the Zoning Code and to be approved by the Urban Forester.
6. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
7. Final Site Plan drawings shall show all proposed buildings outside of the public right-of-way.
8. This SP is limited to restaurant, retail and office uses.
9. All NES conditions shall be satisfied with final site plan.
10. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
11. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
12. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except

through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

13. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP-MU is consistent with the Green Hills Midtown Community Plan's Mixed Use and Neighborhood Center policies."**

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Mr. Ponder left the meeting at 6:00 p.m.

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6. **2009SP-008-001**  
Battery Park  
Map: 131-12 Parcels:103, 104, 105  
Green Hills/Midtown Community Plan  
Council District 34 – Carter Todd  
Staff Reviewer: Brenda Bernards

A request to change from R40 to SP-R zoning for properties located at 1103, 1105, and 1111 Battery Lane, approximately 1,500 feet east of Granny White Pike (7.4 acres), to permit up to 13 single-family lots, requested by Dale & Associates, applicant, for Aubrey B. Harwell Jr., Trustee, owner.

**Staff Recommendation: Approve with conditions and a variance for street frontage for Lot 1**

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

A request to change from One and Two-Family Residential (R40) to Specific Plan-Residential (SP-R) zoning for properties located at 1103, 1105, and 1111 Battery Lane, approximately 1,500 feet east of Granny White Pike (7.4 acres), to permit up to 13 single-family lots.

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

#### **GREEN HILLS/MIDTOWN COMMUNITY PLAN**

**Residential Low (RL)** RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

**Consistent with Policy?** Yes, the proposed development, at 1.76 units per acre, is consistent with the RL policy. In addition, the proposed layout of the lots is consistent with the development pattern along Battery Lane and the adjacent properties to the east and west.

**PLAN DETAILS** The Battery Park SP will include up to 13 single-family lots accessed from a new, private cul-de-sac. The lots range in size from 10,350 square feet to 16,365 square feet. The residences on Lots 1, 2 and 13 will be oriented towards Battery Lane and the residences on the remaining lots will be oriented towards the new private road. The residences on Lots 2 and 13 will have secondary entrances that are oriented towards the new private road and include architectural features such as a side porch. Lots 1, 2 and 3 will be accessed from a private alley and Lots 12 and 13 will be accessed from a shared drive. Parking will be accommodated on site with rear or side entry garages.

The proposed residences will be a minimum of 2,500 square feet in size. The applicant has proposed a number of architectural standards that will be enforced through restrictive covenants. The plan includes a bulk standards table. For any development standards, not specifically shown on the SP plan the standards of the RS15 zoning district will apply.

**Open Space and Landscape Buffers** Approximately 40 percent of the property will be in open space. The bulk of the open space is located along Battery Lane. The portion of the properties along Battery Lane and along the east and west property boundaries are within the floodplain. The floodplain is primarily in the open space and landscape buffer yards. A 20 foot, C-3 standard Landscape Buffer Yard is shown along the western and eastern property lines. A 30 foot Landscape Buffer Yard is shown on the southern property line which is to be planted at the C-3 level of planting density.

**Variance to the Subdivision Regulations** As the SP is currently proposed, Lot 1 will not have street frontage but rather will front onto the open space that fronts Battery Lane. While there is not a request for a subdivision at this time, the applicant has identified why a variance to the Subdivision Regulations could be supported. Staff agrees that the unique conditions of the site make it difficult to provide a development pattern consistent with the existing development pattern along Battery Lane without a variance to the frontage requirements. The unique conditions include a historical lane adjacent to the rear of the property and floodplain along Battery Lane. Lot 1 will front onto the open space and be accessed from the private alley.

**Sidewalks** Sidewalks are required, and shown on the plan, along Battery Lane. Sidewalks are also included on one side of the new road and will provide access to the un-improved lane to the rear of the property.

**Historical Features** The unimproved lane, identified as Kirkman Lane on the property maps is also known as Overton Lane. While staff would usually require that the SP provide vehicular access to a right-of-way, this particular lane has historical significance and is on the National Register of Historic Places. It is an antebellum road with a closely fitted, native limestone wall on the southern edge. Approximately 0.7 miles of the original two mile road, including the portion adjacent to the proposed SP, have remained unchanged and intact. It is unused by vehicles and was available for traveling by foot or by horseback. The wall remains intact but the lane has not been maintained as a path.

**STORMWATER RECOMMENDATIONS** Preliminary SP approved except as noted:

- The wet weather conveyances (2) within this property will be required to be within an easement. No buildings are allowed within the easement width.

**WATER SERVICES RECOMMENDATION** Preliminary approval.

**FIRE MARSHAL RECOMMENDATION** Conditional approval, all Fire Code requirements shall be met.

**NES RECOMMENDATION**

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) 20-foot public utility easement required adjacent to Battery Lane.
- 4) NES requires a 20-foot easement behind the private drive r-o-w.
- 5) NES will require a 20-foot PUE along the north side (across lots 2 & 13) of the private drives to get back to serve lot 1 and lot 14.
- 6) NES can meet with developer/engineer upon request to determine electrical service options
- 7) NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
- 8) Developer shall provide a street lighting layout plan to NES for conduit installation only.
- 9) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ [www.nespower.com](http://www.nespower.com)).

**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.
- Construct private street per standard drawing ST-251. Identify proposed roadway cross-section and profile.
- For proposed sidewalks along Battery Lane, construct a six (6') foot furnishing zone and eight (8') foot sidewalk,

consistent with the Strategic Plan for Sidewalks & Bikeways. Sidewalks are to be located within the public right of way / dedicate right of way.

- Submit left turn analysis to verify safe and efficient traffic operation.

Maximum Uses in Existing Zoning District: **R40**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	7.4	1.16	8	77	6	9

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached(210)	7.4	N/A	13	124	10	14

Traffic changes between maximum: **R40** and proposed **SP-R**

Land Use (ITE Code)	Acres	Density	Total Numbers of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	7.4	N/A	+5	+47	+4	+5

**METRO SCHOOL BOARD REPORT**

Projected student generation    1 Elementary    0 Middle    0 High

**Schools Over/Under Capacity** Students would attend Percy Priest Elementary School, Moore Middle School, or Hillsboro High School. Both Moore Middle School and Hillsboro High School have been identified as being over capacity by the Metro School Board but as no students will be generated for these, no fiscal liability calculation was prepared.

**STAFF RECOMMENDATION** Staff recommends approval with conditions and a variance for lot frontage for Lot 1 as the proposed SP is consistent with the land use policy.

**CONDITIONS**

1. The following notes shall be added to the corrected copy of the preliminary SP.
  - The primary entrances of the residences on Lots 1, 2, and 13 shall be oriented towards Battery Lane.
  - Lots 1, 2 and 3 shall be accessed from a private alley and Lots 12 and 13 shall be accessed from a shared drive across from the alley.
  - For any standards not shown on the plan, the standards of the RS15 zoning district shall apply.
2. Prior to final site plan approval all requirements of the Public Works Department shall be met.
3. This SP is limited to up to 13 single-family lots.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the single family portion of the property shall be subject to the standards, regulations and requirements of the RS15 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning



Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Ms. Bernards presented and stated that staff is recommending approval with conditions as well as a variance for street frontage for Lot 1.

Mr. Lenny Celauro, 1023 Stonewall drive, spoke in opposition to the proposed development.

Mr. Michael Garrigan, spoke in favor of the proposed development.

Ms. Connie Payne, spoke in opposition to the proposed development.

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

Dr. Cummings spoke in favor of the proposal and acknowledged the condition that the driveways would maneuver around existing trees located on the parcel.

Mr. Gotto requested additional information on stormwater and wet weather conveyances included in the proposal.

Mr. Mishu explained the stormwater issues and wet weather conveyances to the Commission.

Mr. Mishu also explained that if the Commission wanted to further intensify their conditions that related to any stormwater issues they could do so as part of their motion.

Ms. LeQuire expressed concerns that a minimum square footage was included in the development with no mention of a maximum square footage on the proposed single-family dwellings. She suggested that these square footages be discussed in future public meetings.

Mr. Gotto moved and Mr. Gee seconded the motion, which passed unanimously, to approve with conditions Zone Change 2009SP-008-001, and a variance for street frontage for Lot 1, including the consideration of providing minimum and maximum sizes for the residences and working with Planning and Stormwater staff to locate the residences on the site to avoid flooding from the wet weather conveyances. **(7-0)**

**Resolution No. RS2009-59**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-008-001 is **APPROVED WITH CONDITIONS AND A VARIANCE FOR STREET FRONTAGE FOR LOT 1, including the consideration of providing minimum and maximum sizes for the residences and working with the Planning Department and Metro Stormwater staff to locate the residences on the site to avoid flooding from the wet weather conveyances. (7-0)**

**Conditions of Approval:**

1. The following notes shall be added to the corrected copy of the preliminary SP.
  - The primary entrances of the residences on Lots 1, 2, and 13 shall be oriented towards Battery Lane.
  - Lots 1, 2 and 3 shall be accessed from a private alley and Lots 12 and 13 shall be accessed from a shared drive across from the alley.

- For any standards not shown on the plan, the standards of the RS15 zoning district shall apply.
- 2. Prior to final site plan approval all requirements of the Public Works Department shall be met.
- 3. This SP is limited to up to 13 single-family lots.
- 4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the single family portion of the property shall be subject to the standards, regulations and requirements of the RS15 zoning district as of the date of the applicable request or application.
- 5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
- 6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
- 7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP-R is consistent with the Green Hills Midtown Community Plan's Residential Low policy."**

7. **2009Z-022PR-001**  
 Map: 040-00 Parcels: 060, 064  
 Bordeaux/Whites Creek Community Plan  
 Council District 3 – Walter Hunt  
 Staff Reviewer: Jason Swaggart

A request to rezone from CS, R15, and RS20 to IWD zoning properties at 3146 Old Hickory Boulevard and 3108 Blevins Road, at the southwest corner of Blevins Road and I-24 West (16.39 acres), requested by Anchor Property Holdings LLC, owner.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST** A request to rezone from Commercial Services (CS), One and Two-Family Residential (R15), and Single-Family Residential (RS20) to Industrial Warehousing/ Distribution (IWD) zoning for properties at 3146 Old Hickory Boulevard and 3108 Blevins Road, at the southwest corner of Blevins Road and I-24 West (16.39 acres).

**Existing District**

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

R15 District - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of

1.85 dwelling units per acre.

**Proposed District**

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

**BORDEAUX/WHITES CREEK COMMUNITY PLAN**

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

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

**Consistent with policy?** No. The industrial uses of the proposed IWD district are inconsistent with both the CMC and the NCO policy on the property.

Maximum Uses in Existing Zoning District: **CS**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.25	0.6	267,894	12886	276	1232

Maximum Uses in Existing Zoning District: **R15 and RS20**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	6.14	3.09	19*	182	15	20

\*Based on maximum density for 6.14 acres in R15

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	16.39	0.8	571,158	2034	172	183

Traffic changes between maximum: **CS, R15 and RS20** and proposed **IWD**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	16.39	N/A	N/A	-11034	-119	-1069

**STAFF RECOMMENDATION** Staff recommends disapproval as the industrial uses of the proposed IWD district are inconsistent with both the CMC and the NCO policy on the property.

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

Mr. Jerry Stanz, spoke in favor of the proposed development.

Mr. Gotto requested additional clarification on the uses contained in CS zoning.

Mr. Bernhardt explained the CS zoning to the Commission.

Mr. Gotto then questioned whether an additional zoning would better accommodate the applicant's request.

Mr. Bernhardt explained that SP zoning would best accommodate the request of the applicant.

Mr. Swaggart offered additional information on the site to the Commission.

Mr. Tyler requested additional clarification on IWD zoning and its uses.

Mr. Swaggart explained IWD zoning to the Commission.

Dr. Cummings stated she was in favor of the SP zoning as it would allow storage and servicing on the buses.

Dr. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to disapprove Zone Change 2009Z-022PR-001 to IWD, but approve with conditions a rezoning to SP with all of the standards, regulations and uses of the CS district and the existing uses on the site. (7-0)

**Resolution No. RS2009-60**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-022PR-001 is **DISAPPROVED IWD, APPROVED WITH CONDITION A REZONING TO SP to permit all uses of the CS zoning district subject to the standards, regulations, requirements of the CS zoning district and to permit Heavy Equipment Repair, Wrecker Services and Outdoor Storage uses subject to the standards, regulations and requirements of the IWD zoning district.** (7-0)

**IWD is not consistent with the Bordeaux/Whites Creek Community Plan's Commercial Mixed Concentration and Natural Conservation policies. While an SP allowing the current use and all uses allowed in CS is not completely consistent with the area's policies, it allows for the existing use to continue as well as new uses that are consistent with the land use policies.”**

**X. PUBLIC HEARING: FINAL PLATS**

**8. 2009S-036-001**

The Shoppes at Nashboro, Resub. Lot 1  
Map:135-00 Parcel: 430  
Antioch/Priest Lake Community Plan  
Council District 29 – Vivian Wilhoite  
Staff Reviewer: Brenda Bernards

A request for final plat approval to create two lots and to grant a variance to Section 3-4.2.b for lot frontage on property located at 2122 Murfreesboro Pike, approximately 200 feet south of Franklin Limestone Road (11.97 acres), zoned MUL and R10, requested by Mitchell Whitson and James Rust IV, owners, Dale & Associates, surveyor.

**Staff Recommendation: Approve with condition and a variance to the requirements for street frontage**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create two lots and to grant a variance to Section 3-4.2.b for lot frontage on property located at 2122 Murfreesboro Pike, approximately 200 feet south of Franklin Limestone Road (11.97 acres), zoned Mixed Use Limited (MUL) and One and Two-Family Residential (R10).

**ZONING**

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

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 proposed subdivision creates two lots with no frontage on a public or private street. This property is zoned MUL on the western portion and R10 on the eastern portion. Lot 1 will have MUL zoning and Lot 2 will have both MUL and R10 zoning. The zoning districts are divided along a TVA easement. Within the portion zoned R10 there is a stream and a gasline easement.

**Access** Access to the property is provided from an access easement through a property to the west that fronts onto Murfreesboro Pike. The easement continues through Lot 1 to provide access to Lot 2.

**Section 3-4.2.b** Section 3-4.2.b of the Subdivision Regulations requires that residential lots have street frontage and provides that commercially zoned lots may be excepted from the frontage requirement where a joint access driveway provides better access management. As noted above, neither of the new lots will have street frontage. The applicant has requested a variance to the Subdivision Regulations for Lot 2 which is partially zoned R10. The existing lot is currently accessed by an easement and there is no opportunity for street frontage. The portion of the property zoned R10 has numerous natural and utility-related constraints. Staff is recommending that the requested variance be granted due to the unique property hardships, including the location of a gas line easement, TVA easement, stream and split zoning on the property.  
**PUBLIC WORKS RECOMMENDATION** No exception taken.

**STORMWATER RECOMMENDATION** Approved

**WATER SERVICES RECOMMENDATION** Approval is contingent upon construction of Metro Projects # 09-SL-13 and 09-WL-17. The bond estimates for the construction of these projects are \$30,000.00 for sewer and \$28,000.00 for water.

**FIRE MARSHAL RECOMMENDATION** Conditional Approval

- A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road.
- All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft.
- 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.
- Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft (46 m) from fire department access roads.
- All roadways with-two way traffic shall comply with public works minimum requirements.
- 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>)
- Approved based on no construction being done this application. Any new construction will require additional information.
- 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.
- Add to Plat Notes: The Nashville Fire Dept. requires new construction to comply with the 2006 edition of NFPA 1, Table H.
- Fire Hydrants shall be in-service before any combustible material is brought on site.

**STAFF RECOMMENDATION** Staff recommends approval with one condition and a variance to the frontage requirements of Section 3-4.2.b of the Subdivision Regulations.

**CONDITION**

1. Prior to recordation of the plat, all Water Services public infrastructure shall be bonded or constructed.

Approved with condition and a variance to the requirements for street frontage, (9-0) *Consent Agenda*

**Resolution No. RS2009-61**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-036-001 is **APPROVED WITH CONDITION AND A VARIANCE TO THE REQUIEMENTS FOR STREET FRONTAGE. (9-0)**

**Condition of Approval:**

1. Prior to recordation of the plat, all Water Services public infrastructure shall be bonded or constructed.”

**XI. PUBLIC HEARING: REVISED SITE PLANS**

**9. 2005P-030-001**

Reserve at Stone Hall, Ph.1, Sec 2.(Final), & Ph.1, Sec.1 (Revision)

Map: 085-00 Parcels: part of 213

Donelson/Hermitage/Old Hickory Community Plan

Council District 14 – James Bruce Stanley

Staff Reviewer: Brian Sexton

A request to revise portions of the preliminary plan for Phase 1, Section 1A and for final approval for Phase 1, Section 2A of the Ravenwood Residential Planned Unit Development located on a portion of property at Stones River Road (unnumbered), at the end of Stone Hall Boulevard, classified RS10 (6.23 acres), to permit the development of 14 single-family lots in Phase 1, Section 2A, and to revise a landscape buffer yard and to eliminate a portion of sidewalk in Phase 1, Section 1A, requested by Civil Site Design Group, applicant, for E. Phillips Development, LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary and PUD Final Site Plan**

A request to revise portions of the preliminary plan and for final site plan approval for Phase 1, Section 1A and for final site plan approval for Phase 1, Section 2A of the Ravenwood Residential Planned Unit Development (PUD) located on a portion of property at Stones River Road (unnumbered), at the end of Stone Hall Boulevard, classified Single-Family Residential (RS10), to revise a landscape buffer yard and to eliminate a portion of sidewalk in Phase 1, Section 1A and to permit the development of 14 single-family lots in Phase 1, Section 2A.

**Zoning District**

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

**PLAN DETAILS**

**History** On November 10, 2005, the Metro Planning Commission approved a request for preliminary approval of a new Planned Unit Development (PUD) consisting of 185 single-family lots and 152 townhouse units. A final site plan for Phase 1, Section 1A consisting of 55 single-family lots, was approved on August 10, 2006. On March 8, 2007, the Metro Planning Commission approved a revision to the PUD, which allowed the main access from Lebanon Pike, instead of Hickory Hills Lane.

**Phase 1, Section 1A** Phase 1, Section 1A was approved with a standard C Landscape Buffer Yard along the north and east property lines of the PUD. This revision to preliminary and final plan proposes a standard A Landscape Buffer Yard which will replace the approved standard C Landscape Buffer Yard along the eastern property line. The impact of the reduction in the width of the buffer yard is offset by a berm located between the lots of the PUD and the landscape buffer yard. The standard C Landscape Buffer Yard along the northern property line will remain. As was approved on the original PUD in Phase 1, Section 1A, sidewalks are located on Medalist Circle road.

Medalist Circle is a short loop road with a landscaped island. The original plan showed sidewalks on both sides of Medalist Circle. This revision to preliminary and final plan proposes the elimination of the sidewalks on the landscaped island of Medalist Circle. As no lots are within the island, sidewalks were not needed on this portion of the street.

**Phase 1, Section 2A** The final plan for Phase 1, Section 2A proposes 14 single-family lots on a temporary cul-de-sac. The proposed lot sizes range from 7,150 square feet to 11,905 square feet. Three of the 14 lots are identified as critical lots due to existing steep slopes and must comply with the Hillside Development Standards of the Metro Zoning Code. All 14 lots front onto Stone Hall Boulevard. Front setbacks for the single-family homes are 20 feet and the rear setbacks are listed at 10 feet. The plan proposes a maximum building height of three stories. There is approximately 1.25 acres of open space associated with this phase.

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

**STORM WATER RECOMMENDATION** The project is conditionally approved.

1. Provide Grading Permit Fee (\$1010), Detention Agreement / Long Term Maintenance Plan, and recording fees.
2. Provide updated as-built note to plans.
3. Provide NOC.
4. Provide an initial erosion control measure sheet (to be done on existing contours only).
5. Add note on erosion control sheet stating: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."
6. For the stabilization note, switch to state that all disturbed areas will be stabilized within 15 days of final grading. Also add a temporary stabilization note.
7. Add note stating that all slopes (including ditches) 3:1 or greater will be stabilized with erosion control matting (specify type of matting to be used).
8. For the erosion control measures, straw bales should not be used. Use Metro details and reference Metro BMP's to the erosion control details (TCP – 13 for silt fence, etc.).
9. Provide an inlet drainage map. Show areas and depict any flow lines for Tc over 5 minutes (also provide Tc calculations for any lengths over 5 minutes).
10. For the storm pipes, upsize any 15" pipe with lengths greater than 50' to 18". Also, some information on the plans does not correlate to the calculations (see line lengths for D3-D4 and F2-F3).
11. For the storm structures, excess bypass flows observed at inlets F4, F10, and F12.
12. Inlets F14, F15, and F16 were added into the storm system calculations which would reduce the flows / spread to inlets F3, F4, and F10, respectively. Show on plans that these inlets are to be constructed within this phase (or delete the future inlets from the calculations. Also, a buried stub may not be appropriate.
13. The 100-year pond elevation creates an unaccounted tail water condition for the "F" pipe network. The 100-year pond elevation also surcharges inlets F1 and F2.
14. Show easement widths for all pipes not located within ROW (in lots).
15. Provide pre and post detention drainage maps. Show Tc flow paths. Also, show pre and post CN calculations.
16. Provide pre, post, and routed hydrographs. Be sure the hydrographs are clearly labeled.
17. The emergency spillway is set below the 100-year pond elevation and overflows over the sidewalk / road. Consider raising the spillway elevation to the 100-year pond elevation (or have the spillway overflow into an area drain prior to entering ROW – such as to D6 or to the outlet pipe).
18. It appears that part of the pond area is located within lots 82 and 83. Make sure all of pond is located within open space.
19. For the Rv equation, was "T" used for a full future development? It appears that "T" should be closer to 50.
20. For the pond forebay, show the elevation interpolation and show spot elevations on both spillways. Revise the earthen berm (forebay to permanent pool) to stone (per detail).
21. The live pool orifice was determined to be 2.9" but was sized down to 2.0". 2.0" is downsized excessively.
22. For the pond outlet structure, add device to open close gate valve from top of structure.
23. Provide water quality tool calculations. The combination water quality may not be at 80% TSS.
24. No water quality unit sizing calculations were observed.

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

#### **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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. 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. 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.

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

**Resolution No. RS2009-62**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-030-001 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

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. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. 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. 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."

**10. 31-85P-001**

Southplace Office Park Revision  
Map: 172-00 Parcel: 122  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for the Southplace Office Park Planned Unit Development Overlay located at 5880 Nolensville Pike, at the northeast corner of Barnes Road and Nolensville Pike (14.45 acres), zoned R10, to permit a 2-story, 32,200 square foot addition where 112,000 square feet of office uses has been previously approved, yet only 91,000 square feet has been built, requested by Barge Cauthen & Associates, applicant, for Southplace Associates, LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary Plan**

A request to revise the preliminary plan for the Southplace Office Park Planned Unit Development Overlay located at 5880 Nolensville Pike, at the northeast corner of Barnes Road and Nolensville Pike (14.45 acres) to permit a 2-story, 32,200 square foot addition bringing the gross office floor area to 123,200 sq. ft. where 112,000 square feet of office floor area was previously approved.

**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** This is a request to revise the preliminary plan for the Southplace Office Park Planned Unit Development (PUD). The PUD was originally approved in 1985 for 80,000 sq. ft. of general retail and office, and ten single-family lots. A 1988 amendment to the plan canceled the residential portion of the PUD and increased the overall floor area for general retail and office to 112,000 square feet. The PUD currently contains 91,000 sq. ft. of office space in a two-story building, and it is occupied by the Internal Revenue Service (IRS).

The request is for 32,200 sq. ft. of additional office space. The addition will be located at the north end of the existing building, and will increase the gross floor area in the PUD by ten percent (11,200 sq. ft.) of what was last approved by Council. Access is to remain at its current locations onto Nolensville Pike and Barnes Road. Minor changes from the last approved plan include alterations to the parking area and landscaping layout. Since the increase in floor area is not over ten percent of what was last approved by Council and the proposal is consistent with the overall concept of the original plan, the request does not require Council approval.

**Analysis** Staff is aware that there are traffic issues along this stretch of Nolensville Pike. Specifically, the residents within the Highlands of Brentwood Subdivision, which is directly across Nolensville Pike from this PUD, have difficulty entering and exiting the subdivision. It would be ideal if the drive into the PUD could be relocated across from Brentwood Highlands Drive. This would allow for a new light to be placed at the intersection and could address existing traffic concerns.

Due to topographic issues and the limited scope of the proposed project, the applicant has stated that it would be very difficult if not impossible to relocate the existing drive with this revision. If the revision is approved, the applicant indicated that it is likely that the IRS will request additional floor area in the future. This would increase the gross floor area over ten percent of what was last approved by Council. When an application is submitted that would require Council approval, staff recommends that the amendment be required to address the existing traffic conditions. This may require aligning the drive with Brentwood Highlands Drive or some other acceptable means approved by Public Works.

**PUBLIC WORKS RECOMMENDATION**

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is

subject to Public Works' approval of the construction plans.

2. Show and dimension right of way along Nolensville Pike at property corners. Label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
3. Show and dimension right of way along Barnes Road at property corners, label and dedicate right of way 30 feet from centerline to property boundary, consistent with the approved major street / collector plan.
4. For proposed sidewalks along Nolensville Pike, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Sidewalks are to be located within the public right of way / dedicate right of way.
5. With the submittal of construction plans, provide documentation for right of way acquisition and slope easements, as applicable for improvements constructed outside of the public right of way.

#### **Traffic**

With submittal of final PUD plan:

1. Construct a westbound right turn lane on Barnes Road at Nolensville Road. Traffic signal shall be modified to accommodate the turn lane construction.
2. A traffic impact study will be required to determine the right turn lane storage lengths and if any other improvements are required.

**STORMWATER RECOMMENDATION** Approve.

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

#### **CONDITIONS**

1. Any amendment to this PUD shall require that the drive into the PUD off of Nolensville Pike shall be lined up with Brentwood Highlands Drive, or Public Works shall approve some other acceptable means to address the existing problems.
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 requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

#### **Resolution No. RS2009-63**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 31-85P-001 is **APPROVED WITH CONDITIONS.**  
**(9-0)**

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

1. Any amendment to this PUD shall require that the drive into the PUD off of Nolensville Pike shall be lined up with Brentwood Highlands Drive, or Public Works shall approve some other acceptable means to address the existing

problems.

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 requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

## **XII. OTHER BUSINESS**

11. Consideration of Planning Department policies regarding bonds.

Mr. Bernhardt briefly explained that Ms. Logan would be presenting information on the current Bond Policies to the Commission.

Ms. Logan briefly explained the current bond policy to the Commission. She further explained the proposed amendments that are being recommended to the Commission to continue overseeing the various bonds administered by the department. Ms. Logan stated that staff is recommending approval of all the proposed bond policies including the application of the Metro Treasurer's recommendation on all future bond applications.

Mr. Lannie Holland, Metro Treasury Department addressed the commission and offered additional information on the bond ratings placed on the various banks.

There were several questions and comments from the Commission on this topic. Mr. Bernhardt and Ms. Logan, addressed many of the concerns mentioned by Commissioners, as well as Mr. Sloan, with Metro Legal.

Mr. Gotto moved and Ms. Jones seconded the motion to ratify Policies #1, #2, and #3, and to defer policy #4, indefinitely. (7-0)

### **Resolution No. RS2009-64**

**"BE IT RESOLVED by The Metropolitan Planning Commission that ratification of Planning Department Policies #1, #2, and #3 were APPROVED, and policy #4 is DEFERRED INDEFINITELY. (7-0)"**

12. Approval of the final plat for Phase 9 of the Creekside Trails (Jordan Ridge at Eaton's Creek) Planned Unit Development.

Approved, (9-0) *Consent Agenda*

13. Discussion of the schedule for the consideration of the May Town Center SP application and Economic and Transportation Studies.

Mr. Bernhardt explained that staff has received the Transportation study and will be distributing it to the Commission today. He then explained that the Economic Study will not be available until June 3, 2009. He also explained that a bill has been filed on the May Town Center and is scheduled to be heard at the July 7, 2009, Council Public Hearing. He also shared that the applicant for the May Town Center has filed their application and that it is currently scheduled to be heard at the May 28, 2009, Planning Commission meeting. He further explained the procedures that the bill would follow all the way up through it's public hearing at Metro Council.

Each of the Commissioners offered their thoughts on the timeline of the project and the best date for it to be heard by the Commission.

It was suggested that the May Town Center be heard at a Special Meeting of the Commission, as opposed to one of their regularly scheduled meetings. It was also suggested holding the public hearing at the May 28<sup>th</sup> meeting with an earlier start time of 2:00 p.m. with either hearing the May Town Center application at the end of the meeting.

Mr. Bernhardt explained that the Commission has the authority to set their meeting standards as they see most appropriate.

It was then suggested to hear the application at the May 28<sup>th</sup> meeting and then close the public hearing and deliberate their findings at the June 11, 2009, meeting.

It was mentioned that it may be necessary to begin the May 28<sup>th</sup> meeting at 4:00 p.m. due to noticing on public hearings that have already been sent out on other items.

There was also discussion on the date in which the Commissioners were scheduled to receive information from the consultants on the economic and transportation impact of the May Town Center.

The Commission then discussed the procedures in which the May Town Center would be heard at its Public Hearing. They discussed the length of the public hearing and the time that would be allotted to both the opponents and proponents on the development.

It was then suggested that the public hearing be extended beyond the 1.5 hours due to the fact that there may be individuals that are not part of an organized group of either the opponents or proponents group that would like to make their comments known.

Mr. Sloan offered his opinion on the issue of the public hearing process.

After additional discussion, Ms. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to set the Public Hearing for the May Town Center, for May 28, 2009, and the public hearing will be heard at the end of the agenda. **(7-0)**

**14.** Request by Mr. Michael Arrington for a \$1,200 refund for a zone change application made in 2007 for case No. 2007Z-117G-01.

The applicant for this request was not present at the meeting.

Mr. Gotto moved and Dr. Cummings seconded the motion, which passed unanimously, to deny the request for a refund of \$1,200 for a zone change application made in 2007 for case No. 2007Z-117G-01. **(7-0)**

**15.** Consideration of a Planning Commission travel policy.

Mr. Sloan advised the Commission on Metro's travel policy.

**16.** An amended employee contract renewal for Bob Leeman.

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

- 17. Executive Director Reports
- 18. Historical Commission Report
- 19. Parks Commission Report
- 20. Legislative Update

**XIII. ADJOURNMENT**


Mr. McLean announced that Mr. Clifton, Mr. Tyler and Dr. Cummings have been assigned to the Nomination Committee for the Commission’s Election of Officers Committee that will take place at their 2<sup>nd</sup> meeting in May.

The meeting adjourned at 7:45 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

A DVD of the Metro Planning Commission meeting, including a video of all discussions, can be obtained at <http://www.nashville.gov/metro3/Tape.htm> from the Metro Information Technology Services Department.

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