



**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**

September 10, 2009

4:00 PM

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

PLANNING COMMISSION:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Doug Sloan, Legal Counsel
Bob Leeman, 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
David Edwards, Planner I
Greg Johnson, Planner II
Steve Mishu, Metro Water
Jonathon Honeycutt, Public Works

Commission Members Absent:

Jim McLean, Chairman
Judy Cummings

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 4:00 p.m.

II. ADOPTION OF AGENDA

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

III. APPROVAL OF AUGUST 27, 2009, MINUTES

Mr. Gee moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the August 27, 2009, minutes with the following corrections:

Page 9 – Mr. Sloan explained there was ~~no substantive evidence provided during~~ **no substantial or material evidence that was shown during** the Public Hearing that would support a disapproved recommendation.

Page 16 – Mr. Gee offered additional considerations for the bill. He spoke of reconfiguring setback requirements on older homes with smaller lots and ~~using alleyways when figuring placement of the coops~~ **consider small setbacks at rear**

property lines where alleys exist.

The minutes were approved as presented and corrected. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS Councilmember Claiborne spoke in favor of Item #6, 2005P-033-001, Whitland Crossing (Amendment #1) which was on the Consent Agenda for approval with conditions. He thanked the Commission for their service to the city.

Councilmember Coleman thanked the Commission for their dedication and service to the City. He acknowledged that Item #2, 2006SP-166-001, Hickory Woods Town Center, was on the deferral agenda and would be heard on September 24, 2009. He briefly explained that they continue to work on the outstanding issues associated with this project and that he would be looking for the Commission's help and guidance when it was heard at their next meeting. Councilmember Coleman then spoke on Item #3, 2009SP-016-001, 1812 Pearl Street Office. He explained that he encouraged the applicant, Mr. Morgan, to defer his request in order to allow additional time to meet and work with Councilmember Gilmore.

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

1. 2009SP-013-001 A request to change from R10 to SP-MU zoning for property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence, guest house, detached garage and a two story, 7,600 square foot office building – deferred to October 8, 2009, at the request of the applicant.
2. 2006SP-166-001 A request to amend a portion of the Hickory Woods Town Center Specific Plan located at the southeast corner of LaVergne Couchville Pike and Murfreesboro Pike, to permit a skilled nursing facility and an assisted-living facility – deferred to September 24, 2009, at the request of the applicant.

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

**VI. PUBLIC HEARING: CONSENT AGENDA
ZONING MAP AMENDMENTS AND PUDs**

4. 2009Z-031PR-001 A request to rezone from R10 to MUN zoning properties located within a portion of the Riverfront Shopping Center Planned Unit Development Overlay at 1220, 1230, 1246 and 1250 Robinson Road and Robinson Road (unnumbered). - Approve
5. 103-79P-001 A request to amend a portion of the Riverfront Shopping Center Planned Unit Development located at 1220, 1230, 1246, and 1250 Robinson Road and Robinson Road (unnumbered), to permit a nursing home containing 159 beds and an accessory structure. - Approve w/conditions
6. 2005P-033-001 A request to amend a portion of the Whitland Crossing Planned Unit Development located on property at 420 Donelson Pike, to permit an 18,900 square foot office building where an 8,000 square restaurant was previously approved. -Approve w/conditions

REVISED AND FINAL SITE PLANS

7. 2004P-013-001 A request to revise the preliminary plan and for final approval for a portion of the Mill Creek Town Centre Commercial Planned Unit Development located at Nolensville Pike (unnumbered), approximately 760 feet north of Pettus Road, to revise the preliminary plan to allow for office, retail, restaurant, and child care uses and to grant final approval for a portion of the site to allow for the development of a 2-story medical office building. -Approve w/conditions
8. 2006IN-002-003 A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1515 Wedgewood Avenue, to permit the closure of E. Belmont Circle to vehicular traffic. -Approve

OTHER BUSINESS

- 9. A resolution submitting to the Metropolitan Planning Commission a proposed plan of services for the extension of the boundaries of the Urban Services District to include certain property located within the Golden Oak subdivision on Saunders Avenue. -Approve
- 10. Confirmation of appointment of members to the Belmont University Neighborhood Advisory Committee. -Approve

Ms. Jones moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (8-0)

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED

- 1. **2009SP-013-001**
 Universal Robotics
 Map: 135-00 Parcel: 334
 Antioch/Priest Lake Community Plan
 Council District 29 – Vivian Wilhoite
 Staff Reviewer: Jason Swaggart

A request to change from R10 to SP-MU zoning for property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence, guest house, detached garage and a two story, 7,600 square foot office building, requested by Looney Ricks Kiss Architects, applicant, for Benno Von Hopffgarten, owner.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2009SP-013-001 to October 8, 2009, at the request of the applicant. (8-0)

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS AND PUDs

- 2. **2006SP-166-001**
 Hickory Woods Town Center
 Map: 175-00 Parcels: 154, 166
 Antioch/Priest Lake Community Plan
 Council District 32 – Sam Coleman
 Staff Reviewer: Greg Johnson

A request to amend a portion of the Hickory Woods Town Center Specific Plan located at 4222 Mufreesboro Pike, Murfreesboro Pike (unnumbered) and LaVergne Couchville Pike (unnumbered), at the southeast corner of LaVergne Couchville Pike and Murfreesboro Pike (13.09 acres), zoned SP, to permit a 77,000 square foot 124-bed skilled nursing facility and a 79,400 square foot 104-bed assisted-living facility, requested by Littlejohn Engineering Associates, Inc., applicant, for Harold and Hermena Holigan, owners.

Staff Recommendation: Disapprove

The Metropolitan Planning Commission DEFERRED Zone Change 2009SP-166-001 to September 24, 2009, at the request of the applicant. (8-0)

- 3. **2009SP-016-001**
 1812 Pearl Street Office
 Map: 092-08 Parcel: 080
 North Nashville Community Plan
 Council District 19 – Erica Gilmore
 Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-MU zoning property located at 1812 Pearl Street, at the northeast corner of Pearl Street and 19th Avenue North (0.16 acres), to permit an office and one single-family dwelling unit within the existing structure containing 924 square feet, requested by George S. Morgan et ux, owners.

Staff Recommendation: Disapprove

Mr. Johnson presented and stated that staff is recommending disapproval of zone change 2009SP-016-001.

Mr. George Morgan, 1812 Pearl Street, spoke in favor of the proposed zone change request.

Mr. Clifton questioned whether the portion of the Zoning Code relating to residency and home occupation was considered for this request.

Mr. Johnson explained the issues associated with the request that would not allow a home occupation as defined in the Zoning Code.

Mr. Tyler requested additional clarification on home business requirements in relation to the existing zoning and the requested rezoning of the applicant.

Mr. Johnson explained these requirements to the Commission.

Mr. Clifton spoke on the residency requirement contained in the home occupation portion of the Code that would prohibit the Commission from approving the request. He spoke of possibly reviewing the Code that would offer leniency for future requests.

Ms. LeQuire questioned how the requested use did not comply with the neighborhood urban component of the North Nashville Community Plan.

Mr. Johnson explained that the DNDP within the plan, was adopted to maintain the single-family residential character for this area.

Ms. Jones requested additional clarification on the staff's recommendation for disapproval.

Mr. Johnson explained they were disapproving the request due to the fact that the residence was not the primary residence of the applicant and that the portion of the home to be used for the business exceeded the total amount allowed for home occupations.

Mr. Dalton questioned the percentage of the home that was to be used for this home occupation.

Mr. Johnson explained he was not aware of the exact number – just that the total exceeded the 25 percent that was allowed under the Zoning Code for home occupation uses.

Mr. Dalton asked Mr. Morgan to provide the percentage that this business would occupy at this residence.

Mr. Morgan provided the total percentage of the home to be used for the business as well as additional information relating to how often he stays there and whether it is his primary residence.

Mr. Dalton asked that staff clarify the definition of home occupancy.

Mr. Johnson explained this concept to the Commission.

Mr. Gotto acknowledged the concerns of the applicant, however, spoke of the regulations that were currently in place that would prohibit the Commission from approving the request.

Ms. Jones questioned how long the business was in operation at the residence.

Mr. Gee questioned whether the specific plan listed the number of employees that would be working at this residence.

Mr. Johnson explained that there would be one employee in addition to the homeowner.

Mr. Clifton suggested an alternative solution which would be to re-review the DNDP portion of the Community Plan that requires the single-family detached for this area.

Mr. Gotto questioned if the applicant was under a time constraint with the Codes Department.

Mr. Morgan explained that the Codes Department is allowing him to go through the rezoning process to try to correct the situation of not being in compliance with the Code.

Mr. Gotto questioned whether the project could be deferred without delaying its public hearing process.

Mr. Bernhardt agreed that a deferral would allow staff to hold a neighborhood meeting to determine whether this area should remain single-family, detached, as originally expressed by the community when the Community Plan was last updated.

There was a brief discussion on the length of the deferral.

Mr. Gotto moved, and Mr. Dalton seconded the motion, which passed unanimously, to defer Zone Change 2009SP-016-001, 1812 Pearl Street SP, to October 8, 2009, to allow additional time for staff to hold a community meeting to further study the uses intended for this area. **(8-0)**

Resolution No. RS2009-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-016-001 is DEFERRED to the October 8, 2009, Planning Commission Meeting. (8-0)”

4. 2009Z-031PR-001

Map: 044-14-A Parcels:001, 002, 003, 004, 005

Map: 053-00 Parcel: 051

Donelson/Hermitage/Old Hickory Community Plan

Council District 11 – Darren Jernigan

Staff Reviewer: Brian Sexton

A request to rezone from R10 to MUN zoning for properties located within a portion of the Riverfront Shopping Center Planned Unit Development Overlay at 1220, 1230, 1246 and 1250 Robinson Road and Robinson Road (unnumbered), approximately 250 feet north of Martingale Drive (13.49 acres), requested by Littlejohn Engineering Associates, Inc., applicant, for Riverfront Development Limited Partnership and Charles Kotlaris, owners. (See also Planned Unit Development District Proposal No. 103-79P-001).

Staff Recommendation: Approve

APPLICANT REQUEST - Rezone and amend PUD to permit a nursing home and accessory structure.

Zone Change A request to rezone from One and Two-Family Residential (R10) to Mixed Use Neighborhood (MUN) zoning for properties located within a portion of the Riverfront Shopping Center Planned Unit Development Overlay at 1220, 1230, 1246 and 1250 Robinson Road and Robinson Road (unnumbered), approximately 250 feet north of Martingale Drive (13.49 acres).

Amend Preliminary PUD Plan A request to amend a portion of the Riverfront Shopping Center Planned Unit Development located at 1220, 1230, 1246, and 1250 Robinson Road and Robinson Road (unnumbered), approximately 250 feet north of Martingale Drive, zoned R10 and proposed for MUN (13.49 acres), to permit a 96,830 square foot nursing home containing 159 beds and an 899 square foot accessory structure.

Existing Zoning

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

Proposed Zoning

MUN District - Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choice

The overall layout of the proposed site plan is a considerable improvement over the currently adopted PUD plan. It begins to achieve the critical planning goal of developing a walkable neighborhood by locating the home in proximity to other uses including residential, a restaurant, bank, pharmacy, and grocery store. The applicants intend to develop a nursing home and accessory structure that will not only fill in a gap within the development pattern along Robinson Road but will also take advantage of existing infrastructure.

The proposed development creates an on site internal sidewalk system and will also provide access to a private drive to the east where a variety of commercial facilities are located within walking distance for staff, visitors and residents. A new sidewalk will also be provided along Robinson Road to create a more pedestrian-oriented streetscape. While there are gaps in the sidewalk network within the PUD, the use that is being proposed helps to transition the overall character of the PUD towards a more walkable neighborhood.

The location proposed for the amendment already includes a mixture of housing types but is predominantly one and two family dwellings with single stories. The introduction of a nursing home will increase housing choices for seniors who can no longer live without some level of care, but would like to remain within the Donelson/Hermitage community.

DONELSON/HERMITAGE COMMUNITY PLAN***Fairview Detailed Design Plan***

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

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

Consistent with Policy? No. While the design of the development does not fully comply with the intent of the Community Center policy, the rezoning from R10 to MUN is consistent with the CC policy and the proposed use is also consistent. More importantly, the PUD amendment creates a design much closer to the intent of the policy than would be built under the currently adopted PUD overlay. The Fairview Detailed Design Plan focuses more on appropriate uses than design. The proposed design moves the scale of the development closer to the policy than the previously approved uses which were isolated with individual, small-scale commercial uses surrounded by parking.

ZONE CHANGE The applicant has requested a zone change for six parcels within the existing PUD. The existing parcels are zoned R10 and the proposed zoning classification is MUN. This zone change request is consistent with the CC portion of the policy. The MxU in CC policy supports office, commercial retail and public benefit uses that create a more pedestrian-oriented streetscape.

Analysis The applicant has filed for an associated PUD amendment to permit the development of a nursing home and accessory structure. Under the proposed MUN zoning district, nursing homes are permitted by right. If the MUN zoning is approved, all structures on the property will need to meet the district bulk provisions of the zoning code.

PUD AMENDMENT

History The Old Hickory Centre PUD was originally approved by Council in 1979 and was last amended in 2005. The amended PUD was approved for a mixture of commercial, retail, financial and mini-storage warehouse uses on five lots. Access to the site is provided by two driveways from Robinson Road and an existing internal driveway to the east within the PUD. The five lots are separated by parking lots with no pedestrian connections provided between the buildings. The proposed plan amends a portion of the PUD to allow for nursing home and accessory structure. As this proposal includes a use that was not previously approved by Planning Commission and is not permitted under the current R10 zoning the property will need to be rezoned and the PUD amended.

Plan Details The site plan proposes a one-story, 96,830 square foot nursing home and 899 square foot accessory structure on six lots. The six lots will need to be consolidated into one lot before this project can be constructed. The nursing home will accommodate 159 beds. The accessory structure is located on the rear of the nursing home and will act as a storage shelter for tools and equipment. The proposed site plan shows four court yards that are integrated within the middle of the building layout. A four foot wall and six foot tall monument sign are located in the front of the building.

Building Orientation The proposed development is oriented toward Robinson Road with approximately ten doorways accessing a private internal driveway that will wrap the entire building. The east, west and rear sides of the building overlook the parking areas. The development will be mainly surrounded by one and two family residences with single stories to the southwest and commercial properties to the east.

Access/Parking Access to the site is provided by two driveways from Robinson Road and an existing internal driveway to the east within the PUD. There is an existing, platted cross access easement from the east to the west that ends at an existing fence which is not shown on the site plan. Staff is recommending that the cross access easement be retained. As the lots will need to be consolidated, this access easement will need to be included on the new plat.

The applicant has indicated opposition to retaining the cross access easement and has indicated pedestrian and traffic safety concerns of the future residents. No information has been submitted showing how the easement would create a potential safety hazard.

The parking standards of the Zoning Code require that 53 parking spaces be provided. The plan proposes a total of 162 on-site parking spaces. Approximately 66 of the parking spaces are located next to the building giving pedestrians access to the sidewalks that surround the entire building. The remaining parking areas are separated by a private drive.

Landscaping Details of the proposed landscaping have been provided. A variety of trees are proposed for this development which include Canopy, Evergreen and Accent Trees.

FIRE MARSHAL RECOMMENDATION Actual or projected fire hydrant flow data shall be provided showing compliance with the Fire Code before a building permit will be issued. Additional information will be required before a building permit can be issued, adequate information not provided to allow unconditional approval of this project at this time. All applicable fire codes shall be adhered to.

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.

- The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
1-Story General Retail (820)	13.49		82,141 Sq. Ft.*	5976	138	558

* Based on approved PUD plan

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Fast Food Restaurant (934)	13.49		10,800 Sq. Ft.*	5359	533	366

* Based on approved PUD plan

Maximum Uses in Proposed Zoning District: MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Nursing Home (620)	13.49		159 Beds*	372	28	35

* Based on proposed PUD plan.

Traffic changes between maximum: R10 and proposed MUN

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	13.49	-	-	-10,963	-643	-889

STAFF RECOMMENDATION Staff recommends approval of the zone change request. While the proposed site plan is not entirely consistent with the CC policy, the rezoning and amendment bring the PUD closer to the intent of the land use policy.

Staff recommends approval with conditions of PUD amendment. The proposed layout provides a range of housing choices for seniors and moves towards a more walkable neighborhood within the PUD.

CONDITIONS

1. Prior to the issuance of any grading or building permits, a final plat shall be submitted to consolidate the lots.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities

Act and the Fair Housing Act

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

[Note: Items #4 and #5 were discussed by The Metropolitan Planning Commission together. See Item #5 for actions and resolutions.]

5. 103-79P-001

Old Hickory Centre Amendment #1 (Formerly Riverfront Shopping Center)
Map: 044-14-A Parcels:001, 002, 003, 004, 005
Map: 053-00 Parcel: 051
Donelson/Hermitage/Old Hickory Community Plan
Council District 11 – Darren Jernigan
Staff Reviewer: Brian Sexton

A request to amend a portion of the Riverfront Shopping Center Planned Unit Development located at 1220, 1230, 1246, and 1250 Robinson Road and Robinson Road (unnumbered), approximately 250 feet north of Martingale Drive, zoned R10 and proposed for MUN (13.49 acres), to permit a nursing home containing 159 beds and an accessory structure, requested by Littlejohn Engineering Associates, Inc., applicant, for Charles Kotlaris and Riverfront Dev. Ltd. Partnership, owners. (See also Proposal No. 2009Z-031PR-001)

Staff Recommendation: Approve with conditions

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

Resolution No. RS2008-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-031PR-001 is **APPROVED (8-0)**

The proposed MUN zoning district and associated PUD is consistent with the Donelson/Hermitage Community Plan’s Mixed Use, and Community Center policies.”

Resolution No. RS2009-118

“BE IT RESOLVED by The Metropolitan Planning Commission that 103-79P-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Prior to the issuance of any grading or building permits, a final plat shall be submitted to consolidate the lots.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act

The proposed PUD and associated zone change is consistent with the Donelson/Hermitage Community Plan’s Mixed Use, and Community Center policies.”

- 6. **2005P-033-001**
Whitland Crossing (Amendment #1)
Map: 096-09 Parcel: 226
Donelson/Hermitage/Old Hickory Community Plan
Council District 15 – Phil Claiborne
Staff Reviewer: Jason Swaggart

A request to amend a portion of the Whitland Crossing Planned Unit Development located on property at 420 Donelson Pike, approximately 210 feet south of Lakeland Drive (1.99 acres), zoned CL, to permit an 18,900 square foot office building where an 8,000 square restaurant was previously approved, requested by Oliver Architecture, applicant, for Richard A. Halstead, Alan Edgin and J.A. Vaughn, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Amend Preliminary PUD

Revise use, layout and increase overall floor area. A request to amend a portion of the Whitland Crossing Planned Unit Development located on property at 420 Donelson Pike, approximately 210 feet south of Lakeland Drive (1.99 acres), zoned Commercial Limited (CL), to permit an 18,900 square foot office building where an 8,000 square restaurant was previously approved.

Existing Zoning

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

CRITICAL PLANNING GOALS N/A

PLAN DETAILS The Whitland Crossing PUD is located on the west side of Donelson Pike south of Lakeland Drive. The preliminary PUD was approved by Council in 2006 for an 8,000 sq. ft. restaurant, a 5,500 sq. ft. bank, and 54 multi-family units. The bank and multi-family units have both received final site plan approval.

This revision is for the undeveloped lot approved for an 8,000 square foot restaurant. The plan calls for a single-story 18,900 square foot office building. Since the request increases the floor area by more than ten percent of what was originally approved by Council then the request requires approval by Council.

While the proposed office use is not permitted in the existing PUD, it is permitted in the underlying zoning district, and is not in conflict with the currently permitted uses. The request meets all zoning requirements and staff is recommending that the request be approved with conditions.

PUBLIC WORKS RECOMMENDATION

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

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed PUD amendment meets all zoning requirements.

CONDITIONS

1. A sidewalk is required along the north side of Whitland Crossing Drive, and shall be shown on the corrected copy of the preliminary plan.
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 effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Resolution No. RS2009-119

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-033-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A sidewalk is required along the north side of Whitland Crossing Drive, and shall be shown on the corrected copy of the preliminary plan.
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 effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed PUD amendment meets all zoning requirements, and is consistent with Donelson/Hermitage Community Plan's Mixed Use, and Office Transition policy.”

IX. PUBLIC HEARING: REVISED AND FINAL SITE PLANS

7. **2004P-013-001**
Mill Creek Towne Centre PUD
Map: 181-00 Parcel: 255
Southeast Community Plan

Council District 31 – Parker Toler
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Mill Creek Town Centre Commercial Planned Unit Development located at Nolensville Pike (unnumbered), approximately 760 feet north of Pettus Road, zoned SCC (5.17 acres), to revise the preliminary plan to allow for 86,505 square feet of office, retail, restaurant, and child care uses and to grant final approval for a portion of the site to allow for the development of a 34,605 square foot, 2-story medical office building, requested by Barge Waggoner Sumner & Cannon, Inc., applicant, for Legg Investments-Nolensville, LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary PUD and Final

Revise layout and reduce overall floor area. A request to revise the preliminary plan and for final approval for a portion of the Mill Creek Town Centre Commercial Planned Unit Development located at Nolensville Pike (unnumbered), approximately 760 feet north of Pettus Road, zoned Shopping Center Community (SCC) (5.17 acres), to revise the preliminary plan to allow for 86,505 square feet of office, retail, restaurant, and child care uses and to grant final approval for a portion of the site to allow for the development of a 34,605 square foot, 2-story medical office building.

Existing Zoning

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

CRITICAL PLANNING GOALS N/A

PLAN DETAIL The Mill Creek Towne Centre PUD is located along the east side of Nolensville Pike, north of Pettus Road. It was last approved by Council in 2004 for 45 single-family lots, 248 townhomes, and 217,619 square feet of retail, restaurant, and gas station uses. Since the last Council approval the Planning Commission has approved several minor revisions.

The residential portion of the development is behind the commercial portion of the development and is mostly developed. The commercial portion of the development is located adjacent Nolensville Pike and the northern portion is developed. This revision is for the undeveloped southern commercial portion. The plan calls for buildings to be rearranged and for an overall reduction in total floor area. The plan also calls for a day care to be added as a permitted use.

The proposed day care use is permitted by the underlying SCC zoning district, and the proposed layout is not inconsistent with the previously approved site plan. Since the proposal is consistent with the Council approved PUD, and meets all zoning requirements staff is recommending that the request be approved with conditions.

PUBLIC WORKS RECOMMENDATION

1. An updated traffic analysis is required to determine if additional off-site mitigations are needed, as well as to determine the design criteria for the proposed driveway and modifications to the existing traffic signal.
2. 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.
3. For the proposed private street construction, dimension and match the existing private street width (Lot 3, 6, & 7).
4. Submit signal plans at the Nolensville Pike / Concord Road intersection.
5. No additional future access drives onto Nolensville Road from this development will be permitted.

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposed changes are consistent with the approved plan and meet all zoning requirements.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2009-120

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-013-001 is **APPROVED WITH CONDITIONS. (8-0)**

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. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. 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."

8. 2006IN-002-003

Belmont University (E. Belmont Circle Closure)
Map: 104-12 Parcel: part of 352
Green Hills/Midtown Community Plan
Council District 18 – Kristine LaLonde
Staff Reviewer: Brenda Bernards

A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1515 Wedgewood Avenue, zoned RM20, to permit the closure of E. Belmont Circle to vehicular traffic to the south of Wedgewood Avenue and to the west of Acklen Avenue, requested by RM Plan Group, Inc., applicant, for Belmont University, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - Final Plan Approval

Close East Belmont Circle to vehicular traffic. A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1515 Wedgewood Avenue, zoned Multi-Family Residential (RM20), to permit the closure of E. Belmont Circle to vehicular traffic to the south of Wedgewood Avenue and to the west of Acklen Avenue.

CRITICAL PLANNING GOALS N/A

ANALYSIS Belmont University has requested that a portion of East Belmont Circle (a private driveway), abandoned by Council Bill 087-81, be closed to vehicular traffic in order to create a pedestrian-way. The Belmont Institutional Overlay, adopted by Council Bill BL2005-555, included the closure of this portion of the driveway. The Bill included a requirement that this street not be closed to vehicular traffic until a traffic impact study is completed and that the Planning Commission must review the request before the driveway can be closed.

A traffic impact study has been submitted to and accepted by Public Works. In addition, the Fire Marshal has reviewed and approved the requested driveway closure. Staff is recommending that the Planning Commission also approve the request to close a portion of East Belmont Circle to vehicular traffic.

PUBLIC WORKS RECOMMENDATION No exception taken.

FIRE MARSHAL RECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends approval the request to close a portion of East Belmont Circle to vehicular traffic.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2009-121

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006IN-002-003 is **APPROVED. (8-0)**"

X. OTHER BUSINESS

9. A resolution submitting to the Metropolitan Planning Commission a proposed plan of services for the extension of the boundaries of the Urban Services District to include certain property located within the Golden Oak subdivision on Saunders Avenue.

Approved, (8-0) *Consent Agenda*

10. Confirmation of appointment of members to the Belmont University Neighborhood Advisory Committee.

Approved, (8-0) *Consent Agenda*

11. Historical Commission Report

12. Board of Parks and Recreation Report

13. Executive Director Reports


14. Legislative Update

XII. ADJOURNMENT

The meeting adjourned at 4:35 p.m.

Chairman

Secretary

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