



**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**

*December 10, 2009*

\*\*\*\*\*

*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

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

**Staff Present:**

Ann Hammond, Asst. Executive Director  
Susan Jones, Legal Counsel  
Bob Leeman, Planning Mgr. II  
Trish Brooks, Admin. Svcs Officer 3  
Craig Owensby, Public Information Officer  
Carrie Logan, Planner II  
Brian Sexton, Planner I  
Greg Johnson, Planner II  
Jason Swaggart, Planner II  
Kathryn Withers, Planner III  
Steve Mishu, Metro Water

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

**I. CALL TO ORDER**

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

**II. ADOPTION OF AGENDA**

Mr. Leeman explained that originally the agenda contained two Metro Planning Organization contracts which were consolidated and were now Item #15 – Grant Contract between the State of Tennessee Department of Transportation and the Nashville-Davidson County Planning Commission on behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Sustainable Communities planning activities. He also explained that Item #16 – Set Public Hearing date of January 28, 2010, to amend portions of the Subdivision Regulations, was added to the agenda.

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

**III. APPROVAL OF NOVEMBER 12, 2009, MINUTES**

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to approve the November 12, 2009, minutes as presented. (7-0)

Mr. Tyler arrived at 4:02 p.m.

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

Councilmember Harrison acknowledged that Item #5, 2009SP-027-001, 25<sup>th</sup> & Clarksville was originally on the Consent Agenda with a recommendation to approve with conditions, however was removed from the agenda prior to the meeting. He stated was in full support of the development.

Mr. McLean polled and then confirmed, that no one in the audience was opposed to Item #5, and explained to Councilmember Harrison that it would be placed back on the Consent Agenda.

Councilmember Harrison then explained the various meetings he held on the proposal and spoke of the support he had received from his community. He stated the development would bring much needed growth to this area of his district and requested its approval.

Councilmember Coleman thanked the Commission for their service and dedication to the City. He acknowledged that Item #3, 2009SP-024-001, Belz-Hobson Pike Townhomes was on the Consent Agenda with the recommendation to approve with conditions. He then explained that Item #4, 2009SP-025-001, Belz-Mountain Spring Community had outstanding issues and asked that the Commission deliberate these issues and offer their assistance in obtaining the best proposal that would further enhance his district as well as the entire City of Nashville.

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

1. 2009Z-015PR-001 A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road – deferred to April 22, 2010, at the request of the applicant.

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

Ms. LeQuire arrived at 4:08 p.m.

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 PREVIOUSLY DEFERRED ITEMS**

2. 2006SP-105-001 A request to amend the SP District (adopted with Council Bill BL2006-1229) for the previously approved H & M Motors Specific Plan District located at 1525 4th Avenue South, to add all other uses permitted by CS zoning as permitted uses in the SP-A Auto District. -Approve w/conditions
3. 2009SP-024-001 A request to change from R8 and AR2a to SP-MU zoning for property located at Old Hickory Boulevard (unnumbered) and a portion of property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Hobson Pike, to permit the development of 112 residential dwelling units and 20,000 square feet of retail or office uses in two structures. -Approve w/conditions

### SPs, ZONING MAP AMENDMENTS, AND PUDS

5. 2009SP-027-001 A request to rezone from IWD and CS to SP-C zoning for properties located at 404, 2404, 2406, 2408, 2410, 2412 and 2418 Clarksville Pike, 2111, 2113 and 2113-B 24th Avenue North, 2104 25th Avenue North and 25th Avenue North (unnumbered), at the northwest corner of Clarksville Pike and 24th Avenue North (2.25 acres), to permit retail uses -Approve w/conditions
6. 2009SP-030-001 A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 1535 4th Avenue South, approximately 200 feet north of Moore Avenue, to permit automobile sales (used), and automobile service, and retail. -Approve w/conditions
7. 2009SP-032-001 A request to rezone from R10 to SP-R and for final site plan approval for property located at 1112 Clifton Lane, at the northeast corner of Clifton Lane and Granny White Pike, to permit 25 existing dwelling units where 20 dwelling units were legally approved by the Codes Administration Department. -Approve w/conditions
8. 2009SP-033-001 A request to change from AR2a to SP-MR zoning property located within the Hamilton Hills Urban Design Overlay at 3214 Murfreesboro Pike, to permit 126 flats and 39 townhomes.  
**-Approve with conditions, including a condition that if sufficient area for water quality / quantity has not been allocated, then additional area shall be provided (during Construction Drawing review)**
9. 2009Z-041PR-001 A request to rezone from CS to OR20 zoning property located at 4400 Indiana Avenue. -Approve

### CONCEPT PLANS

11. 2006S-108G-04 A request for a variance from Section 1-9.2 of the Subdivision Regulations to permit the extension of an expired preliminary plat for the Cumberland Bend Subdivision for 53 single-family clustered residential lots located at 1108 and 1110 Snow Avenue and Snow Avenue (unnumbered).  
**-Approve with a variance to Section 1-9.2 of the Subdivision Regulations**
12. 2009S-107-001 A request to revise a phase of a previously approved concept plan to create 63 lots where 47 lots were previously approved on properties located at 4652 Hessey Road and at 3547 Earhart Road.  
**Approve with conditions, including a revised condition #1 requiring completion of all recreational trails prior to the issuance of building permits for the last five lots in Phase 3.**

### REVISED SITE PLANS

14. 201-69P-001 A request to revise the preliminary plan and for final approval for a portion of the Starpointe Commercial Planned Unit Development Overlay located at 13105 Old Hickory Boulevard and at Old Hickory Boulevard (unnumbered), at the northeast corner of Old Hickory Boulevard and Muci Drive (5.0 acres), to permit the development of a 4-story, 35,800 square foot hotel containing 75 units and three 1-story retail buildings containing a total of 28,500 square feet, replacing a 100 unit hotel containing 74,250 square feet and 12,500 square feet of retail space. -Approve w/conditions

### OTHER BUSINESS

15. Grant Contract between The State of Tennessee DOT and the Nashville-Davidson County Planning Commission on Behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Sustainable Communities planning activities. -Approve
16. Set Public Hearing date of January 28, 2010, to amend portions of Chapter 3 of the Subdivision Regulations. -Approve
17. Employee contract renewal for Anita McCaig. -Approve

Mr. Clifton requested additional clarification on the added condition contained in Item #8.

Mr. Leeman explained the condition to the Commission.

Mr. McLean confirmed once again that there was no one in the audience to speak against Item #5, 2009SP-027-001, 25<sup>th</sup> & Clarksville

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

## **VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS**

### **1. 2009Z-015PR-001**

Map: 155-00 Parcel: 122  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Jason Swaggart

A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road, approximately 775 feet south of Collins Road (6.03 acres), zoned RM9, requested by Councilmember Bo Mitchell, applicant, Betty French and Mary and James Johnson, owners.

**Staff Recommendation: Defer to the April 22, 2010 Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-015PR-001 to April 22, 2010, at the request of the applicant. (8-0)**

### **2. 2006SP-105-001**

H & M Motors (Amendment #1)  
Map: 105-07 Parcel: 407  
South Nashville Community Plan  
Council District 17 – Sandra Moore  
Staff Reviewer: Brian Sexton

A request to amend the SP District (adopted with Council Bill BL2006-1229) for the previously approved H & M Motors Specific Plan District located at 1525 4th Avenue South, at the northwest corner of 4th Avenue South and Mallory Street (0.44 acres), to add all other uses permitted by CS zoning as permitted uses in the SP-A Auto District, requested by Tony and Maryam Sarmadi, owners.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST - Amend SP Ordinance - Add all uses permitted in the CS zoning district.**

A request to amend the existing Specific Plan district (adopted with Council Bill BL2006-1229) for the previously approved H & M Motors Specific Plan District located at 1525 4th Avenue South, at the northwest corner of 4th Avenue South and Mallory Street (0.44 acres), to add all other uses permitted by Commercial Service (CS) zoning as permitted uses in the Specific Plan - Auto (SP-A) District.

#### **Existing Zoning**

SP-A District - Specific Plan-Auto 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 auto uses.*

**CRITICAL PLANNING GOALS N/A**  
**SOUTH NASHVILLE COMMUNITY PLAN Policy**

**Neighborhood Urban (NU)** NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying 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 amendment adds all other uses permitted in the CS zoning district as additional uses within the SP district, which are uses that are compatible with the Neighborhood Urban policy.

**PLAN DETAILS** The H & M Motors Specific Plan District was approved by Metro Council in 2006. The approved plan consists of a one-story 1,781 square foot building. While the SP was approved for automobile sales (used) and automobile services, an administrative error occurred that left out the approval of all uses permitted within the CS zoning district which was originally requested by the applicant and included in the recommendation of approval by the Planning Commission. This amendment will correct the council ordinance and permit uses in the CS zoning district in addition to the auto-related uses already approved by Council. This amendment does not relieve the applicant of the requirement to meet the conditions of approval in Council Bill BL2006-1229, including the condition to remove all chain link fencing within 25 feet of all public right of ways.

**Signs** While the applicant has removed three pre-existing pole signs from the property, approximately two feet of the three pole signs still remain in the ground. The applicant must remove the remaining lower portion of the pole signs from the property prior to the issuance of any new Use and Occupancy permits. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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.

Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

**Landscaping/Screening** On February 22, 2007, a landscape plan was reviewed and approved by staff that proposed the planting of canopy trees and shrubs along 4<sup>th</sup> Avenue South and Mallory Street. The existing canopy trees and shrubs on this site have died and need to be replaced. There is also an opaque fence in the rear of the property that is lacking adequate screening for an existing residential property. Screening in the rear of the property and landscaping along 4<sup>th</sup> Avenue South and Mallory Street shall be provided on site, and must be approved by planning staff prior to the issuance of any Use and Occupancy permits.

**Sidewalks** The council approved plan required that sidewalks be constructed or repaired along 4th Avenue South and Mallory Street so that they are up to code in terms of construction. While the applicant has repaired the sidewalk along 4<sup>th</sup> Avenue South, a sidewalk has not been constructed on Mallory Street. The applicant will need to construct a sidewalk on Mallory Street prior to the issuance of any Use and Occupancy permits.

**STAFF RECOMMENDATION** Staff recommends that the request be approved with a condition that the applicant remove the remaining lower portions of three pole signs from the property, and bring the site into compliance with the approved sidewalk on Mallory Street, screening, and landscape plan.

## **CONDITIONS**

1. The remaining portion of the three pole signs on the property shall be removed prior to the issuance of any permits. Pole-mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

2. Screening in the rear of the property and landscaping along 4th Avenue South and Mallory Street shall be provided on site, and must be approved by Planning staff prior to the issuance of any use and occupancy permits.
3. The property shall be in compliance with all conditions of approval of Council Bill BL2006-1229 prior to the issuance of any permits, including the condition to remove all chain link fencing within 25 feet of all public right of ways and construction of a sidewalk on Mallory Street.

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

**Resolution No. RS2009-155**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-105-001 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. The remaining portion of the three pole signs on the property shall be removed prior to the issuance of any permits. Pole-mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
2. Screening in the rear of the property and landscaping along 4th Avenue South and Mallory Street shall be provided on site, and must be approved by Planning staff prior to the issuance of any use and occupancy permits.
3. The property shall be in compliance with all conditions of approval of Council Bill BL2006-1229 prior to the issuance of any permits, including the condition to remove all chain link fencing within 25 feet of all public right of ways and construction of a sidewalk on Mallory Street.

**The proposed amendment to H&M Motors Specific Plan district will permit uses that are consistent with the South Nashville Community Plan’s Neighborhood Urban policy.”**

3. **2009SP-024-001**  
 Belz-Hobson Pike Townhomes  
 Map: 164-00 Parcel: part of 201  
 Map: 164-00 Parcel: 272  
 Antioch/Priest Lake Community Plan  
 Council District 32 – Sam Coleman  
 Staff Reviewer: Greg Johnson

A request to change from R8 and AR2a to SP-MU zoning for property located at Old Hickory Boulevard (unnumbered) and a portion of property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Hobson Pike (12.91 acres), to permit the development of 112 residential dwelling units and 20,000 square feet of retail or office uses in two structures, requested by Civil Site Design Group, PLLC, applicant, for Belz-McDowell Properties, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP - Construct 112 townhouses and 20,000 square feet of commercial space for retail/office/restaurant uses.**

A request to change from One and Two-Family (R8) zoning and Agricultural/Residential (AR2a) zoning to Specific Plan-Mixed Use (SP-MU) for property located at Old Hickory Boulevard (unnumbered) and a portion of property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Hobson Pike (12.91 acres), to permit the

development of 112 residential dwelling units and 20,000 square feet of retail or office uses in two structures.

**Existing Zoning**

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots. This zoning would permit 85 lots on the R8 portion of the site.

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. This zoning would allow 1 lot on the AR2a portion of the site.

**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 residential, retail, and office uses.*

**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Promotes Compact Building Design
- Creates Open Space

This SP promotes mixed-use and walkable development with the placement of retail, office and townhouse residential adjacent to a prominent intersection of arterial streets. Retail and office buildings are situated with strong relationships to these streets with direct and unbroken connections to public sidewalks. An internal street and alley system allows for strong building frontages and a mostly unbroken sidewalk network within the site. Street and building frontages are enhanced through two open spaces provided within the project.

Townhouse buildings provide residential density appropriately adjacent to the intersection of Murfreesboro Pike and Hobson Pike and diversify housing options within the surrounding area while providing strong physical relationships among these compact building types.

**ANTIOCH / PRIEST LAKE COMMUNITY PLAN POLICY**

**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.

**Neighborhood General (NG)** NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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 SP proposes a mixed-use development with a combination of residential, retail and office uses with strong relationships to adjacent streets and with strong pedestrian connectivity which meets the use and design intent of the CC policy. The townhouses located on the small portion of NG policy to the rear of the site are consistent with NG policy.

**PLAN DETAILS** The proposed SP consists of a mixture of residential and commercial uses, including 112 townhouses and 20,000 square feet of commercial uses. The commercial space is proposed within two free-standing buildings at the front of the site placed along Hobson Pike.

The development has two access points from Hobson Pike, a third from a private street that runs in-between the two proposed

retail buildings and a fourth from a public street connection near the northeast corner of the site. This public street will stub to an adjacent undeveloped lot to the east. An interior network of private streets and alleys allows most of the proposed townhouses to have alley-loaded parking, which preserves the continuity of sidewalks and strengthens the street frontage of the townhouse buildings. Forty-three of the 112 townhouses do not have alley-loaded parking and propose driveway access to a private street. These front-loaded units are located along the northeast property line and should have minimal impact on the overall walkability of the project due to their location along the rear property line.

The layout of the commercial area meets the design intent of the CC policy with shallow building setbacks along Hobson Pike and a continuous pedestrian connection to the front of each building without interruption by parking, which is placed to the side and rear of the retail buildings. Retail uses are limited to those allowed by CS zoning.

Two open spaces are proposed within the site. One small open space is located at the terminus of the private entry street from Hobson Pike. It provides a focal point for the frontage of surrounding townhouses. A second open space is located near the rear of the site and is surrounded on all sides by townhouses. According to the plans, these open spaces do not include detention areas.

Conditions of approval have been added to ensure that townhouse units face public and private streets with appropriate front facades, to reduce the prominence of garage doors on front-loaded townhouses, to address orientation of residential units, prominence of garage doors and driveways, and to visually screen parking areas from the residential areas and public streets. The applicant proposes signage restrictions that will prohibit pole-mounted signs and provide limitations for the lighting of all signs.

According to the Tennessee Department of Environment and Conservation, endangered species may exist on the project site. A condition of approval has been added, stating that prior to final site plan approval, obtain letter from Tennessee Department of Environment and Conservation or a botanical inventory from a qualified biologist stating if endangered species exist on this site. Presence of endangered species may require modification to the plan.

**STORMWATER RECOMMENDATION** Approved.

**PUBLIC WORKS RECOMMENDATION** Comply with previous conditions.

1. The public roadway "A" connection to Hobson Pike shall be constructed per Metro ST-253.
2. Don't combine minimum parking with minimum street widths. Internal private roads shall be constructed to Metro ST-252 (31 ft foc). Alternatively, if 2.5 parking spaces per unit are constructed, then the narrower street widths of Metro ST-251 can be used.
3. Construct a minimum 20-ft setback between the back of sidewalk and the face of buildings or garages.
4. All required parking shall be designed to permit entry/exit without moving any other vehicle.
5. Total alley width shall be a minimum of 18 ft to accommodate SU-30 trash truck service, and shall be constructed to the Metro ST-263 pavement schedule.
6. Construct Metro ST-324 driveway ramp for access to Roadway "A" and for private drive access to Hobson Pike.
7. Connect the sidewalk in the vicinity of the mail kiosk.

Maximum Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	2.9	0.5 D	1 L	10	1	2



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	10.01	5.79 D	57 L	620	50	65

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	-	-	112 U	710	57	66

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	-	-	20,000 Sq. Ft.	387	52	102

Traffic changes between maximum: **AR2a, R8** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	8.97	-	-	+467	+58	+101

**METRO SCHOOL BOARD REPORT**

Projected student generation    **3** Elementary    **2** Middle    **3** High

**Schools Over/Under Capacity**    Students would attend Mt. View Elementary School, Kennedy Middle School, or Antioch High School. Mt. View Elementary and Kennedy Middle have been identified as being over capacity by the Metro School Board. There is no capacity for elementary students within the cluster. However, there is capacity within the cluster for middle schools students.

The fiscal liability for three elementary students is \$60,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated September 2009.

**STAFF RECOMMENDATION**    Staff recommends approval with conditions. The proposed mixed use project is consistent with land use policy in terms of proposed uses and design.

**CONDITIONS**

- Where a garage door opening faces a street, each garage door opening shall have a maximum width of 10 feet. The driveway for each unit shall have a maximum width of 12 feet at the garage entrance. Door panels shall be modest in scale and architecturally integrated with each dwelling unit.
- Building frontages shall clearly identify the primary pedestrian entrance toward the street, which shall be separate from vehicular entrances. Pedestrian entryways shall be 100 percent visible, oriented to and accessible from street/pedestrian plaza/parks. All primary public entrances shall have a paved connection to the project's sidewalk network.

3. For each unit where a garage door opening faces a street, the front setback of the primary pedestrian entrance shall be shorter than or equal to the front setback of the garage door.
4. Open spaces in the plan shall be fronted with primary facades of buildings; no rear elevations to face open space.
5. Parking areas for proposed retail buildings shall be screened from Hobson Pike and the private drive to the rear of the buildings with a masonry wall (brick or stone) or a consistent visual landscaping screen with a minimum height of 3 feet and a maximum height of 4 feet.
6. No parking for the retail buildings shall have a shorter setback than the front façade of each retail building along Hobson Pike.
7. Uses within the proposed commercial buildings shall be limited to retail, office, and restaurant uses provided that these uses comply with parking requirements of the CS zoning classification. The site plan shall be corrected to eliminate the allowance of all uses in CS zoning.
8. Prior to final site plan approval, obtain letter from Tennessee Department of Environment and Conservation or a botanical inventory from a qualified biologist stating if endangered species exist on this site. Presence of endangered species may require modification to the plan.
9. The public roadway "A" connection to Hobson Pike shall be constructed per Metro ST-253.
10. Internal private roads shall be constructed to Metro ST-252 (31 ft foc). Alternatively, if 2.5 parking spaces per unit are constructed, then the narrower street widths of Metro ST-251 may be used.
11. Garages shall be set back a minimum 20 feet from the back of sidewalk or alley.
12. Private alleys shall be constructed to Public Works standards.
13. Driveway ramp for access to Roadway "A" and for private drive access to Hobson Pike shall be constructed to the Metro ST-324 Driveway standard.
14. Sidewalk shall be connected in the vicinity of the mail kiosk.
15. Prior to final site plan approval, the SP plan shall include sign details, including proposed sign placement for building and ground signs. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway.
16. 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 CS zoning district for commercial buildings and the RM9 zoning district for residential buildings as of the date of the applicable request or application.
17. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.

18. 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.
19. 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.
20. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.

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

**Resolution No. RS2009-156**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-024-001 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Where a garage door opening faces a street, each garage door opening shall have a maximum width of 10 feet. The driveway for each unit shall have a maximum width of 12 feet at the garage entrance. Door panels shall be modest in scale and architecturally integrated with each dwelling unit.
2. Building frontages shall clearly identify the primary pedestrian entrance toward the street, which shall be separate from vehicular entrances. Pedestrian entryways shall be 100 percent visible, oriented to and accessible from street/pedestrian plaza/parks. All primary public entrances shall have a paved connection to the project's sidewalk network.
3. For each unit where a garage door opening faces a street, the front setback of the primary pedestrian entrance shall be shorter than or equal to the front setback of the garage door.
4. Open spaces in the plan shall be fronted with primary facades of buildings; no rear elevations to face open space.
5. Parking areas for proposed retail buildings shall be screened from Hobson Pike and the private drive to the rear of the buildings with a masonry wall (brick or stone) or a consistent visual landscaping screen with a minimum height of 3 feet and a maximum height of 4 feet.
6. No parking for the retail buildings shall have a shorter setback than the front façade of each retail building along Hobson Pike.
7. Uses within the proposed commercial buildings shall be limited to retail, office, and restaurant uses provided that these uses comply with parking requirements of the CS zoning classification. The site plan shall be corrected to eliminate the allowance of all uses in CS zoning.
8. Prior to final site plan approval, obtain letter from Tennessee Department of Environment and Conservation or a botanical inventory from a qualified biologist stating if endangered species exist on this site. Presence of endangered species may require modification to the plan.
9. The public roadway "A" connection to Hobson Pike shall be constructed per Metro ST-253.
10. Internal private roads shall be constructed to Metro ST-252 (31 ft foc). Alternatively, if 2.5 parking spaces per unit are constructed, then the narrower street widths of Metro ST-251 may be used.
11. Garages shall be set back a minimum 20 feet from the back of sidewalk or alley.

12. Private alleys shall be constructed to Public Works standards.
13. Driveway ramp for access to Roadway "A" and for private drive access to Hobson Pike shall be constructed to the Metro ST-324 Driveway standard.
14. Sidewalk shall be connected in the vicinity of the mail kiosk.
15. Prior to final site plan approval, the SP plan shall include sign details, including proposed sign placement for building and ground signs. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway.
16. 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 CS zoning district for commercial buildings and the RM9 zoning district for residential buildings as of the date of the applicable request or application.
17. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
18. 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.
19. 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.
20. 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 SP-MU is consistent with the Antioch/Priest Lake Community Plan's Community Center and Neighborhood General policies."**

4. **2009SP-025-001**  
 Belz-Mountain Springs Community  
 Map: 164-00 Parcels: part of 040 & 174  
 Antioch/Priest Lake Community Plan  
 Council District 32 – Sam Coleman  
 Staff Reviewer: Greg Johnson

A request to change from RS7.5 to SP-MR zoning a portion of properties located at 5000 Mountain Springs Road and at Hobson Pike (unnumbered), north of Hobson Pike (40.8 acres), to permit 219 residential dwelling units comprised of 32

single-family lots and 187 multi-family dwelling units, requested by Civil Site Design Group, PLLC, applicant, for Belz-McDowell Properties, owner.

**Staff Recommendation: Disapprove**

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

Mr. Dwayne Vance, 417 Mossy Oak Trail, spoke in opposition to the proposed development.

Mr. Kevin Gangaware, 6040 Bresslyn Road, spoke in favor of the proposed development.

Dr. Wendelyn Inman, 2900 Summercrest Trail, spoke in opposition to the proposed development.

Ms. Cummings arrived at 4:28 p.m.

Councilmember Coleman briefly explained the history on the proposed development in relation to the requested rezoning. He then spoke on some of the outstanding issues associated with the development and requested that the Commission defer the proposal indefinitely as opposed to deliberating a disapproved recommendation. He explained that the deferral would allow additional time for the developer to continue to meet with staff and the community in an effort to find compromises on the various issue contained in the development.

Mr. Gotto requested clarification from Councilmember Coleman on whether he wanted the Commission to discuss the proposal, or to defer it indefinitely.

Councilmember Coleman asked that the Commission hold their discussion and offer input on some of the outstanding issues associated with the project, in particular, the condition requiring connectivity from Mountain Springs Drive to Murfreesboro Pike. He further explained that the proposal should then be deferred indefinitely.

Mr. Gotto then questioned whether the Councilmember wished to keep the public hearing open on the item.

Councilmember Coleman explained that the Commission could close the public hearing and defer the proposal indefinitely.

Mr. Clifton explained that a mechanism was in place to re-open the public hearing whenever the proposal was brought back before the Commission.

The public hearing was closed.

Mr. Leeman explained there was a Council bill on the project scheduled for the January public hearing and stated that it would be necessary for Councilmember Coleman to defer the project at the hearing.

Councilmember Coleman explained he would defer the matter at the January public hearing.

Mr. Gotto expressed concerns with the costs involved with the condition that required connectivity from Mountain Springs Drive to Murfreesboro Pike and asked staff to further elaborate on the issue.

Mr. Johnson explained the staff's recommendation to include the condition that would require connectivity from Mountain Springs Drive to Murfreesboro Pike.

Mr. Gotto questioned whether other alternatives were studied that could provide connectivity to the development.

Mr. Johnson spoke of other options in which connectivity could be provided to the site.

Mr. Gotto questioned whether the parcel in which the connector road would be placed was owned by the same entity.

Mr. Johnson explained that both parcels were owned by the same entity.

Mr. Gee requested clarification on Mountain Springs Drive as outlined on the proposed site plan.

Mr. Johnson explained Mountain Springs Drive to the Commission.

Mr. Gee too acknowledged ownership of both parcels and questioned whether staff was clear on the developer's intent to begin construction on the proposed site as opposed to the site in which the proposed connector road was located.

Mr. Johnson explained he was not aware of the developer's intent. He also pointed out that the Commission had received additional Public Works conditions prior to the meeting that will both add to and replace some of the conditions contained in the staff report.

Mr. Gee then requested that staff review all of the connections that would be required if the project were approved.

Mr. Johnson explained the connections to the Commission.

Mr. Gee then requested additional information on the connector road.

Mr. Leeman explained that the southeast arterial is shown on the Major Street Plan and that the planning staff reviews plans to provide right-of-way reservations for the future road. He explained there is no current funding available for the road.

Mr. McLean then questioned Legal on whether the connector road could be bonded.

Ms. Jones stated she believed that the road could be bonded.

Mr. Tyler requested additional information on the ownership of the parcels surrounding the development site.

Mr. Clifton expressed his concerns with approving the development as submitted. He too agreed additional studies were needed prior to its approval.

Mr. Ponder requested clarification on the additional public works conditions that were submitted to the Commission prior to the meeting.

Mr. Johnson explained the conditions to the Commission.

Ms. Jones expressed concerns with the phasing of the development and agreed additional studies were necessary prior to its approval.

Mr. Dalton requested additional information on the sidewalks contained in the development.

Mr. Johnson explained the sidewalks contained in the proposal.

Ms. LeQuire questioned the location of the proposed school site and the proposed connectivity to the site.

Mr. Johnson explained the school site location as well as its connectivity to the development to the Commission.

Mr. Ponder moved and Mr. Dalton seconded the motion, which passed unanimously, to defer 2009SP-025-001, Belz-Mountain Springs Community, indefinitely. **(10-0)**

**Resolution No. RS2009-157**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-025-001 is DEFERRED INDEFINITELY. (10-0)"**

## **VIII. PUBLIC HEARING: SPs, ZONING MAP AMENDMENTS, AND PUDs**

### **5. 2009SP-027-001**

25th & Clarksville

Map: 081-02 Parcel: 123

Map: 081-06 Parcels: 283, 285, 286, 287,288, 289, 480, 485

North Nashville Community Plan

Council District 2 – Frank R. Harrison

Staff Reviewer: Brian Sexton

A request to rezone from IWD and CS to SP-C zoning for properties located at 404, 2404, 2406, 2408, 2410, 2412 and 2418 Clarksville Pike, 2111, 2113 and 2113-B 24th Avenue North, 2104 25th Avenue North and 25th Avenue North (unnumbered), at the northwest corner of Clarksville Pike and 24th Avenue North (2.25 acres), to permit retail uses requested by Dale & Associates, applicants, for T. Pool Manager, LLC and Emerald Estock LLC, owners.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST - Preliminary SP -Permit retail use.**

A request to rezone from Industrial Warehousing/Distribution (IWD) and Commercial Service (CS) to Specific Plan-Commercial (SP-C) for properties located at 404, 2404, 2406,2408, 2410, 2412 and 2418 Clarksville Pike, 2111, 2113 and 2113-B 24th Avenue North, 2104 25th Avenue North and 25th Avenue North (unnumbered), at the northwest corner of Clarksville Pike and 24th Avenue North (2.25 acres), to permit a retail use.

#### **Existing Zoning**

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

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

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods

This SP adds to the creation of a walkable neighborhood. The site proposed for this SP is located east of Ed Temple Boulevard and south of Rosa Parks Boulevard. The site is surrounded by a mixture of single and multi-family residences, office, industrial, and commercial uses on all sides of the property. The SP adds to the walkable neighborhood environment by integrating a community shopping center into an existing neighborhood creating a destination that can be walked to from nearby residential, office, industrial or commercial uses. The SP also provides pedestrian pavers onto the site from 24th and 25<sup>th</sup> avenue enhancing the pedestrian streetscape. Community residents who live or work on the west, south or east sides of the property will be able to enjoy the convenience of walking to the shopping center from their home or business.

#### **NORTH NASHVILLE COMMUNITY PLAN**

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

#### *Buena Vista Heights Detailed Design Plan*

**Commercial (Com)** Commercial is intended for commercial uses only, with no residential uses. It is intended for mixed commercial buildings with shops at street level and office uses on the upper levels.

**Consistent with Policy?** Yes. The request to rezone the property from IWD and CS to SP-C is consistent with the Commercial in CC policy. Appropriate uses within CC policy areas include commercial retail with an associated site plan.

**PLAN DETAILS** The preliminary site plan proposes a one-story retail use for a Save-A-Lot food store located east of Ed Temple Boulevard, and south of Rosa Parks Boulevard. The total acreage of the site is approximately 2.25 acres. A number of the properties proposed for this SP contain existing, vacant residences. These will be demolished prior to construction of the retail business. The lots will need to be consolidated into one lot before this project can be constructed. There is also an existing alley along 24<sup>th</sup> Avenue North that extends west and dead ends in the middle of the properties proposed for this development. The applicant has submitted a Mandatory Referral application to close the alley. The Mandatory Referral must be approved by Metro Council prior to the recording of the final plat to consolidate the existing lots.

The proposed shopping center will be surrounded by existing single and multi-family residences, office, industrial, and commercial. There are four MTA bus stops located along Clarksville Pike near the property and sidewalks are already in place which helps to support the critical planning goal of creating a walkable neighborhood.

**Building Orientation** The proposed shopping center is oriented toward both 24<sup>th</sup> Avenue North and Clarksville Pike. The primary entrance into the building is located on the west side of the shopping center fronting Clarksville Pike. The rear of the shopping center faces the northeast portion of the site and overlooks a loading area and green. A 12 foot retaining wall is planned along the northwest portion of the rear property line below grade. An eight foot retaining wall is also planned on the east portion of the property line along 24<sup>th</sup> Avenue North below grade.

A list of building materials and a set of adequate elevations for the shopping center were not submitted and will be required prior to Final Site Plan approval for this development.

**Access/Parking** Primary access to the site is located along Clarksville Pike. Sidewalks are already in place and pavers are proposed at the sidewalks of 24<sup>th</sup> and 25<sup>th</sup> Avenue to provide pedestrian access to the building. A sidewalk is also proposed from the shopping center to Clarksville Pike for pedestrian access to the site. The UZO standards of the Zoning Code require that 54 parking spaces be provided. The plan proposes a total of 77 on-site parking spaces which meets the parking requirement of the Code.

**Landscaping/Screening** A standard B Landscape Buffer Yard is proposed along east side of the shopping center and along the rear property line. A six foot tall black aluminum fence is proposed along the rear property line on top of the 12 foot retaining wall for safety. Landscaped rain gardens and greens are proposed on the north, south, east, and west sides of the property. The plan also proposes a 24 inch knee wall along 25<sup>th</sup> Avenue North and Clarksville Pike to provide additional screening for the parking area

Details of the landscaping and a list of trees and shrubs species consistent with the Urban Forester's tree density requirement have not been provided. A landscaping plan, list of trees and shrub species and a tree density unit table will be required prior to Final Site Plan approval for this development. A dumpster is located on the northeast portion of the property. Screening elevations for the dumpster were not submitted to staff and must be provided with the final site plan.

**Signs** Sign details were not included in this SP. Sign elevations for the shopping center will be required prior to Final Site Plan approval for this development. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

#### **FIRE MARSHAL RECOMMENDATION**

- All applicable fire codes shall be adhered to including but not limited to: Fire-flow shall meet the requirements of the International Fire Code - 2006 Edition - B105.1.

#### **STORM WATER RECOMMENDATION**



- All site outfalls shall discharge into appropriate infrastructure.

**PUBLIC WORKS RECOMMENDATION**

- This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
- An access study or TIS is required prior to final SP rezoning.
- Driveway on Clarksville Pike should align with existing driveway on the south side.
- Detailed construction plans are required for proposed retaining wall adjacent to 24th Ave North.
- The slope away from the sidewalk should not exceed 3:1 or a handrail will be required.
- The proposed grading adjacent to 24th Avenue North requires installation of a guard rail that meets TDOT specifications. With installation of a guard rail, the sidewalk handrail may be omitted.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise(710)	2.02	0.8 F	70,392 SF	1019	142	158

Maximum Uses in Existing Zoning District: **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Supermarket (850)	2.02	-	15,498 SF	2430	NA	277

Traffic changes between maximum: **IWD** and proposed **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1411	NA	+119

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the zone change request. The request is consistent with the Commercial in Community Center policy of the community plan. The SP adds to the walkable neighborhood environment by integrating a community shopping center into an existing neighborhood creating a destination that can be walked to from nearby residential, office, industrial or commercial uses.

**CONDITIONS**

1. Prior to the issuance of any grading or building permits, all lots included in this SP district shall be consolidated.
2. Prior to the recording of the final plat, a Mandatory Referral for the closure of alley #1609 shall be approved by the Metro Council.
3. Prior to final site plan approval, the SP plan shall include a set of building materials and elevations for the building, which shall be reviewed and approved by the Planning Department.
4. Prior to final site plan approval, the SP plan shall include a landscape plan, list of proposed trees and shrub species and a tree density unit table, which shall be reviewed and approved by the Urban Forester.
5. All Public Works recommendations shall be satisfied on the SP final site plan.
6. Prior to final site plan approval, the SP plan shall include sign details. In addition to signs prohibited by Section

17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

7. This SP is limited to retail uses.
8. 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 CS zoning district as of the date of the applicable request or application.
9. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
10. 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.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

**Resolution No. RS2009-158**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-027-001 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of any grading or building permits, all lots included in this SP district shall be consolidated.
2. Prior to the recording of the final plat, a Mandatory Referral for the closure of alley #1609 shall be approved by the Metro Council.
3. Prior to final site plan approval, the SP plan shall include a set of building materials and elevations for the building, which shall be reviewed and approved by the Planning Department.
4. Prior to final site plan approval, the SP plan shall include a landscape plan, list of proposed trees and shrub species and a tree density unit table, which shall be reviewed and approved by the Urban Forester.
5. All Public Works recommendations shall be satisfied on the SP final site plan.

6. Prior to final site plan approval, the SP plan shall include sign details. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
7. This SP is limited to retail uses.
8. 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 CS zoning district as of the date of the applicable request or application.
9. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
10. 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.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed SP-C district is consistent with the North Nashville Community Plan's Community/Corridor Center policy, and its Commercial Detailed Design Plan policy.**

6. **2009SP-030-001**  
Trust Auto Sales & Repair  
Map: 105-08 Parcel: 242  
South Nashville Community Plan  
Council District 17 – Sandra Moore  
Staff Reviewer: Brian Sexton

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 1535 4th Avenue South, approximately 200 feet north of Moore Avenue (0.3 acres), to permit automobile sales (used), and automobile service, and retail, requested by Sawa Saber, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary and Final SP - Permit automobile sales (used), automobile service and retail.**

A request to rezone from Commercial Service (CS) to Specific Plan - Auto (SP-A) zoning and for final site plan approval for property located at 1535 4th Avenue South, approximately 200 feet north of Moore Avenue (0.3 acres), to permit Automobile Sales (Used), Automobile Service, and Retail.

**Existing Zoning**

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

**Proposed Zoning**

SP-A District - Specific Plan-Auto 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 auto uses.*

**CRITICAL PLANNING GOALS N/A**

**SOUTH NASHVILLE COMMUNITY PLAN**

**Neighborhood Urban (NU)** NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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 request to rezone the property from CS to SP-A is consistent with the NU policy. Predominant uses within NU policy areas include commercial activities including automobile uses.

**PLAN DETAILS** The property is approximately 0.3 acres in size. It is located north of the Tennessee State Fair grounds along 4<sup>th</sup> Avenue South. The property is developed and consists of an existing one story garage. This SP would permit the storage and servicing of used automobiles within the garage, but it does not propose any additional built square footage beyond the existing 1,500 square foot building. Staff has surveyed the area surrounding the proposed SP and found that there were four other similar auto uses located within 1,000 feet of this rezoning. Typically, staff does not consider there to be an over concentration of auto uses unless there are five or more similar uses within 1,000 feet of the proposed auto use.

**Building Orientation** The existing building is oriented towards 4<sup>th</sup> Avenue South. The primary entrance for pedestrians is located in the front of the building. A garage door opening for automobile access has been relocated from the front of the building to the rear. The garage is set back approximately 120 feet from the property line.

**Access/Parking** Primary access to the site is located along 4<sup>th</sup> Avenue South. Sidewalks are already in place and the parking area in the front, right side and rear of the building is proposed to be paved. The UZO standards of the Zoning Code require that 8 parking spaces be provided. The plan proposes a total of 16 on-site parking spaces which meets the parking requirement.

**Landscaping/Screening** A variety of canopy trees and shrubs are proposed on site and along the perimeter of the property which meets the Urban Foresters requirement for landscaping. A six foot wood plank fence is proposed along the rear property line to provide screening for residences located in the back of the property. The plan also proposes a 24 inch brick knee wall along 4<sup>th</sup> Avenue South to provide additional screening for the parking area. A five foot wrought iron fence with brick pillars is proposed on the east and west sides of the property. A set of adequate elevations for the knee wall and wrought iron fence was submitted by the applicant and reviewed by planning staff.

A dumpster is located on the southeast portion of the property. Screening elevations for the dumpster was submitted by the applicant and reviewed by planning staff.

**Signs** Sign details were included in this SP. The plan proposes one 48 square foot wall mounted building sign that will be externally lit. The sign will be placed on the front side of the building fronting 4<sup>th</sup> Avenue South. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.

**PUBLIC WORKS RECOMMENDATION**

- The applicant should note that any work within the public right-of-way including ramp installation requires an Excavation Permit from the Department of Public Works

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.3	0.6 F	7,857 SF	189	25	25

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Auto Dealer/Sales (841)	0.3	-	10,000 SF	334	21	26

Traffic changes between maximum: **CS** and proposed **SP-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+145	-4	+1

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the zone change request. The request is consistent with the NU policy of the community plan. Predominant uses in NU policy areas consist of commercial activities including automobile uses.

**CONDITIONS**

1. Pole mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
2. This SP is limited to automobile sales (used), automobile service, and retail uses.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
4. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event

no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
6. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

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

**Resolution No. RS2009-159**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-030-001 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Pole mounted signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, 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. Permitted signs include wall mounted signs with a maximum sign area of 48 square feet. Monument signs shall have a maximum sign area of 48 square feet and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of the driveway. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
2. This SP is limited to automobile sales (used), automobile service, and retail uses.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CS zoning district as of the date of the applicable request or application.
4. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
6. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

**The proposed SP-A district is consistent with the South Nashville Community Plan’s Neighborhood Urban policy.**

7. **2009SP-032-001**  
Glendale Condos  
Map: 118-09-D Parcels: 001 - 020  
Map: 118-09-D Parcels: 021, 022, 023, 024, 025  
Green Hills/Midtown Community Plan  
Council District 25 – Sean McGuire  
Staff Reviewer: Jason Swaggart

A request to rezone from R10 to SP-R and for final site plan approval for property located at 1112 Clifton Lane, at the northeast corner of Clifton Lane and Granny White Pike, to permit 25 existing dwelling units where 20 dwelling units were legally approved by the Codes Administration Department (2.09 acres), requested by Councilmember Sean McGuire and James U. Rust IV, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP - Rezone to permit 25 multi-family residential units.**

A request to rezone from One and Two-Family Residential (R10) to Specific Plan-Residential (SP-R) and for final site plan approval for property located at 1112 Clifton Lane, at the northeast corner of Clifton Lane and Granny White Pike, to permit 25 existing dwelling units where 20 dwelling units were legally approved by the Codes Administration Department (2.09 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS N/A**

**GREEN HILLS/M IDTOWN COMMUNITY PLAN**

**Existing Policy**

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

**Consistent with Policy?** Yes. While the density is above the two to four units called for by the RLM policy, when this policy was applied to this area, this and other pre-existing multi-family developments were already in place. This zone change proposal does not seek to add additional units over what has existed for many years. When this community plan was updated, it was common practice to apply policies representing the general character of the broader area rather than applying a more intense policy to each individual multi-family development.

**PLAN DETAILS**

**Current Conditions** The property is located at the northeast intersection of Granny White Pike and Clifton Lane. It is developed and consists of a single large structure containing 25 multi-family units.

According to the applicant, he purchased all 25 units in 2007. Most of the units were then sold, but some others needed renovation. When he attempted to pull permits for their renovation, Codes could not find where some of the units had ever been permitted, and the permits were denied. Records indicate that the property was only issued permits for 20 units in the early 1950's, and that the five units were built illegally by a previous land owner. While it is not clear exactly when this occurred, it is believed to have happened sometime in the 1950's. The proposed SP will make the additional five units legal, permitting renovations.

**Plan Proposal** The plan does not propose any changes to the property, but only recognizes what currently exists. Consequently the plan identifies the existing structure consisting of 25 units and parking areas.

**Analysis** Since the SP is only to recognize what currently exists, and it does not propose any new development then staff has no concern with the request. If any new development is proposed in the future, then additional right-of-way, and sidewalks should be required along Granny White Pike, and Clifton Lane.

**STORMWATER RECOMMENDATION** Approved – No Stormwater permit required.

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

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
Low-Rise Res. Condo/Townhome (230)	2.09	-	20 U*	159	15	17

\*As legally permitted by the Codes Administration Department

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low-Rise Res. Condo/Townhome (230)	2.09	-	25 U	193	18	20

Traffic changes between maximum: **R10** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+5 U	+34	+3	+3

**METRO SCHOOL BOARD REPORT**

**Schools Over/Under Capacity** Since the SP only recognizes what currently exists then no new students would be generated from this request.

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the request. The request does not change what currently exist, and will have no additional impact to the surrounding area.

**CONDITIONS**

- Uses in this SP district are limited to 25 multi-family units.
- New sidewalks are not required with this request, and the sidewalks identified along Granny White Pike and Clifton Lane shall be removed from the site plan. If the property is redeveloped, then sidewalks shall be required at that time.
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
- 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary



SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

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

**Resolution No. RS2009-160**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-032-001 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Uses in this SP district are limited to 25 multi-family units.
2. New sidewalks are not required with this request, and the sidewalks identified along Granny White Pike and Clifton Lane shall be removed from the site plan. If the property is redeveloped, then sidewalks shall be required at that time.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities

Act.

**The proposed SP-R district only recognizes what currently exist and is consistent with the Green Hills/Midtown Community Plan which also recognizes conditions which existed prior to the policy being applied.**

**8. 2009SP-033-001**

Hamilton Hills  
Map: 164-00 Parcel: 043  
Antioch/Priest Lake  
Council District 33 – Robert Duvall  
Staff Reviewer: Kathryn Withers

A request to change from AR2a to SP-MR zoning property located within the Hamilton Hills Urban Design Overlay at 3214 Murfreesboro Pike, approximately 1,590 feet north of Mt. View Road (9.6 acres), to permit 126 flats and 39 townhomes, requested by Digidata Corporation, applicant, for D.L. Buttrey et ux, owners.

**Staff Recommendation: Approve with conditions, including a condition that if sufficient area for water quality/quantity has not been allocated, then additional area shall be provided (during Construction Drawing review)**

**APPLICANT REQUEST - Preliminary SP - To approve a conceptual site plan and elevations in compliance with the Hamilton Hills UDO, remove vinyl siding from the list of possible building materials available to this project and establish a maximum of 165 dwelling units.**

A request to change from Agricultural/Residential (AR2a) to Specific Plan-Mixed Residential (SP-MR) zoning property located within the Hamilton Hills Urban Design Overlay at 3214 Murfreesboro Pike, approximately 1,590 feet north of Mt. View Road (9.6 acres), to permit 126 flats and 39 townhomes.

**Existing Zoning**

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**Proposed Zoning**

SP-MR District - Specific Plan-Mixed 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 residential flats and townhomes.*

**CRITICAL PLANNING GOALS** The intent of the development proposal and its relationship to the critical planning goals is not being altered by this request.

**ANTIOCH / PRIEST LAKE COMMUNITY PLAN POLICY**

**Corridor General (CG)** CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An accompanying 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.

**Hamilton Hills Urban Design**

**Overlay District** This request is within the Hamilton Hills Urban Design Overlay District. The district plan calls for residential at this location and the request is consistent with the UDO, and is needed to implement the plan. When the Hamilton Hills UDO was adopted in 2005, there was not a companion base zone change done to implement the UDO. This was done to allow property owners to continue to be taxed at their current value until they wished to develop. This requires property owners to seek individual zone changes when they are ready to develop their property. This application was

originally reviewed in 2007 as a request for the RM20 base zoning recommended by the Hamilton Hills UDO. After this SP becomes effective, a final site plan will be submitted for review to ensure compliance with the UDO standards before proceeding to building permits.

**Consistent with Policy?** Yes. The proposed SP-MR district illustrated in the conceptual site plan and elevations is consistent with the area's Corridor General Policy and would provide additional regulation consistent with the Hamilton Hills Urban Design Overlay District.

**PLAN DETAILS** The schematic plan and elevations attached to this ordinance shows a mix of 126 flats and 39 townhomes as envisioned by the Hamilton Hills UDO. The buildings are located on streets designed per the UDO street plan. These streets will serve to connect the entire UDO as it is built out. The purpose of this SP request is to exclude the use of vinyl siding – a building material that is not excluded by UDO. The UDO will still govern all other details of development and will be reviewed for compliance when the final site plan is submitted.

### **STORMWATER RECOMMENDATION**

Preliminary SP returned for corrections:

- Provide the FEMA Note / Information to plans.
- Show North Arrow & Bearing Information.
- Provide a Vicinity Map to plans.
- Add 78-840 Note to plans:

Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.

- Add Preliminary Note to plans:

This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.

- Add Access Note to plans:

Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.

- Add C/D Note to plans:

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

- For the Water Quality / Detention, it appears that some specified locations are at higher sections of the drainage basin. Site may not contain enough area designated for water quality and detention.

### **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 public r-o-w. Make drainage and common open space areas should be a public utility easement.
- 4) Any addition easements required that are not part of this parcel must be obtained by the developer or the engineer for the developer.
- 5) Street names are required before NES's final construction drawings can be issued.
- 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 Murfreesboro Pike r-o-w that Public Works will require (ie, turning lanes or lane improvements). Any of these items may require electric facilities to be relocated and may be an impact to the developers.
- 8) 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)).
- 9) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 10) All street lighting shall meet Metro/NES requirements for the public r-o-w. The conduit, footings, poles and fixtures must be installed by developer – NES needs locations of street light bases for conduit stub-outs to those general areas.

- 11) Concrete encasement will be required when NES is forced into less than a 10foot PUE.
- 12) Depending on transformer sizes a 20foot by 20foot (maybe larger) PUE transformer knuckle easement may be required when where is less than the standard easement required for transformer clearances.
- 13) Building phase lines are required at the design stage.
- 14) NES needs load information for each different lot type and size. ( required to determine load capacity )
- 15) If porches or fire escapes are allowed to be constructed beyond the minimum setback limits and into the public utility easements; then the easement will be considered reduced by that much of the easement. Such encroachments may increase the cost of electrical infrastructure to allow for reduced or limited access to equipment. *NES reserves the right to enter and to erect, maintain, repair, rebuild, operate and patrol electric power overhead and underground conductors and communications circuits with all necessary equipment reasonably incident thereto including the right to clear said easement and keep the same clear of brush, timber, inflammable structures, buildings, permanent structures, and fire hazards; all over, under, upon, and across the easement as granted on any plats.*
- 16) Overhead electrical power lines are required to meet or exceed the conditions as specified in the *National Electrical Safety Code* as adopted by the State of Tennessee in *Chapter 89, Public Acts, 2007*. The existing 69 kV and 23.9 kV power lines located in the public right-of-ways require an electrical safety clearance that must be maintained after construction of any buildings. The *National Electrical Safety Code, 2007 edition*, dictates the clearances in *Rule 234 C and G* to provide the minimum horizontal and vertical clearances from live conductors. Thus, NES is requesting that public utility easements be provided parallel to the right-of-ways for this safety zone. The 69 kV line must have a horizontal clearance of 15 feet away from the nearest conductor to allow for blow-out conditions as it is configured today. Check with OSHA regulations to meet the crane operating clearances for construction near energized 69 kV or 23.9 kV conductors for additional clearance requirements. Often the locations of new buildings are impacted by the inability of de-energizing the circuits to meet cost and construction schedules.

**PUBLIC WORKS RECOMMENDATION** A traffic impact study may be required at the time of development to determine any required mitigations of this UDO and development of this property.

This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.

The submitted sketch was not dimensioned, and did not indicate whether the roads are public or private. Additional comments will be forthcoming upon the receipt of more complete plans.

The on-street parking spaces on the driver's left side of the street stubs are unusable without temporary turnarounds.

Prior to approval of any building permit, developer shall submit a general plan for solid waste & recycling to Public Works. As proposed, the eight dumpsters on this site will require pickup service more than once per week and shall be at the owners' expense.

**Maximum Uses in Existing Zoning District: AR2a**

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	9.6	0.5	5	48	4	6

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

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	9.6	17 du/acre	165	995	78	91

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

	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--		+160	+947	+74	+85

**METRO SCHOOL BOARD REPORT**

**Projected student generation    17 Elementary    12 Middle    7 High**

**Schools Over/Under Capacity** Students would attend Edison Elementary School, Kennedy Middle School and Antioch High School. Edison Elementary School has been identified as full by the Metro School Board and there is no additional capacity within the cluster.

The fiscal liability for 17 elementary students is \$340,000 for elementary students. This information is based upon data from the school board last updated September 2009.

**STAFF RECOMMENDATION** Disapprove; Approve with conditions if Stormwater approval is received prior to the meeting. The SP-MR district adds additional regulation that is consistent with the intent of the Hamilton Hills UDO, but does not warrant an amendment to make them applicable to the entire UDO. The graphics attached to this request are schematic only and have not been reviewed in detail by the Metro agencies, but do appear to implement the vision defined by the UDO. The final site plan will be reviewed by all agencies to ensure consistency with all applicable regulations, as would be the procedure if this had proceeded as a zone change to RM20 and had not been converted to an SP-MR. The Council Bill also includes conditions to reflect this.

**CONDITIONS**

1. Sidewalks are required along Murfreesboro Road as well as along interior streets and parking areas that serve as the main access to dwelling units.
2. A traffic impact study may be required at the time of development to determine any required mitigations of this UDO and development of this property.
3. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
4. The submitted sketch was not dimensioned, and did not indicate whether the roads are public or private. Additional comments will be forthcoming from Public Works upon the receipt of more complete plans.
5. The on-street parking spaces on the driver's left side of the street stubs are unusable without temporary turnarounds.
6. Prior to approval of any building permit, developer shall submit a general plan for solid waste & recycling to Public Works. As proposed, the eight dumpsters on this site will require pickup service more than once per week and shall be at the owners' expense.
7. All Stormwater comments will be addressed with the final site plan, including:
  - Provide the FEMA Note / Information to plans.
  - Show North Arrow & Bearing Information.
  - Provide a Vicinity Map to plans.
  - Add 78-840 Note to plans:
  - Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.
  - Add Preliminary Note to plans:
  - This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.
  - Add Access Note to plans:
  - Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.

- Add C/D Note to plans:  
Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).
  - For the Water Quality / Detention, it appears that some specified locations are at higher sections of the drainage basin. Site may not contained enough area designated for water quality and detention.
8. The purpose of this SP-MR request is to limit the number of dwelling units to 165 and exclude the use of vinyl siding, which the Hamilton Hills UDO does not do. For all development standards, regulations and requirements beyond the purpose for this 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 Hamilton Hills UDO and the RM20 zoning district as of the date of the applicable request or application.
  9. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
  10. 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.
  11. 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.
  12. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.

Approved with conditions, including a condition that if sufficient area for water quality / quantity has not been allocated, then additional area shall be provided (during Construction Drawing review), (9-0) **Consent Agenda**

**Resolution No. RS2009-161**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-033-001 is **APPROVED WITH CONDITIONS, including a condition that if sufficient area for water quality/quantity has not been allocated, then an additional area shall be provided (during Construction Drawing review). (9-0)**

**Conditions of Approval:**

1. Sidewalks are required along Murfreesboro Road as well as along interior streets and parking areas that serve as the main access to dwelling units.
2. A traffic impact study may be required at the time of development to determine any required mitigations of this UDO and development of this property.
3. This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.
4. The submitted sketch was not dimensioned, and did not indicate whether the roads are public or private. Additional comments will be forthcoming from Public Works upon the receipt of more complete plans.

5. The on-street parking spaces on the driver's left side of the street stubs are unusable without temporary turnarounds.
6. Prior to approval of any building permit, developer shall submit a general plan for solid waste & recycling to Public Works. As proposed, the eight dumpsters on this site will require pickup service more than once per week and shall be at the owners' expense.
7. All Stormwater comments will be addressed with the final site plan, including:
  - Provide the FEMA Note / Information to plans.
  - Show North Arrow & Bearing Information.
  - Provide a Vicinity Map to plans.
  - Add 78-840 Note to plans:
  - Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.
  - Add Preliminary Note to plans:
  - This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.
  - Add Access Note to plans:  
Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.
  - Add C/D Note to plans:  
Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).
  - For the Water Quality / Detention, it appears that some specified locations are at higher sections of the drainage basin. Site may not contained enough area designated for water quality and detention.
8. The purpose of this SP-MR request is to limit the number of dwelling units to 165 and exclude the use of vinyl siding, which the Hamilton Hills UDO does not do. For all development standards, regulations and requirements beyond the purpose for this 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 Hamilton Hills UDO and the RM20 zoning district as of the date of the applicable request or application.
9. 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. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. 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.
10. 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.
11. 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.
12. 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 SP-MR is consistent with the Antioch/Priest Lake Community Plan's Corridor General policy, and the Hamilton Hills Urban Design Overlay District."**

**9. 2009Z-041PR-001**

Map: 091-12 Parcel: 054  
West Nashville Community Plan  
Council District 20 – Buddy Baker  
Staff Reviewer: Jason Swaggart

A request to rezone from CS to OR20 zoning property located at 4400 Indiana Avenue, at the northwest corner of Indiana Avenue and 44th Avenue North (0.28 acres), requested by Toni J. Rothfuss, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Rezoning - Rezone from CS to OR20.**

A request to rezone from Commercial Service (CS) to Office/Residential (OR20) zoning property located at 4400 Indiana Avenue, at the northwest corner of Indiana Avenue and 44th Avenue North (0.28 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS N/A**

**WEST NASHVILLE COMMUNITY PLAN**

**T4 Urban Neighborhood Maintenance (T4 NM)** T4 NM Policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

**Consistent with Policy?** The proposed OR20 zoning district will permit uses that are consistent with the area’s T4 NM policy. While the OR20 district does permit high intensity uses, the size of the property would limit the intensity of any use making the site a transition between the single and two-family district to the west and the industrial district to the east, which will ultimately bring the property more into compliance with the area policy.

**PUBLIC WORKS RECOMMENDATION No Exceptions Taken**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.28	0.429 F	5,232 SF	262	12	35



Typical Uses in Proposed Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise(710)	0.28	0.236 F	3,207 SF	95	12	12

Traffic changes between typical: **CS** and proposed **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-167	0	-23

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	0.28	0.6	7,318 SF	351	14	40

Maximum Uses in Proposed Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office Building Low Rise (710)	0.28	0.8	9,757 SF	223	30	30

Traffic changes between maximum: **CS** and proposed **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-128	+16	-10

**STAFF RECOMMENDATION** Staff recommends that the proposed OR20 zoning district be approved.

Approved, (9-0) *Consent Agenda*

**Resolution No. RS2009-162**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-041PR-001 is **APPROVED. (9-0)**

**The proposed OR20 zoning district will permit uses that are consistent with the areas’s T4 NM policy. It will permit uses consistent with the policy that will provide a transition between the T4, Urban Neighborhood Maintenance policy and the Industrial District to the east.”**

**10. 2009P-005-001**  
Taco Mamacita (Beer PUD)  
Map: 105-01 Parcel: part of 233  
Green Hills/Midtown Community Plan  
Council District 19 – Erica Gilmore  
Staff Reviewer: Brian Sexton

A request for preliminary and final site plan approval for a proposed Planned Unit Development located on a portion of property at 1200 Villa Place, at the southeast corner of Villa Place and Edgehill Avenue, zoned RS5 (1.07 acres), to permit the sale of beer for on-premises consumption in an existing 4,443 square foot restaurant thereby exempting the establishment from the beer regulations 100 foot minimum distance from a residential use, requested by Villa Properties Joint Venture LLC, owner.

**Staff Recommendation: Approve with conditions**

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

Ms. Janet Parham, 1226 Villa Place, spoke in opposition to the final site plan approval.

Mr. Darrell Moore, 1821 Rosebank Avenue, spoke in opposition to the final site plan approval.

Mr. John Moore, 1212 Villa Place, spoke in opposition to the proposed planned unit development.

Mr. Ronald Miller, 911 Villa Place, spoke in opposition the proposed planned unit development.

Ms. Judy Hoffman, United Methodist Church, spoke in opposition to the proposed planned unit development.

Mr. Steve Asbury, owner, spoke in favor of the proposed planned unit development.

Mr. Ponder questioned the proposed distance of the project from the nearest residences.

Mr. Sexton stated the nearest distance as 86 feet from residences.

Mr. Clifton questioned the frequency of Beer PUD applications put before the Commission and spoke in opposition to the final site plan.

Councilmember Gotto explained city and state legislation pertaining to Beer PUDs.

Mr. Clifton expressed concerns about the proximity of the planned unit development to neighboring homes.

Ms. Cummings expressed concern about the proximity of the project in relation to residential homes and opposed the final site plan until further community discussion occurs.

Mr. Tyler discussed a 2003 document pertaining to community plans in the area.

Mr. Sexton stated he was not familiar with the 2003 document but referenced the Board of Zoning Appeals' order to establish uses.

Mr. Tyler questioned if the 2003 document could affect the area.

Mr. Gee asked if the 2003 document gave the city an opportunity to place PUD restrictions.

Councilmember Gotto confirmed that it placed restrictions.

Mr. Gee spoke in favor of deferral.

Councilmember Gotto spoke in favor of deferral one or two meetings.

Mr. Ponder spoke in favor of deferral to allow for further study.

Ms. LeQuire spoke in favor of deferral to allow for continued communication between applicants and community without unnecessary delay in the process.

Councilmember Gotto stated earliest approval from Metro Council would be the second meeting in March.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to defer 2009P-005-001, Taco Mamacita Beer PUD, to the January 28, 2010, Planning Commission meeting. (10-0)

Councilmember Gotto proposed a meeting with Councilmember Malone and Gilmore regarding the final site plan.

Ms. LeQuire requested further staff research of the 2003 document prepared by a previous councilmember.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to defer 2009P-005-001, Taco Mamacita Beer PUD, to the January 28, 2010, Planning Commission meeting to allow time for document research and discussion. (10-0)

**Resolution No. RS2009-163**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009P-005-001 is DEFERRED to the January 28, 2010, Planning Commission meeting. (10-0)”**

**IX. PUBLIC HEARING: CONCEPT PLANS**

- 11. 2006S-108G-04**  
Cumberland Bend (Preliminary Plat Extension)  
Map: 034-14 Parcels: 082, 083, 084  
Map: 043-02 Parcel: 005  
Madison Community Plan  
Council District 9 – Jim Forkum  
Staff Reviewer: Jason Swaggart

A request for a variance from Section 1-9.2 of the Subdivision Regulations to permit the extension of an expired preliminary plat for the Cumberland Bend Subdivision for 53 single-family clustered residential lots located at 1108 and 1110 Snow Avenue and Snow Avenue (unnumbered), zoned RS7.5 (16.7 acres), requested by M.R. Stokes, owner, Bruce Rainey & Associates, surveyor.

**Staff Recommendation: Approve with a variance to Section 1-9.2 of the Subdivision Regulations for the extension of the preliminary plat.**

**APPLICANT REQUEST - Variance for Preliminary Plat Extension - Permit the extension of a preliminary plat approval.**

A request for a variance from Section 1-9.2 of the Subdivision Regulations to permit the extension of an expired preliminary plat for the Cumberland Bend Subdivision for 53 single-family clustered residential lots located at 1108 and 1110 Snow Avenue and Snow Avenue (unnumbered), zoned Single-Family Residential (RS7.5) (16.7 acres).

**Zoning**

RS7.5 District - RS7.5 requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre.

**SUBDIVISION DETAILS** The original preliminary plat for Cumberland Bend was approved by the Planning Commission

on March 23, 2006, under the previous Subdivision Regulations. The plat includes 53 single-family clustered residential lots. Under the previous regulations, preliminary approval does not expire for two years. If a subdivision is not platted within the two-year period then the preliminary approval expires.

A final plat for the subdivision was submitted in 2008, and was approved by all reviewing agencies. However, the plat was never recorded because bonds were never posted by the property owner, and the approval for the preliminary plat has since expired. The applicant represents a new property owner who is prepared to have the plat recorded and complete the project.

The current Subdivision Regulations do not allow for extensions of approvals for preliminary plats. Section 1-9.2 of the current regulations states that “any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extension shall be granted for these subdivisions.”

The applicant has requested that the plat be extended under the old regulations which will require a variance to Section 1-9.2 of the current Subdivision Regulations.

The applicant has provided justification for the extension stating that significant progress has taken place on the site, and that it would be detrimental to the developer to not permit the extension. According to the applicant most of the infrastructure has been completed. This includes but is not limited to water lines, fire hydrants, sewer lines, stormwater facilities, roads (base stone and binder), curbs and underground utility conduits.

**Variance Requirements** Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

**Analysis** The intent of the regulation for which the variance is sought is to keep approvals for subdivisions that were approved under the previous regulations from being extended when no significant progress has been made in the completion of the development. Staff has visited the site and can confirm that significant progress has been made on the development of this subdivision. Infrastructure described by the applicant is in place. All reviewing agencies have approved the construction plans, and have no concern with extending the approval of the preliminary. Because most of the infrastructure has been completed and the subdivision is mostly developed then the variance would not nullify the intent of the regulation.

Furthermore, in addition to the finding that the variance will not nullify the intent of the regulation, staff also finds the following as evidence for this variance consistent with Section 1-11.1, a – b above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area by permitting a more timely completion of the mostly completed subdivision.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is not to a design standard of the regulations, but to a processing standard. Because the request is not a variance to a design standard then c. of Section 1-11.1 is not applicable.
- d. The subdivision as previously approved is consistent with the area’s long range policy, and current zoning requirements.

**STAFF RECOMMENDATION** Staff recommends approval of the variance to Section 1-9.2, and that the preliminary plat

approval be extended for one year to December 12, 2010.

Approved with a variance to Section 1-9.2 of the Subdivision Regulations for the extension of the preliminary plat, (9-0)

**Consent Agenda**

**Resolution No. RS2009-164**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-108G-04 is APPROVED, including a variance to Section 1-9.2 of the Metro Subdivision Regulations. (9-0)”**

**12. 2009S-107-001**

Lakeside Meadows, Phase Three  
Map: 110-00 Parcels: 070, 073  
Donelson/Hermitage/Old Hickory Community Plan  
Council District 12 – Jim Gotto  
Staff Reviewer: Greg Johnson

A request to revise a phase of a previously approved concept plan to create 63 lots where 47 lots were previously approved on properties located at 4652 Hessey Road and at 3547 Earhart Road, on the south side of Lakeside Meadows Drive, (18.84 acres), zoned RS15, requested by Lakeside Meadows LLC, owner, Weatherford & Associates LLC, surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Concept Plan - Concept plan revision for 63 lots.**

A request to revise a phase of a previously approved concept plan to create 63 lots where 47 lots were previously approved on properties located at 4652 Hessey Road and at 3547 Earhart Road, on the south side of Lakeside Meadows Drive, (18.84 acres), zoned Single-Family Residential (RS15).

**ZONING**

**RS15 District** - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

**PLAN DETAILS** The plan proposes 63 single-family lots in Phase Three of the Lakeside Meadows concept plan, which was originally approved in 2006 with 47 units in Phase Three and 108 lots overall. The application proposes to use the cluster lot option which allows lots to be reduced in size to two base zoning districts. Because the zoning is RS15, 7,500 square foot lots can be appropriate if the plan meets all requirements of the cluster lot option policy. All proposed lots are larger than the required minimum lot size.

**Access** Aside from the increase in number of lots, the layout of streets and open space remains unchanged from the 2006 concept plan approval. Access is proposed from one point on Earhart Road and two points on Hessey Road. This subdivision proposes connections to the south and the east for future development.

**Open Space** There is 26.3 percent usable open space proposed within Phase Three, which exceeds the 15 percent requirement for cluster lot option policy. The Commission’s cluster lot policy requires common open space to have “use and enjoyment” value to the residents – recreational value, scenic value, or passive use value. Residual land with no “use or enjoyment” value will not be counted.

The proposed subdivision proposes a walking trail that loops through the three main open spaces. The access to the walking trail is at eight different street locations throughout the subdivision and three within Phase Three. This walking trail fulfills the recreation facilities requirements of the Zoning Code for cluster-lot subdivisions.

Landscape buffer yards are not required because lots adjacent to this phase are not part of a standard R or RS subdivision as required by the Zoning Code.

**PUBLIC WORKS RECOMMENDATION** This development will require Public Works approval of detailed construction plans prior to permit issuance. Final design and improvements may vary based on actual field conditions.

## STORMWATER RECOMMENDATION Approved

### 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 public r-o-w. Make drainage and common open space areas should be a public utility easement.
4. Any addition easements required that are not part of these 3 parcels must be obtained by the developer or the engineer for the developer.
5. Street names are required before NES's final construction drawings can be issued.
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. 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).
9. NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
10. All street lighting shall meet Metro/NES requirements and conduit must be installed by developer – NES needs locations of bases for conduit stub-outs to those general areas.

### CONDITIONS

1. Prior to final plat recordation for Phase Three, all walking trails shall be completed.
2. Prior to recordation of final plat, detailed construction plans shall be approved by Public Works.
3. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Conduit for street lighting is required in the GSD.
4. Prior to final plat recordation, a 20' wide landscape easement shall be added to each final plat, within the Concept Plan Revision of Phase 3 for Lakeside Meadows, along the back of all public right of way areas for possible street trees to be planted.

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

#### **Resolution No. RS2009-165**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-107-001 is **APPROVED WITH CONDITIONS, including a revised condition #1 requiring completion of all recreational trails prior to the issuance of building permits for the last five lots in Phase 3. (9-0)**

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

1. ~~Prior to final plat recordation for Phase Three, all walking trails shall be completed.~~ Prior to the issuance of building permits for the last five lots in Phase 3, all recreational trails shall be completed. [Revised Condition]
2. Prior to recordation of final plat, detailed construction plans shall be approved by Public Works.
3. Within residential developments all utilities are to be underground. The utility providing the service is to approve the design and construction. The developer is to coordinate the location of all underground utilities. Conduit for street lighting is required in the GSD.
4. Prior to final plat recordation, a 20' wide landscape easement shall be added to each final plat, within the Concept Plan Revision of Phase 3 for Lakeside Meadows, along the back of all public right of way areas for possible street trees to be planted."

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## **X. PUBLIC HEARING: FINAL PLAT**

### **13. 2009S-108-001**

J. J. Pryor's Subdivision, Resub. Lot 1 & Part of Lot 2, 1st Rev  
Map: 083-02 Parcels: 246, 352, 353  
East Nashville Community Plan  
Council District 6 – Mike Jameson  
Staff Reviewer: Greg Johnson

A request for final plat approval to create five lots on properties located at 1703 Greenwood Avenue and at 1203 and 1205 Chapel Avenue, at the northeast corner of Greenwood Avenue and Chapel Avenue (1.43 acres), zoned R6 and located within the Eastwood Neighborhood Conservation Overlay, requested by Alain Christopher Keenan, owner, Kirk Duclos, surveyor.

#### **Staff Recommendation: Disapprove**

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

Mr. Clifton left the meeting at 5:30 p.m.

Mr. Pete Prosser, Village Real Estate, spoke in favor the proposed development.

Mr. Bret Diaz, 817 3<sup>rd</sup> Avenue North, spoke in favor of the proposed development.

Mr. Zack Thomas, spoke in favor of the proposed development.

Mr. Ponder questioned the hand out and expressed concerns with the proposed number of units.

Ms. Jones clarified the project contained five lots.

Ms. Jones opposed the proposed five lot configuration.

Mr. Dalton supported the proposal but opposed a five lot configuration.

Ms. LeQuire questioned driveway placement and lot pattern disruption, and expressed support.

Mr. Johnson clarified driveway and alley access on proposed lots.

Ms. Cummings requested clarification of the size comparability of lot four.

Mr. Johnson stated lots 2-5 did not meet lot frontage requirements, and lot four did not meet size comparability.

Mr. Gee expressed concerns about lot size and differing views of the Historical and Planning Commissions.

Mr. Gee requested staff clarification regarding the Planning Commission's subdivision obligations.

Ms. Hammond stated subdivision regulations are applied and a lot comparability waiver may be used if the subdivision meets specific criteria.

Mr. Leeman explained the criteria referenced when considering a lot comparability exception for a subdivision.

Ms. Hammond stated the primary consideration in this instance would be the consistency of lot size as compared with the adopted land use policy.

Ms. LeQuire inquired about density requirements.

Ms. Hammond clarified lot size as it pertains to lot comparability.

Chairman McLean requested clarification of a Regional Activity Center.

Ms. Hammond stated a major mall meets the definition of a Regional Activity Center.

Mr. Ponder inquired about lot comparability under the original three lot plan.

Mr. Johnson stated the three lot plan meets lot comparability.

Mr. Jones clarified confusion about lot lines from a previous application.

Mr. Ponder inquired about the limitations of the application's lot lines.

Mr. Leeman described the original lot configuration in 2008.

Mr. Ponder suggested alternative lot line configurations.

Mr. Leeman described problems created if lot lines are modified.

Mr. Gotto stated he supports approval of the project.

Mr. Gee is in favor of keeping the corner lot as part of lot one.

Mr. Gotto moved and Mr. Dalton seconded the motion to approve the applicant's request. (10-0)

Ms. LeQuire questioned when the park proposal was submitted to the Parks Department.

Mr. Prosser stated Metro Parks offered a park project to the applicant in 2008, which was turned down do to funding requirements.

Ms. LeQuire discussed a possible deferral to allow time for park plan discussions.

Mr. Diaz, applicant, spoke in favor of a deferral for park plan discussion.

Ms. Jones supported preserving lot five for a future park or open space area.

Mr. Gotto and Ms. Jones discussed designating the lot as open space.

Mr. Diaz requested the 85 foot setback remain as part of the project and designate another area for open space.

Mr. Ponder supported an option for the applicant to deed open space property to the city, not Parks and Recreation, in order to avoid property taxes.

Councilmember Gotto withdrew his previous motion.

Councilmember Gotto moved and Mr. Ponder seconded the motion, to defer 2009S-108-001, J. J. Pryor's Subdivision, Resub. Lot 1 & Part of Lot 2, 1st Rev, to the January 14, 2010 Planning Commission meeting.

Councilmember Gotto added the stipulation that the deferral will allow time to discuss the reconfiguration of a lot for open space.

Mr. Dalton requested clarification for the applicant.

Ms. Hammond, Ms. Cummings, and Ms. LeQuire discussed the configuration of three or four lots.



Mr. Gotto questioned the applicant about reconfiguring from four lots to three.

Chairman McLean questioned Mr. Dalton about the property lines of lot four.

Chairman McLean, Ms. Jones and Ms. Cummings discussed adjusting property lines.

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to defer 2009S-108-001, J. J. Pryor's Subdivision, Resub. Lot 1 & Part of Lot 2, 1st Rev, to the January 14, 2010 Planning Commission meeting.

**Resolution No. RS2009-166**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-108-001 is DEFERRED to the January 14, 2010 Planning Commission meeting. (10-0)”**

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

**14. 201-69P-001**

Starpointe (Revision)  
Map: 183-00 Parcels: 009, 036  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final approval for a portion of the Starpointe Commercial Planned Unit Development Overlay located at 13105 Old Hickory Boulevard and at Old Hickory Boulevard (unnumbered), at the northeast corner of Old Hickory Boulevard and Muci Drive (5.0 acres), zoned CS, to permit the development of a 4-story, 35,800 square foot hotel containing 75 units and three 1-story retail buildings containing a total of 28,500 square feet, replacing a 100 unit hotel containing 74,250 square feet and 12,500 square feet of retail space, requested by Lukens Engineering Consultants, applicant, for Dr. Byron V. Bush, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary PUD and Final Site Plan - Permit one hotel and two retail buildings.**

A request to revise the preliminary plan and for final approval for a portion of the Starpointe Commercial Planned Unit Development Overlay located at 13105 Old Hickory Boulevard and at Old Hickory Boulevard (unnumbered), at the northeast corner of Old Hickory Boulevard and Muci Drive (5.0 acres), zoned Commercial Service (CS), to permit the development of a 4-story, 35,800 square foot hotel containing 75 units and three 1-story retail buildings containing a total of 28,500 square feet, replacing a 100 unit hotel containing 74,250 square feet and 12,500 square feet of retail space.

**CRITICAL PLANNING GOALS N/A**

**PLAN DETAILS** The Starpointe PUD is located immediately south of Interstate 24 on the east side of Old Hickory Boulevard in southeast Nashville. It was originally approved in 1969 for approximately 14,300 square feet of retail and an 88,500 square foot motel with 100 units. The PUD was revised in 2007 to permit a 74,250 square foot hotel and a 12,500 square foot retail building. The current preliminary PUD revision proposes four buildings, one for a hotel and three for retail uses.

**Preliminary Plan** This preliminary PUD revision would increase retail space from 12,500 square feet to 28,500 square feet and reduce hotel space from 74,250 square feet to 35,800 square feet, resulting in an overall decrease in square footage within the PUD. The hotel location remains unchanged. Retail space is divided into three buildings. Two of the retail buildings occupy the location of the currently approved retail building, along the rear property line to the east of the hotel building. An additional 12,000 square foot retail building is proposed at the front of the site along Muci Drive in a layout that is consistent with the approved plan.

All buildings are accessed from a private drive access to Muci Drive, which connects to Old Hickory Boulevard to the west. Sidewalks are shown along Muci Drive and Old Hickory Boulevard and will connect to interior walkways. This proposal divides development into four phases corresponding with each proposed building. Each phase complies with parking requirements of the Zoning Code.

**Final PUD** Final PUD approval is requested for Phases 1 and 2 of the PUD. These phases, which include the hotel building (Phase 1) and one retail building (Phase 2) currently have final PUD approval through the approved preliminary plan. The 100-room 74,250 square foot hotel is reduced to 75 rooms and 35,800 square feet. The retail building included in Phase 2 is reduced from 12,500 square feet to 6,800 square feet. Both phases provide sufficient parking for their uses.

#### **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. Widen Old Hickory Boulevard to provide a left turn lane with 100 feet of storage and transitions per AASHTO/MUTCD standards.
3. Modify markings on Muci to extend left turn lane from OHB to access drive with two-way left turn lane pavement markings.

#### **STORMWATER RECOMMENDATION** Revisions approved

**STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions. The proposed changes are consistent with the approved plan.

#### **CONDITIONS**

1. 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.
2. Prior to approval of building and grading permits, a final plat shall be recorded including any required bonds for public improvements.
3. Widen Old Hickory Boulevard to provide a left turn lane with 100 feet of storage and transitions per AASHTO/MUTCD standards, as determined by the Department of Public Works.
4. Modify markings on Muci to extend left turn lane from OHB to access drive with two-way left turn lane pavement markings, as determined by the Department of Public Works.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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.
11. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

**Resolution No. RS2009-167**

“BE IT RESOLVED by The Metropolitan Planning Commission that 201-69P-001 is **APPROVED WITH CONDITIONS.**  
**(9-0)**

**Conditions of Approval:**

1. 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.
2. Prior to approval of building and grading permits, a final plat shall be recorded including any required bonds for public improvements.
3. Widen Old Hickory Boulevard to provide a left turn lane with 100 feet of storage and transitions per AASHTO/MUTCD standards, as determined by the Department of Public Works.
4. Modify markings on Muci to extend left turn lane from OHB to access drive with two-way left turn lane pavement markings, as determined by the Department of Public Works.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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."

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## **XII. OTHER BUSINESS**

15. Grant Contract between The State of Tennessee DOT and the Nashville-Davidson County Planning Commission on Behalf of the Nashville Area Metropolitan Planning Organization (MPO) for Sustainable Communities planning activities

Approved, (9-0) *Consent Agenda*

**Resolution No. RS2009-168**

"BE IT RESOLVED by The Metropolitan Planning Commission that the grant contract between the State of Tennessee DOT and the Nashville-Davidson County Planning Commission on behalf of the Nashville Area MPO is **APPROVED. (9-0)**"

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16. Set Public Hearing date of January 28, 2010, to amend portions of the Subdivision Regulations.

Approved, (9-0) *Consent Agenda*

17. Employee contract renewal for Anita McCaig.

Approved, (9-0) *Consent Agenda*

18. Historical Commission Report
19. Board of Parks and Recreation Report
20. Executive Director Reports
21. Legislative Update

## **XIII. ADJOURNMENT**

The meeting was adjourned at 6:10 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of, its programs, services, and activities, or in its hiring or employment practices. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at 862-7150 or e-mail her at [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries contact Shirley Sims-Saldana or Denise Hopgood of Human Relations at 880-3370. For all employment-related inquiries call 862-6640.