



**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**

March 11, 2010

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

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

Staff Present:

Ann Hammond, Assistant Executive Director
Bob Leeman, Planning Manager II
Jennifer Carlat, Planning Manager II
Brenda Bernards, Planner III
Craig Owensby, Public Information Officer
Greg Johnson, Planner II
Joni Priest, Planner II
Brian Sexton, Planner I
Susan Jones, Legal Counsel
Steve Mishu, Metro Water
Kelly Armistead, Admin. Svcs Officer 3
Marie Cheek, Planning Technician II

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

I. CALL TO ORDER

The meeting was called to order at 4:07pm.

II. ADOPTION OF AGENDA

Councilmember Gotto moved and Dr. Cummings seconded the motion, which passed unanimously, to adopt the agenda as presented. (6-0)

III. APPROVAL OF FEBRUARY 25, 2010, MINUTES

Dr. Cummings moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the February 25, 2010 minutes as presented. (6-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Stanley was present but indicated he would speak when the item was presented.

V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN

There were no items to be deferred or withdrawn.

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

PUBLIC HEARING: SP FOUR YEAR REVIEW

- 1. 2005SP-163U-08 The review of an approved Specific Plan-Residential Zoning District to determine its completeness approval for properties located at 508 B Hume Street, for six townhome units. -Find the SP complete
- 2. 2005SP-165G-13 The review of an approved Specific Plan-Mixed Residential Zoning District to determine its completeness for property located at 3694 Hamilton Church Road, approved for 129 single-family units. -Find the SP active

OTHER BUSINESS

- 4. Amendment No. 3 to L-2008 between Metro on behalf of MPO and LandDesign - Amending the term of the contract to allow for two additional contract extensions of 3-months each - not to exceed the original 30-month term. -Approved
- 5. Amendment No. 1 to L-2011 between Metro on behalf of the MPO and Wilbur Smith Associates - Amending the term of the contract to allow for two additional contract extensions of 3-months each - not to exceed the original 30-month term; adds up to \$10,000 for a revised scope of work. -Approved
- 6. Confirmation of appointment of members to the Downtown Code Design Review Committee. -Approved
- 7. Approval of Revised Community Plan Amendment Fees -Approved

Dr. Cummings moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (6-0)

VII. PUBLIC HEARING: SP FOUR YEAR REVIEW

- 1. **2005SP-163U-08**
6th & Hume (4-Year Review)
Map: 082-09-0-N Parcels: 001, 002, 003, 004, 005, 006, 007
North Nashville Community Plan
Council District 19 – Erica Gilmore
Staff Reviewer: Brenda Bernards

The review of an approved Specific Plan-Residential Zoning District development plan, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for properties located at 508 B Hume Street, approved February 7, 2006 via Council bill BL2005- 885 for six townhome units.

Staff Recommendation: Find the SP District complete

APPLICANT REQUES - SP Review - Four year SP review to determine activity.

The review of an approved Specific Plan-Residential Zoning District development plan, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for properties located at 508 B Hume Street, approved February 7, 2006, via Council Bill BL2005-885 for six townhome units.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

DETAILS OF THE SP DISTRICT The SP was approved for three sets of 2-unit attached single-family townhomes. Each unit has a one-vehicle garage that accesses a driveway area with access from an alley to the rear of the units. Each unit is 1,267 square feet in size and 3 stories tall.

Analysis Staff visited the site on February 2, 2010. The six townhomes have been constructed and are occupied. The staff assessment of this SP is that it is complete. This SP can be removed from the four year review cycle.

STAFF RECOMMENDATION Staff recommends that the 6th and Hume SP be found to be complete.

Approved (6-0), Consent Agenda

Resolution No. RS2010-34

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-163U-08 is **APPROVED** the staff recommendation finding that the SP District is complete. (6-0)”

2. 2005SP-165G-13

Del Lago (4-Year Review)
Map: 164-00 Parcel: 056
Antioch/Priest Lake Community Plan
Council District 33 – Robert Duvall
Staff Reviewer: Brenda Bernards

The review of an approved Specific Plan-Mixed Residential Zoning District development plan, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 3694 Hamilton Church Road, approved January 17, 2006 via Council bill BL2005-882 for 129 single-family units.

Staff Recommendation: Find the SP District Active

APPLICANT REQUEST- SP Review - Four year SP review to determine activity.

The review of an approved Specific Plan-Mixed Residential Zoning District development plan, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at 3694 Hamilton Church Road, approved January 17, 2006, via Council bill BL2005-882 for 129 single-family units.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

DETAILS OF THE SP DISTRICT The Del Lago SP is approved for 129 residential units. The units include 14 single-family detached residences and 115 single-family attached residences on approximately 23.98 acres. The overall density is approximately 5.3 dwelling units per acre. All but three of the residences will be accessed via rear alleys.

There are a number of active and passive open space areas included in the SP. The site contains several environmentally sensitive areas with sinkholes. The developed portion of the SP was designed around these areas. There are two public street

connections to the north to connect into the existing Windhaven Shores subdivision. As the site is adjacent to Corp. of Engineer's Property, a connection to the east was not required.

SPECIFIC PLAN REVIEW Staff conducted a site visit on January 18, 2010. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that would demonstrate that the SP was active.

The owner responded with the following details:

Progress towards development began in earnest after the Planning Commission approval, but was ultimately halted due to an unstable housing market, and our contractor going out of business. Below is a brief summary of some key hurdles attained since the initial approval:

- Complete Boundary and Topographic Survey
- Revised Plans and Submitted to Metro
- Roadway Construction Plans Approved
- Offsite Determination of Upgrades Required for Sewer Pump Stations
- Construction Documents, Water Line Approval 06-WL-125
- Construction Documents, Sewer Line Approval 06-SL-175
- Paid Water and Sewer Capacity Fees
- Agreed on Easements for Off Site Sewer
- Commenced Clearing
- Commenced Building Detention Ponds

As described above, a significant amount of surveying, planning, design, approvals and initial construction have been completed to date. If expressed in dollars, I estimate we have spent in excess of \$230,000 on submittal, development, design and consultant fees to date. Additionally our engineer, Dale and Associates is also currently working to revise the plans in attempts to reduce construction costs thereby allowing construction activities to resume.

ANALYSIS In reviewing the documentation provided by the owner, staff finds that the owner has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP in order for it to be found active. Staff would note, however, that at this time the SP remains appropriate for the site and area. The approved plan is consistent with the Neighborhood General policy of the Antioch Priest Lake Community Plan.

STAFF RECOMMENDATION Staff recommends that the Del Lago SP be found to be active.

Approved (6-0), **Consent Agenda**

Resolution No. RS2010-35

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-165G-13 is **APPROVED** the staff recommendation finding that the SP District is active. (6-0)”

VIII. PUBLIC HEARING: URBAN DESIGN OVERLAYS

3. **2004UD-002-001**
Villages Of Riverwood, Sect. 1, Ph. 2
Map: 097-00 Parcel: 158
Donelson/Hermitage/Old Hickory Community Plan
Council District 14 – James Bruce Stanley
Staff Reviewer: Greg Johnson

A request for final site plan approval for a portion of the Villages of Riverwood Urban Design Overlay located at Hoggett Ford Road (unnumbered) and Dodson Chapel Road (unnumbered), on the west side of Dodson Chapel Road (23.84 acres) to permit 96 single-family dwelling units, zoned RM9 and MUN, requested by Ragan-Smith-Associates Inc., applicant, for Beazer Homes, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - UDO Final Site Plan - Approval of final UDO site plan.

A request for final site plan approval for a portion of the Villages of Riverwood Urban Design Overlay located at Hoggett Ford Road (unnumbered) and Dodson Chapel Road (unnumbered), on the west side of Dodson Chapel Road (23.84 acres) to permit 96 single-family dwelling units, zoned Multi-Family Residential (RM9) and Mixed-Use Neighborhood (MUN).

PROJECT HISTORY In 2004, the preliminary Villages of Riverwood Urban Design Overlay (UDO) site plan was approved by Metro Council. The plan included 1,978 total dwelling units and 65,000 square feet of mixed-use development, including the possibility of office and retail, and a future assisted-living facility.

The residential portion of the plan is comprised of a combination of single-family detached units, townhouse units, and apartment building types. The mixed-use area is located near the center of the site. The southernmost portion of the site, adjacent to the Stones River, will contain the 776-unit assisted living facility in a later phase.

Section 1, Phase 2 is located in the center of the UDO, where the majority of steep hillsides are located. To avoid the most difficult areas of topography, the plan provides larger single-family lots that are located along curvilinear spine roads.

Final site plan approval has been granted for single-family and multi-family phases for this UDO as well as for a pool and amenity center.

The following table illustrates final site plan approval within the Villages of Riverwood to date:

Development Monitoring Chart

	Preliminary Approved	Final Approval to Date
Assisted Living	776	0
Apartments	500	418
Single Family Attached and Detached	702	104
Total with Final Approval	1978	522
Proposed Single Family Section 1, Phase 2		96
Total approved and proposed	1978	618

PLAN DETAILS This proposed final site plan is located within the interior of the UDO boundary. Access to this area will be taken from Phase 1, which is developed and connects to both Dodson Chapel Road and Hoggett Ford Road. There are 96 single-family lots in this phase. This is consistent with the preliminary master plan, which allows single-family building types throughout this phase. The preliminary plan limits the overall number of single-family dwellings within the UDO boundary to 702. Approval of the proposed lots will bring the total number of approved single-family lots to 200. Lot sizes and dimensions comply with the requirements of the Villages of Riverwood UDO.

Open Space The final site plan request is not consistent with the preliminary UDO in the layout, quality or purpose of the open spaces. Approximately 0.5 acres of open space is proposed within this phase and is dispersed among four separate areas. On the proposed plan, Open Space area W is a 6,526 square foot space located within Riverbirch Way in the northern portion of the proposal, dividing the street into two segments for a distance of approximately 250 feet. With dimensions of 160 feet in length and 48 feet to 65 feet in width, this space will be a visual focal point for 12 lots with limited scope as a usable open space area. On the approved preliminary plan, this open space area was larger with more generous dimensions that would allow it to serve as usable space and limited active open space.

Open Space areas X and Y are located at the southern end of this section within an interior block. These open spaces are remnant areas caused by the irregular shape of the block. On the preliminary plan, this block included a consolidated open

space at its interior. As proposed, these spaces will provide limited benefit to the surrounding neighborhood because of their irregular shape and lack of continuity.

Open Space area Z is located behind Lot 132 in the northeast corner of the section. It is the smallest proposed open space with approximate dimensions of 20 feet by 80 feet. Its size and location away from the street will eliminate its viability as a useable open space and make it indistinguishable from the backyard of Lot 32.

The preliminary approval included two additional open space areas that do not have an equivalent in the current proposal. There was a second open space within Riverbirch Way and a linear open space in the northern block of this section. These are not shown in the proposed final site plan.

Conflicts with other approvals The final site plan also conflicts with a previous final site plan approval within the Villages of Riverwood UDO. On June 12, 2008, the Metro Planning Commission approved a final site plan on adjacent land for 418 apartment units. Included in that final site plan was a trail connection to Stonewater Drive. Stonewater Drive is included in Section 1, Phase 2 but the trail connection is not shown on the currently proposed plan. As a result, approval of this final site plan would be in conflict with the previous approval. Staff recommends that the applicant include the approved trail location in the current proposal to allow for a continuous trail system throughout the UDO, as was originally approved by Council.

PUBLIC WORKS RECOMMENDATION No Exception Taken.

All previous conditions apply.

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. 10-foot public utility easement required adjacent to public r-o-w.
3. Transformer knuckle easement required - must be 25 feet wide by 20 foot deep centered on property line.
4. NES can meet with developer/engineer upon request to determine electrical service options.
5. NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
6. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).
7. NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
8. Developer shall provide street lighting locations. This is general services area and should meet Metro's minimum light requirements.
9. If porches 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.*

FIRE MARSHAL RECOMMENDATION Provide flow data (actual or calculated) for the fire hydrants in Phase 2.

STORMWATER RECOMMENDATION

1. Please remove the text "Approved Stormwater Appeals for Buffer Encroachment #2006-126" from the plans as the variance does not apply to this development.
2. Provide separate Initial Erosion Control Plan Sheets showing only existing contours and conditions with initial erosion control BMPs. Include the proposed construction entrances/exits and the sediment traps with associated contours.
3. The sediment traps drainage areas are not indicated. According to the contours, much of the proposed area runoff will bypass the rectangular sediment traps. Please delineate on a separate Site Sketch the proposed areas draining to the sediment traps.

4. Include a note on the appropriate Erosion Control Plan requiring the contractor to provide an area for truck wash and equipment fueling, if proposed, in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting.
5. Add the MWS detail drawing for Erosion Control Fabric.
6. Include the MWS BMP details reference to the appropriate section of Metro Stormwater Management Manage Volume 4.
7. Provide Ditch sizing calculations. Show 10-year storm event elevations with at least 6-inch freeboard. Show the extent of ponding due to the check dams and the inlet pipe shown on Lots 153 and 180. Advise replacing the ditch with stormwater conduit.
8. Provide Ditch and Pipe easement widths in accordance with Tables 6-1 and 6-2 in the Metro Stormwater Maintenance Manual, Volume 1, Chapter 6.
9. Provide a Drainage Map showing existing conditions including flow patterns, subareas, runoff coefficients and time of concentration.
10. Provide a 1-foot freeboard above the proposed 100-year elevation (454.95) in the pond. Set the emergency overflow weir at the proposed 100-year elevation.
11. Provide a minimum 2% bottom slope in the pond bottom to the permanent pool.
12. More than half of the lots along Stonewater Drive and Lots 200, 201, 202, and 203 on Riverbirch Way do not drain to the stormwater system. It unlikely residences will be built in the lot area draining to the stormwater system. The system is to include the developed lot covered by the residential structures and any other impervious structures.
13. Add a note to the plans stating that buffer signs are required with the location to be determined during pre-con by NPDES.
14. Add a note that all erosions control measures are to be removed prior to as-built approvals.
15. For the water quality wet pond:
 - a. Provide the Forebay sizing calculations
 - b. Indicate the proposed lining of the permanent pool pond.
 - c. Provide the water quality volume calculations
 - d. Provide the Permanent Pool sizing calculations
 - e. Provide the orifice opening sizing calculations
16. There were many differences between the invert elevations, pipe lengths and pipe slopes on the plans and those listed in the hydraulic calculations. Please indicate the design configuration and correct accordingly.
17. Where length exceeds 50 feet, a minimum pipe size of 18 inches is required.

WATER SERVICES RECOMMENDATION Metro Water Service recommends conditional approval upon the construction and completion of Metro Project 09-WL-44 & Metro Project No. 09-SL-41 (public water & sewer extension) for this Phase and Section. Furthermore, this project is contingent upon the construction and completion of Metro Project No. 06-WL-116 & Metro Project No. 06-SL-164 (public water and sewer line extension for Phase 1).

STAFF RECOMMENDATION Staff recommends disapproval. The proposed final site plan significantly degrades usable open space and is not consistent with either the approved preliminary Villages of Riverwood Urban Design Overlay or the adjacent final site plan approved by the Metro Planning Commission in June 2008.

CONDITIONS

1. Comply with all conditions of the original council bill (BL2004-325).
2. Comply with all NES, Fire Marshal, Water Services, and Stormwater conditions.
3. Revise the site plan for Section 1, Phase 2 reflecting the previously approved trail location.
4. The character, quality, and utility of open spaces in the approved UDO plan shall be restored in the final site plan.

Greg Johnson presented the staff recommendation of disapproval.

Tom White represented applicant, spoke in favor of the proposal.

Alan Ramsey of Ragan, Smith & Assoc. requested Commission approve the proposal.

Ms. Louan Brown of 3071 Elm Hill Pike asked Commission to disapprove.

Councilmember Stanley stated his concerns about traffic increases and asked Commission to disapprove.

Chairman McLean asked Legal Counsel for clarification regarding the proposal and what the Commission had the authority to consider.

Legal Counsel stated the Commission was considering the final site plan proposal and that the primary issue under consideration was regarding the design of the open space.

Ms. Jones asked about the size of the development. Ms. Hammond clarified density issues.

Ms. Jones asked Mr. Johnson to designate location of open space.

Ms. LeQuire asked Mr. Johnson about the size of the original open space.

Ms. LeQuire discussed tree preservation. Ms. LeQuire, Ms. Jones, and Councilmember Gotto discussed the possibility of policing the approved UDO plan in terms of grading and conformance with the plan.

Ms. LeQuire considered approval if open space was made more usable.

Councilmember Gotto asked if the preliminary plan was conceptual and stated that the open space did not appear to be very usable.

Mr. Gee stated that he did not have a problem with a smaller open space, questioned zoning, and spoke in favor of proposal.

Ms. Hammond clarified the review process with the focus on overall character instead of detailed examination.

Dr. Cummings asked for clarification on usability of open space.

Mr. Gee discussed possible uses of open space.

Dr. Cummings stated that she supports secondary proposal of area affected by UDO.

Mr. Ponder arrived at 4:39pm.

The Commission asked Alan Ramsey of Ragan, Smith & Assoc. about topography.

The Commission further discussed usability and accessibility of open space.

Mr. Gee moved and Ms. Jones seconded the motion to approve Proposal No. 2 with conditions 1-3 of the staff report. Directed staff to work with the applicant on the configuration of the southern open space and to develop a landscape plan to minimize the impact of abutting rear and side yards on the open space. (7-0)

Resolution No. RS2010-36

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004UD-002-001 is APPROVED WITH CONDITIONS 1-3 OF THE STAFF REPORT FOR THE APPLICANT’S PROPOSAL NO. 2. AND DIRECTED STAFF TO WORK WITH THE APPLICANT ON THE CONFIGURATION OF THE SOUTHERN OPEN SPACE AND FOR THE APPLICANT TO DEVELOP A LANDSCAPE PLAN TO MINIMIZE THE IMPACT OF ABUTTING REAR AND SIDE YARDS ON THE OPEN SPACE. (7-0)

IX. OTHER BUSINESS

4. Amendment No. 3 to L-2008 between Metro on behalf of MPO and LandDesign - Amending the term of the contract to allow for two additional contract extensions of 3-months each - not to exceed the original 30-month term.

Approved (6-0), **Consent Agenda**

5. Amendment No. 1 to L-2011 between Metro on behalf of the MPO and Wilbur Smith Associates - Amending the term of the contract to allow for two additional contract extensions of 3-months each - not to exceed the original 30-month term; adds up to \$10,000 for a revised scope of work.

Approved (6-0), **Consent Agenda**

6. Confirmation of appointment of members to the Downtown Code Design Review Committee.

Approved (6-0), **Consent Agenda**

7. Approval of Revised Community Plan Amendment Fees

Approved (6-0), **Consent Agenda**


8. Historical Commission Report
9. Board of Parks and Recreation Report
10. Executive Director Reports
11. Legislative Update

X. ADJOURNMENT

The meeting was adjourned at 5:13pm.

Chairman

Secretary

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