



**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**

*June 24, 2010*

\*\*\*\*\*

*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

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

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Kelly Armistead, Administrative Services Officer III  
Bob Leeman, Planning Manager II  
Bob Eadler, Planner II  
Brenda Bernards, Planner III  
Brian Sexton, Planner I  
Greg Johnson, Planner II  
Dennis Corrieri, Planning Technician I  
Craig Owensby, Public Information Officer  
Jason Swaggart, Planner 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 4:03 p.m.

**II. ADOPTION OF AGENDA**

Dr. Cummings moved and Councilmember Gotto seconded the motion, which passed unanimously, to adopt the agenda as presented. (8-0)

**III. APPROVAL OF JUNE 10, 2010, MINUTES**

Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the June 10, 2010 minutes as presented. (8-0)

Chairman McLean asked Bob Eadler to come forward to be recognized as this is his last official meeting due to retirement.

Ms. LeQuire arrived at 4:05 p.m.

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Toler stated that he would like the Commission to defer Item 3 until the September 14, 2010 Planning Commission meeting.

Councilmember Crafton stated his understanding of staff recommendation of disapproval for Items 1 and 2 and will deal with them at the Council level. He also spoke in favor of staff recommendation of Item 7.

Councilmember Stanley was in attendance but elected to speak at a later time.

**V. PUBLIC HEARING: ITEMS REQUESTED TO BE DEFERRED OR WITHDRAWN**

- |    |                |  |   |
|----|----------------|--|---|
| 3. | 2007S-209G-12  | A request to rescind final plat approval for Brentwood Knoll, containing 15 lots and open space located along Brentwood Knoll Court and Bryce Road.  | Deferred to the September 14, 2010, meeting |
| 4. | 2010UD-002-001 | A request to make applicable the provisions of a UDO district to be known as the "Pin Hook UDO" to properties located at Pin Hook Road, and at Hamilton Church Road, east of Murfreesboro Pike.  | -Deferred to the August 26, 2010, meeting   |
| 5. | 2010UD-006-001 | A request to make the provisions of a UDO district to be known as the "Edison Park UDO" applicable to properties located along Painter Drive, Schoolhouse Court, Jenny Ruth Point, Rebecca Trena Way, and Coneflower Trail, east of Mt. View Road. | -Deferred to the August 26, 2010, meeting   |
| 6. | 2010UD-007-001 | A request to make the provisions of a UDO district to be known as the "Hamilton-Hobson UDO" applicable to properties located, at the intersection of Hamilton Church Road and Hobson Pike.   | -Deferred to the August 26, 2010, meeting   |

**Mr. Ponder moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve the Deferred or Withdrawn items as presented. (9-0)**

Ms. Hammond 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 of 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**

- |    |                |   |              |
|----|----------------|---|--------------|
| 1. | 18-85P-001     | A request to cancel the 7734 Highway 70 South Commercial Planned Unit Development district located at 7734 Highway 70 South and partially within the Floodplain Overlay District, approved for a commercial nursery facility. | -Disapproved |
| 2. | 2010SP-011-001 | A request to rezone from R40 to SP-C zoning for property located at 7734 Highway 70 South and partially within the Floodplain Overlay District, to allow certain uses permitted in the CL zoning district.                    | -Disapproved |

**COMMUNITY PLANS**

- |    |                |  |           |
|----|----------------|--|-----------|
| 7. | 2010CP-006-002 | A request to amend the land use policy from Residential Low-Medium Density to Commercial Mixed Concentration for property located at 7552 Sawyer Brown Road. | -Approved |
|----|----------------|--|-----------|

**ZONING MAP AMENDMENTS AND SPs**

- |    |                |   |                              |
|----|----------------|---|------------------------------|
| 8. | 2006SP-022U-08 | The periodic review of an approved Specific Plan district known as "Morgan Park Place", to determine its completeness, for various properties located at Van Buren Street between 3rd Avenue North and 5th Avenue North, approved for general retail, general office, restaurant, and residential uses. | -Find the SP District active |
| 9. | 2006SP-034G-06 | The periodic review of an approved Specific Plan district known as "Traemoor Village", to determine its completeness, for property located at 225 Traemoor Village Way, approved for 122 multi-family units partially within the Floodplain Overlay District.   | -Find the SP District active |

- 10. 2006SP-044U-12 The periodic review of an approved Specific Plan district known as "At-Home Medical Supplies", to determine its completeness, for property located at 350 Wallace Road, approved for a medical supply sales use and all uses permitted in the OR20 zoning district. -Find the SP District complete
- 12. 2004P-023-001 A request to cancel the Rosedown Residential PUD district located at 6515 Holt Road, partially within the Floodplain Overlay District, approved for 17 single-family lots. -Approved
- 13. 2010Z-016PR-001 A request to rezone from RS10 to AR2a zoning for property located within the Rosedown Residential PUD Overlay at 6515 Holt Road, partially within the Floodplain Overlay District. -Approved
- 14. 2010NL-003-001 A request to establish a Neighborhood Landmark District and for approval of the Neighborhood Landmark Development Plan for properties located at 400 and 404 Wisteria Lane, to permit personal care services use within the existing residential structure.  
**-Approved Neighborhood Landmark District**  
**-Approved with conditions the Neighborhood Landmark Development Plan**

**PUBLIC HEARING: FINAL PLATS**

- 15. 2009S-027-001 A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road.  
**-Approved a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to September 18, 2010.**
- 16. 2010S-043-001 A request for final plat approval to create three lots on property located at 1508 Elm Hill Pike. -Approved w/conditions

**OTHER BUSINESS**

- 18. Resolution authorizing the expenditure of \$15,000 from the Advance Planning and Research Fund to undertake the study, in cooperation with the State of Tennessee's Department of Transportation and the Metro Public Works Department, of transportation options and coordinating land use choices for the Green Hills Regional Activity Center. -Approved

**Mr. Ponder moved and Dr. Cummings seconded the motion, which passed unanimously, to accept the revised Consent Agenda as presented. (9-0)**

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

- 1. **18-85P-001**  
 7734 Highway 70 S  
 Map: 127-00 Parcel: 086  
 Bellevue Community Plan  
 Council District 22 – Eric W. Crafton  
 Staff Reviewer: Brenda Bernards

A request to cancel the 7734 Highway 70 South Commercial Planned Unit Development district located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road, and partially within the Floodplain Overlay District, zoned R40 and proposed for SP-C, (3.37 acres), approved for a commercial nursery facility, requested by Councilmember Eric Crafton, for Patsy Potter, owner. (See also Proposal No. 2010SP-011-001)

**Staff Recommendation: Defer or disapprove**

**APPLICANT REQUEST - Cancel the 7734 Highway 70 South Planned Unit Development.**

**PUD Cancellation** A request to cancel the 7734 Highway 70 South Commercial Planned Unit Development district located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road, and partially within the Floodplain Overlay District, zoned One and Two-Family Residential (R40) and proposed for Specific Plan-Commercial (SP-C), (3.37 acres), approved for a commercial nursery facility.

**Deferral** The applicant had requested a further deferral to June 24, 2010, in order to revise the associated zone change from a request to Commercial Limited to a request to Specific Plan - Commercial. This property and the surrounding community, were severely impacted by the recent storm event.

**Existing Zoning**

**R40 District - R40** requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. *Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.*

**Commercial PUD** - A Commercial PUD overlay was applied to this property in 1985 to permit a garden and nursery center.

**FO District - Floodplain Overlay District (FO)** represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

**CRITICAL PLANNING GOALS N/A**

**BELLEVUE COMMUNITY PLAN**

**Office Transition (OT)** OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

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

**Consistent with Policy?** While the bulk of the property is within the OT policy and the garden and nursery center permitted in this Commercial PUD is not consistent with this policy, this property is also in the Floodplain Overlay District. The garden and nursery center is a more appropriate use for the overlay district than the three two-family residential units permitted under the R40 zoning district.

The applicant has been meeting with the community on this request and the associated zone change. The zone change application has been revised to a request for SP-C zoning. A plan, proposing 34,800 square feet of commercial and office development in two, one-story buildings has been submitted to the Planning Department for review.

**PUBLIC WORKS RECOMMENDATION** A TIS may be required at re-development.

**STAFF RECOMMENDATION** Staff recommends that this request and the associated rezoning be deferred while staff continues the evaluation of impacts of development in the Floodplain Overlay District. If this request is not deferred, then staff recommends disapproval.

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

**Resolution No. RS2010-86**

“BE IT RESOLVED by The Metropolitan Planning Commission that 18-85P-001 is **DISAPPROVED. (9-0)**

**Canceling the PUD is not appropriate because the majority of the property is within the Floodplain Overlay District. The garden and nursery center which is permitted by the PUD is more appropriate than what would otherwise be permitted under the R40 base zoning district or the associated zone change for SP (2010SP-011-001).”**

2. **2010SP-011-001**  
Potter SP  
Map: 127-00 Parcel: 086  
Bellevue Community Plan  
Council District 22 – Eric W. Crafton  
Staff Reviewer: Brenda Bernards

A request to rezone from R40 to SP-C zoning for property located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road and partially within the Floodplain Overlay District, (3.37 acres) to allow certain uses permitted in the CL zoning district, requested by Dale & Associates, applicant, Patsy E. Potter, owner. (See also Proposal No.18-85P-001).

**Staff Recommendation: Defer or disapprove**

**APPLICANT REQUEST Rezone from R40 to SP-C.**

**Zone Change** A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Commercial (SP-C) zoning for property located at 7734 Highway 70 South, at the northwest corner of Highway 70 South and Harpeth Valley Road (3.37 acres) and partially within the Floodplain Overlay District to allow certain uses permitted in the Commercial Limited (CL) zoning district.

**Deferral** The applicant had requested a further deferral to June 24, 2010, in order to revise the request from Commercial Limited to Specific Plan - Commercial. This property and the surrounding community, were severely impacted by the recent storm event.

**Existing Zoning**

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. *Without the PUD overlay, the R40 zoning on this site would permit up to three residential lots.*

**FO District - Floodplain Overlay District** (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. **The proposed zoning request will not remove this property from the FO.**

**Proposed Zoning**

SP-C District - 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 commercial, retail and office uses permitted in the CL zoning district with some exceptions.

**CRITICAL PLANNING GOALS** N/A

**BELLEVUE COMMUNITY PLAN**

**Office Transition (OT)** OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

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

**Consistent with Policy?** No. While the SP proposes some office use, the primary commercial and retail uses conflict with the land use policies on the project site. The OT policy promotes low-intensity office uses as a transition between residential and commercial uses and the NCO policy also calls for low-intensity development. While the majority of the site is within the FO, the NCO policy covers only a small portion of the property along the western boundary.

The applicant has proposed that the landscape buffers and the single-story buildings shown on the plan will provide an adequate transition, however, the proposed commercial uses are not consistent with the policy.

**PLAN DETAILS** The applicant has submitted a preliminary plan providing a site layout for the SP. Two, single-story buildings are proposed, including a larger commercial/retail building to the rear of the site and a smaller office/retail building at the corner of Highway 70 South and Harpeth Valley Road with 174 parking spaces to serve the buildings. The site is accessed from both streets. Sidewalks are required and are shown on the plan.

The plan contains some bulk standards but is missing a number of details including building orientation and the impact on the FO District. There is no discussion on building orientation. The building along the street will need to be oriented towards both streets and include pedestrian access to these streets. Landscaping materials and parking area screening are proposed to be defined in detail with the final site plan.

**Floodplain Overlay District** As noted above, this property is within the FO District and was severely impacted during the recent storm event. The SP plan needs to identify the FO District. There was no discussion included with the plan concerning how this proposed development will impact the FO District.

**Uses** The uses proposed in this SP include all uses permitted in the CL zoning district with the exception of the following uses:

- Automobile convenience
- Bar or nightclub
- Hotel/motel
- Amateur radio antenna
- Satellite dish
- Bus transfer station
- Community Amusement (outside)
- Park and ride lot
- Power/gas substation

The proposed commercial uses, such as restaurant, new auto sales, retail, home improvement sales and personal care services are not consistent with the OT land use policy. If this SP is approved, the uses permitted need to be those permitted in the OL zoning district in order to be consistent with the land use policy. The office uses would form a transition between the residential uses to the north of the property and the commercial uses across Highway 70 South.

**Building Materials** The plan includes a description of building materials. Building façades visible from Highway 70 South and Harpeth Valley road will consist of brick, stone, stucco, EIFS, Split face concrete block or fiber cement/ architectural siding. Smooth concrete block, vinyl siding, aluminum siding and sheet metal are prohibited for any façade visible from public road view.

**Signs** The plan proposes that all signage permitted in the zoning code, with the exception of a pole sign be permitted in this SP. Staff is recommending that, if approved, more restrictive sign standards be made a part of this SP. In addition to signs prohibited by Section 17.32.050 of the Zoning Code, staff recommends the following if this SP were to be approved:

- Prohibited signs will 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 will include building signs and freestanding ground signs.
- Building signs are attached directly to, or supported by brackets attached directly to a principal building. One building sign per business will be permitted. Signs can be up to 5% of the façade square footage for the first floor, (the first floor is a maximum height of 14 feet for purposes of determining signage) or 50 square feet, which ever is smaller.
- Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height. There is a limit of two ground signs for this project, one per frontage and each a maximum of 28 square feet in size.
- Signs are to be externally lit with steady, stationary, down-directed, and completely shielded light sources or may be

internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds must be opaque, only letters and logos may be illuminated. Freestanding ground signs may be lit from a ground lighting source.

- The design and alignment of signs on multiple use buildings shall compliment each other such that visual unity effect is achieved. An overall sign program for multiple tenant buildings will be required with the final site plan.

**ANALYSIS** Currently, there is a Commercial PUD on this property that was adopted in 1985, to permit a landscape business. Across Highway 70 South there is a gas station and a martial arts studio in the R40 district and a restaurant in the Shopping Center Regional (SCR) district. The gas station and studio are legally non-conforming uses. A retail use was in place prior to the studio. In December 1988, the Board of Zoning Appeals approved the studio as a use that would not increase the degree of non-compliance. The properties across Harpeth Valley Road were rezoned to Office Limited (OL) district in 1999 which is a zoning district that would meet the OT policy.

During the recent storm events, the property at 7734 Highway 70 South, the office park and the commercial uses across Highway 70 South were severely impacted. The flooding closed this intersection for several days. It is recommended that this request be deferred while staff continues the evaluation of impacts of development in the Floodplain Overlay District. If the applicant does not wish to defer, then it is recommended that this zone change request be disapproved.

If the SP is approved, the uses of the SP need to be restricted to those uses permitted in the OL zoning district in order to comply with the OT land use policy.

**HARPETH VALLEY UTILITY DISTRICT** This property is within the Harpeth Valley Utility District. Prior to an application for final site plan approval, the applicant will need to obtain a sewer and water availability letter from the Utility District. Any requirements of the Harpeth Valley Utility District shall be met prior to final site plan approval.

**PUBLIC WORKS RECOMMENDATION**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Prior to any final SP approvals, a comprehensive traffic study will be required to assist in determining the number and location of access points along with any off-site conditions that may be required. The proposed access drive onto Hwy 70 will be reviewed for its appropriateness with the submittal of the first final SP.
- Provide adequate intersection and stopping sight distance at all project access drives per AASHTO standards.

Typical Uses in Existing Zoning District: **R40 PUD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF	104	4	11

\*Floor area controlled by PUD

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	3.37	0.165	24,221 SF	1074	27	80

Traffic changes between typical: **R40 PUD** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+970	+23	+69

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse/Nursery (817)	3.37	-	2,868 SF*	104	4	11

\*Floor area controlled by PUD

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center(820)	3.37	0.6	88,078 SF	6254	143	585

Traffic changes between maximum: **R40 PUD** and proposed **CL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6150	+139	+574

**STORMWATER RECOMMENDATION** Preliminary SP approved.

**FIRE MARSHAL RECOMMENDATION** Approved as a sprinklered project.

This approval is for the concept plans only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

**STAFF RECOMMENDATION** Staff recommends that this request and the associated PUD cancellation be deferred while staff continues the evaluation of impacts of development in the Floodplain Overlay Districts. If this request is not deferred, then staff recommends disapproval.

**CONDITIONS (if approved)**

1. The applicant shall submit a corrected copy of the plan to include the following:
  - Orient the building closest to the street towards the streets and show pedestrian access to the sidewalk.
  - Show the FO District on the plan. Provide details of the impact of the development on the FO.
  - A revised list of uses to include only those uses permitted in the OL zoning district.
2. Permitted signs shall include building signs and freestanding ground signs that are externally lit or may be internally illuminated or back-lit with a diffused or shielded light source. Building mounted signs shall be a maximum of 5% of the first floor façade area or 50 square feet, whichever is smaller and shall be limited to one sign per business. Up to two ground signs, including one per frontage, at a maximum of 28 square feet in size and six feet in height, shall be permitted for the development.
3. Prohibited signs shall 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.
4. An overall sign program for multiple tenant buildings will be required with the final site plan.
5. Prior to an application for final site plan approval, the applicant shall obtain a sewer and water availability letter from the Utility District. Any requirements of the Harpeth Valley Utility District shall be met prior to final site plan approval.



6. Prior to final site plan approval, the requirements of the Public Works Department shall be met.
7. The uses of this SP shall be limited to uses permitted in the OL zoning district.
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 OL 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.

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

**Resolution No. RS2010-87**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-011-001 is **DISAPPROVED. (9-0)**

**The proposed commercial SP is not consistent with the Bellevue Community Plan's Office Concentration and Natural Conservation policies which apply to the property. The proposed SP also impacts a majority of the floodplain on the property.”**

**3. 2007S-209G-12**

Brentwood Knoll

Map: 172-15-0-C Parcels:001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012

Map: 172-15-0-C Parcels:013, 014, 015, 900, 901

Southeast Community Plan

Council District 31 – Parker Toler

Staff Reviewer: Carrie Logan

A request to rescind final plat approval for Brentwood Knoll, containing 15 lots and open space located along Brentwood Knoll Court and Bryce Road (5.09 acres), zoned RS10 and AR2a, requested by the Planning Department on behalf of Councilmember Parker Toler, Community South Bank, owner.

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission DEFERRED 2010SP-011-001 to the September 14, 2010, Planning Commission meeting at the request of the applicant.**

4. **2010UD-002-001**  
Pin Hook  
Map: 164-00 Parcels: 083, 180, 181  
Map: 164-00 Parcel: Part of 193  
Antioch/Priest Lake Community Plan  
Council District 33 – Robert Duvall  
Staff Reviewer: Greg Johnson

A request to make applicable the provisions of an Urban Design Overlay (UDO) district to be known as the "Pin Hook UDO" to properties located at 3534 and 3562 Pin Hook Road, Pin Hook Road (unnumbered), and at Hamilton Church Road (unnumbered), east of Murfreesboro Pike, zoned RM9 (61.48 acres), to apply building design and typology standards to lots zoned as RM9, requested by Councilmember Robert Duvall, various property owners.

**Staff Recommendation: Defer to August 26, 2010, Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED 2010UD-002-001 to the August 26, 2010, Planning Commission meeting at the request of the applicant.**

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5. **2010UD-006-001**  
Edison Park  
Map: 150-15-0-B Parcels: 001-089  
Antioch/Priest Lake Community Plan  
Council District 33 – Robert Duvall  
Staff Reviewer: Greg Johnson

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Edison Park UDO" applicable to properties located along Painter Drive, Schoolhouse Court, Jenny Ruth Point, Rebecca Trena Way, and Coneflower Trail, east of Mt. View Road, zoned RS10 (20.36 acres), requested by Councilmember Robert Duvall, various property owners.

**Staff Recommendation: Defer to August 26, 2010, Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED 2010UD-006-001 to the August 26, 2010, Planning Commission meeting at the request of the applicant.**

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6. **2010UD-007-001**  
Hamilton-Hobson  
Map: 150-00 Parcel: 135  
Map: 164-00 Parcels: 053, 060, 207, 258, 259, 293, 294, 295  
Antioch/Priest Lake Community Plan  
Council District 33 – Robert Duvall  
Staff Reviewer: Greg Johnson

A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Hamilton-Hobson UDO" applicable to properties located at 3527, 3606, 3618 and 7086 Hamilton Church Road, Hamilton Church Road (unnumbered), 2214 Hobson Pike and Hobson Pike (unnumbered), at the intersection of Hamilton Church Road and Hobson Pike, zoned AR2a, RS10, MUL, and CS (45.18 acres), requested by Councilmember Robert Duvall, various property owners.

**Staff Recommendation: Defer to August 26, 2010, Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED 2010UD-007-001 to the August 26, 2010, Planning Commission meeting at the request of the applicant.**

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## **VIII. PUBLIC HEARING: COMMUNITY PLANS**

### **7. 2010CP-006-002**

Amend the Bellevue Community Plan: 2003 Update  
Map: 114-00 Parcel: 166  
Bellevue Community Plan  
Council District 22 – Eric W. Crafton  
Staff Reviewer: Bob Eadler

A request to amend the land use policy from Residential Low-Medium Density to Commercial Mixed Concentration for property located at 7552 Sawyer Brown Road, on the south side of I-40 adjacent to Sam's Club (4.29 acres), requested by Metro Planning Department, Bancorp South, owner.

#### **Staff Recommendation: Approve**

**APPLICANT REQUEST** Amend land use policy from Residential to Commercial.

**Amend the Community Plan** A request to amend the land use policy from Residential Low-Medium Density to Commercial Mixed Concentration for property located at 7552 Sawyer Brown Road, on the south side of I-40 adjacent to Sam's Club (4.29 acres).

**CRITICAL PLANNING GOALS** N/A

### **BELLEVUE COMMUNITY PLAN**

#### **Current Policies**

**Residential Low Medium (RLM)** RLM policy areas are 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.

#### **Proposed Land Use Policy**

**Commercial Mixed Concentration (CMC)** CMC policy accommodates major concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses, such as offices, as well as higher density residential.

**BACKGROUND** On May 13, 2010, the Planning Commission recommended approval of the proposed zone change associated with this case. The motion adopted by the Planning Commission included a directive that staff prepare a "housekeeping" amendment to the community plan to bring the land use policy for the subject property in conformance with the recommended CS zoning.

**COMMUNITY PARTICIPATION** Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 500 feet of the subject site. Since this is a "housekeeping" plan amendment, a community meeting is not required.

### **ANALYSIS**

**Physical Site Conditions** About one-fourth of the site contains steep topography that poses a constraint to development. With proper design, the remainder of the site is suitable for development.

**Land Use** Surrounding land uses include Sam's Club to the north, the 260-unit Belle Valley Apartment complex to the east. The apartments closest to the subject site are about 425 feet away. There is a single-family residence on the hilltop of a large tract to the southwest about 435 from the site; and I-40 abuts the site to the west.

**Access** The site has access to Old Hickory Boulevard through the Sam's Club property.

**Development Pattern** The subject property abuts Sam's Club, which is among the variety of nonresidential uses in the CMC policy area that applies along Old Hickory Boulevard to the north and south of the I-40 interchange. The subject site is oriented toward the current CMC policy area and development can easily be integrated with the existing nonresidential uses.

**Historic Features** There are no recognized historic features associated with this site.

**Conclusion:** This amendment is a minor expansion of the existing CMC policy and will not result in a significant change in the area's overall character.

With proper design of development the amendment would allow, it should not result in significant adverse impacts on surrounding land uses.

The portion of the subject site that is suitable for development is contiguous to the existing nonresidential development and can readily be developed while avoiding the more constrained western portion of the site.

**STAFF RECOMMENDATION** Staff recommends approval.

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

**Resolution No. RS2010-88**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010CP-006-002 is **APPROVED. (9-0)**”

**IX. PUBLIC HEARING: ZONING MAP AMENDMENTS AND SPs**

**8. 2006SP-022U-08**

Morgan Park Place  
Map: 082-09-0-J Parcels: Various  
North Nashville Community Plan  
Council District 19 – Erica Gilmore  
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan district known as "Morgan Park Place", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for various properties located at Van Buren Street (unnumbered) between 3rd Avenue North and 5th Avenue North, (2.3 acres), approved for 11,934 square feet of general retail, general office, restaurant, and/or multifamily uses, 28 multifamily units, 28 townhouses, and 4 single family units via Council Bill BL2006-1037 effective on May 17, 2006, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District active**

**APPLICANT REQUEST Four year SP review to determine activity.**

**SP Review** The periodic review of an approved Specific Plan district known as "Morgan Park Place", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for various properties located at Van Buren Street (unnumbered) between 3rd Avenue North and 5th Avenue North, (2.3 acres), approved for 11,934 square feet of general retail, general office, restaurant, and/or multifamily uses, 28 multifamily units, 28 townhouses, and 4 single family units via Council Bill BL2006-1037 effective on May 17, 2006.

**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 Morgan Park Place SP was approved for general retail, general office, restaurant, and/or multifamily uses, 28 multifamily units, 28 townhouses, and 4 single family units. The development fronts onto Van Buren Street between 3<sup>rd</sup> Avenue North and 5<sup>th</sup> Avenue North.

**Analysis** Staff visited the site on May 17, 2010. A majority of the SP has been developed and is occupied. The staff assessment of this SP is that it is active and staff recommends that this SP be found active and that it be placed back on the four-year review list.

**STAFF RECOMMENDATION** Staff recommends that the Morgan Park Place SP be found to be active.

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

**Resolution No. RS2010-89**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-022U-08 SP District is **FOUND TO BE ACTIVE. (9-0)**”

**9. 2006SP-034G-06**

Traemoor Village

Map: 114-07-0- A      Parcels: 001-121

Map: 114-07-0- A      Parcel:900

Bellevue Community Plan

Council District    22 – Eric W. Crafton

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan district known as "Traemoor Village", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 225 Traemoor Village Way (22.44 acres), approved for 122 multi-family units via Council Bill BL2006-1033 effective on May 17, 2006, and partially within the Floodplain Overlay District, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District active**

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

**SP Review** The periodic review of an approved Specific Plan district known as "Traemoor Village", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 225 Traemoor Village Way (22.44 acres), approved for 122 multi-family units via Council Bill BL2006-1033 effective on May 17, 2006 and partially within the Floodplain Overlay District.

**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 Traemoor Village SP was approved for 122 multi-family residential units and is between Charlotte Pike and Old Charlotte Pike west of Old Hickory Boulevard.

**Analysis** Staff visited the site on May 17, 2010. Approximately half of the units have been constructed or are under construction. The pool and club house are also complete. The staff assessment of this SP is that it is active and staff recommends that this SP be found active and that it be placed back on the four-year review list.

**STAFF RECOMMENDATION** Staff recommends that the Traemoor Village SP be found to be active.

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

**Resolution No. RS2010-90**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-034G-06 SP District is **FOUND TO BE ACTIVE. (9-0)**”

**10. 2006SP-044U-12**

At Home Medical Supplies  
Map: 147-00 Parcel: 014  
Southeast Community Plan  
Council District 26 – Gregory E. Adkins  
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan district known as "At-Home Medical Supplies", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 350 Wallace Road (1.45 acres), approved for a 3,000 square foot medical supply sales use and all uses permitted in the OR20 zoning district via Council Bill BL2006-1041 effective on May 17, 2006, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District complete**

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

**SP Review** The periodic review of an approved Specific Plan district known as "At-Home Medical Supplies", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 350 Wallace Road (1.45 acres), approved for a 3,000 square foot medical supply sales use and all uses permitted in the OR20 zoning district via Council Bill BL2006-1041 effective on May 17, 2006.

**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 a medical supply sales use within the existing structure and all uses of the OR20 Zoning District. Staff visited the site on May 17, 2010. The building is being used for medical supply sales, an approved use of the SP.

**STAFF RECOMMENDATION** Staff recommends that the At Home Medical Supplies SP be found to be complete.

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

**Resolution No. RS2010-91**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-044U-12 SP District is **FOUND TO BE COMPLETE. (9-0)**”

**11. 2010SP-008-001**

International Hair Salon #2  
Map: 119-10 Parcel: 209  
South Nashville Community Plan  
Council District 16 – Anna Page  
Staff Reviewer: Greg Johnson

A request to change from OL to SP-C zoning and for final site plan approval for property located at 2901 Dobbs Avenue, at the southwest corner of Dobbs Avenue and Thompson Lane (0.33 acres), to permit an existing office building to be used for a personal care service use, requested by Lilian Richardson, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Rezone to permit personal care services and office uses**

**Preliminary and Final SP** A request to change from Office Limited (OL) to Specific Plan-Commercial (SP-C) zoning and for final site plan approval for property located at 2901 Dobbs Avenue, at the southwest corner of Dobbs Avenue and Thompson Lane (0.33 acres), to permit an existing office building to be used for a personal care service use.

**Existing Zoning**

OL District - Office Limited is intended for moderate intensity office uses.

**Proposed Zoning**

SP-C District - 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 personal care services uses.

**SOUTH NASHVILLE COMMUNITY PLAN**

**Existing 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.

*Special Policy Area 3-Thompson Lane Corridor: Simmons Avenue to Mashburn Road Intersection*

1. Land uses intended in the NG, RM and RLM policy areas include all types of residential development, community services customarily allowed in residentially zoned areas, and offices. Land uses intended in the N C policy area are those allowed in the MUL zone district.
2. Maximum recommended intensity (measured in “floor to area ratio,” the ratio of the square footage allowed in the building compared to the area of the property) is 0.80 in the NG and N C policy areas, 0.60 in the RM policy area, and 0.40 in the RLM policy area. Maximum recommended residential density is 20.0 units/acre in the NG and N C policy areas. The standard maximum densities are recommended for the RM policy area (9.0 units/acre) and the RLM policy area (4.0 units/acre.)
3. Maximum recommended height is 3 stories (up to 45 feet) throughout the special policy area.
4. Parcel and access consolidation and, to the extent practical, cross-access between abutting uses are encouraged to reduce and manage traffic along Thompson Lane. New development and redevelopment should be pedestrian-friendly. Buildings should be oriented toward Thompson Lane and should be placed closer to Thompson Lane., with parking areas consolidated beside and/or behind the building.
5. Design-based zoning (ie. SP, UDO, or appropriate base district plus a PUD) is recommended wherever a zone change is necessary to ensure the intended type and design of development and the provision of any needed infrastructure improvements.

**Consistent with Policy?** Special Policy #3 from the South Nashville Plan recommends residential uses and some non-residential uses along Thompson Lane, including offices and community services. The proposed hair salon use is not a significant change from the office use that currently occupies the building and can be accommodated with minimal change to the current site layout. The proposed hair salon use in the existing building, including the parking lot, can be considered as a transitional use until the property becomes viable for a residential use that is consistent with the NG policy or Special Policy #3.

**ANALYSIS** The project site is occupied by a 1,200 square foot building and a parking lot with seven parking spaces. The

building was a single-family dwelling until 2005, when a use permit was approved for an office. At that point, the parking lot and driveway were added. The current application proposes a hair salon within the existing building.

The parking requirements for the proposed hair salon and the existing office are the same. The applicant will maintain the current pavement layout, rearranging the parking spaces to allow for an accessible parking space. All required parking spaces will be provided.

With the change in zoning, several improvements are proposed by the applicant or added as conditions of approval. The improvement of the landscape buffer along the south property line is required as a condition of approval. As stated in the conditions of approval, a type C landscape buffer must be installed along the south property line, extending from the building to the southwest corner of the property. The applicant may construct a 6 foot opaque fence instead of installing the required shrubs and understory trees associated with the buffer. The canopy trees are required with either option.

Sidewalks are required along both street frontages for this property. This property is located within an area with a Sidewalk Priority Index (SPI) score of greater than 20. Sidewalks have been constructed in front of three other lots on the same block face. According to the Zoning Code, the applicant could build sidewalks along the frontage of the property or pay a sidewalk fee to Public Works in lieu of constructing the required sidewalks. With this SP staff is recommending construction of sidewalks along the Dobbs Avenue and Thompson Lane frontages or payment to Metro Public Works in lieu of sidewalk construction.

A ground sign is proposed with the proposed business. The sign must be monument in style and is limited to a maximum height of 6 feet with a maximum display area of 32 square feet.

**STORMWATER RECOMMENDATION** No permit required

**PUBLIC WORKS RECOMMENDATION** Provide parking per Metro Code (1 space /200sf).

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed use will occupy the site without expanding the current parking or building footprints. Through conditions of approval, it will make improvements to landscaping and sidewalks.

#### **CONDITIONS**

1. A Type-C landscape buffer shall be installed along the south property line, extending from the building to the southwest corner of the property. The applicant may construct an opaque fence with a minimum height of 6 feet instead of installing the required shrubs and under-story trees associated with the buffer. Canopy trees are required for either the landscape buffer or the fence option.
2. Sidewalks shall be constructed along the Dobbs Avenue and Thompson Lane frontages or a payment shall be made to Metro Public Works in lieu of sidewalk construction per the standard requirements in the Zoning Code.
3. All sign permit applications shall be reviewed by Planning staff. Signage shall follow Zoning Code requirements for the OL zoning district, except as follows:

#### On-premises ground signs

- Ground signs shall be monument-style with a consistent base that is at least as wide as the sign background area.
- A maximum of one ground sign is allowed within the property
- The ground sign shall have a maximum height of 6 feet and a maximum display area of 32 square feet.

#### Lighting

The ground sign shall not be internally-illuminated.

#### Building signs

Building signs are not permitted.

4. The uses of this SP shall be limited to beauty and barber care under the definition of personal care services, general office, and medical office.



5. 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 OL zoning district as of the date of the applicable request or application.
6. 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.
7. 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.
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.

Mr. Johnson presented the staff recommendation of approval with conditions.

Jeff Broyles, 2901 Dobbs Avenue, stated that he has spoken with Mr. Johnson and is in agreement with all conditions except the sidewalk. He stated that the in lieu fee is over \$18,000 and the actual sidewalk installation would be \$75,000. He requested that the Commission consider waiving this condition.

**Dr. Cummings moved and Councilmember Gotto seconded the motion, which passed unanimously, to close the Public Hearing. (9-0)**

Mr. Gee inquired if the applicant has had conversations with their councilmember.

Councilmember Gotto inquired if the applicant has spoken with Councilmember Page and if he knows her position on this subject.

The applicant stated that Councilmember Page is out of town at the time of this meeting.

Mr. Ponder inquired if other lots in this area have independent sidewalks.

Mr. Johnson clarified that they do have sidewalks on other properties in the area.

Ms. Escobar inquired if any of the other businesses were required to have sidewalks.

Mr. Bernhardt stated that sidewalks are typically required when property is redeveloped or rezoned.

Dr. Cummings inquired if any other zoning would have been acceptable without the sidewalks.

Mr. Clifton feels that the motion should be to approve with conditions.

Mr. Bernhardt clarified other sidewalk options for the applicants to consider.

Councilmember Gotto expressed concern, stating that even if sidewalk is built, it goes absolutely nowhere. He stated that

small businesses are really the backbone of the economy and that \$18,000 is an impediment to some small business owners. He stated his understanding of needing to be consistent, but he really would like to promote small businesses, especially with what has happened with the floods.

Councilmember Gotto stated that he would be willing to vote for approval without the sidewalk requirement or the in lieu payment.

Dr. Cummings asked for clarification on the buffer.

The applicant stated that the buffer would either be a fence and trees, or trees and shrubs only.

Ms. LeQuire inquired as to why this condition is required in OL zoning.

Mr. Johnson clarified that OL zoning does not allow personal care.

Mr. Gee stated that this is not redevelopment.

Mr. Bernhardt stated that in some places it is not possible to build a sidewalk, but in this case it is as Public Works has been out to look at this property.

Councilmember Gotto moved to approve staff recommendation with the additional condition that no sidewalk and no additional payment in-lieu is included. [There was no second to this motion.]

Ms. LeQuire inquired if there was a way for the applicant to stagger the payment.

**Dr. Cummings moved to approve staff recommendation with conditions as stated.**

Mr. Clifton stated he would like to add an amendment to the motion to add the two additional options for providing the required sidewalks, including that the applicant may place the sidewalk behind the ditch, outside the right-of-way and within a pedestrian easement, with only the sections abutting the adjacent properties within the right-of-way to allow for future connections, or to work with the Public Works Department to provide an equal amount of sidewalk elsewhere in the same pedestrian benefit zone.

Dr. Cummings accepted the amendment.

**Mr. Clifton seconded the motion. (8-1). Councilmember Gotto voted no.**

**Resolution No. RS2010-92**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-008-001 is APPROVE WITH CONDITIONS, including a condition to add two additional options for providing the required sidewalks. The applicant may place the sidewalk behind the ditch, outside of the right-of-way and within a pedestrian easement, with only the sections abutting the adjacent properties within the right-of-way to allow for future connections or, work with the Public Works Department to provide an equal amount of sidewalk elsewhere in the same pedestrian benefit zone. (8-1)**

**Conditions of Approval:**

1. A Type-C landscape buffer shall be installed along the south property line, extending from the building to the southwest corner of the property. The applicant may construct an opaque fence with a minimum height of 6 feet instead of installing the required shrubs and under-story trees associated with the buffer. Canopy trees are required for either the landscape buffer or the fence option.
2. Sidewalks shall be constructed along the Dobbs Avenue and Thompson Lane frontages or a payment shall be made to Metro Public Works in lieu of sidewalk construction per the standard requirements in the Zoning Code.
3. All sign permit applications shall be reviewed by Planning staff. Signage shall follow Zoning Code requirements

for the OL zoning district, except as follows:

On-premises ground signs

- Ground signs shall be monument-style with a consistent base that is at least as wide as the sign background area.
- A maximum of one ground sign is allowed within the property
- The ground sign shall have a maximum height of 6 feet and a maximum display area of 32 square feet.

Lighting

The ground sign shall not be internally-illuminated.

Building signs

Building signs are not permitted.

4. The uses of this SP shall be limited to beauty and barber care under the definition of personal care services, general office, and medical office.
5. 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 OL zoning district as of the date of the applicable request or application.
6. 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.
7. 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.
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.

**The proposed SP is consistent with the South Nashville Community Plan's Neighborhood General and Special policies which apply to the property."**

**12. 2004P-023-001**

Rosedown

Map: 180-00 Parcel: 023

Southeast Community Plan

Council District 31 – Parker Toler

Staff Reviewer: Brian Sexton

A request to cancel the Rosedown Residential Planned Unit Development district located at 6515 Holt Road, approximately 1,500 feet east of Redmond Lane and partially within the Floodplain Overlay District, zoned RS10 and proposed for AR2a, (6.6 acres), approved for 17 single-family lots, requested by Councilmember Parker Toler, for Thomas and Donna Sirmeyer, owners. (See also Proposal No. 2010Z-016PR-001)

**Staff Recommendation: Approve**

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

[Note: Items #12 and #13 were discussed by The Metropolitan Planning Commission together. See Item #13 for staff report, actions, and resolutions.]

- 13. 2010Z-016PR-001**  
 Map: 180-00 Parcel: 023  
 Southeast Community Plan  
 Council District 31 – Parker Toler  
 Staff Reviewer: Brian Sexton

A request to rezone from RS10 to AR2a zoning for property located within the Rosedown Residential Planned Unit Development Overlay at 6515 Holt Road, approximately 1,500 feet east of Redmond Lane and partially within the Floodplain Overlay District (6.6 acres), requested by Councilmember Parker Toler, applicant, Thomas and Donna Sirmeyer, owners (See Proposal No. 2004P-023-001).

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Cancel Residential PUD and rezone to AR2a.**

**Cancel PUD** A request to cancel the Rosedown Residential Planned Unit Development district located at 6515 Holt Road, approximately 1,500 feet east of Redmond Lane, and partially within the Floodplain Overlay District, zoned Single-Family Residential (RS10) and proposed for Agricultural and Residential (AR2a), (6.6 acres), approved for 17 single-family lots.

**Zone Change** A request to rezone from Single-Family Residential (RS10) to Agricultural and Residential (AR2a) zoning for property located within the Rosedown Residential Planned Unit Development Overlay at 6515 Holt Road, approximately 1,500 feet east of Redmond Lane and partially within the Floodplain Overlay District (6.6 acres).

**Existing Zoning**

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *Without the PUD overlay, the RS10 zoning on this site would permit 24 lots.*

FO District - Floodplain Overlay District (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life. The proposed zoning request will not remove this property from the FO.

Residential PUD - A residential PUD overlay was applied to this property in 2004 to permit 17 single-family lots.

**Proposed 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. *The AR2a zoning would permit 3 lots.*

**CRITICAL PLANNING GOALS N/A**

**SOUTHEAST COMMUNITY PLAN**

**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.

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

**Consistent with Policy?** Yes, in part. This property is divided into two policy categories. While the request to rezone may be inconsistent with the RLM policy, the request is consistent with the NCO policy which follows the 100 year floodplain. NCO policy supports low intensity community facility development and very low density residential development. While an existing single family residence, two carports and a stable were not impacted by the recent storm event, approximately 2.4 acres of the site is located within the FO District along the southern portion of the property. The floodplain is associated with Holt Creek. Cancelling the PUD would bring the property more into compliance with the existing character of the community as this is the only property on the south side of Holt Road which is not currently zoned AR2a.

**REQUEST DETAILS** This is a request to cancel the Rosedown Residential Planned Unit Development Overlay and rezone the property to AR2a. In 2004, the Planning Commission approved a residential PUD on this property to permit 17 single family lots and a rezoning from AR2a to RS10. The approved PUD protected the 100-year floodplain. The applicant has requested to cancel the PUD and rezone the property back to AR2a. With the exception of a single family residence, a stable and two carports that existed before the PUD received preliminary approval, the area has not been developed. Furthermore, the PUD never received final site plan approval, nor has it been platted. The single-family residence, carports and stable will remain on the property. The area proposed to be canceled from the PUD is approximately 6.6 acres in size. If the cancellation is approved there will be no negative impact on the existing development. There were no connections proposed, nor did the PUD address the neighboring property.

**Analysis** The NCO policy of the Southeast Community Plan calls for low intensity community facility development and very low density residential development on a third of the property. Cancelling the PUD and rezoning the entire property to AR2a would not be inconsistent with the Southeast Community Plan and would bring the property more into compliance with the existing character of the community. The property is surrounded by existing AR2a zoning along the eastern, western and southern boundaries of the property.

**PUBLIC WORKS RECOMMENDATION** No Exception Taken

**Maximum Uses in Existing Zoning District: RS10 PUD**

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)	6.6	-	17 L*	163	13	18

\*Floor area controlled by PUD

**Maximum Uses in Proposed 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)	6.6	0.5 D	3 L	29	3	4

**Traffic changes between maximum: RS10 PUD and proposed AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 14 L	-134	-10	-14

**METRO SCHOOL BOARD REPORT**

**Projected student generation** As this request represents a down zoning, the number of additional expected students to be generated is zero.

**STAFF RECOMMENDATION** Staff recommends approval of the request to cancel the residential PUD and rezone the property to AR2a. Cancelling the PUD and rezoning the property will bring the property more into compliance with the

existing character of the community as well as NCO policy of the general plan.

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

**Resolution No. RS2010-93**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-023-001 is **APPROVED. (9-0)**

**Canceling the PUD and zoning the property to AR2a (associated case 2010Z-016PR-001) would permit less density than what is permitted with the PUD and will have no negative impact on the surrounding properties.”**

**Resolution No. RS2010-94**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-016PR-001 is **APPROVED. (9-0)**

**The proposed AR2a zoning district is consistent with the Southeast Community Plan’s Natural Conservation policy, and while the lower density permitted with the AR2a district is not consistent with the properties Residential Low Medium policy, it would not have any negative impact on the surrounding properties and would not preclude future development.”**

**14. 2010NL-003-001**

The Hair Biz  
Map: 086-14 Parcels: 011, 012  
Donelson/Hermitage/Old Hickory Community Plan  
Council District 14 – James Bruce Stanley  
Staff Reviewer: Jason Swaggart

A request to establish a Neighborhood Landmark District and for approval of the Neighborhood Landmark Development Plan for properties located at 400 and 404 Wisteria Lane, at the northwest corner of Wisteria Lane and Central Pike (0.46 acres), zoned R8, to permit personal care services use within the existing residential structure, requested by Kathy and Keith Sawyer, owners.

**Staff Recommendation: Approve Neighborhood Landmark District  
Approve with conditions the Neighborhood Landmark Development Plan**

**APPLICANT REQUEST - Apply a Neighborhood Landmark and approve development plan**

**Apply NLO and NLO Development Plan Approval** A request to establish a Neighborhood Landmark District and for approval of the Neighborhood Landmark Development Plan for properties located at 400 and 404 Wisteria Lane, at the northwest corner of Wisteria Lane and Central Pike (0.46 acres), zoned Single and Two – Family Residential (R8), to permit personal care services use within the existing residential structure.

**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.

**Proposed Zoning**

**Neighborhood Landmark Overlay District (NLOD)** The NLOD district is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that “has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood.” To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

**CRITICAL PLANNING GOALS** N/A

**CRITERIA FOR CONSIDERATION** Section 17.40.160 of the Zoning Code requires that NLO districts meet the following six criteria:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.
5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.
6. All other provisions of this section have been followed.

**STAFF FINDINGS** The purpose of this Neighborhood Landmark District is to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. The home located on the corner of Central Pike and Wisteria Lane proposed for a Neighborhood Landmark was built in or before 1940. It is a stone cottage on a serene wooded lot. It fronts onto Central Pike, and it provides a historic link to earlier residential development which has all been lost with redevelopment along this stretch of Central Pike.

With the exception of this single-family home, all the dwellings on Wisteria are within four-unit buildings on zero lot line lots. The property proposed for the Neighborhood Landmark District consists of two lots, and given its R8 zoning could be redeveloped into two duplexes. While the home is not identified by the Metro Historic Commission as Worthy of Conservation, it is a unique home that provides a window into the past. Permitting the Neighborhood Landmark District Overlay encourages its retention for future generations.

Staff finds that the proposed NL meets all criteria for consideration of establishment of a NL district. The existing structure is the last remaining connection to the past residential development along this stretch of Central Pike. The inclusion of a limited commercial use within the neighborhood landmark district will aid in the preservation of the structure and property.

**PLAN DETAILS**

The establishment of the Neighborhood Landmark District requires the approval of Council. The development plan which implements the District only requires the approval of the Planning Commission. The applicant has requested concurrent approval of the overlay and the implementing development plan.

**Development Plan** The development plan does not propose any new construction, but only recognizes the existing improvements on the property. It requires that the existing structure be maintained in its current form. It does not permit any new construction or the demolition or alteration of existing structures, other than for routine maintenance.

**Uses** In addition to the residential use that is permitted by the R8 base zoning district, the development plan will permit personal care services (Hair Salon). Any business is limited to one hairdresser/professional.

**Access and Parking** Vehicular access will be from its current location on Wisteria Lane. Parking will also remain at its current on the eastern side of the house along Wisteria Lane. The parking area is large enough to accommodate at least four cars. To ensure that parking remains adequate for this SP, the non-residential use has been limited to one professional.

**Signage** The applicant proposes two signs. One sign, canopy sign, would be located above a side porch facing Wisteria Lane. The second sign, free standing sign, would be located in the front yard along Central Pike. Staff supports the proposed free standing sign, but cannot support the second sign proposed along Wisteria Lane as overall signage within the NL should be kept to a minimum. Since Wisteria Lane is residential and signage is not appropriate along Wisteria Lane, staff recommends that the NL Development Plan be limited to the one free standing sign proposed along Central Pike.

**STORMWATER RECOMMENDATION** No Stormwater Permit Required

**PUBLIC WORKS RECOMMENDATION** No Exceptions Taken

**STAFF RECOMMENDATION** Staff recommends that the Neighborhood Landmark District be approved. The proposed District meets the criteria for consideration found in the Zoning Code.

Staff recommends approval with conditions of the development plan. It implements the proposed Neighborhood Landmark District, and is consistent with all code requirements.

**CONDITIONS (development plan)**

1. Planning Commission approval of the development plan is conditioned upon Council approval of the NL District.
2. The Planning Commission shall approve any changes to the development plan.
3. The two properties within the NLO (Parcel 011 and 012) shall be consolidated by instrument or plat, prior to the issuance of any the Use and Occupancy Permit.
4. Signage shall be limited to the one non-illuminated, free standing sign along Central Pike, and no additional signage shall be permitted. Permitted free standing sign shall not exceed 32” in total height and the sign area shall not exceed 6 square feet.
5. Personal care service is limited to one hairdresser/professional.
6. The number of customers concurrently visiting the property shall not exceed two.
7. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

**Resolution No. RS2010-95**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010NL-003-001 is **APPROVED TO APPLY THE NEIGHBORHOOD LANDMARK OVERLAY DISTRICT and APPROVE WITH CONDITIONS THE NEIGHBORHOOD LANDMARK DEVELOPMENT PLAN. (9-0)**

**The proposed Neighborhood Landmark Overlay meets all zoning code requirements.”**



## **XI. PUBLIC HEARING: FINAL PLATS**

### **15. 2009S-027-001**

Poplar Hill Subdivision  
Map: 154-00 Parcel: 282  
Bellevue Community Plan  
Council District 35 – Bo Mitchell  
Staff Reviewer: Brenda Bernards

A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural Residential (AR2a) (7.1 acres), requested by Wyatt and Wendy Rumpy, owners.

**Staff Recommendation: Approve a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to September 18, 2010.**

#### **APPLICANT REQUEST - Permit the extension of a final plat approval.**

**Variance for Final Plat Extension** A request for a variance from Section 2-5.5 of the Subdivision Regulations to permit the extension of the final plat approval for 90 days for the Poplar Hill Subdivision for one lot at 8706 Poplar Creek Road, zoned Agricultural/Residential (AR2a) (7.1 acres).

#### **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 rural land use policies of the general plan.

#### **CRITICAL PLANNING GOALS N/A**

**SUBDIVISION DETAILS** The purpose of the extension request is to permit the applicant to meet the Planning Commission's conditions of approval for this seven acre lot.

The lot is within a Natural Conservation Policy and is accessed from a private road within an access easement. The Subdivision Regulations allow up to 10 lots, five acres or greater, within the Natural Conservation or Rural land use polices, to be accessed from a private street (Section 3-9.3.c.1). As this will be the 13<sup>th</sup> improved property to take access from this private street, the Planning Commission granted a variance to Section 3-9.3.c.1 of the Subdivision Regulations on June 25, 2009.

The applicant is required to construct a private street in the access easement to Metro standards (20 feet of pavement with two four-foot shoulders). The street will extend from Poplar Creek Road to the point where it meets the access driveway for the property. Construction plans have been approved by Public Works. The road, which will be on the applicant's property and a parcel of land currently owned by Metro, needs to be constructed or bonded prior to the recording of the plat.

The applicant is in the process of obtaining a performance bond, however, because they do not own all of the property, they cannot complete the process. BL2010-643, was enacted on April 6, 2010 which declared this property surplus. It is the applicant's intention to bid for the property but Metro has not yet put this property on sale. It has now been placed on the priority list and should be available shortly. As the plat expiration date was June 20, 2010, the applicant requested a third 90 day extension in order to bid on the property and complete the bond process. As the Subdivision Regulations do not include a process for final plat approval extensions, a variance to the 180 day approval period is needed.

**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 set a timeframe for approved plats to be recorded. The plat was approved by the Planning Commission on June 25, 2009, with an expiration date of December 22, 2009. Prior to the expiration date, the applicant requested two 90 day extensions of the approval in order to be able to meet conditions 1 and 3 of approval of this plat. The applicant needs a third 90 day extension in order to accommodate the Metro process for selling surplus property.

- 1. *The private road shall be brought up to Metro Public Works standards from Poplar Creek Road to the point where it intersects with the access drive serving this lot.*
- 3. *The road shall be constructed or bonded prior to the recording of the plat. Upon completion of the road, the road shall be inspected by Public Works or the applicant shall obtain a letter from a registered engineer certifying that the road has been constructed to Public Works standards.*

The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area, but would actually improve the area as the portion of the road being brought up to Public Works standards will serve all lots taking access from this private street.
- 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 2-5.5, and that the final plat approval be extended for 90 days to September 18, 2010

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

**Resolution No. RS2010-96**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-027-001 is **APPROVED including a variance to 2-5.5 of the Subdivision Regulations for the extension of final plat approval for 90 days to September 18, 2010. (9-0)**”

- 16. **2010S-043-001**  
Wright Industries, Resub. Lot 1, 2nd Revision  
Map: 106-00 Parcel: 172

Donelson/Hermitage/Old Hickory Community Plan  
Council District 15 – Phil Claiborne  
Staff Reviewer: Brenda Bernards

A request for final plat approval to create three lots on property located at 1508 Elm Hill Pike, approximately 2,425 feet west of Massman Drive (36.08 acres), zoned IR and SP and within the Floodplain Overlay District, requested by Summit Holladay Partners LLC I, owner, Crawford & Cummings P.C., surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST -Create three lots.**

**Final Plat** A request for final plat approval to create three lots on property located at 1508 Elm Hill Pike, approximately 2,425 feet west of Massman Drive (36.08 acres), zoned Industrial Restrictive (IR) and Specific Plan-Industrial (SP-IND) and within the Floodplain Overlay District.

**ZONING**

IR District - Industrial Restrictive is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

SP-IND District - Specific Plan-Industrial 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 allows a driveway to access the industrial portion of the property.

FO District - Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

**CRITICAL PLANNING GOALS** N/A

**PLAN DETAILS** The applicant is requesting final plat approval for a three lot industrial subdivision. The lots are accessed from Elm Hill Pike via driveway that runs the length of the property. This portion of the property is within the SP-IND zoning district and its use is limited to a driveway and a landscape buffer.

A section of one of the new lots is in the FO district. The required 75 foot floodway buffer removes almost the entire floodplain area out of the buildable portion of this lot. This property was impacted in the recent storm event. The area of inundation was within the mapped floodplain and not within the buildable portion.

**PUBLIC WORKS RECOMMENDATION** No exception taken.

**STORMWATER RECOMMENDATION** Approved

**WATER SERVICES RECOMMENDATION** Approval is contingent upon the construction plans for Metro Project Nos. 08-SL-82 and 08-WL-83.

Add labels for P.U.D.E. and Offset Distance Dimension

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

**CONDITIONS**

1. Prior to the recordation of the plat, all required infrastructure shall be bonded or constructed.
2. Add labels required by Metro Water Services.

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

**Resolution No. RS2010-97**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010S-043-001 is **APPROVED WITH**

**CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the recordation of the plat, all required infrastructure shall be bonded or constructed.
2. Add labels required by Metro Water Services.”

**XII. PUBLIC HEARING: URBAN DESIGN OVERLAYS**

**17. 2004UD-002-002**

Villages of Riverwood

Map: 097-00 Parcels: 004, 006.01, 014, 016, 158, 159, 160, 161, 163

Map: 097-02-0-A Parcels: 001-108.CO

Map: 097-02-0-A Parcels: 901-922.CO

Donelson/Hermitage/Old Hickory Community Plan

Council District 14 – James Bruce Stanley

Staff Reviewer: Greg Johnson

A request to amend the Villages of Riverwood Urban Design Overlay District, located at the southwest corner of Hoggett Ford Road and Dodson Chapel Road (219.8 acres) classified RM9 and MUN zoning and partially within the Floodplain Overlay District, to modify the conditions of approval in the adopted Council Ordinance BL2004-325 to require an updated Traffic Impact Study with the submittal of each Final Site Plan submittal to the Planning Commission and to also require the applicant to comply with any new requirements of the new Traffic Impact Study, requested by Councilmember James Bruce Stanley, applicant, various property owners.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST - To require submittal of a revised traffic impact study with each Final UDO submittal Amendment to Preliminary UDO** A request to amend the Villages of Riverwood Urban Design Overlay District, located at the southwest corner of Hoggett Ford Road and Dodson Chapel Road (219.8 acres) classified Multi-Family Residential (RM9) and Mixed-Use Neighborhood (MUN) zoning and partially within the Floodplain Overlay District, to modify the conditions of approval in the adopted Council Ordinance BL2004-325 to require an updated Traffic Impact Study with the submittal of each Final Site Plan submittal to the Planning Commission and to also require the applicant to comply with any new requirements of the new Traffic Impact Study.

**Existing Zoning**

RM9 District - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

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

FO District - Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

**DONELSON/HERMITAGE/OLD HICKORY COMMUNITY PLAN**

**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.

**Neighborhood Center (NC)** NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**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.

Fifteen conditions of approval were included in the preliminary approval regarding infrastructure improvements to the surrounding street system. These included the widening of Dodson Chapel Road and Hoggett Ford Road along the site boundary and improvements to the intersection of Dodson Chapel Road and Central Pike to the north of the site. According to Metro Public works, all road improvement required by the preliminary approval have been met. Several other conditions of approval require periodic traffic count updates to determine the need for traffic signals on streets surrounding the project site.

Final site plan approval has been granted for two single-family sections, one multi-family phase, and an amenity center. These approved final site plan approvals represent about 30% of all proposed units within the UDO. Currently, one of the two approved single-family sections is under construction. The multi-family phase and the second single-family section have not begun construction.

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

<b>Development Monitoring Chart</b>	<b>Preliminary Approved</b>	<b>Final Approval to Date</b>
Assisted Living	776	0
Apartments	500	418
Single Family Attached and Detached	702	200
<b>Total with Final Approval</b>	<b>1978</b>	<b>618</b>

**ANALYSIS** Metro Public Works requires infrastructure improvements for all projects that are expected to create additional impacts on traffic on surrounding street and road networks. In UDOs, PUDs, and SPs, street and road improvements are required with preliminary approvals. This allows projects to move forward with detailed final site plans and construction drawings with full knowledge of the expected public improvements.

In the case of the Villages of Riverwood UDO, substantial improvements were required with preliminary UDO approval based on the proposed number of residential units. The approval of this amendment could result in additional traffic infrastructure requirements with future phases, even though the expected intensity of development remains unchanged from the preliminary approval. This revised process would increase the level of uncertainty for applicants going through the approval process.

**PUBLIC WORKS RECOMMENDATION** Public Works recommends disapproval of the proposed revision to the Riverwood UDO for the same reasons stated in a letter to the Metro Planning Commission of April 12, 2010, by the Metro Department Heads concerning the UDOs proposed in District 33 by Councilmember Duvall. Once developers and financial institutions make investment in property developments, they expect the government to hold true to their original commitments and agreements. They don't anticipate or desire the government to change the rules and requirements for these developments in mid-stream.

A copy of the letter is attached to the staff report.

**STAFF RECOMMENDATION** Planning staff supports the Public Works Department's recommendation of disapproval of this request.

Mr. Johnson presented the staff recommendation of disapproval.

Councilmember Stanley spoke against the staff recommendation of disapproval.

Dr. Cummings left at 5:03 p.m.

Bobbie Forrest, 101 Thistle Lane, spoke against staff recommendation of disapproval.

Tom White, 36 Club Court, spoke in favor of staff recommendation of disapproval.

**Mr. Clifton moved and Councilmember Gotto seconded the motion, which passed unanimously, to close the Public Hearing. (8-0)**

Mr. Clifton inquired about previous zoning and traffic related issues.

Mr. Ponder stated that rules are rules, something was set up that was approved, and therefore he does not see any reason to change it unless it is voluntarily done by the developer.

Councilmember Gotto inquired if anyone from Public Works was present.

Mr. Bernhardt stated that a representative from Public Works was requested but they were not able to attend. He also stated that the Councilman indicated he would be willing to defer this to the next Planning Commission meeting if the Commission wishes to speak with Public Works first.

Councilmember Gotto stated that he would really like to hear from Public Works.

Ms. LeQuire moved to defer this item to the next Planning Commission meeting, and Mr. Dalton seconded the motion.

Mr. Gee requested clarification on if Public Works' recommendation to the Commission carried forth to the Council.

Mr. Johnson clarified.

Mr. Gee inquired about what other mechanisms are out there that could improve further traffic issues, new road projects, etc.

Mr. Clifton stated that he would like further clarification from Public Works on traffic issues in general, not just limiting them to discussing only one situation.

Councilmember Gotto suggested taking action on this matter today due to the fact that whatever Public Works says will not have any bearing on the matter in front of them today.

Mr. Ponder suggested to the Councilman that he may want to consider delaying this until after the Work Session with Public Works in case any changes are made.

Ms. LeQuire stated that she would like to hear from Public Works as well as seeing real pictures of this area.

Further discussions ensued regarding communications with Public Works.

Ms. LeQuire withdrew her motion and Mr. Dalton withdrew his second.

A Work Session will be held with Public Works at a later time.

**Mr. Gee moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve staff recommendation. (8-0)**

**Resolution No. RS2010-98**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004UD-002-002 is **DISAPPROVED. (9-0)**”

**XIII. OTHER BUSINESS**

18. Resolution authorizing the expenditure of \$15,000 from the Advance Planning and Research Fund to undertake the study, in cooperation with the State of Tennessee's Department of Transportation and the Metro Public Works Department, of transportation options and coordinating land use choices for the Green Hills Regional Activity Center.

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

**Resolution No. RS2010-99**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Resolution authorizing the expenditure of \$15,000 from the Advance Planning and Research Fund is **APPROVED. (9-0)**”

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

**XIV. ADJOURNMENT**

The meeting was adjourned at 5:42 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



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