

Metropolitan Planning Commission

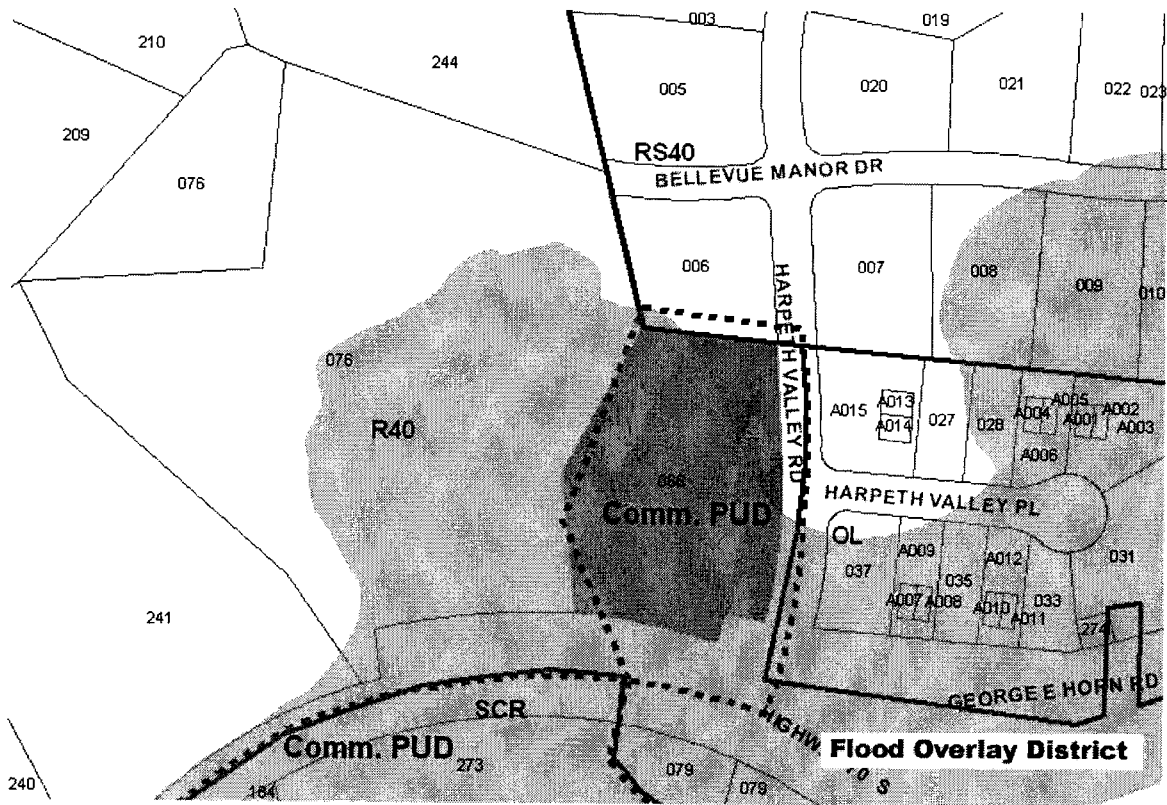


Staff Reports

June 24, 2010

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.

PREVIOUSLY DEFERRED ITEMS



18-85P-001

7734 Highway 70 S

Map: 127-00 Parcel: 086

Bellevue Community Plan

Council District 22 – Eric W. Crafton



Project No. **Planned Unit Development 18-85P-001**
Associated Case 2010SP-011-001
Council Bill BL2010-672
Council District 22 - Crafton
School District 9 - Simmons
Requested by Eric Crafton, applicant, Patsy Potter, owner
Deferral *Deferred from the May 13, 2010, May 27, 2010, and June 10, 2010, Planning Commission meetings at the request of the applicant.*

Staff Reviewer Bernards
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



Metro Planning Commission Meeting of 06/24/2010

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.

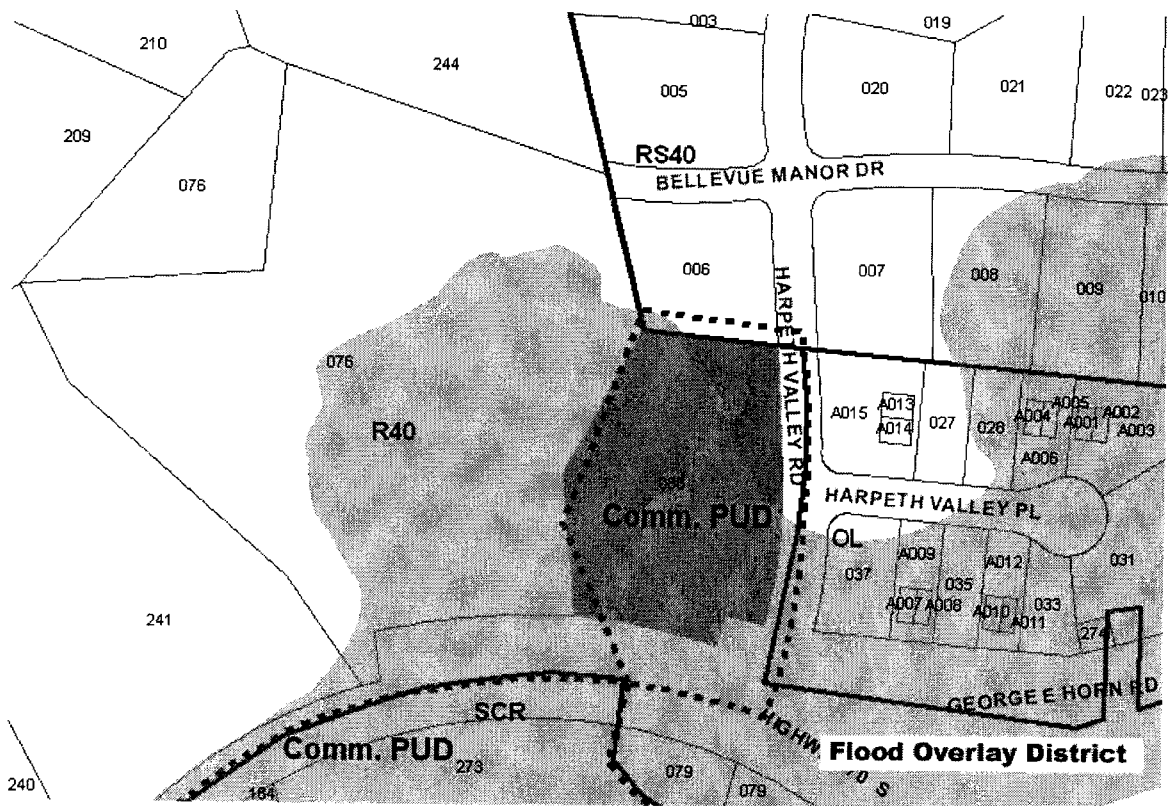
PUBLIC WORKS RECOMMENDATION

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.

SEE NEXT PAGE



2010SP-011-001

Potter SP

Map: 127-00 Parcel: 086

Bellevue Community Plan

Council District 22 – Eric W. Crafton



Project No. Zone Change 2010SP-011-001
Project Name Potter SP
Associated Case 18-85P-001
Council Bill BL2010-673
Council District 22 - Crafton
School District 9 - Simmons
Requested by Ted Potter, applicant, Patsy Potter, owner
Deferral *Deferred from the May 13, 2010, May 27, 2010 and June 10, 2010, Planning Commission meeting at the request of the applicant.*

Staff Reviewer Bernards
Staff Recommendation *Defer or disapprove*

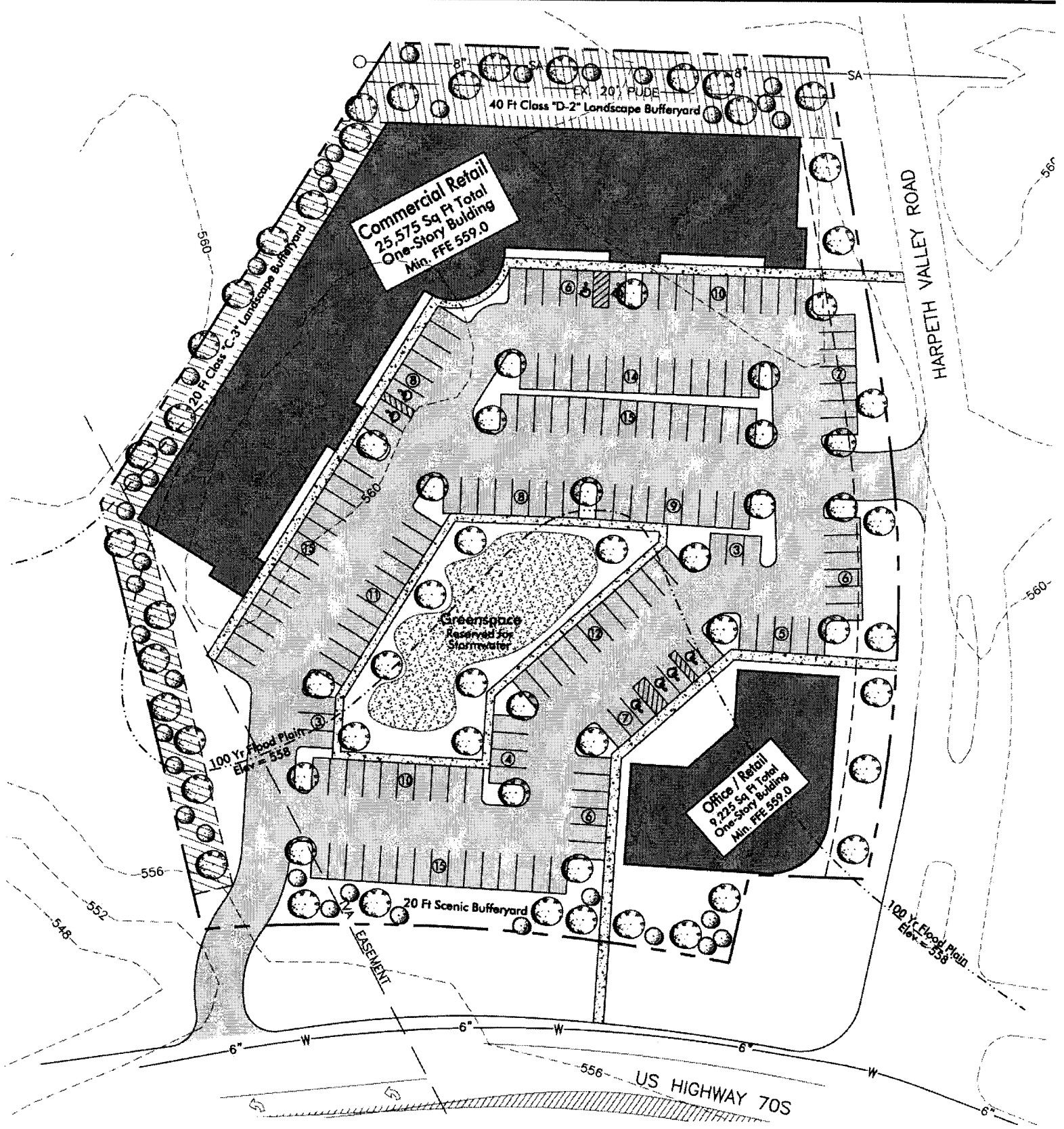
APPLICANT REQUEST Rezone from R40 to SP-C.

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



Commercial Retail
25,575 Sq Ft Total
One-Story Building
Min. FFE 559.0

Office / Retail
9,225 Sq Ft Total
One-Story Building
Min. FFE 559.0

Greenspace
Reserved for
Stormwater

20 Ft Scenic Bufferyard

40 Ft Class "D-2" Landscape Bufferyard

560

556

552

548

HARPETH VALLEY ROAD

US HIGHWAY 70S

6" W

6" W

556

100 Yr Flood Plain
Elev = 558

564

560

6"

LEASMENT

SA

EX 20' PUDE

100 Yr Flood Plain
Elev = 558



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Proposed Zoning SP-C District

human life. **The proposed zoning request will not remove this property from the FO.**

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



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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/



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Signs

architectural siding. Smooth concrete block, vinyl siding, aluminum siding and sheet metal are prohibited for any façade visible from public road view.

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



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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.

HARPEATH 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



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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.



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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.



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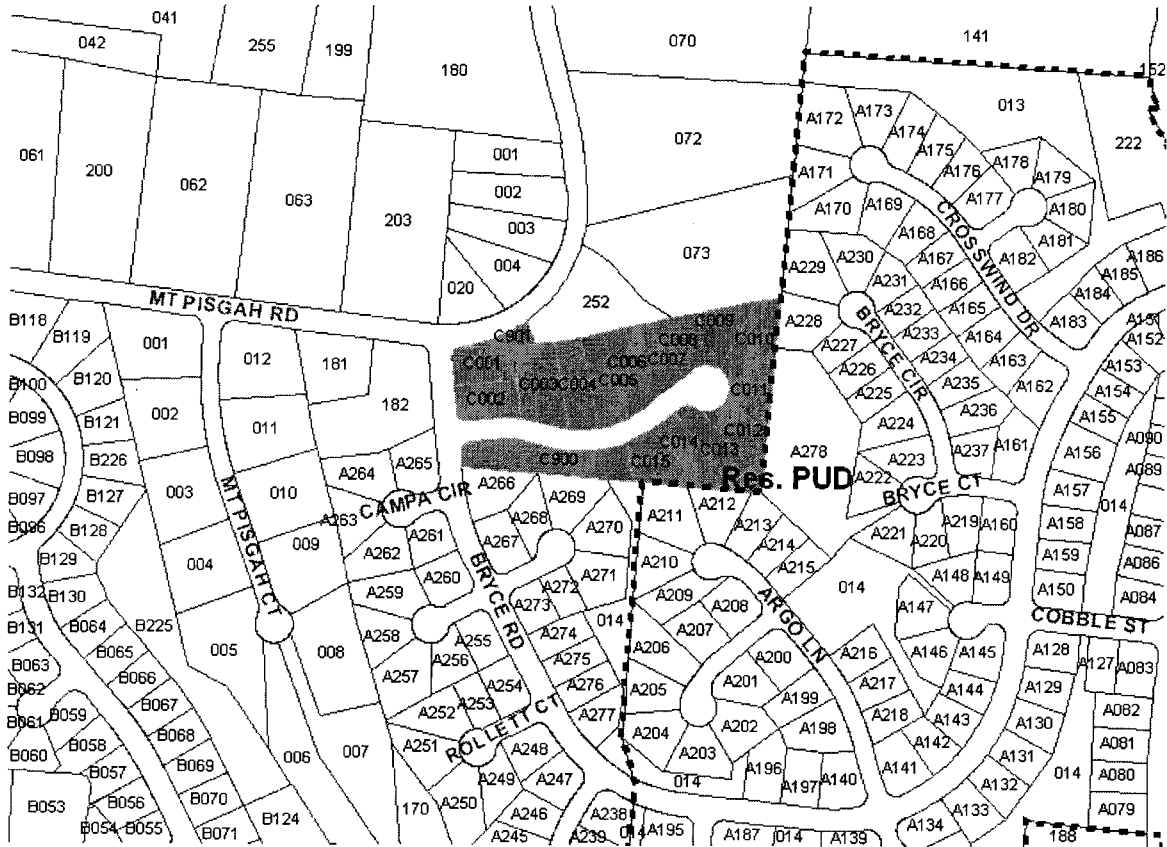
6. Prior to final site plan approval, the requirements of the Public Works Department shall be met.
7. The uses of this SP shall be limited to uses permitted in the OL zoning district.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included 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.



Metro Planning Commission Meeting of 06/24/2010

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.

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2007S-209G-12
 Brentwood Knoll
 Map: 172-15-0-C Parcels:001 - 012
 Map: 172-15-0-C Parcels:013, 014, 015, 900, 901
 Southeast Community Plan
 Council District 31 – Parker Toler



Project No. Subdivision 2007S-209G-12
Project Name Brentwood Knoll
Council District 31- Toler
School District 2- Brannon
Requested by Metro Planning Department on behalf of Councilmember Parker Toler; Community South Bank, owners
Deferral *Deferred from March 25, 2010, April 22, 2010, May 13, 2010, and May 27, 2010 Planning Commission meetings at the request of the applicant.*
Staff Reviewer Logan
Staff Recommendation Approve

APPLICANT REQUEST

Rescind final plat approval.

Rescind Final Plat

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 Single-Family Residential (RS10) and Agricultural/Residential (AR2a).

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.

AR2a District

Agricultural/Residential requires a minimum lot size of 2 acres and is 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

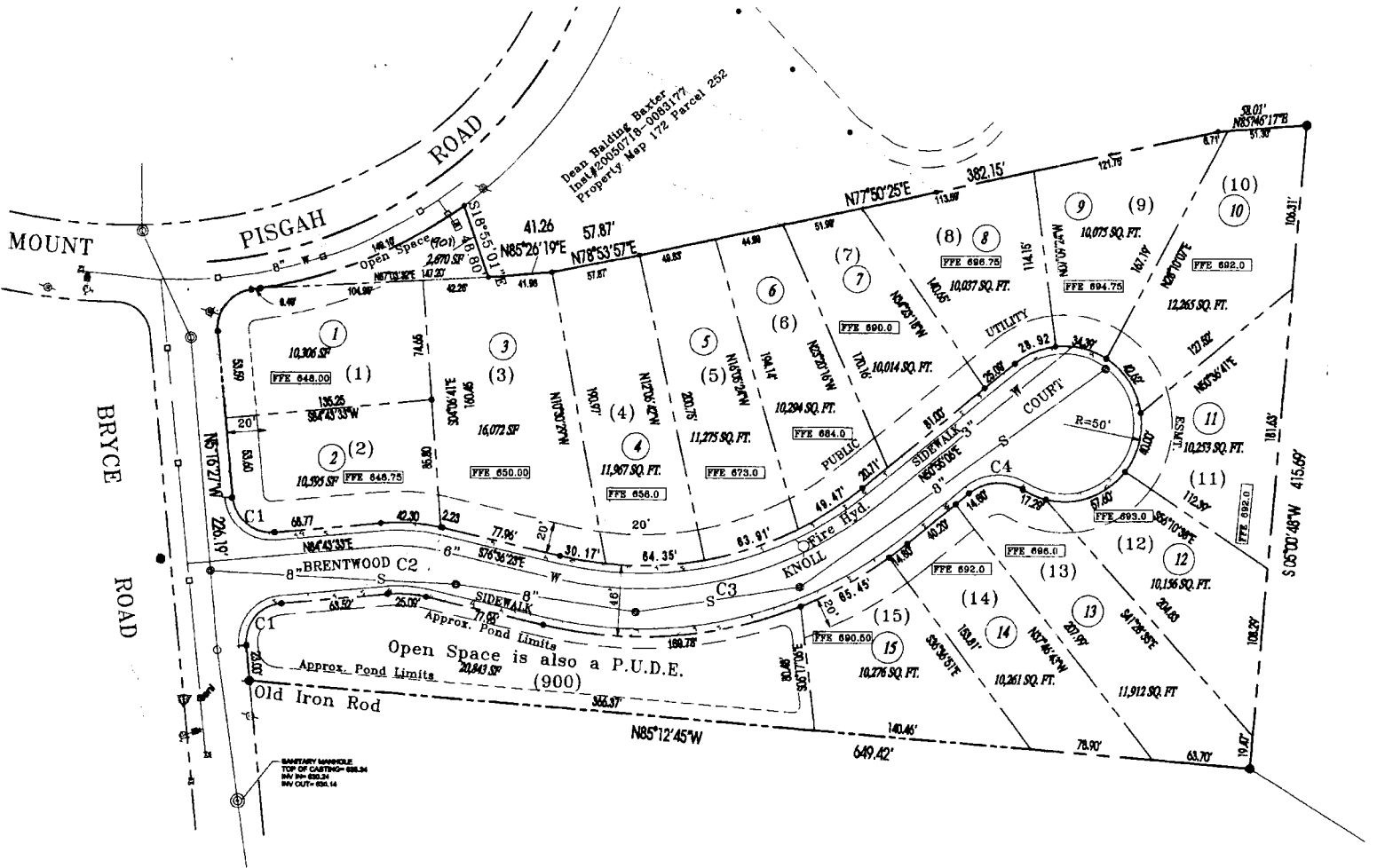
N/A

PLAN DETAILS

The preliminary plat for Brentwood Knoll was approved on February 24, 2005. The final plat for Brentwood Knoll was recorded on May 22, 2008, and created 15 lots. On April 20, 2010, a successor trustee's deed was recorded that transferred the property from the original owner to Community South Bank. Prior to first placing this request on the Planning Commission agenda, notices were sent via certified mail to the owner of the property and Community South Bank.

Bond Information

Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by



BENCHMARK
 TOP OF CAST-IRON PILE
 INV. 100.23
 INV. CUT=102.14



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Public Works, Stormwater and Water Services (hereinafter "the reviewing departments"). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing departments will determine a bond amount based on the approved construction plans. The developer will then post a bond prior to recording the final plat.

The bond is comprised of two parts:

- 1) the performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and
- 2) the security in the form of a letter of credit, cashier's check or surety bond.

The bond insures that the Metro Government will be able to complete the infrastructure in the event that the developer is unwilling or unable.

In this case, a bond was posted prior to recording the final plat. The surety company securing this bond is Developers Surety and Indemnity Company. This surety company is currently excluded from providing surety bonds to the Planning Commission until November 13, 2010, because they have not paid on this bond and two other bonds.

On October 9, 2009, the Planning Department made a demand on the surety bond for this development. On November 3, 2009, the case was sent to the Department of Law. To date, the surety company has not completed the infrastructure nor paid the amount of the bond (\$118,000). Since the bond is required to secure the satisfactory construction, installation, and dedication of the required improvements of the final plat, the bond will be released if the plat is rescinded.

Stormwater Easements

Metro Stormwater has requested that the easements for the detention pond be retained, even if the plat is rescinded. However, the Department of Law has stated that the easements are unnecessary due to the existing maintenance agreement that requires the developer to maintain the storm water infrastructure. The maintenance agreement runs with the land and is filed at the Register of Deeds to insure that future owners of the property continue to maintain the existing infrastructure. Should the owner of the property fail to maintain the existing infrastructure, Metro could pursue legal action to enforce the provisions of the existing agreement.



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**PUBLIC WORKS
RECOMMENDATION**

No Exception Taken

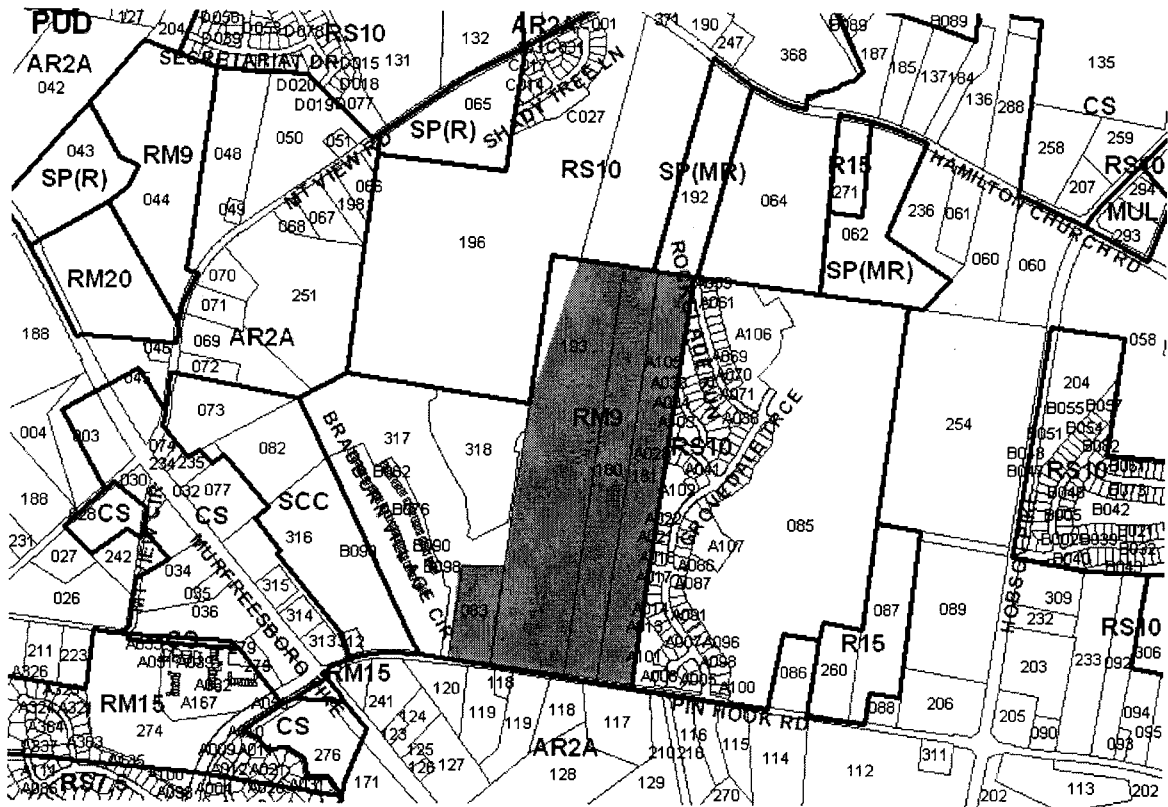
**STORMWATER
RECOMMENDATION**

If the plat can be rescinded and easements be retained, then Stormwater would like the easement for the detention pond retained. If the easements can't be retained by rescinding the plat, then Stormwater is ok with the rescission of the plat without easements.

STAFF RECOMMENDATION

Staff recommends approval of rescinding the plat since the infrastructure is incomplete and the surety company has not paid the amount of the bond.

SEE NEXT PAGE



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



Project No. Urban Design Overlay 2010UD-002-001
Project Name Pin Hook Urban Design Overlay
Council Bill BL2010-658
Council District 33 - Duvall
School District 6 - Johnson
Requested by Councilmember Robert Duvall

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

APPLICANT REQUEST

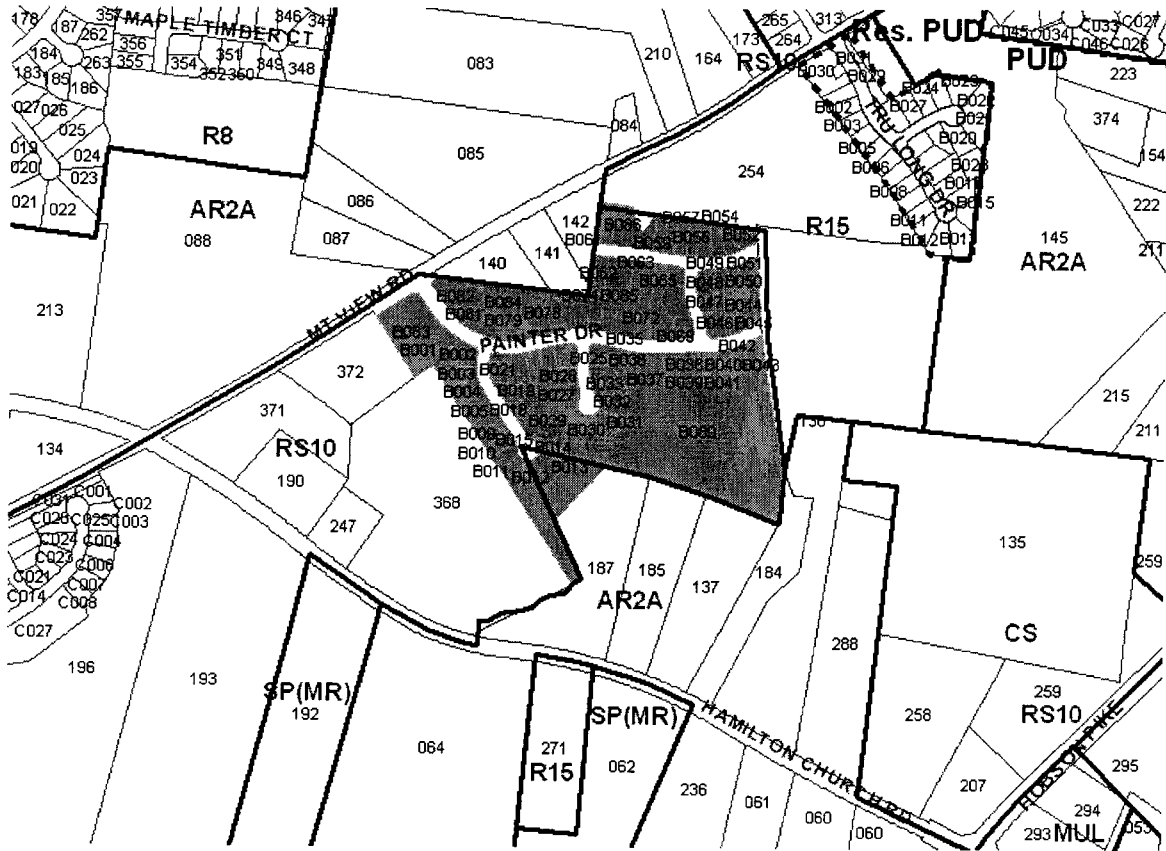
Apply the Pin Hook Urban Design Overlay.

Preliminary UDO

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 Multi-Family Residential (RM9) (61.48 acres), to apply building design and typology standards to lots zoned as RM9.

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application until the August 26, 2010, Planning Commission meeting. Staff recommends deferral of the Pin Hook UDO to the August 26 2010, Planning Commission meeting.



2010UD-006-001
 Edison Park
 Map: 150-15-0-B Parcels: 001-089
 Antioch/Priest Lake Community Plan
 Council District 33 – Robert Duvall



Metro Planning Commission Meeting of 06/24/2010 **Item #5**

Project No.	Urban Design Overlay 2010UD-006-001
Project Name	Edison Park Urban Design Overlay
Council Bill	BL2010-665
Council District	33 - Duvall
School District	6 - Johnson
Requested by	Councilmember Robert Duvall
Staff Reviewer	Johnson
Staff Recommendation	<i>Defer to August 26, 2010 Planning Commission meeting</i>

APPLICANT REQUEST

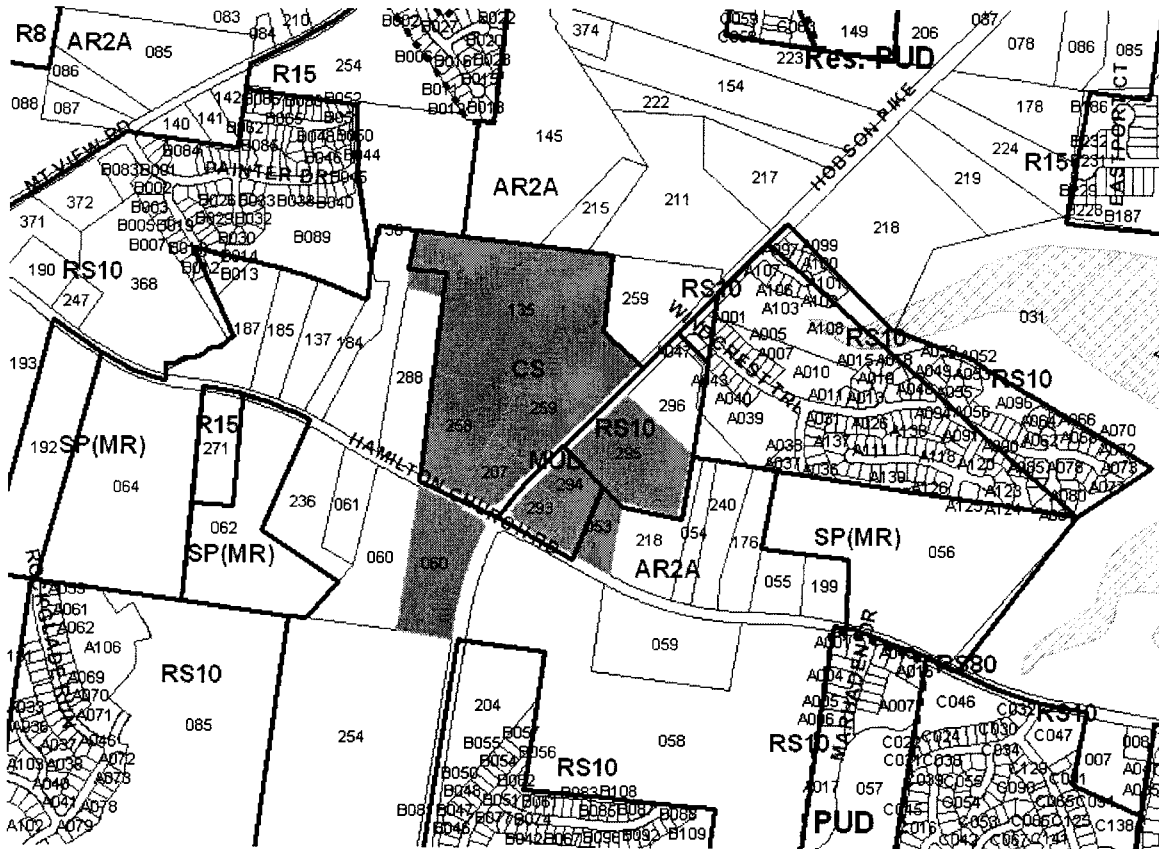
Apply the Edison Park Urban Design Overlay.

Preliminary UDO

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 Single-Family Residential (RS10) (20.36 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application until the August 26, 2010, Planning Commission meeting. Staff recommends deferral of the Edison Park UDO to the August 26, 2010 Planning Commission meeting.



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



Project No. Urban Design Overlay 2010UD-007-001
Project Name Hamilton-Hobson Urban Design Overlay
Council Bill BL2010-667
Council District 33 - Duvall
School District 6 - Johnson
Requested by Councilmember Robert Duvall

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

APPLICANT REQUEST

Apply the Hamilton-Hobson Urban Design Overlay.

Preliminary UDO

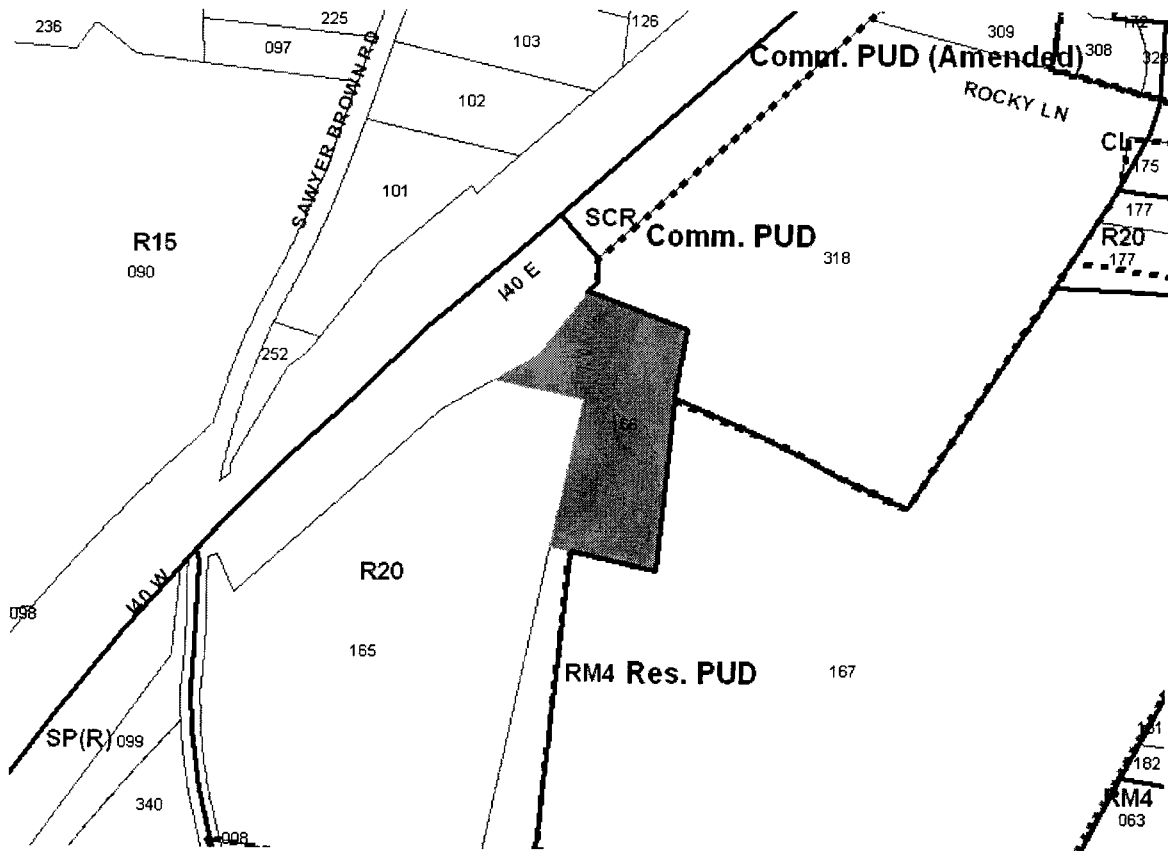
A request to make the provisions of an Urban Design Overlay (UDO) district to be known as the "Hamilton-Hobson UDO" applicable to properties located at 3527, 3606, 3618 and 7086 Hamilton Church Road, Hamilton Church Road (unnumbered), 2214 Hobson Pike and Hobson Pike (unnumbered), at the intersection of Hamilton Church Road and Hobson Pike, zoned Agricultural/Residential (AR2a), Single-Family Residential (RS10), Mixed Use Limited (MUL), and Commercial Service (CS) (45.18 acres).

STAFF RECOMMENDATION

Staff has received a written request from the applicant to defer this application until the August 26, 2010, Planning Commission meeting. Staff recommends deferral of the Hamilton-Hobson UDO to the August 26, 2010 Planning Commission meeting.

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**COMMUNITY PLAN
AMENDMENT**



2010CP-006-002

Map: 114-00 Parcel: 166

Bellevue Community Plan

Council District 22 – Eric W. Crafton



Project No. 2010CP-006-002
Project Name Amend the *Bellevue Community Plan: 2003 Update*
Associated Cases 2010Z-008PR-001
Council District 22 – Crafton
School Districts 9 – Simmons
Requested by Planning Staff, on behalf of Bancorpbank South, owner
Staff Reviewer Eadler
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

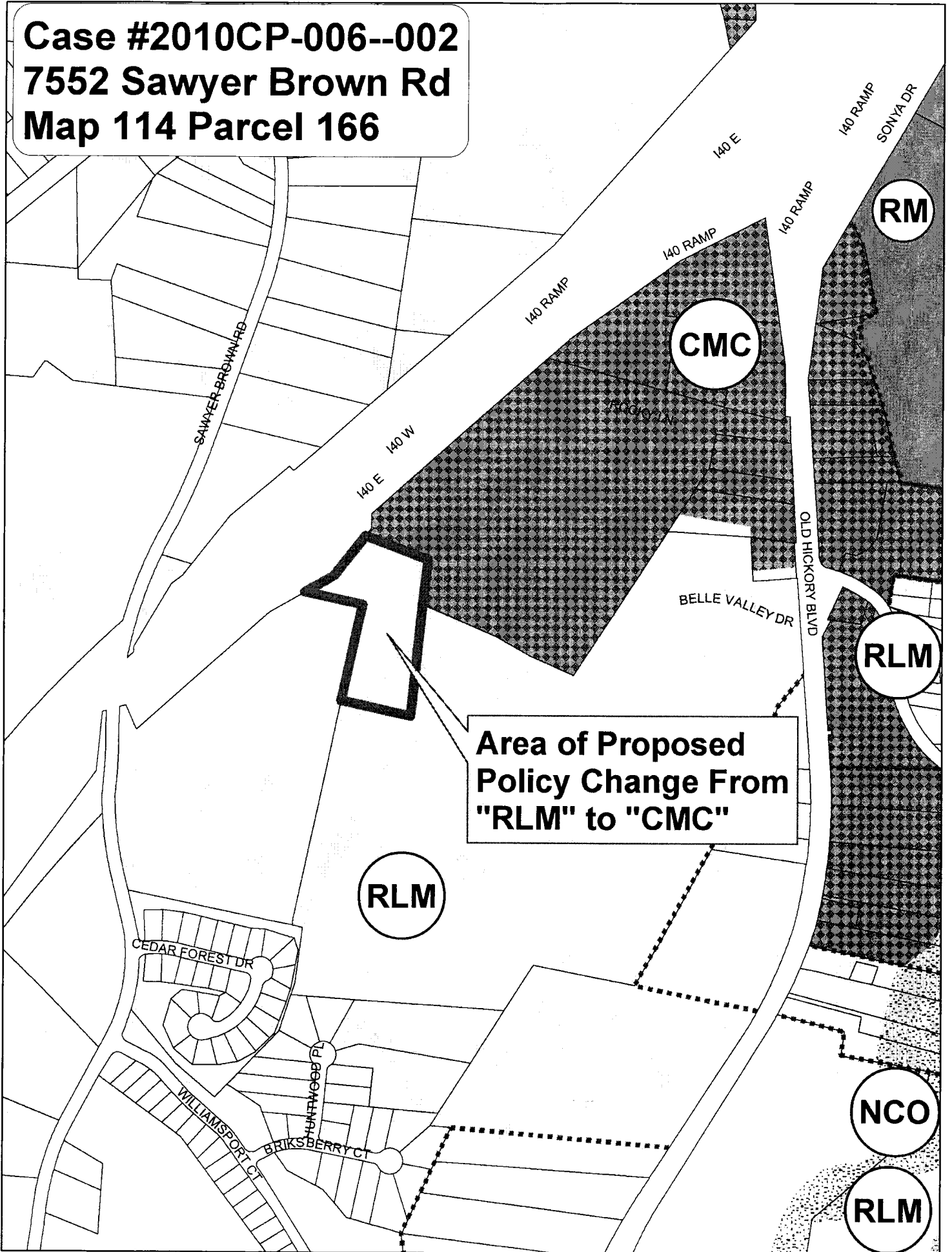
BELLEVUE COMMUNITY PLAN

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.

Case #2010CP-006--002
7552 Sawyer Brown Rd
Map 114 Parcel 166





Metro Planning Commission Meeting of 06/24/2010

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.

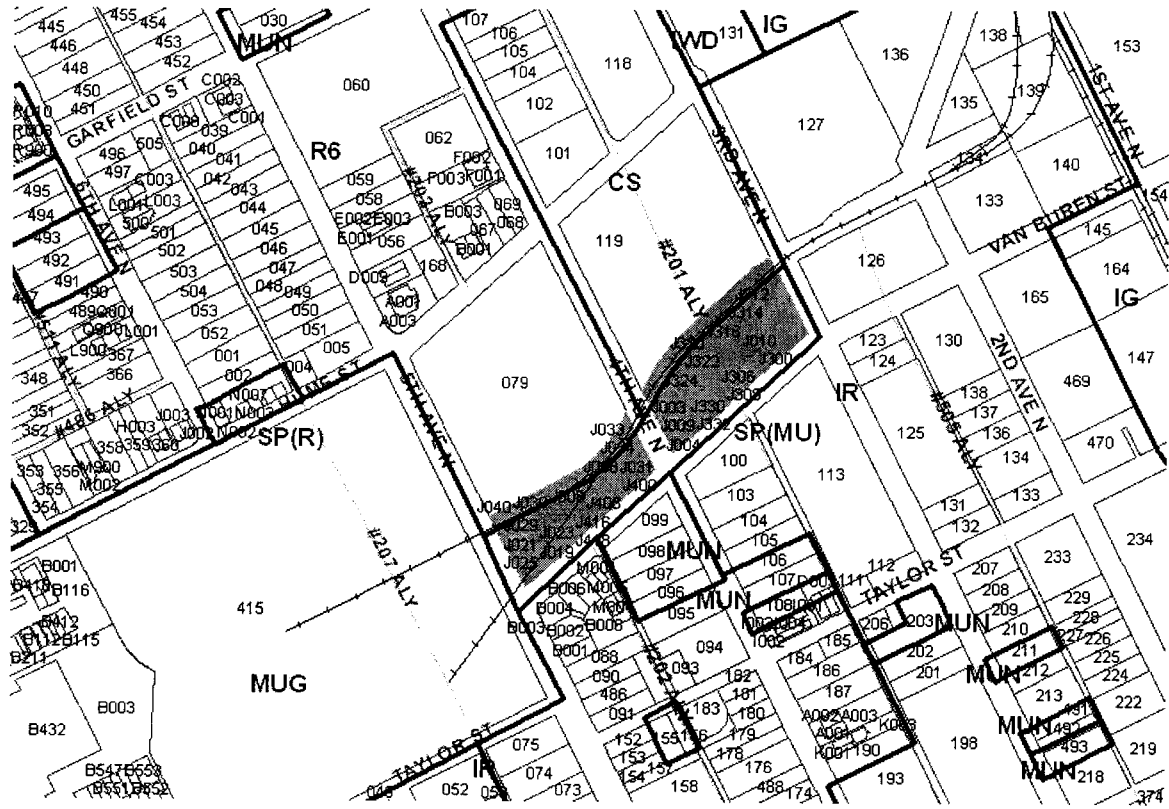
The portion of the subject site that is suitable for development is contiguous to the existing nonresidential development and can readily be developed while avoiding the more constrained western portion of the site.

STAFF RECOMMENDATION

Staff recommends approval.

SEE NEXT PAGE

**SPECIFIC PLANS, and
ZONING MAP AMENDMENTS**



2006SP-022U-08
 Morgan Park Place
 Map: 082-09-0-J Parcels: Various
 North Nashville Community Plan
 Council District 19 – Erica Gilmore



Project No. SP District Review 2006SP-022U-08
Project Name Morgan Park Place SP
Council District 19 - Gilmore
School District 1 - Gentry
Requested by Metro Planning Department

Staff Reviewer Bernards
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 3rd Avenue North and 5th 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



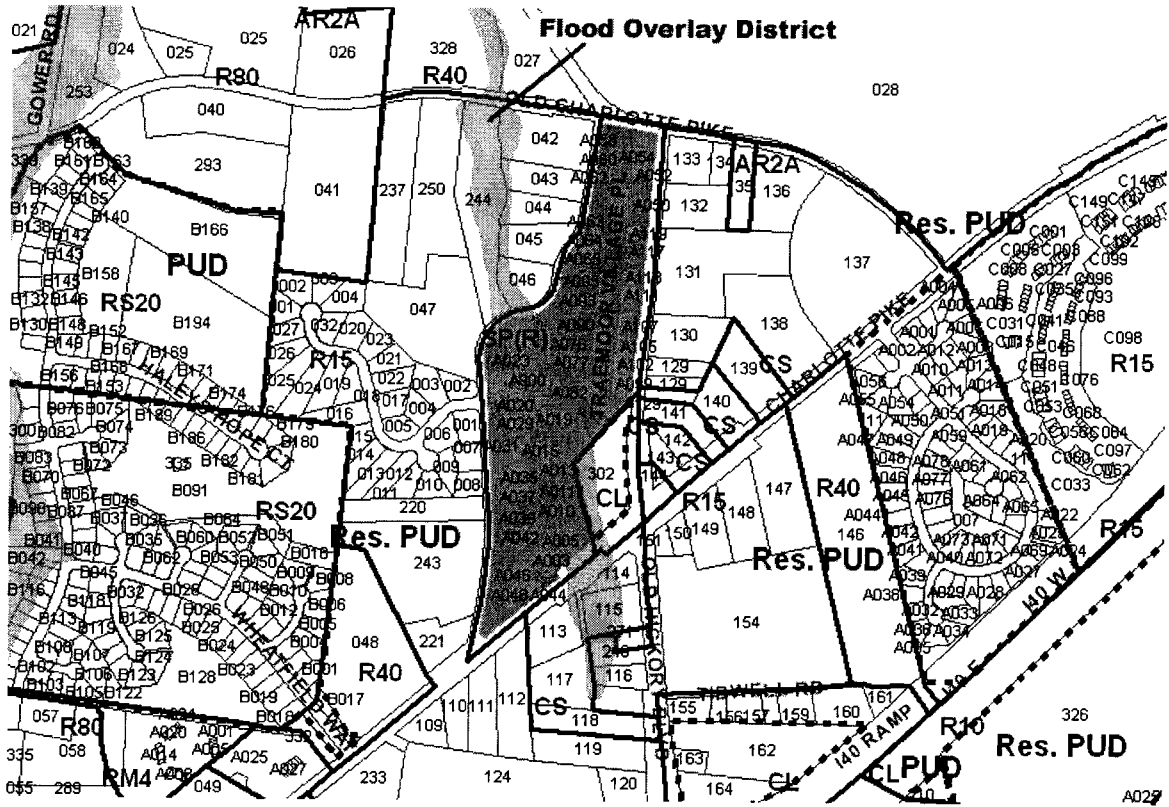
Metro Planning Commission Meeting of 06/24/2010

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.

SEE NEXT PAGE



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



Project No. SP District Review 2006SP-034G-06
Project Name Traemoor Village SP
Council District 22 - Crafton
School District 9 - Simmons
Requested by Metro Planning Department

Staff Reviewer Bernards
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

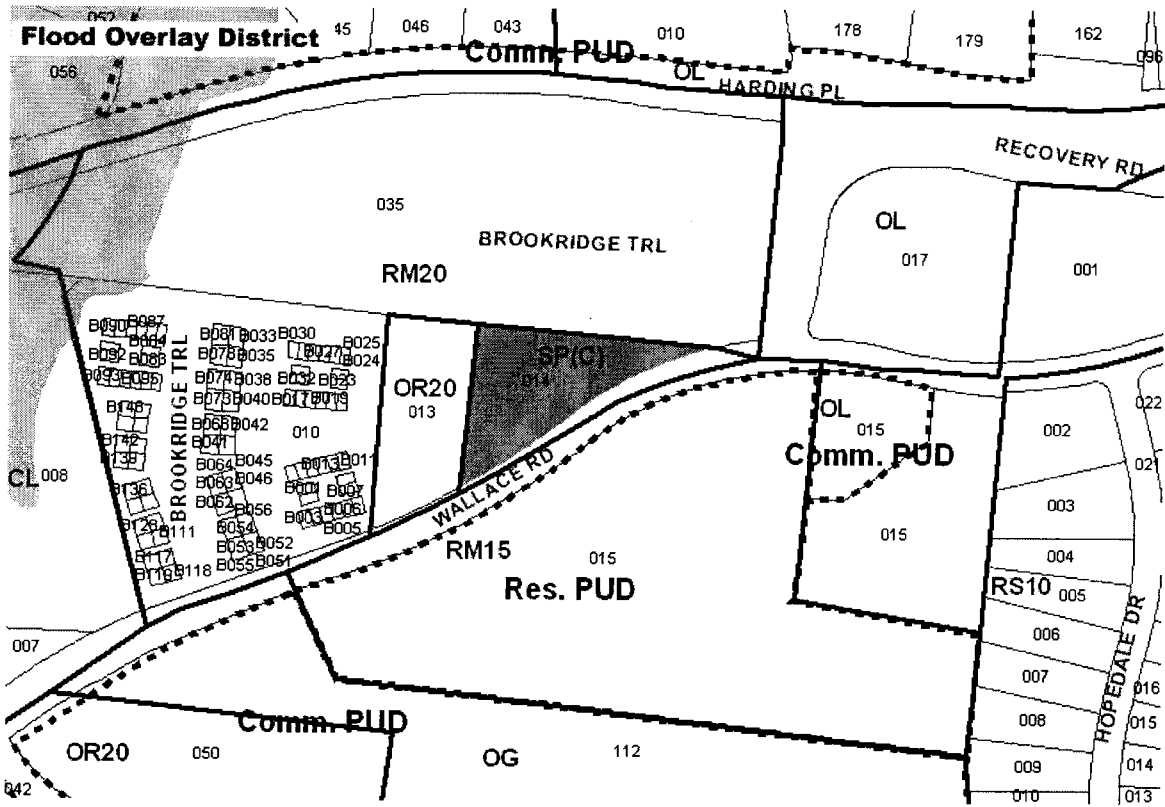
The Traemoor Village SP was approved for 122 multi-family residential units and is between Charlotte Pike and Old Charlotte Pike west of Old Hickory Boulevard.

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.



2006SP-044U-12
 At Home Medical Supplies
 Map: 147-00 Parcel: 014
 Southeast Community Plan
 Council District 26 – Gregory E. Adkins



Project No. SP District Review 2006SP-044U-12
Project Name At Home Medical Supplies SP
Council District 26 - Adkins
School District 7- Kindall
Requested by Metro Planning Department

Staff Reviewer Bernards
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.

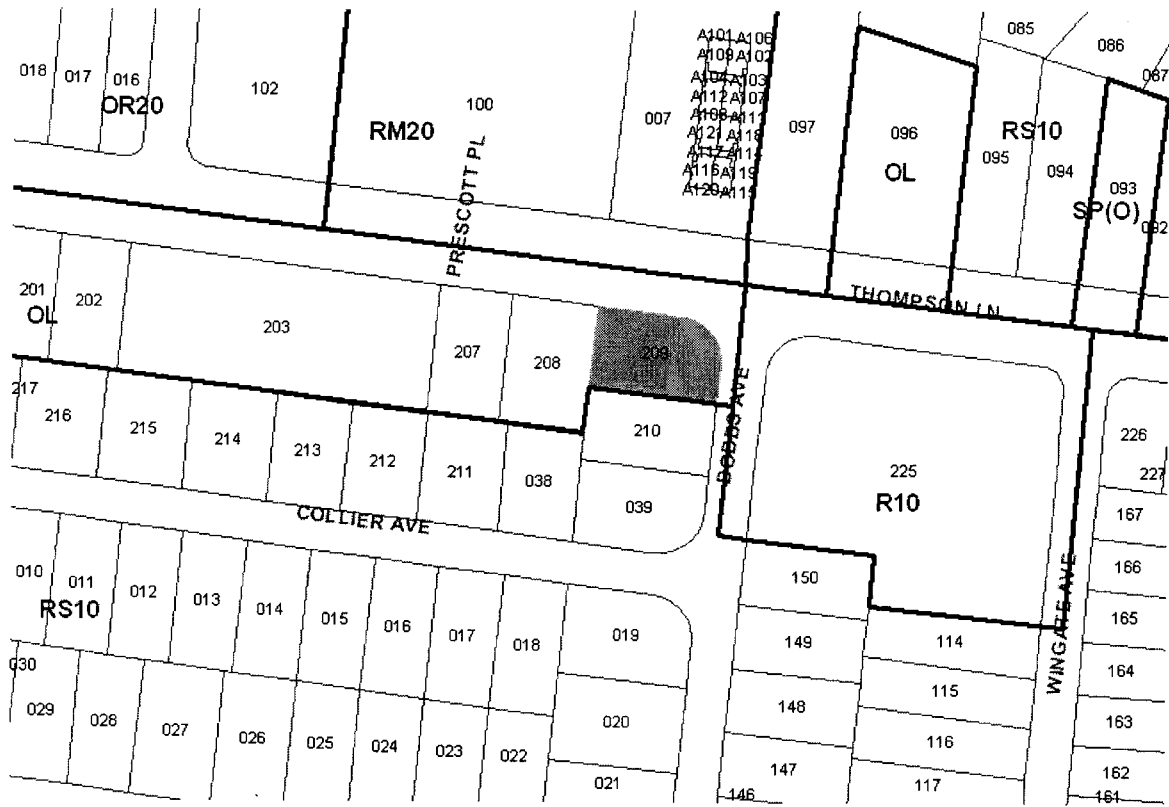
Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary 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.



2010SP-008-001
 International Hair Salon #2
 Map: 119-10 Parcel: 209
 South Nashville Community Plan
 Council District 16 – Anna Page



Project No. 2010SP-008-001
Project Name International Hair Salon #2
Council District 16 - Page
School District 7 - Kindall
Requested by Lilian Richardson, owner

Staff Reviewer Johnson
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**

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*

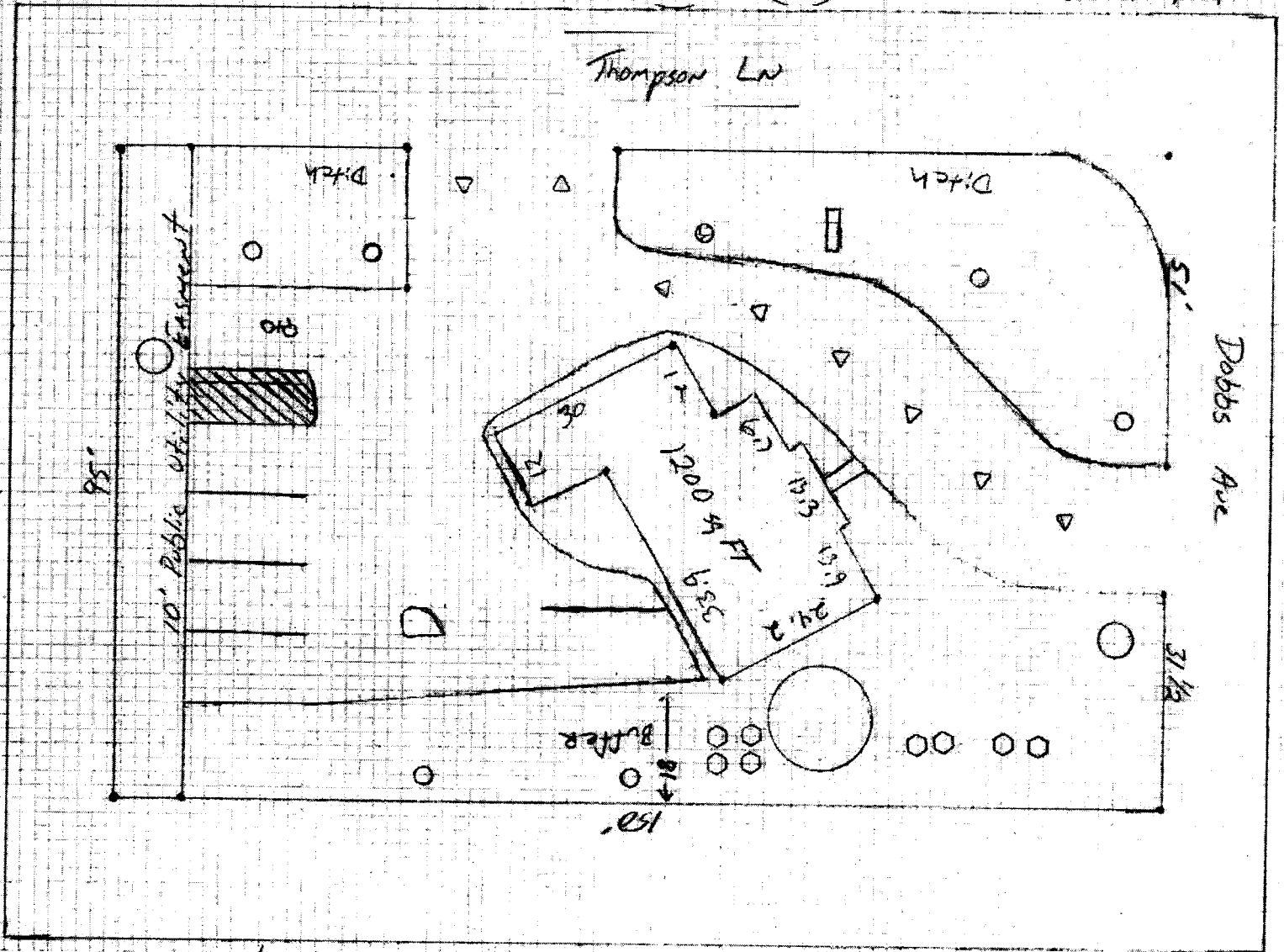
1. Land uses intended in the NG, RM and RLM policy areas include all types of residential development, community services customarily allowed in residentially

1 sq. = 2 Ft
 ○ Small trees

○ Medium tree
 ○ Small shrub

○ Large tree

⊗ Handicap Parking
 ▭ Company sign





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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



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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



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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 understory 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

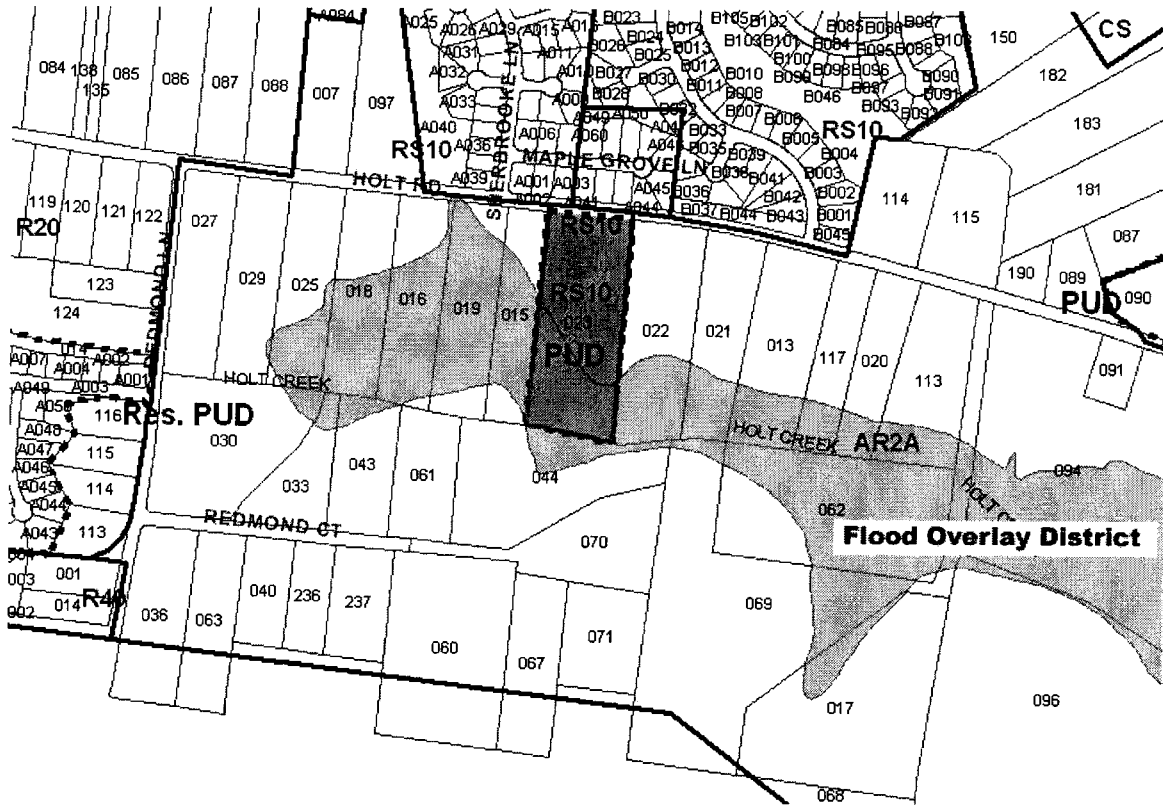


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zoning district as of the date of the applicable request or application.

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.

SEE NEXT PAGE



2004P-023-001

Rosedown

Map: 180-00 Parcel: 023

2010Z-016PR-001

Map: 180-00 Parcel: 023

Southeast Community Plan

Council District 31 – Parker Toler



Project No.	Planned Unit Development 2004P-023-001 Zone Change 2010Z-016PR-001
Project Name	Rosedown Residential PUD (Cancellation)
Council Bills	BL2010-703 and BL2010-704
Council District	31 - Toler
School District	2 - Brannon
Requested by	Parker Toler, applicant, Thomas and Donna Sirmeyer, owners
Staff Reviewer	Sexton
Staff Recommendation	<i>Approve</i>

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.**



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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



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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



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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

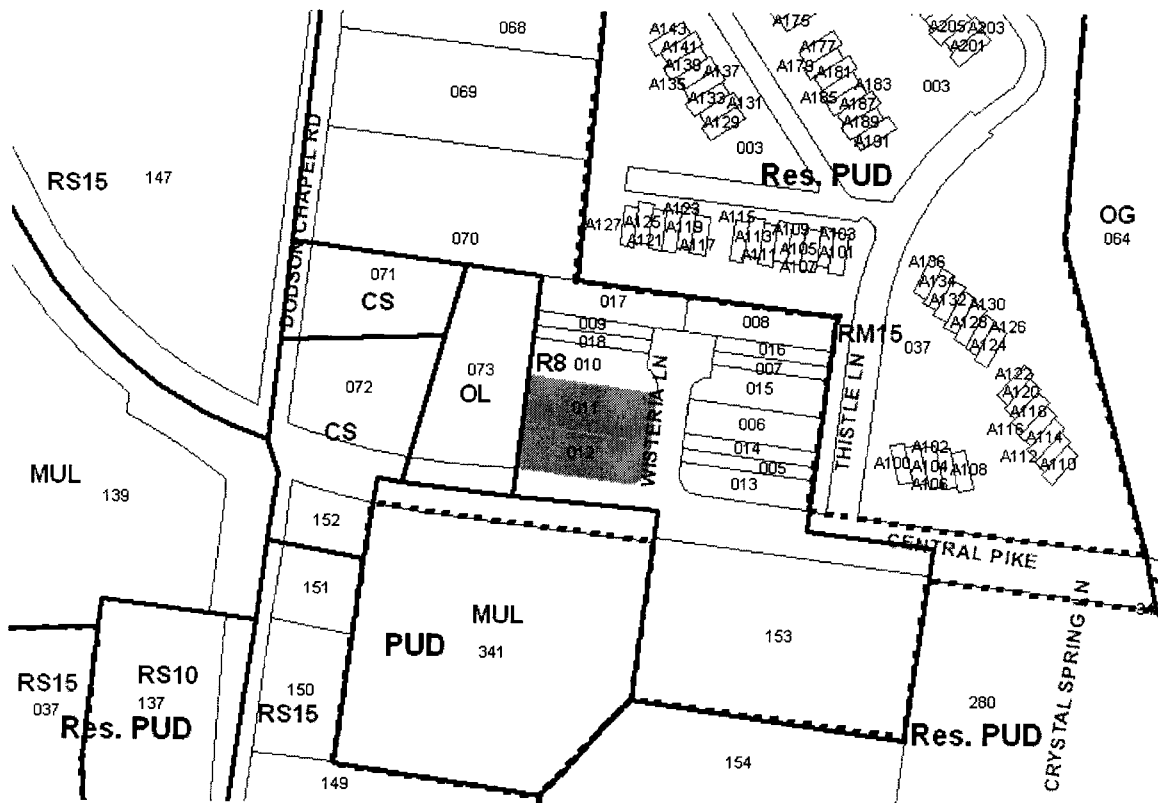
Projected student generation

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.

SEE NEXT PAGE



2010NL-003-001

The Hair Biz

Map: 086-14 Parcels: 011, 012

Donelson/Hermitage/Old Hickory Community Plan

Council District 14 – James Bruce Stanley



Project No.
Project Name
Council District
School District
Requested by

Neighborhood Landmark 2010NL-003-001
The Hair Biz
14 – Stanley
4 – Glover
Kathy and Keith Sawyer, owners

Staff Reviewer
Staff Recommendation

Swaggart
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;



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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



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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.



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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.



Metro Planning Commission Meeting of 06/24/2010

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.

SEE NEXT PAGE

FINAL PLAT



2009S-027-001
Poplar Hill Subdivision
Map: 154-00 Parcel: 282
Bellevue Community Plan
Council District 35 – Bo Mitchell



Project No. Subdivision 2009S-027-001
Project Name Poplar Hill Subdivision
Council District 35 - Mitchell
School Board District 9 - Simmons
Requested By Wyatt and Wendy Rampy, owners

Staff Reviewer Bernards
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).

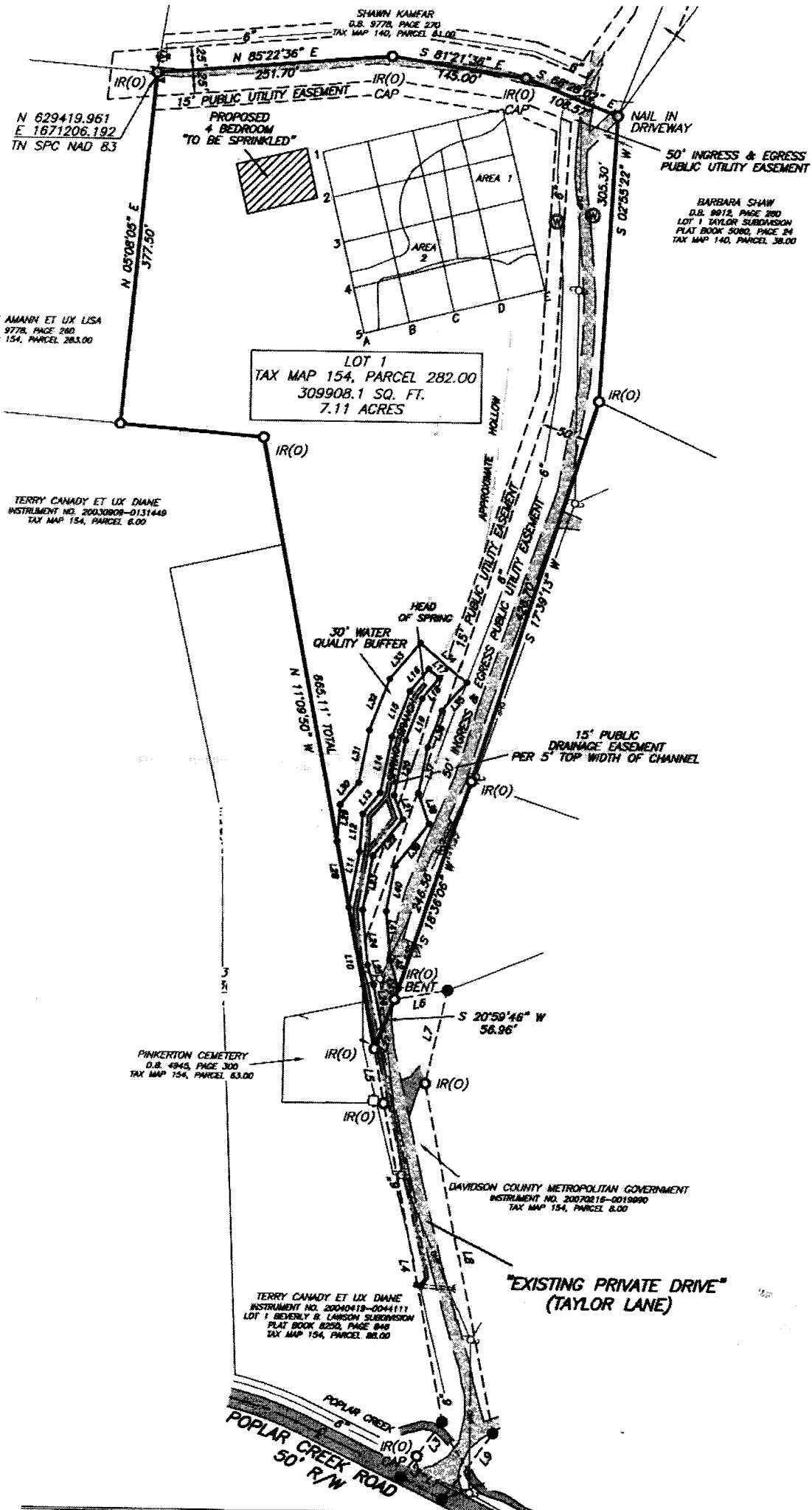
Zoning
 AR2a District Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural 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 13th 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



N 629419.961
E 1671206.192
TN SPC NAD 83

JEFFREY AMANN ET UX LISA
D.B. 9778, PAGE 280
TAX MAP 154, PARCEL 283.00

TERRY CANADY ET UX DIANE
INSTRUMENT NO. 20030809-0131449
TAX MAP 154, PARCEL 6.00

PINKERTON CEMETERY
D.B. 4945, PAGE 300
TAX MAP 154, PARCEL 63.00

TERRY CANADY ET UX DIANE
INSTRUMENT NO. 20040418-0044111
LOT 1 BEVELLY & LARSON SUBDIVISION
PLAT BOOK 8220, PAGE 848
TAX MAP 154, PARCEL 88.00

SHAWN KAMFAR
D.B. 9778, PAGE 270
TAX MAP 140, PARCEL 83.00

BARBARA SHAW
D.B. 8812, PAGE 280
LOT 1 TAYLOR SUBDIVISION
PLAT BOOK 5080, PAGE 24
TAX MAP 140, PARCEL 38.00

LOT 1
TAX MAP 154, PARCEL 282.00
309908.1 SQ. FT.
7.11 ACRES

"EXISTING PRIVATE DRIVE"
(TAYLOR LANE)

POPLAR CREEK
50' R/W

DAVIDSON COUNTY METROPOLITAN GOVERNMENT
INSTRUMENT NO. 20070218-0019890
TAX MAP 154, PARCEL 8.00

30' WATER QUALITY BUFFER

15' PUBLIC DRAINAGE EASEMENT PER 5' TOP WIDTH OF CHANNEL

50' INGRESS & EGRESS PUBLIC UTILITY EASEMENT

PROPOSED 4 BEDROOM TO BE SPRINKLED

APPROXIMATE MOLLON

1ST PUBLIC UTILITY EASEMENT

6" EGRESS PUBLIC UTILITY EASEMENT

6" EGRESS PUBLIC UTILITY EASEMENT

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Metro Planning Commission Meeting of 06/24/2010

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).



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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.

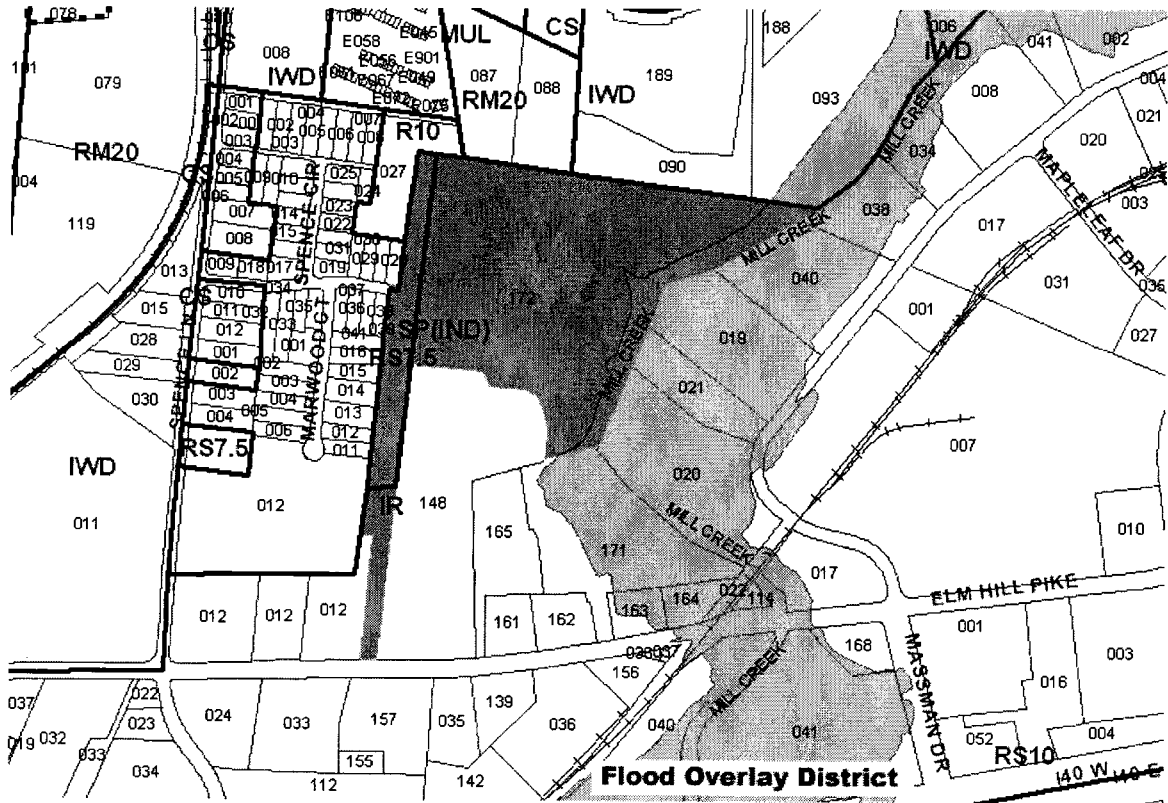


Metro Planning Commission Meeting of 06/24/2010

- 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



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



Project No.	Subdivision 2010S-043-001
Project Name	Wright Industries, Resubdivision of Lot 1
Council District	15 - Claiborne
School District	4- Glover
Requested by	Summit Holladay Partners LLC I, owner, Crawford & Cummings P.C., surveyor
Staff Reviewer	Bernards
Staff Recommendation	<i>Approve with conditions</i>

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

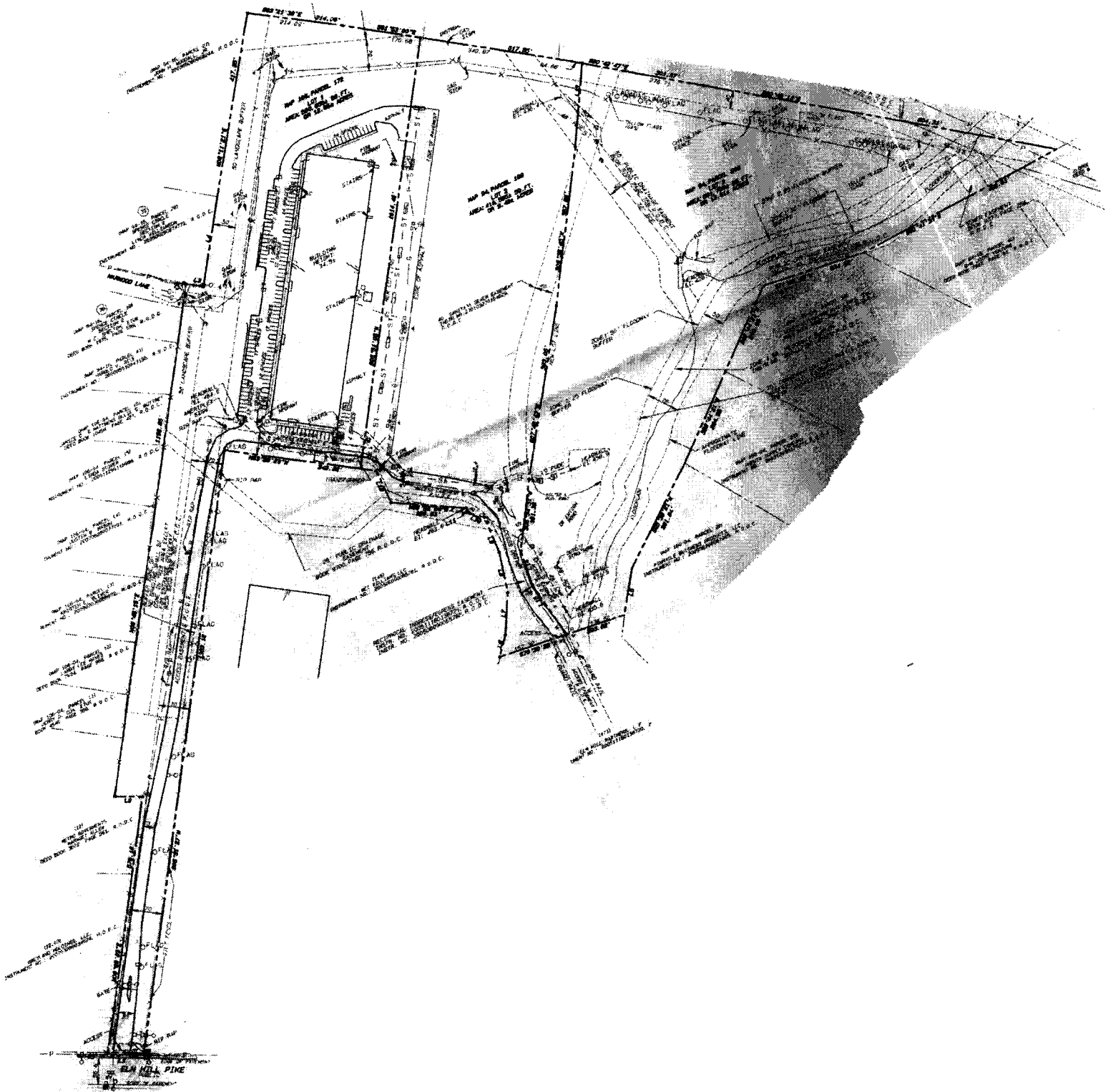
Floodplain Overlay District represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through 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.





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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

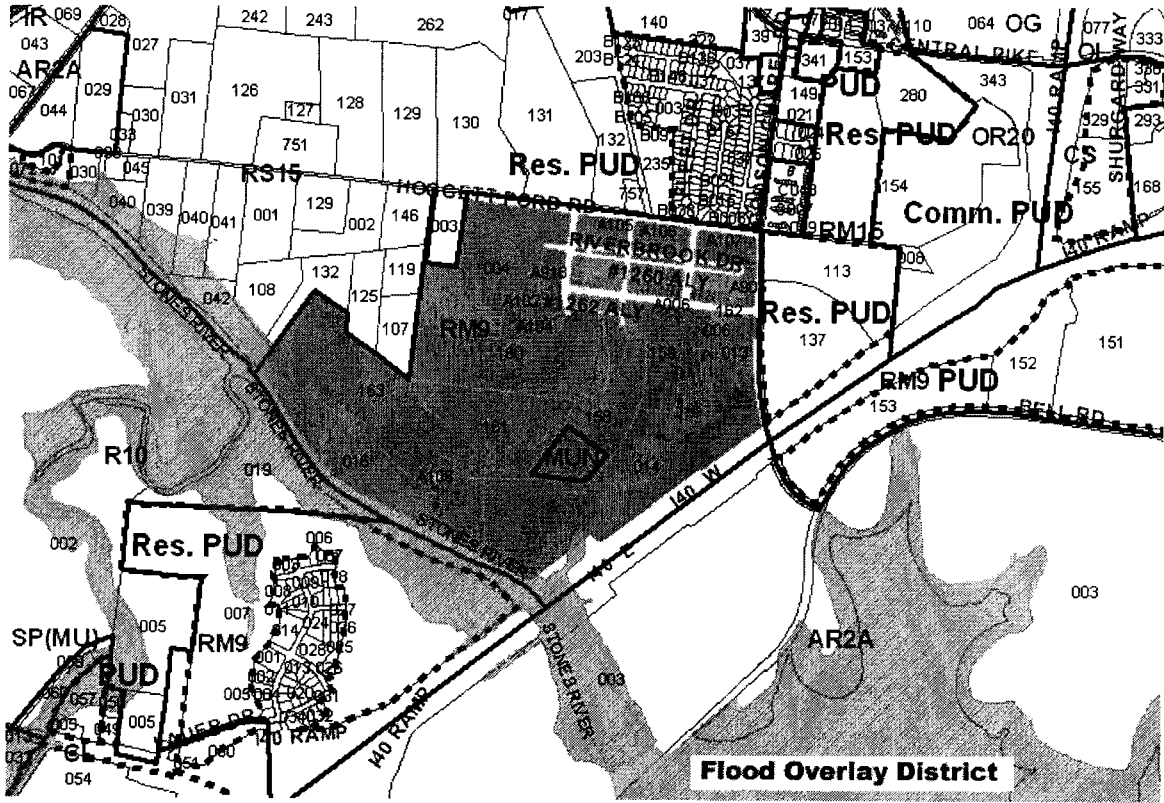
Staff recommends approval with conditions.

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.

SEE NEXT PAGE

URBAN DESIGN OVERLAY



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



Project No. 2004UD-002-002
Project Name Villages of Riverwood Urban Design Overlay
(Amendment #1)
Council Bill BL2010-699
Council District 14 - Stanley
School District 4 - Glover
Requested by Councilmember James Bruce Stanley
Staff Reviewer Johnson
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.



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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.



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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:

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

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



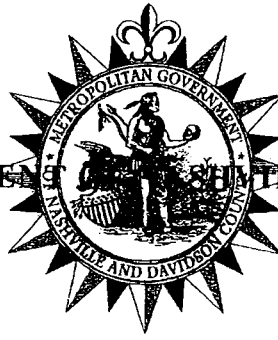
Metro Planning Commission Meeting of 06/24/2010

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.



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING
750 SOUTH FIFTH STREET
NASHVILLE, TENNESSEE 37206
615-862-8760

April 12, 2010

Members of Metro Planning Commission

This letter, from the undersigned departments of Metro Government, is asking the members of the Metro Planning Commission to make a recommendation of disapproval for the following UDO's:

PROJECT NAME	CASE NO.	ORDINANCE NO.
Fawn Crossing UDO	2010UD-001-001	BL2010-631
Pin Hook UDO	2010UD-002-001	BL2010-658
Keeneland Downs UDO	2010UD-003-001	BL2010-669
Hamilton View UDO	2010UD-004-001	BL2010-662
Harvest Grove UDO	2010UD-005-001	BL2010-660
Edison Park UDO	2010UD-006-001	BL2010-665
Hamilton Hobson UDO	2010UD-007-001	BL2010-667

As you know, Metro Government is in the middle of dealing with over 50 problem subdivisions that have financial problems, whether in bankruptcy, a failure to finish, or simply left town. Whatever the cause, they remain stagnant, with infrastructure in various stages of incompletion. The Metro departments have been working together, along with banks and developers, to resolve these problems, complete the infrastructure improvements and reduce or eliminate this potential liability to the Metro Government. To date, we have been somewhat successful. This liability started at an estimated \$20 + million, and working together, we've been able to reduce the potential liability to about \$12 million.

The Fawn's Crossing and Keeneland Downs subdivisions, represents about \$1.1 million of the remaining \$12 million liability. Most recently, Metro departments, working with the banks, were on the verge of coming to an agreement on these developments that would resolve this \$1.1 million liability, that is, until these UDO bills were filed at Metro Council. Now, the banks and developers are pulling back because they don't know whether Metro Government is going to change the rules and requirements for these subdivisions in mid-stream. Their concern is that "placing additional restrictions on these developments beyond what was originally approved runs counter to any reasonable solution to the current glut of unsold houses and unsold lots."

As department heads who have been involved in working toward solutions, we are of the opinion that approval of the UDO's are simply not in the best interest of the Metro Government. The filing of the UDO's seem to be taking us farther away from solutions which would re-energize these developments, complete the infrastructure, expand the tax base and reduce Metro's potential liabilities.

We know we are in poor economic conditions and likely will be for some time. We believe it is the role of our government to provide stability and encourage investment in Davidson County. Once people and their banks make an investment in property development, they expect the government to hold true to their agreements. These UDO's appear now to be proposed over the strong objections of the property owners, themselves; as well as the banks and financial institutions which have invested considerable sums of their depositor's money in these properties. Approval of these UDO's will destroy the trust of investors in our government and drive us further from a solution.

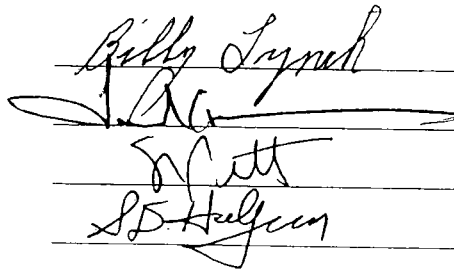
We ask the Commission to recommend disapproval of the above-listed, UDO bills.

The Department of Public Works

The Department of Codes & Building Safety

The Department of Water Services

The Nashville Fire Department



The image shows four horizontal lines, each with a handwritten signature written over it. From top to bottom, the signatures are: Billy Lynch, [unclear], [unclear], and S.D. Hufman.