



# **METROPOLITAN PLANNING COMMISSION MINUTES**

**Thursday, August 25, 2011**

**4:00 pm Regular Meeting**

**700 Second Avenue South**

(between Lindsley Avenue and Middleton Street)

Howard Office Building, Sonny West Conference Center (1st Floor)

## **MISSION STATEMENT**

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

### Commissioners Present:

Jim McLean, Chairman  
Hunter Gee, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Derrick Dalton  
Phil Ponder  
Councilmember Jim Gotto

### Staff Present:

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Kelly Armistead, Admin Services Officer III  
Craig Owensby, Public Information Officer  
Dennis Corrieri, Planning Technician I  
Bob Leeman, Planning Manager II  
Brenda Bernards, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Brian Sexton, Planner I

### Commissioners Absent:

Andree LeQuire

**Richard C. Bernhardt, FAICP, CNU-A**

Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300  
p: (615) 862-7190; f: (615) 862-7130

## Notice to Public

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**Please remember to turn off your cell phones.**

The Commission is a 10-member body; nine are appointed by the Metro Council and one serves as the Mayor's representative. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at [www.nashville.gov/mpc/agendas](http://www.nashville.gov/mpc/agendas) or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit [www.nashville.gov/calendar](http://www.nashville.gov/calendar) for a broadcast schedule.

## Writing to the Commission

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You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300  
Fax: (615) 862-7130  
E-mail: [planningstaff@nashville.gov](mailto:planningstaff@nashville.gov)

## Speaking to the Commission

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If you want to appear in-person before the Commission, view our tips on presentations on-line at [www.nashville.gov/mpc/pdfs/mpc\\_mtg\\_presentation\\_tips.pdf](http://www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf) and our summary regarding how Planning Commission public hearings are conducted at [www.nashville.gov/mpc/docs/meetings/Rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.pdf). Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a "Request to Speak" form (located on table outside the door into this meeting room).
- Give your completed "Request to Speak" form to a staff member.
- For more information, view the Commission Rules and Procedures, at [www.nashville.gov/mpc/pdfs/main/rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf)

## Legal Notice

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**As information for our audience, if you are not satisfied with a decision made by the Planning Commission today, you may appeal the decision by petitioning for a writ of cert with the Davidson County Chancery or Circuit Court. Your appeal must be filed within 60 days of the date of the entry of the Planning Commission's decision. To ensure that your appeal is filed in a timely manner, and that all procedural requirements have been met, please be advised that you should contact independent legal counsel.**



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or e-mail her at [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries, contact Shirley Sims-Saldana or Denise Hopgood of Human Relations at (615) 880-3370. For all employment-related inquiries, contact Ron Deardoff at (615) 862-6640

# **MEETING AGENDA**

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## **A. CALL TO ORDER**

The meeting was called to order at 4:07 p.m.

Chairman McLean presented Ana Escobar with a plaque commemorating her service on the Planning Commission.

## **B. ADOPTION OF AGENDA**

Mr. Ponder moved and Mr. Gee seconded the motion to adopt the revised agenda. (6-0)

## **C. APPROVAL OF AUGUST 11, 2011 MINUTES**

Mr. Gee moved and Mr. Ponder seconded the motion to approve the August 11, 2011 minutes. (6-0)

## **D. RECOGNITION OF COUNCILMEMBERS**

Councilmember Dominy and Councilmember Stanley were in attendance but elected not to speak at this time.

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## **E. ITEMS FOR DEFERRAL / WITHDRAWAL**

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9. **2011Z-017PR-001**  
2158 UNA ANTIOCH PIKE

11. **165-79P-001**  
RIVERGATE MARKETPLACE (PANDA EXPRESS)

Mr. Ponder moved and Mr. Stewart seconded the motion to approve the Deferred and Withdrawn Items. (6-0)

Dr. Cummings in at 4:13 p.m.

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## **F. CONSENT AGENDA**

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1. **2005SP-168U-10**  
THE MANNING AT BELLE MEADE
2. **2006SP-161U-09**  
THE PINNACLE
3. **2007SP-028U-13**  
RALPH MELLO
4. **2007SP-074G-14**  
THE CORNER OF OLD HICKORY
5. **2007SP-079U-13**  
CAMPBELL CROSSING
6. **2007SP-092U-14**  
ELM HILL 2500 BLOCK
7. **2007SP-099U-08**  
1702 CHARLOTTE AVENUE
8. **2007SP-114U-10**  
4000 WAYLAND DRIVE

13. 2004S-158G-12  
WATERFORD ESTATES

14. 2008S-079U-07  
WESTPORT BUSINESS PARK

15. "Grant Contract Between the State of Tennessee, TDOT and the MPC of the Metropolitan Government of Nashville – Davidson County on behalf of the Nashville Area MPO for Federal Transit Administration (FTA) Section 5303 Program to support the cost of preparing long range transportation plans, financially feasible Transportation Improvement Plans, and conducting intermodal transportation planning and technical studies. Specifically, the funds will be used for Metropolitan Planning."

16. Employee contract amendment for Felix Castrodad

Mr. Stewart moved and Councilmember Gotto seconded the motion to approve the Consent Agenda. (7-0)

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## G. PREVIOUSLY DEFERRED ITEMS

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No Cases on this Agenda

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## H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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No Cases on this Agenda

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## I. RECOMMENDATIONS TO METRO COUNCIL

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### Specific Plans

1. 2005SP-168U-10  
THE MANNING AT BELLE MEADE  
Map 116-03, Parcel(s) 086-091, 111, 138  
Council District 24 (Jason Holleman)  
Staff Reviewer: Brian Sexton

The periodic review of an approved Specific Plan (MR) district known as "The Manning at Belle Meade", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 111, 113, 115 A, 117, 119 and 125 Kenner Avenue and at 110 and 120 B Woodmont Boulevard (3.53 acres), approved for 34 multifamily units and three single-family lots via Council Bill BL2005-908 effective on February 24, 2006, and amended to add 0.23 acres to the approved Specific Plan District via Council Bill BL2007-1339 effective on March 23, 2007, and amended again to add 4 single-family lots to the approved Specific Plan District via Council Bill 2007-1518 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP ACTIVE**

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

**SP Review** The periodic review of an approved Specific Plan (MR) district known as "The Manning at Belle Meade", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 111, 113, 115 A, 117, 119 and 125 Kenner Avenue and at 110 and 120 B Woodmont Boulevard (3.53 acres), approved for 34 multifamily units and three single-family lots via Council Bill BL2005-908 effective on February 24, 2006, and amended to add 0.23 acres to the approved Specific Plan District via Council Bill BL2007-1339 effective on March 23, 2007, and amended again to add 4 single-family lots to the approved Specific Plan District via Council Bill BL2007-1518 effective on July 17, 2007.

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

Development within each 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 purpose of this SP is to permit 34 multifamily units and seven single-family lots.

**Analysis** Staff visited the site July 2011. The applicant has begun construction on the property. The removal and clearing of previous residences have been completed. Off-site underground storm drainage improvements toward Kenner Avenue have also been performed. Staff recommends that this SP be found active and that it be placed back on the four-year review list. Staff notes that the SP remains appropriate for the Residential Medium and Residential High land use policies of the Green Hills – Midtown Community Plan.

**STAFF RECOMMENDATION** Staff recommends that The Manning at Belle Meade SP be found to be active.

Find the SP District active. (7-0), Consent Agenda

**Resolution No. RS2011-173**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005SP-168U-10 is **APPROVED, FINDING THE SP DISTRICT ACTIVE. (7-0)**”

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**2. 2006SP-161U-09**

**THE PINNACLE**

Map 093-06-4, Parcel(s) 063

Council District 06 (Mike Jameson)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MNR) district known as "The Pinnacle", 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 150 3rd Avenue South (1.61 acres), approved for a mixed-use, 28 story office/retail building via Council Bill BL2006-1255 effective on January 19, 2007, and amended to modify the number of required parking spaces from 1,189 spaces to that required by the CF Zoning District via Council Bill BL2007-1514 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP COMPLETE**

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

**SP Review** The periodic review of an approved Specific Plan (MNR) district known as "The Pinnacle", 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 150 3rd Avenue South (1.61 acres), approved for a mixed-use, 28 story office/retail building via Council Bill BL2006-1255 effective on January 19, 2007, and amended to modify the number of required parking spaces from 1,189 spaces to that required by the CF Zoning District via Council Bill BL2007-1514 effective on July 17, 2007.

**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 28 story office/retail building. Staff visited the site in July 2011. There is a 28 story building on the property.

**STAFF RECOMMENDATION** Staff recommends that The Pinnacle SP be found to be complete.

Find the SP District complete. (7-0), Consent Agenda

**Resolution No. RS2011-174**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-161U-09 is **APPROVED, FINDING THE SP DISTRICT COMPLETE. (7-0)**”

### 3. 2007SP-028U-13

#### RALPH MELLO

Map 163, Parcel(s) 064-065  
Council District 32 (Sam Coleman)  
Staff Reviewer: Brian Sexton

The periodic review of an approved Specific Plan (MU) district known as "Ralph Mello", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 5160 and 5166 Hickory Hollow Parkway (3.81 acres), approved for all uses permitted by the MUL Zoning District except for Nursing Homes, Day Care Facilities, Bars & Nightclubs, Car Washes and Convenience Stores via Council Bill BL2007-1525 effective on July 17, 2007, review initiated by the Metro Planning Department.

#### **Staff Recommendation: FIND THE SP INACTIVE**

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

**SP Review** The periodic review of an approved Specific Plan (MU) district known as "Ralph Mello", 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 5160 and 5166 Hickory Hollow Parkway (3.81 acres), approved for all uses permitted by the MUL Zoning District except for Nursing Homes, Day Care Facilities, Bars and Nightclubs, Car Washes and Convenience Stores via Council Bill BL2007-1525 effective on July 17, 2007.

**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 property is located on Hickory Hollow Parkway, west to the mall. This SP was approved for all uses permitted by the MUL zoning district with the exception of Nursing Homes, Day Care Facilities, Bars, Nightclubs, Car Washes and Convenience Stores.

The SP plan identifies the building zone, setbacks and landscape buffer yards. Buildings will be required to be constructed along a minimum of 50 percent of the front setback line. The SP consists of two lots with a cross access easement provided.

**SPECIFIC PLAN REVIEW** Staff conducted a site visit on July 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

The owner did not respond to the letter. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

**FINDING OF INACTIVITY** When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

**End of Council Term** As the Council term has ended the written report will be forwarded to the Council staff. Once the new term has begun, the report will be forwarded to the new Councilmember for District 32.

**Permits on Hold** Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

#### **ANALYSIS**

**Consistency with the General Plan** This property is within the Antioch – Priest Lake Community Plan. The land use policy in place is Regional Activity Center (RAC) which is intended for uses such as retail, office and residential. The SP is consistent with this policy.

**Amendments/Rezoning** As the SP is consistent with the RAC policy of the Antioch – Priest Lake Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

**Recommendation to Council** If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

**STAFF RECOMMENDATION** Staff recommends that the Ralph Mello SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP District inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (7-0), Consent Agenda

**Resolution No. RS2011-175**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-028U-13 is APPROVED, FINDING THE SP DISTRICT INACTIVE, and directing staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (7-0)”**

#### **4. 2007SP-074G-14**

**THE CORNER OF OLD HICKORY**

Map 044, Parcel(s) 026, 056

Council District 11 (Darren Jernigan)

Staff Reviewer: Brian Sexton

The periodic review of an approved Specific Plan (MU) district known as "The Corner of Old Hickory", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at Robinson Road (unnumbered) (15.99 acres), approved for 71,750 square feet of office/retail space and 165 multifamily units via Council Bill BL2007-1511 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP INACTIVE**

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

**SP Review** The periodic review of an approved Specific Plan (MU) district known as "The Corner of Old Hickory", 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 Robinson Road (unnumbered) (15.99 acres), approved for 71,750 square feet of office/retail space and 165 multifamily units via Council Bill BL2007-1511 effective on July 17, 2007.

**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 is approved for 71,750 square feet of office and retail space and 165 multifamily units. Two large mixed-use structures will wrap the southeast corner of the intersection of Robinson Road and Industrial Drive. Both structures will include a vertical mix of office, retail and residential uses. A total of 76 residential units will be included in the mixed-use buildings. The remaining residential units will be located behind the mixed use buildings, with the exception of five town homes located along Industrial Drive.

**SPECIFIC PLAN REVIEW** Staff conducted a site visit on July 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

The owner did not respond to the letter. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

**FINDING OF INACTIVITY** When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

**End of Council Term** As the Council term has ended the written report will be forwarded to the Council staff. Once the new term has

begun, the report will be forwarded to the Councilmember for District 11.

**Permits on Hold** Section 17.40.106.1.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

#### **ANALYSIS**

**Consistency with the General Plan** This property is within the Donelson - Hermitage Community Plan. The land use policy in place is Mixed Use in Community Center (MxU in CC) which is intended to accommodate a variety of uses such as residential, retail and office in a layout that is pedestrian friendly. The SP is consistent with this policy.

**Amendments/Rezoning** As the SP is consistent with the MxU in CC policy of the Donelson - Hermitage Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

**Recommendation to Council** If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

**STAFF RECOMMENDATION** Staff recommends that the Corner of Old Hickory SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP District inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (7-0), Consent Agenda

#### **Resolution No. RS2011-176**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2007SP-074G-14 is **APPROVED, FINDING THE SP DISTRICT INACTIVE, and directing staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (7-0)"**

## **5. 2007SP-079U-13**

### **CAMPBELL CROSSING**

Map 164, Parcel(s) 065

Council District 33 (Robert Duvall)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Campbell Crossing", to determine its completeness pursuant to Section 17.40.106.1 of the Metro Zoning Code (Review of a Development Plan), for property located at 6018 Mt. View Road (9.95 acres), approved for 62 townhomes via Council Bill BL2007-1500 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP ACTIVE**

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

**SP Review** The periodic review of an approved Specific Plan (R) district known as "Campbell Crossing", to determine its completeness pursuant to Section 17.40.106.1 of the Metro Zoning Code (Review of a Development Plan), for property located at 6018 Mt. View Road (9.95 acres), approved for 62 townhomes via Council Bill BL2007-1500 effective on July 17, 2007.

**Zoning Code Requirement** Section 17.40.106.1 of the Zoning Code requires the review of each SP District four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Development within each 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 purpose of the Campbell Crossing SP is to allow for 62 townhouse units.

**Owner's Response** Staff visited the site in July 2011. There did not appear to be any activity on the site. In response to the 90-day letter sent in April 2011, the property owner contacted staff with the following documentation of activity:

*"Campbell Crossing Development Activity:*

1. *Owner obtained a demolition permit and demolished the dilapidated farmhouse on the property. Owner then removed the debris from the property.*



2. Owner has obtained and paid for sufficient water and sewer capacity rights to support the planned development of 62 town homes.
3. Architect, Joe Epps, completed the development's preliminary site plan, and town homes floor plans have been prepared.
4. Owner met with Nashville Electric Service and electrical lines and poles were installed along the road frontage of the property.
5. Sewer easements for Campbell Crossing were obtained and recorded with Metro Nashville Register of Deeds.
6. Owner has met with Councilman Duvall, Architect Joe Epps, Mike Morris and the staff of Metro Water Department, and Attorney Tom White concerning the development of the property.

Based on the economic down turn in the area housing market, the owner has not started building the proposed town home units. Per discussion with Councilman Duvall, the area has been inundated with foreclosed homes and abandoned developments. The owner of Campbell Crossing, Ms. Driver, did not want to contribute to the excess inventory of homes and decided to postpone building the town home units until the local housing market recovered. Ms. Driver's decision to postpone building the town homes during the initial four year period has proven to be a prudent one due to the fact that the majority of the development properties surrounding Campbell Crossing were foreclosed and are littered with abandoned buildings. Per numerous local media reports, the abandoned properties have suffered from excessive vandalism and have been a burden to the Metro Nashville Government."

**STAFF RECOMMENDATION** Staff recommends that the Campbell Crossing SP be found to be active. Staff notes that the SP remains appropriate for Neighborhood General land use policy of the Antioch/Priest Lake Community Plan.

Find the SP District active. (7-0), Consent Agenda

**Resolution No. RS2011-177**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-079U-13 is **APPROVED, FINDING THE SP DISTRICT ACTIVE. (7-0)**"

**6. 2007SP-092U-14**

**ELM HILL 2500 BLOCK**

Map 095-16, Parcel(s) 001-004  
 Council District 15 (Phil Claiborne)  
 Staff Reviewer: Brian Sexton

The periodic review of an approved Specific Plan (MU) district known as "Elm Hill 2500 Block", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 2514, 2518 and 2522 Elm Hill Pike (12.33 acres), approved for development according to the applicable standards and land uses permitted in the ORI District, but excluding multi-family residential uses, via Council Bill BL2007-1541 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP INACTIVE**

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

**SP Review** The periodic review of an approved Specific Plan (MU) district known as "Elm Hill 2500 Block", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 2514, 2518 and 2522 Elm Hill Pike (12.33 acres), approved for development according to the applicable standards and land uses permitted in the ORI District, but excluding multi-family residential uses via Council Bill BL2007-1541 effective on July 17, 2007.

**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** While a final site plan was not approved with this SP, a development plan was approved that permits development according to the standards and land uses permitted in the ORI District. This SP excludes multi-family residential uses.

**SPECIFIC PLAN REVIEW** Staff conducted a site visit on July 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

The owners responded to the letter and confirmed that the properties are still undeveloped. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

**FINDING OF INACTIVITY** When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or

3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

**End of Council Term** As the Council term has ended the written report will be forwarded to the Council staff. Once the new term has begun, the report will be forwarded to the Councilmember for District 15.

**Permits on Hold** Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review.

For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

#### **ANALYSIS**

**Consistency with the General Plan** This property is within the Donelson - Hermitage Community Plan. The land use policy in place is Office Concentration (OC) which is intended to accommodate existing and future large concentrations of office development. The SP is consistent with this policy.

**Amendments/Rezoning** As the SP is consistent with the OC policy of the Donelson - Hermitage Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

**Recommendation to Council** If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

**STAFF RECOMMENDATION** Staff recommends that the Elm Hill 2500 Block SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP District inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (7-0), Consent Agenda

#### **Resolution No. RS2011-178**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-092U-14 is APPROVED, FINDING THE SP DISTRICT INACTIVE, and directing staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (7-0)"**

## **7. 2007SP-099U-08**

### **1702 CHARLOTTE AVENUE**

Map 092-08, Parcel(s) 153

Map 092-08-0-A, Parcel(s) 070, 075, 080, 101, 200, 210, 900

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "1702 Charlotte Avenue", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1700 B and 1704 Charlotte Avenue and at 1709 Pearl Street (2.58 acres), approved for a hotel/motel with a maximum of 10 beds in one structure, a 1,500 square foot outpatient clinic and a 49,000 square foot office use for a total of 54,500 square feet via Council Bill BL2007-1528 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP COMPLETE**

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

**SP Review** The periodic review of an approved Specific Plan (MU) district known as "1702 Charlotte Avenue", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1700 B and 1704 Charlotte Avenue and at 1709 Pearl Street (2.58 acres), approved for a hotel/motel with a maximum of 10 beds in one structure, a 1,500 square foot outpatient clinic and a 49,000 square foot office use for a total of 54,500 square feet via Council Bill BL2007-1528 effective on July 17, 2007.

**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 mix of uses within an existing building. Staff visited the site in July 2011. The renovations to the building have been completed and the building is occupied.

**STAFF RECOMMENDATION** Staff recommends that 1702 Charlotte Avenue SP be found to be complete.

Find the SP District complete. (7-0), Consent Agenda

**Resolution No. RS2011-179**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-099U-08 is **APPROVED, FINDING THE SP DISTRICT COMPLETE. (7-0)**”

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**8. 2007SP-114U-10**

**4000 WAYLAND DRIVE**

Map 130-11-0-B, Parcel(s) 001-003

Council District 34 (Carter Todd)

Staff Reviewer: Brian Sexton

The periodic review of an approved Specific Plan (R) district known as "4000 Wayland Drive", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 4000 and 4000 B Wayland Drive and at 4408 Beacon Drive (1.25 acres), approved for two detached single-family units via Council Bill BL2007-1509 effective on July 17, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP ACTIVE**

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

**SP Review** The periodic review of an approved Specific Plan (R) district known as "4000 Wayland Drive", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 4000 and 4000 B Wayland Drive and at 4408 Beacon Drive (1.25 acres), approved for two detached single-family units via Council Bill BL2007-1509 effective on July 17, 2007.

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

Development within each 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 purpose of this SP is to permit two detached single-family units.

**Analysis** Staff visited the site July 2011. There is one single-family residence on the north portion of the property. The second single family residence to the south has not been constructed. Staff recommends that this SP be found active and that it be placed back on the four-year review list. Staff notes that the SP remains appropriate for the Residential Low density land use policy of the Green Hills – Midtown Community Plan.

**STAFF RECOMMENDATION** Staff recommends that 4000 Wayland Drive SP be found to be active.

Find the SP District active. (7-0), Consent Agenda

**Resolution No. RS2011-180**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-114U-10 is **APPROVED, FINDING THE SP DISTRICT ACTIVE. (7-0)**”

## Zone Changes

### 9. 2011Z-017PR-001

#### 2158 UNA ANTIOCH PIKE

Map 149, Parcel(s) 026

Council District 28 (Duane Dominy)

Staff Reviewer: Greg Johnson

A request to rezone from the R10 to RM20 district property located at 2158 Una Antioch Pike, approximately 1,915 feet south of Murfreesboro Pike (8.9 acres) and partially located within the Floodplain Overlay District, requested by Pamela E. Meadows, owner.

**Staff Recommendation: DEFER to the October 13, 2011, Planning Commission meeting**

The Metropolitan Planning Commission DEFERRED 2011Z-017PR-001 to the October 13, 2011, Planning Commission meeting. (6-0)"

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## Neighborhood Landmark Overlays

### 10. 2011NL-002-001

#### 209 DANYACREST

Map 085-11, Parcel(s) 005

Council District 14 (James Bruce Stanley)

Staff Reviewer: Jason Swaggart

A request to establish a Neighborhood Landmark Plan Overlay District (NLOD) and for approval of the Neighborhood Landmark Development Plan for property located at 209 Danyacrest Drive, at the northeast corner of Danyacrest Drive and Jenny Drive (2.78 acres), zoned Single-Family Residential (RS15), to permit general office (marketing and consulting) use within an existing 4,800 square foot structure, requested by Dale & Associates, applicant, Don and Christi McEachern, owners.

**Staff Recommendation: APPROVE Neighborhood Landmark District; APPROVE WITH CONDITIONS the Neighborhood Landmark Development Plan**

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

**Apply NLO & NLO Development Plan** A request to establish a Neighborhood Landmark Overlay District (NLOD) and for approval of the Neighborhood Landmark Development Plan for property located at 209 Danyacrest Drive, at the northeast corner of Danyacrest Drive and Jenny Drive (2.78 acres), zoned Single-Family Residential (RS15), to permit general office (marketing and consulting) use within an existing 4,800 square foot structure.

#### **Existing Zoning**

RS15 District - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. *The RS15 zoning would permit approximately seven lots on 2.78 acres.*

#### **Proposed Zoning**

Neighborhood Landmark Overlay District (NLOD) - The NLOD 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 as follows:

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

## CRITICAL PLANNING GOALS N/A

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

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

**ANALYSIS** The purpose of this NLOD is to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. According to Historical Commission staff, the property proposed for the NLOD contains a ranch style home built circa 1950 as the home of A.F. Stanford, a member of the locally significant Stanford family. The home is a good example of the early ranch style, and would be a contributing property in the National Register-eligible Millionaire Row historic district fronting Lebanon Road in Donelson. Millionaire Row has been considered potentially eligible for the National Register for its architectural and historic significance in the Donelson community, and the period of significance would be circa 1900-1960.

Given the findings of the Historical Commission, staff finds that the proposed NLOD meets all criteria for consideration of establishment of a NLOD district.

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

**Development Plan** The development plan calls for the existing home to remain. Proposed uses include single-family residential and general office. The type of office use is limited to marketing and consulting. The plan restricts the number of employees to twelve (8 full time and 4 part time), and it also prohibits office visits ("Onsite client visits shall be restricted").

No improvements are proposed for the existing home. Minor site improvements include the addition of ten formal parking spaces and additional landscaping. The proposed parking spaces will be located on the eastern side of the lot behind the home. Access to the property will remain from the existing driveway on Danyacrest. No signage is proposed for the site.

**STORMWATER RECOMMENDATION** Not Applicable

**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 Neighborhood Landmark Overlay District.
2. The Planning Commission shall approve any changes to the development plan which shall include but not be limited to uses and any exterior alterations to the structure.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Councilmember Stanley spoke in support of staff recommendation.

Roy Dale spoke in support of staff recommendation, stating that his client wants to operate as an office with only 8 employees and no clients will be coming to the office.

Mr. Dalton out at 4:31p.m.

Mr. Dalton in at 4:33 p.m.

Don McCann, property owner, spoke in support of staff recommendation of approval.

James Barnett, 3014 Stafford Drive, spoke in support of staff recommendation of approval.

Alan McCroskey, 203 Jenry Court, spoke against staff recommendation of approval.

Mike Rose, 3124 Jenry Drive, spoke against staff recommendation, stating that allowing this overlay creates a missed opportunity for improving the Donelson Community Corridor. Businesses need to be in business locations.

Ronnie Smith, 3101 Edgemont Drive, spoke against staff recommendation stating that he wants this to stay a residential neighborhood.

Leslie Hunter, 3104 Stafford Drive, spoke against staff recommendation.

Roy Dale stated that he did not hear anyone say they wanted this house to be removed. He noted that the overlay will protect the house; without it, it will most likely be torn down and developed.

**Mr. Clifton moved and Mr. Ponder seconded the motion to close the Public Hearing. (7-0)**

Councilman Gotto suggested a deferral to allow more work from the neighborhood but noted that based on the information presented tonight, he would recommend approval.

Mr. Bernhardt clarified that the commission needed to make two decisions: 1) Is it a neighborhood landmark? And 2) If yes, would it be appropriate to have an office use.

Chairman McLean asked Councilman Stanley if he would be in agreement to a deferral.

Councilman Stanley requested action be taken at this time on the Landmark Overlay, but would agree to a deferral of the plan.

Councilman Gotto stated that he does believe this to be a landmark and also spoke in agreement of deferring the plan.

Mr. Ponder does believe this to be a historical landmark.

Dr. Cummings stated that she is not familiar with this area, but does not have a problem voting it as a landmark based on the information received on the home.

Mr. Clifton stated support of approving this as a landmark.

Mr. Dalton stated agreement with deferring the development plan and does believe that this meets the criteria for a historic landmark.

Mr. Dalton moved approval of the Neighborhood Landmark Overlay and Mr. Ponder seconded the motion.

Councilman Gotto expressed concern regarding the property owner. If the overlay is approved but the development plan is disapproved, then the property value has been significantly altered, which is not fair to the property owner.

Mr. Bernhardt clarified that the overlay only applies if they want to do something different than what the current zoning allows.

Councilman Gotto stated that the overlay is intended to preserve a particular feature and in this case the feature is the house.

Mr. Bernhardt stated that you preserve that by allowing them uses that aren't otherwise allowed in the base zoning.

Mr. Sloan stated that if the overlay is put in place, then the property can be used for any purpose that it is zoned for today. However, the overlay would prevent any altering of the structure.

Councilman Gotto asked Councilman Stanley if he would be willing to stipulate that the overlay would not be put on the property if the development plan does not move forward.

Councilman Stanley stated that if the Planning Commission establishes the overlay and the Council approves it, then the property owner will make sure that any development plan will not have an adverse impact on neighboring properties.

Councilman Gotto stated that both items need to be deferred so the neighborhood can work out all issues.

Mr. Dalton withdrew his motion and Mr. Ponder withdrew his second.

Mr. Clifton moved and Mr. Dalton seconded the motion to defer indefinitely. (7-0)

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011NL-002-001 is **DEFERRED INDEFINITELY. (7-0)**”

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## **J. PLANNING COMMISSION ACTIONS**

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### **Planned Unit Developments: final site plans**

#### **11. 165-79P-001**

##### **RIVERGATE MARKETPLACE (PANDA EXPRESS)**

Map 026-15, Parcel(s) 001

Council District 10 (Rip Ryman)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Rivergate Marketplace Commercial Planned Unit Development Overlay located at 2125 Gallatin Pike, approximately 450 feet north of Twin Hills Drive, zoned SCR and OR20, to permit the development of a 2,448 square foot fast food restaurant with one drive-thru lane, requested by Interplan LLC, applicant, for Price Tennessee Properties, L.P., owner.

**Staff Recommendation: DISAPPROVE. If Metro Stormwater approves plans prior to the meeting then staff recommends approval with conditions.**

The Metro Planning Commission DEFERRED 165-79P-001 to the September 8, 2011, Planning Commission meeting. (6-0)

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#### **12. 2003P-010-001**

##### **JARDIN DE BELLE (REV. LOTS 18, 19, 27, 28 & 29)**

Map 130-13-0-A, Parcel(s) 026-028, 034-035

Council District 34 (Carter Todd)

Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final site plan approval for a portion of the Jardin de Belle Planned Unit Development Overlay District on properties located at 601, 605, 609, 649 and 665 Belle Park Circle, on the north side of Forrest Park Drive, zoned R8 (0.61 acres), to consolidate Lots 18 and 19 into one lot and to consolidate Lots 27, 28 and 29 into two lots, reducing the overall number of lots in the development from 30 to 28, requested by Jesse Walker Engineering, applicant, for W. Hugh Nelson Builders, LLC, Kenneth and Gail Berry, and Benjamin and Mary Joan Rechter, owners.

**Staff Recommendation: APPROVE WITH CONDITIONS**

##### **APPLICANT REQUEST -Reduce overall number of lots from 30 to 28**

**Revise Preliminary PUD and Final Site Plan** A request to revise the preliminary plan and for final site plan approval for a portion of the Jardin de Belle Planned Unit Development Overlay District on properties located at 601, 605, 609, 649 and 665 Belle Park Circle, on the north side of Forrest Park Drive, zoned One and Two Family Residential (R8) (0.61 acres), to consolidate Lots 18 and 19 into one lot and to consolidate Lots 27, 28 and 29 into two lots, reducing the overall number of lots in the development from 30 to 28.

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

**PLAN DETAILS** The Jardin de Belle PUD is located off Page Road adjacent to Warner Park. It was approved originally in 2003 for 34 single-family lots. Several lots were previously consolidated and the PUD currently includes 30 lots.

This preliminary PUD revision proposes to consolidate five existing lots into three lots. Lots 27 through 29 along the eastern end of the interior block would become two lots and lots 18 and 19 on the western end of the interior block would become a single lot.

Consolidation of these lots will not impact conditions of approval of the original PUD approval or the variances granted by the Board of Zoning Appeals for building setbacks, lot size, building coverage, and buffer yard requirements. Each individual building permit plan will still need to meet the original requirements of the PUD approved by the Metro Council, which was intended for a “Charleston Style” appearance.

**PUBLIC WORKS RECOMMENDATION** No exception taken

**STORMWATER RECOMMENDATION** Final site plan approved

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed changes are consistent with the approved PUD plan.

**CONDITIONS**

1. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. This PUD revision shall comply with all conditions of Metro Council bill: BL2003-91.

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

Jesse Walker, applicant, spoke in support of staff recommendation of approval, noting they only want to lower the density.

Hugh Nelson, 637 Belle Park Circle, spoke in support of staff recommendation of approval.

Councilman Gotto out at 5:18 p.m.

Sissy Rogers, 641 Belle Park Circle, spoke in support of staff recommendation of approval.

Councilman Gotto in at 5:21 p.m.

Nelson Crowe, 304 Maybelle Lane, owns four lots in the subdivision and spoke in support of staff recommendation stating that this will accommodate garages/parking and enhance the value of the subdivision.

Bert Dale, 604 Belle Park Circle, spoke in support of staff recommendation of approval and noted that this would definitely be an enhancement to the neighborhood.

Derek Edwards, 601 Belle Park Circle, spoke against staff recommendation, stating that he would like to have a recreational facility for his children.

**Mr. Dalton moved and Dr. Cummings seconded the motion to close the Public Hearing. (7-0)**

Mr. Gee inquired if the recreational facility was approved as part of PUD.

Mr. Johnson stated that a recreational facility was not approved in 2003 under the original Council approval. The Zoning Code Requirement for a recreational facility as part of a PUD was approved into the Zoning Code after the original PUD was approved by Council. Revisions to PUDs are not required to add a recreational facility.

Mr. Clifton stated concerns with this being a revision only.

Mr. Bernhardt clarified that staff is not aware that the combination of these would have any effect on any other requirements in the PUD. A recreational facility is not a requirement of this PUD.

Dr. Cummings spoke in support of staff recommendation.

Mr. Ponder spoke in support of staff recommendation.

Councilman Gotto moved and Dr. Cummings seconded the motion to approve staff recommendation. (7-0)



**Resolution No. RS2011-182**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003P-010-001 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.
2. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. This PUD revision shall comply with all conditions of Metro Council bill: BL2003-91.”

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**Subdivision: Concept Plans**

**13. 2004S-158G-12**

**WATERFORD ESTATES**

Map 174, Parcel(s) 035

Council District 32 (Sam Coleman)

Staff Reviewer: Brenda Bernards

A request to extend preliminary approval to August 11, 2012, for Waterford Estates Subdivision, approved for 75 single-family residential cluster lots on property located at 5722 Cane Ridge Road, and a request for a variance from Section 1-9.2 of the Subdivision Regulations, requested by Pinnacle National Bank, owner, Dale & Associates, surveyor.

**Staff Recommendation: APPROVE and grant a variance to Section 1-9.2 of the Subdivision Regulations to allow the plat extension**

**APPLICANT REQUEST - Extend Preliminary Plat Approval**

**Preliminary Plat Extension** A request to extend preliminary approval to August 11, 2012, for Waterford Estates Subdivision, approved for 75 single-family residential cluster lots on property located at 5722 Cane Ridge Road, and a request for a variance from Section 1-9.2 of the Subdivision Regulations.

**Zoning**

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

**SUBDIVISION DETAILS** The preliminary plat for the Waterford Estates subdivision was originally approved by the Planning Commission in August 2002, for 68 lots under the name Cane Ridge Estates. The number of lots was increased to 74 and the subdivision renamed to Waterford Estates in June 2004. In May 2005, a condition of approval regarding grading was removed. The final plat was approved in August 2005 but never recorded.

**Extension Request** The applicant is requesting an extension of the approval of the preliminary plat to August 11, 2012 to complete the installation of the infrastructure. The majority of the infrastructure is currently in place including roads, domestic water, sanitary sewer,

storm water, street signs, street lights and electric.

The preliminary plat was approved under the previous Subdivision Regulations. But expired in May 2007. The applicant could have requested an additional year extension as progress in the form of installation of infrastructure had been made. The current subdivision regulations were adopted in March 2006. Section 1-9.2 of the Subdivision Regulations prohibits the extension of a preliminary plat approved under the old Subdivision Regulations adopted March 21, 1991.

2. *Subdivisions Submitted or Approved Prior to the Effective Date.* Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extensions shall be granted for these subdivisions.

**Variance Request** The applicant has requested a variance to this section of the Subdivision Regulations. Section 1-11 permits the Planning Commission to grant variances if it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations provided that such variance does not have the effect of nullifying the intent and purpose of these regulations.

The findings are based on a number of criteria. These include conditions unique to the property that are not applicable generally to other property and the particular physical conditions of the property involved. The physical conditions must cause a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

Construction approval was granted by Water Services, Stormwater and Public works in 2005. The Fire Marshal also approved the final plat. Approximately 90 percent of the infrastructure work has been completed. Due to the length of time that no work has been conducted on this property, the Metro agencies have raised concerns with the deterioration of the infrastructure. The applicant has been working with the agencies to address these concerns.

In summary, this plat had received final approval and the installation of the infrastructure is nearing completion. Due to the delay, the infrastructure has deteriorated and has become a health and safety concern. Extending the preliminary plat approval for one year will provide sufficient time for the application to address these issues and submit a final plat for recording.

**STAFF RECOMMENDATION** Staff recommends that preliminary plat be extended to August 11, 2012 and that the Planning Commission grant a variance to Section 1-9.2 of the Subdivision Regulations.

Approve and grant a variance to Section 1-9.2 of the Subdivision Regulations. (7-0), Consent Agenda

**Resolution No. RS2011-183**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-158G-12 is APPROVED and grand a variance to Section 1-9.2 of the Subdivision Regulations. (7-0)”**

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#### 14. 2008S-079U-07

**WESTPORT BUSINESS PARK**

Map 079, Parcel(s) 050, 097

Council District 20 (Buddy Baker)

Staff Reviewer: Brenda Bernards

A request to permit the extension of an approved concept plan for one year until August 25, 2012, for the Westport Business Park for 14 lots located at 7273 Centennial Boulevard and Centennial Boulevard (unnumbered), zoned IR (28.24 acres), requested by Cline Development, applicant.

**Staff Recommendation: APPROVE**

**APPLICANT REQUEST - Extend Concept Plan Approval**

**Concept Plan Extension** A request to permit the extension of an approved concept plan for one year until August 25, 2012, for the Westport Business Park for 14 lots located at 7273 Centennial Boulevard and Centennial Boulevard (unnumbered), zoned IR (28.24 acres).

**Zoning**

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

**SUBDIVISION DETAILS** The concept plan for the Westport Business Park subdivision was approved by the Planning Commission in April 2008 for 14 industrial lots. The Development Plan for Phase I was approved in December 2008. A final plat was submitted for Phase I which included five lots served by a cul-de-sac from Centennial Boulevard. Approvals were received from Public Works and the Fire Marshal and conditional approval from Stormwater Management and Water Services.

**Extension Request** The applicant is requesting an extension of the approval of the concept plan to August 25, 2012 to complete the preparation of the property and to bond the required infrastructure. Had this subdivision been approved under the recently amended regulations, which lengthened the term of the concept plan to four years, the request for an extension would not be necessary.

The applicant has been actively preparing the site for development since receiving concept plan approval. Site preparation has involved filling the site with rock dirt and clay from other building sites. With the reduction in building throughout the region, the amount of available fill material has been greatly reduced, slowing the progress of site preparation.

**STAFF RECOMMENDATION** Staff recommends approval of the request to extend the approval of the concept plan to August 25, 2012.

Approved (7-0), Consent Agenda

**Resolution No. RS2011-184**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-079U-07 is **APPROVED. (7-0)**”

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## **K. OTHER BUSINESS**

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15. “Grant Contract Between the State of Tennessee, TDOT and the MPC of the Metropolitan Government of Nashville – Davidson County on behalf of the Nashville Area MPO for Federal Transit Administration (FTA) Section 5303 Program to support the cost of preparing long range transportation plans, financially feasible Transportation Improvement Plans, and conducting intermodal transportation planning and technical studies. Specifically, the funds will be used for Metropolitan Planning.”

Approved (7-0), Consent Agenda

**Resolution No. RS2011-185**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Grant Contract between the State of Tennessee, TDOT and the MPC to support the cost of preparing long range transportation plans, financially feasible Transportation Improvement Plans, and conducting intermodal transportation planning and technical studies is **APPROVED. (7-0)**”

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16. Employee contract amendment for Felix Castrodad

Approved (7-0), Consent Agenda

**Resolution No. RS2011-186**

“BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract amendment for Felix Castrodad is **APPROVED. (7-0)**”

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

## **L. MPC CALENDAR OF UPCOMING MATTERS**

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**August 25, 2011**

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**August 29, 2011**

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: First draft of Lakewood Community Plan and second draft of Lakewood Zoning

**September 12, 2011**

Lakewood Community Meeting

6pm, DuPont-Hadley Middle School Auditorium

Topic: Final discussion of Lakewood Community Plan and Zoning

**September 15, 2011**

Bellevue Community Meeting

6-8pm, Harpeth Heights Baptist Church, 8063 Hwy 100

Bellevue Community Plan Update: Plan Implementation, transportation, open spaces

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**M. ADJOURNMENT**

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The meeting was adjourned at 5:38 p.m.

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Chairman

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Secretary