



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Lindsley Hall  
730 Second Avenue South  
Nashville, Tennessee 37201

**Minutes**  
**Of the**  
**Metropolitan Planning Commission**  
*December 9, 2004*

**PLANNING COMMISSION:**

Doug Small, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Tonya Jones  
Ann Nielson  
Victor Tyler  
James McLean  
Councilmember J.B. Loring  
Phil Ponder, representing Mayor Bill Purcell

**Staff Present:**

Richard Bernhardt, Executive Director  
Ann Hammond, Asst. Director  
Margaret Holleman, Legal Counsel  
David Kleinfelter, Planning Manager II  
Trish Brooks, Administrative Assistant  
Kathryn Fuller, Planner III  
Adriane Harris, Planner II  
Bob Leeman, Planner III  
Luis Pereira, Planner I  
Chris Wooton, Planning Tech I  
Cynthia Wood, Planner III

**Commission Members Absent:**

Jim Lawson, Chair  
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**I. CALL TO ORDER**

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

**II. ADOPTION OF AGENDA**

Ms. Hammond announced one correction to the agenda. Item #16 – 2004Z-155U-10 should read as 31<sup>st</sup> Avenue North, not 31<sup>st</sup> Avenue, South, as stated.

Ms. Nielson moved and Ms. Cummings seconded the motion, which passed unanimously to approve the agenda as corrected. **(8-0)**

**III. APPROVAL OF NOVEMBER 11, 2004 MINUTES**

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously to approve the minutes of November 11, 2004. **(8-0)**

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Coleman addressed the Commission regarding his items that were on the agenda. He stated that he has held community meetings on all of his items except Item #28 – 1-74-U-13 Hickory Hollow Mall. He requested that staff address issues such as infrastructure, school systems and traffic when presenting the items pertaining to his district.

Mr. Tyler arrived at 4:15 p.m.

Councilmember Tygard stated he would address the Commission when his item was presented to the Commission.

Councilmember Foster stated he would address the Commission when his item was presented to the Commission  
Councilmember Wilhoite stated she would address the Commission when her item was presented to the Commission  
Councilmember Toler stated he would address the Commission when his items were presented to the Commission  
Councilmember Whitson spoke regarding Item #2004S-267U-07. He explained the issues related to this proposal and stated that he would support the constituents who are opposing the proposal.

Councilmember Gotto spoke in favor of Item #2003Z-116G-14. He stated he would be holding a community meeting regarding this proposal before it proceeds to Council for approval.

Councilmember Shulman spoke regarding Item #2004Z-140U-10. He stated that he would continue to hold public meetings with the community members affected by this proposal and work on the issues associated with the project before it proceeds to Council.

Councilmember Greer spoke in favor of Item #2004Z-023T and the request to rehear 89P-022U-10 -- Melrose PUD. He stated that there are several issues that would warrant a rehearing of the Melrose PUD (i.e., traffic and development size).

Mr. Clifton arrived at 4:20 p.m.

Mr. Bernhardt announced that there was another correction to the agenda. He stated that Item #8 – 2003Z-116G-14 should read “a request to change from R10 to MUL”, not CS as stated.

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously to approve the agenda as corrected. **(9-0)**

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

- |     |               |  |
|-----|---------------|--|
| 4.  | 2004Z-144G-06 | Hickory Bell Retail PUD – Request to revise a portion of the preliminary and for final approval at Old Hickory Boulevard – <i>deferred to January 13, 2005 at the request of the applicant</i> |
| 23. | 2004S-345U-13 | Keeneland Downs – Request for Preliminary plat approval for 161 cluster single-family lots on Hamilton Church Road – <i>deferred to January 13, 2005 at the request of the applicant</i>       |
| 26. | 2004S-355U-10 | Hobbs Place – Request for final plat approval to create two lots on Hobbs Road – <i>deferred to January 13, 2005 at the request of the applicant</i>   |

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. **(9-0)**

#### **VI. PUBLIC HEARING: CONSENT AGENDA PLANNED UNIT DEVELOPMENTS**

- |    |             |  |                        |
|----|-------------|--|------------------------|
| 7. | 89P-013U-12 | Hickory Bell Retail PUD – Request to revise a portion of the preliminary and for final approval at Old Hickory Boulevard | - Approve w/conditions |
|----|-------------|--|------------------------|

#### **ZONING MAP AMENDMENTS**

- |     |               |   |                               |
|-----|---------------|---|-------------------------------|
| 8.  | 2003Z-116G-14 | A request to change from R10 to CS district properties at part of 4900 Lebanon Pike and part of Lebanon Pike (unnumbered)                                       | - Approve                     |
| 10. | 2004Z-024T    | An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.04.060 to allow business schools to offer four-year degrees | - Approve, no exception taken |
| 18. | 2004Z-159U-13 | A request change from R15 to RM9 district property  | - Approve                     |

- located at 1224 Rural Hill Road, approximately 350 feet south of Bridgecrest Drive (0.75 acres)
19. 2004Z-162U-08 A request to change from CS and R6 to MUL district properties located at 1703, 1705, 1709, 1711, and 1713 8th Avenue North and 1702, 1704, and 1706 Nassau Street - Approve

**FINAL PLATS**

24. 2004S-313U-14 Wright Industries - 2nd Rev. of Lot 1 - A request for final plat approval to create 3 lots abutting the north margin of Elm Hill Pike, approximately 600 feet west of Massman Drive - Approve w/ conditions
25. 2004S-335G-04 Keels Subdivision – Request for final plat approval to subdivide one existing lot into two lots, at Sarver Avenue - Approve, including variances for lot size, lot width and sidewalks
27. 2004S-356U-03 Allen Property Subdivision - A request for final plat approval to create two lots abutting the north margin of Cliff Drive, approximately 400 feet east of Buena Vista Pike - Approve

**PLANNED UNIT DEVELOPMENTS**

29. 68-79-G-13 Whitt's Barbeque- A request to revise a portion of the preliminary and for final for a portion of the Commercial Planned Unit Development district, classified OR20, (1.49 acres), to permit a 7,200 square foot light-manufacturing use, and a 3,150 square foot office/warehouse facility, replacing a 5,366 square foot office/light-manufacturing facility - Approve w/ conditions
30. 122-83-U-12 Woodlands Residential PUD, Phase 2, Section 1A- A request for revision to preliminary PUD plan and for final PUD approval to allow for the development of 3 lots in a portion of the existing PUD (classified R15), to permit 118 single-family lots, replacing 152 single-family lots, located along the south side of Old Hickory Boulevard - Approve w/ conditions
31. 18-84-U-10 Blakeford at Greenhills (Burton Hills)- A request to revise the preliminary for a phase of the Residential Planned Unit Development located abutting the east side of Burton Hills Boulevard and the north side of Seven Hills Boulevard, classified R15, (9.52 acres), to relocate and change the building footprint without changing the number of living units, and provide a new access point along Seven Hills Boulevard, also requesting for final PUD approval to develop 30 nursing home beds and 17 assisted-living beds where 132 independent living units are existing. - Approve w/ conditions
33. 88-85-P-06 West Park, Phase 3 - A request for final approval for a phase of the Residential Planned Unit Development District located abutting the south margin of Charlotte Pike, north of I-40, classified within the R15 district, (25.6 acres), to permit the development of 55 multi family units - Approve w/ conditions
34. 47-86-P-02 Nashville Business Center - A request to revise a portion of the preliminary plan and for final approval for a portion of the - Approve w/ conditions

Industrial Planned Unit Development District abutting the north margin of Brick Church Lane and the eastern margin of Interstate 24 (38.69 acres), classified IWD, to permit the development of a 501,300 square foot warehouse/office facility, replacing 445,000 square feet of unbuilt warehouse/office facilities

#### **MANDATORY REFERRALS**

- |     |               |   |           |
|-----|---------------|---|-----------|
| 37. | 2004M-121U-09 | A request for an aerial encroachment to permit an entry canopy and multiple residential balconies over the Church Street right-of-way, located at 411 Church Street, by Ed Owens of Gresham, Smith & Partners, applicant, for Viridian Development Company, LLC, owner. | - Approve |
| 38. | 2004M-122UG   | A request to adopt the Metropolitan Government of Nashville and Davidson County Official Street and Alley Map, requested by the Director of Metro Public Works.   | - Approve |
| 39. | 2004M-123U-14 | A request for an easement acquisition located at 212 Walnut Hill Drive, Metro Water Services Project No. 01-SG-92, requested by Metro Water Services.   | - Approve |
| 40. | 2004M-124G-10 | A request to abandon a water reservoir and water tank properties located at 925 and 929 Otter Creek Road and 941 and 945 Forest Acres Court, Metro Water Services Project No. 04-WG-153, requested by Metro Water Services.   | - Approve |

#### **OTHER BUSINESS**

- 41. Contract Renewals for Ann Hammond, Jeff Lawrence and David Kleinfelter - Approve
- 42. Employee Contracts for Fred Schwartz and Randy Morgan - Approve
- 44. Correction to Minutes of September 23, 2004 - Approve

Ms. Nielson moved and Mr. Ponder seconded the motion, which passed unanimously to approve the Consent Agenda as presented. (9-0)

### **VII. BELLEVUE COMMUNITY PLAN: UPDATE**

**Staff Recommendation** - Defer indefinitely and conduct Detailed Neighborhood Design planning process to determine the most appropriate policies to apply in this and surrounding developable areas

**APPLICANT REQUEST**- Change the land use policy from Residential Low-Medium Density (RLM) to Community Center (CC) for approximately 25 acres and Residential Medium Density (RM) for approximately 10 acres for 21 properties between Old Harding Pike and Highway 100.

#### **Existing Land Use Policy**

**Residential Low-Medium Density (RLM)** - RLM is intended for residential development at densities between 2 and 4 dwelling units per acre.

#### **Proposed Land Use Policies**

**Community Center (CC)** - CC is intended for a mixture of retail, office, and residential uses.

**Residential Medium Density (RM)** - RM is intended for residential development at densities between 4 and 9 dwelling units per acre.

#### **ANALYSIS**

As mentioned in the previous staff report, Planning staff has serious doubts that the current land use policy of Residential Low-Medium Density is sustainable over time for this location. These doubts were expressed during the plan update process. Staff is not yet convinced, however, that the current proposal is the most appropriate policy arrangement for the area.

There are other parcels that surround the current Community Center policy area that staff believes are subject to pressure for intensification and for which the policies should be reexamined. Staff believes that the detailed policy arrangement for the larger “triangle” Community Center node and these surrounding properties subject to pressure for intensification are best reexamined through a Detailed Neighborhood Design Plan process that is not driven by the pending amendment request.

There are several key factors considered in staff’s analysis:








1. The site has good locational characteristics for commercial and medium density residential development because it adjoins an existing commercial node that is wedged between two arterial streets and serves an area that has additional growth potential
2. The realignment of the Temple Road intersection with Highway 100 improves access to the site from the south
3. All parcels in the site are included in the proposal, which better enables development to take place as part of a consolidated plan that could respond to infrastructure needs in the immediate area and design concerns, especially those related to the scenic nature of the Highway 100 corridor
4. The consolidated nature of the proposal also leads to a firmer natural boundary for the area of more intense development (floodplain of the Harpeth River)
5. The need for additional commercial opportunity to be provided in Bellevue at this time is questionable ex: the planned and approved Bellevue Town Center farther east on Old Harding Pike has yet to develop; this particular node is developed at a floor area ratio of 0.14, well below the maximum permitted floor area ratio of 0.60 for the CL zoning district that covers most of the commercial area; and finally, the nearby Bellevue Mall commercial area is currently underutilized.
6. Road infrastructure is inadequate: Old Harding Pike and Highway 100 are both two-lane arterials, which is below the typical level of access provided to large commercial concentrations. Neither road is scheduled to be widened until well beyond the five to seven years when the next community plan update process for Bellevue is expected to occur.
7. The scenic character of Highway 100 could be degraded by lengthening the amount of commercial frontage along it. This impact would be greater if development were to occur in a piecemeal fashion.
8. The only changed condition in the area since the plan’s adoption just under two years ago is the realignment of Temple Road.
9. Community opposition to the proposed amendment is very strong. Community participation in planning in Bellevue has historically been high and it is important to the community to feel a sense of ownership of the plan. Planning staff also finds this ownership important, particularly to aid in the plan’s implementation over time and to ensure future participation in the planning process.
10. Community representatives also emphasized flooding problems in the area and general environmental impacts of development, school overcrowding, and potential increased cut-through traffic in their neighborhoods as problems with intensification in the area that need to be addressed

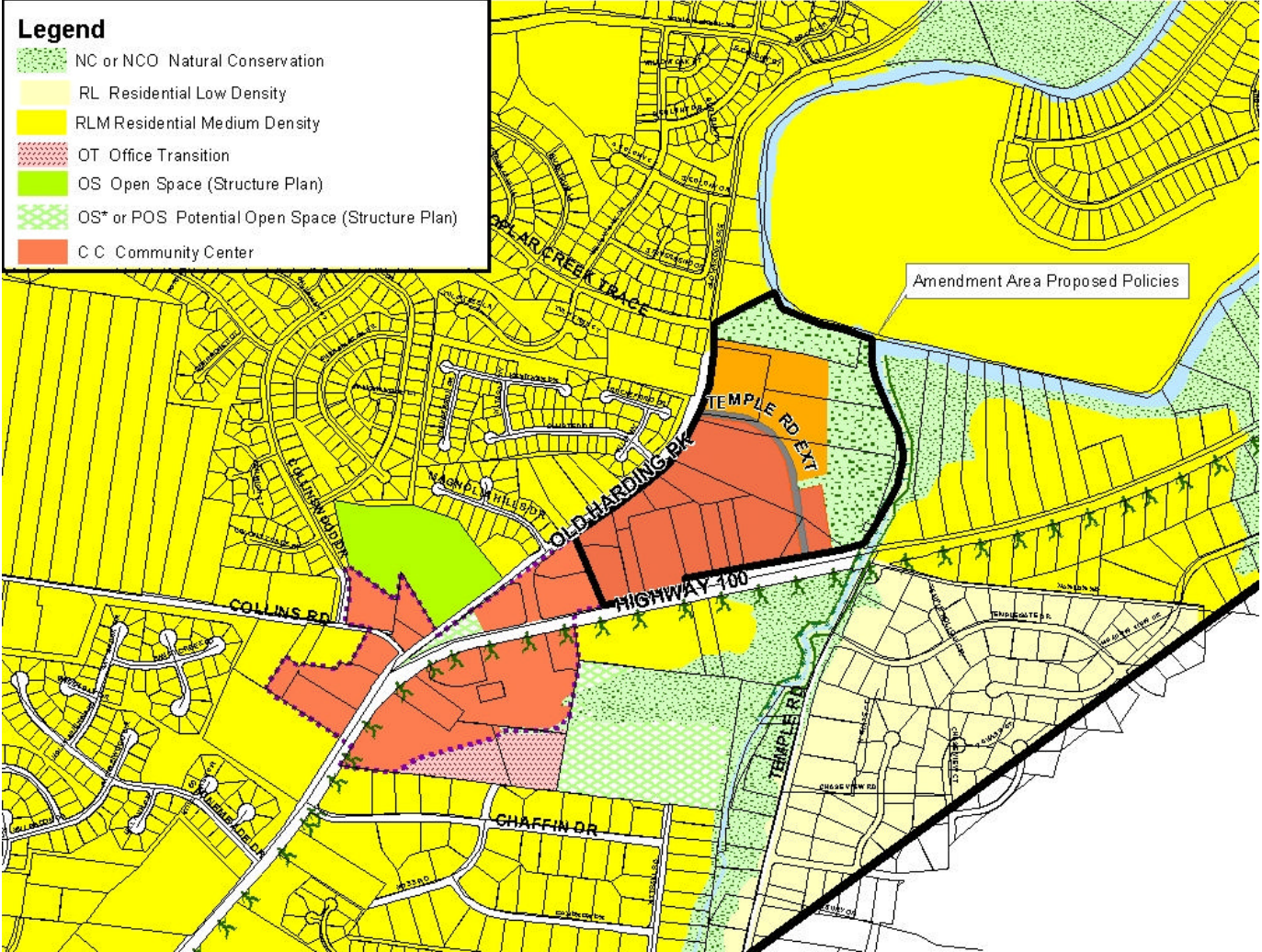
These factors are not all equally weighted. For example, the first factor, the site’s suitability for more intense development, is heavily weighted especially in light of staff’s doubts about the current Residential Low Medium policy on the properties in question. The request that is now before the Commission is evidence of the pressure this area faces, and will continue to face, to intensify. The fact that the “triangle” Community Center node was expanded to the west a few months after the Bellevue Community Plan was adopted is additional evidence of this pressure. Staff is convinced that this pressure will continue, and it is important that a realistic and sustainable policy arrangement be developed for this area, both so developers and neighbors know what to expect and for the overall integrity of the Community Plan.

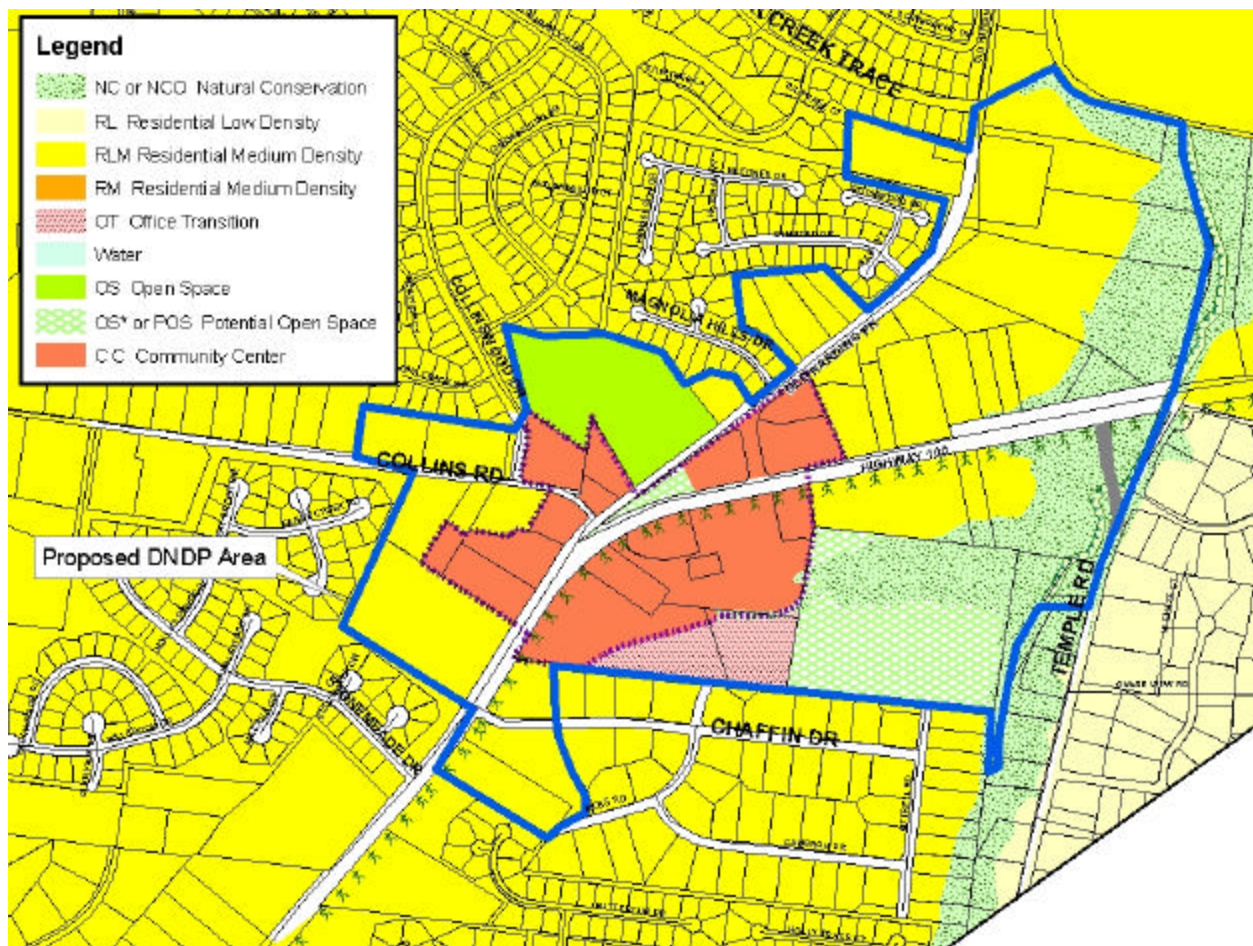
Therefore, staff recommends that the proposal be deferred indefinitely pending completion of a Detailed Neighborhood Design Plan for the area. The development of this plan will include a market study conducted by the Planning Department to determine the demand for additional commercial space. Staff intends to complete the Detailed Neighborhood Design Plan by the end of February.

Two graphics are included with this report. The first graphic shows the amendment proposal. The second graphic shows the area proposed for a DNDP.

**Legend**

-  NC or NCO Natural Conservation
-  RL Residential Low Density
-  RLM Residential Medium Density
-  OT Office Transition
-  OS Open Space (Structure Plan)
-  OS\* or POS Potential Open Space (Structure Plan)
-  C C Community Center





Ms. Wood presented and stated that staff is recommending to defer indefinitely to allow time to conduct a Detailed Neighborhood Design Planning process to determine the most appropriate policies to apply in this and surrounding developable areas.

Mr. Sonny Farmer, 417 W.F. Russell Court, spoke in favor of the amendment.

Mr. Jacky Allen, 7009 Waterbury Pointe, spoke in favor of the planned unit development.

Ms. Judith Ann Orman, 6320 Holly Trace Way, spoke in opposition to the amendment.

Mr. Jon Ladd, 104 Temple Hollow Circle, spoke in opposition of the amendment.

Mr. Ron Cooper, 7917 Meadow View Drive, spoke in opposition to the amendment.

Ms. Jeanette Bolden, 5940 Temple Road, spoke in support of the amendment.

Mr. Bobby Bolden, 5940 Temple Road, spoke in support of the amendment.

Mr. Roy Dale spoke in support of the amendment.

Mr. Bob Neel spoke regarding the proposed amendment.

Ms. Michelle Barr spoke regarding the proposed amendment.

Mr. Bill Cook, 7020 Poplar Creek Trace, spoke in opposition to the amendment.

Mr. Daryl Bowman, 103 Fox Hunt Pointe, spoke in favor of deferring until staff completes a detailed neighborhood design plan.

Mr. Shawn Henry, attorney, spoke in opposition to deferring the amendment.

Ms. Sharon Hurt, 6313 Willow Oak Drive, spoke in opposition to the amendment.

Councilmember Tygard commented that he did not have a position on this proposed amendment and suggested that the Commission take action on the item. He commented that there is much confusion associated with the amendment and the next step, whether it is to approve or disapprove, should be taken by the Commission to allow the community to move beyond this phase of the proposed amendment.

Mr. Bill Donelson spoke in opposition to the proposal.

Ms. Jones spoke in favor of approving the amendment. She stated that the amendment could actually bring the much needed improvements necessary for this area.

Mr. Tyler agreed that the Commission should move forward on this amendment.

Ms. Cummings agreed that good planning is needed in Bellevue. She stated she was in support of the motion.

Mr. Clifton requested clarification on the actual area that would be amended. He stated he had reservation in amending the parcels for the particular land uses and was not sure how he would vote on the issue.

Mr. McLean clarified his thoughts on the motion and its results if approved.

Ms. Nielson agreed that the plan should move forward and was in support of the motion.

Mr. Small expressed concerns on amending the subarea plan. He spoke of the various phases that would develop if the plan were approved. He stated that the area is in need of good planning.

Ms. Jones moved, and Mr. Loring seconded the motion, which passed unanimously to approve the Amendment to the Bellevue Community Plan: 2003 Update. **(9-0)**

**Resolution No. 2004-433**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Bellevue Community Plan: Update was **APPROVED. (9-0)**”

**VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON  
PUBLIC HEARING  
ZONING MAP AMENDMENTS**

- 1. 2004Z-118U-12**  
Map 147-7, Parcel 84, 85, 236  
Subarea 12 (2004)  
District 27 (Foster)

A request to change from R6 to RM15 district at J.J. Watson Avenue (unnumbered), west of Nolensville Pike, (4.57 acres), requested by Nader Karshenas, applicant/owner.

**Staff Recommendation** - Approve with conditions

**APPLICANT REQUEST** - Rezone 4.57 acres from residential (R6) to residential multi-family (RM15) district at J. Watson Avenue (unnumbered).



**Existing Zoning**

**R6 district** - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.72 dwelling units per acre including 25% duplex lots. This R6 district allows approximately 35 dwelling units currently.

**Proposed Zoning**

**RM15 district** - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The RM15 district would allow for approximately 69 dwellings homes.

**SOUTHEAST COMMUNITY PLAN POLICY**

**Residential Medium High (RMH)** -RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

**Policy Conflict** - No. The proposed zoning district (RM15) is consistent with the Southeast Community Plan’s RMH policy calling for residential development within a density range of nine to twenty dwelling units per acre. It is also consistent with the surrounding zoning pattern with RM15 adjacent to the property and RM20 to the north of the property.

**Gravesite Survey** At the September 9, 2004 meeting, the Commission requested that a survey be done on the property to determine if grave sites are on the property. The applicant has submitted a letter from the Tennessee State archaeologist, Nick Fielder. There was no indication of graves located on Parcels 84 and 85 included with this request. The large cemetery is located on Parcel 017 to the west of these parcels, at the terminus of Winston Avenue, with a row of grave sites on the common property line of parcels 017 and 085. Parcel 236 was not observed under the assumption that graves, if present on this site, would most likely be closer to the location of the large cemetery.

The applicant also hired a private archeological and historical services firm to study this site and their conclusions were consistent with the state archaeologist. Their findings were based on a survey conducted on April 23, 2003, and an intensive survey conducted in September and October 2004. The survey found that there were no gravesites on the parcels requested for rezoning, but that there are gravesites on the common property line of parcels 017 and 085. A ten foot buffer is required along this property line based on current state cemetery laws. If required, subsurface probing testing can be accomplished at the development stage during landscaping and surface preparation for construction.

**RECENT REZONINGS** - Parcels 29, 30, and 34 were rezoned from R6 to MUL in November 2003. The Planning Commission recommended approval on September 25, 2003.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENDATION** - No Exception Taken.

**Typical Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single -Family Detached ( 210 )	4.57	6.18	28	324	30	35

**Typical Uses in Proposed Zoning District: RM15**

Land Use (ITE Code)	Acres	Density per acre	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome ( 230 )	4.57	15	69	590	48	56

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

Land Use (ITE Code)	Acres	--	Total Number of units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+63	266	18	21

**METRO SCHOOL BOARD REPORT**

Projected student generation      7 Elementary    4 Middle      3 High

**Schools Over/Under Capacity** - Students would attend Tusculum Elementary School, McMurray Middle School, or Overton High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

**CONDITIONS**

1. A ten foot buffer above any other required buffer by the State of Tennessee shall be required with any development of this property along the western property line of parcel 085 to protect any gravesites in this area.

Ms. Harris presented and stated that staff is recommending approval with conditions.

Mr. Shawn Henry, 315 Deadrick Street, spoke in support of the proposal.

Mr. Nick Fielder, State Archeologist, Department of Environment Conservation, spoke to the Commission regarding cemeteries and gravesites.

Councilmember Foster stated there have been various meetings regarding this proposal. He stated that he was cognizant of the fact that the land would be developed, and wanted assurance from Water Services that any development located at this site would not cause issues for the residents residing below the development site. Councilmember Foster also expressed sensitivity towards the proposed gravesites within the area. He stated that if the Commission were to approve the proposal, he will continue to meet with the residents and the developers to address the issues associated with it.

Ms. Angela Dobbins, 4413 Winston Avenue, spoke in opposition to the proposal.

Mr. Kenneth Pratt, 432 Nolensville Pike spoke in spoke in opposition to the proposal.

A resident of 4401 Nolensville Road spoke in opposition to the proposal.

Ms. Doris Dobbins, 4413 Winston spoke in opposition to the proposal.

Ms. Nancy Lansdell, business owner, spoke in opposition to the proposal.

Ms. Fannie Seet spoke in opposition to the proposal.

Ms. Nielson acknowledged the concerns of the residents and the alleged gravesites located on this property that were not indicated on the survey. She stated she would like to see Councilmember Foster continue to work with the community to ensure the best development possible for this parcel.

Ms. Cummings requested additional information regarding the width of J.J. Watson Avenue.

Mr. Charles Hasty, Public Works, stated that if the proposal is approved, then Public Works will address the issues of street improvements with the developer.

Ms. Cummings also requested additional information regarding the stormwater issues.

Mr. Hasty stated that Water Services would have to address this issue.

Ms. Nielson requested additional information regarding the length of J.J. Watson Avenue.

Mr. Hasty explained the length of J.J. Watson Avenue and stated that Public Works would anticipate asking the developer to make some significant improvements (including additional right-of-way and roadway improvements) if the plan were approved.

Ms. Cummings requested additional information regarding the proposed gravesites in the area and the legal aspects of moving them.

Ms. Holleman agreed with the Archeologist in that the owner of the property has the right to move graves if they choose to develop the land. She also included that it was her understanding that the owners also have the right to leave the graves where they are located and place a buffer around them.

Ms. Cummings suggested placing another condition on the project that would include the developer should meet with the elders of the community to identify any known gravesites in the area that were not indicated on the survey.

Mr. Bernhardt explained that this is just a zone change request and the condition regarding the location of gravesites could be added to the property development phase.

Mr. Ponder expressed a concern regarding the number of units that would be placed on this property in relation to the stormwater issue. He was comfortable that the issue regarding the proposed gravesites in that they would be properly addressed in the next phase of development.

Mr. Loring spoke in favor of the proposal.

Ms. Jones spoke in favor of the development.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve with conditions Zone Change 2004Z-118U-12. **(9-0)**

**Resolution No. RS2004-434**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-118U-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. A ten foot buffer above any other required buffer by the State of Tennessee shall be required with any development of this property along the western property line of parcel 085 to protect any gravesites in this area.

**The proposed RM15 district is consistent with the Southeast Community Plan’s Residential Medium High (RMH) policy intended for residential development at a density of nine to twenty dwelling units per acre. The Tennessee State Archaeologist and a private firm confirmed that there were no gravesites found on the properties requested for rezoning, but gravesites were located on the common property line of parcels 017 and 085. Any gravesites found in this area should comply with state law to provide a ten foot buffer to protect the gravesites in the area.”**

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The Commission recessed at 5:50 P.M.

Ms. Nielson left the meeting at 5:50 p.m.

The Commission resumed at 6:00 p.m.

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2. **2004Z-139G-12**  
Map 181, Parcel 44  
Subarea 12 (2004)  
District 31 (Toler)

A request to change from AR2a to RM9 district property at 6614 Nolensville Pike., approximately 140 feet south of Autumn Oaks Drive, (7.7 acres), requested by John Hays, applicant for Jesse M. Roland, owner.

**Staff Recommendation** - *Disapprove* RM9, but *approve* RM6.

**APPLICANT REQUEST** - Rezone 7.7 acres from agricultural/residential (AR2a) to residential multi-family (RM9) district at 6614 Nolensville Pike, approximately 140 feet south of Autumn Oaks Drive.

**Existing Zoning**

**AR2a district** - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for approximately 4 homes currently on this site.

**Proposed Zoning**

**RM9 district** - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The RM9 would allow for approximately 69 dwelling units.

**SOUTHEAST COMMUNITY PLAN POLICY**

**Residential Medium (RM)** - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

**Policy Conflict** - The Southeast Community Plan’s RM policy is intended for residential development at a density of four to nine dwelling units per acre. Although RM9 is consistent within that policy, it may not be appropriate at this location.

This property is located between Residential Low Medium policy to the northwest and Community Center policy to the southeast.

Staff recommends a lower density RM zoning district to provide a transition between the higher intensity policy area and approved development to the southeast (see below) and the single-family development (Autumn Oaks Subdivision) adjacent to this property to the north.

**RECENT REZONINGS** - Parcel 049 to the southeast the “Hoover Property” was rezoned from AR2a to SCC, RM9, and R15 in July 2004, by Metro Council, with a Planned Unit Development Overlay. The Planning Commission recommended approval of the zone change (2004Z-057G-12) and approval with conditions of the PUD (2004P-013G-12) on May 13, 2004.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENATION** - No Exception Taken.

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

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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Single-Family Detached (210)	7.7	0.5	4	39	3	5
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**Typical Uses in Proposed Zoning District: RM9**

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	7.7	9	69	469	39	45

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				430	36	40

**METRO SCHOOL BOARD REPORT**

Projected student generation      7\_Elementary    4\_Middle      3\_High

**Schools Over/Under Capacity** - Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Shayne has been identified as being over capacity by the Metro School Board. There is capacity at another elementary school within the cluster. This information is based upon data from the school board last updated August 31, 2004.

Ms. Harris presented and stated that staff is recommending disapproval of the RM9, but approval of RM6.

Mr. Shawn Henry, 315 Deadrick St., spoke in support of a RM9 base zoning to include a PUD overlay. He explained that he met with the neighbors and received support for 47 detached units for this proposal.

Councilmember Toler stated that he would be in support of the 47 detached units, but he will require a PUD overlay before moving it forward to Council.

Mr. Ponder requested additional information pertaining to the number of units proposed for this development.

Ms. Harris gave further explanation on the number of units proposed in this development.

Mr. Bernhardt explained that the RM9 and the RM6 could accommodate this request and that the Commission should defer their action until a PUD is presented.

Ms. Harris stated that there was a Council bill filed and the Commission needed to take action on this proposal.

Mr. Ponder moved, and Ms. Cummings seconded the motion, which passed unanimously to approve staff recommendation, which is approval of RM6 for Zone Change 2004Z-139G-12. **(8-0)**

**Resolution No. RS2004-435**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-139G-12 is **DISAPPROVED RM9, BUT APPROVED RM6. (9-0)**

**Although the proposed RM9 district is consistent with the Southeast Community Plan’s Residential Medium (RM) policy calling for four to nine dwelling units per acre, densities at the higher end of this policy range are not appropriate at this location. This property is located between a higher intensity policy and approved**

**development to the southeast (“Hoover Property”) and single-family development adjacent to this property to the north (Autumn Oaks Subdivision). The RM6 district would provide a transition from the single-family development to the north and the higher intensity development approved to the southeast.”**

3. **2004Z-140U-10**  
 Map 132-01, Parcel 31  
 Subarea 10 (1994)  
 District 25 (Shulman)

A request to change from R20 to RS10 district at 4115 Lealand Lane, approximately 400 feet south of Greerland Drive, (1.76 acres), requested by Scott Morgan, applicant/owner, James Halloran, owner.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST -** Rezone 1.76 acres from residential (R20) to residential single-family (RS10) district at 4115 Lealand Lane.

**Existing Zoning**

**R20 district -** R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. The R20 district allows approximately 4 dwelling units currently.

**Proposed 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. The RS10 district would allow for approximately 7 dwelling units.

**SUBAREA 10 PLAN POLICY**

**Residential Low (RL) -** RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominate development type is single-family homes.

**Policy Conflict -** Yes. The proposed RS10 district is not consistent with the Subarea 10 Plan’s RL policy in this area intended for residential development at a density of one to two dwelling units per acre. The RS10 district allows for a density of 3.7 dwelling units per acre and exceeds the density range of the policy in this area.

**RECENT REZONINGS -** Properties to the south of this property were approved by the Commission for a change from R20 to RS20 zoning at its October 28, 2004, meeting.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENDATION -** No Exception Taken.

Typical Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (0)	1.76	1.85	3	29	3	4

Typical Uses in Proposed Zoning District: RS10

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached	1.76	3.7	7	67	6	8

0						
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Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				38	3	4

**METRO SCHOOL BOARD REPORT**

Projected student generation      <1\_Elementary   <1\_Middle      <1\_High

**Schools Over/Under Capacity** - Students would attend Glendale Elementary School, Croft Middle School, or Overton High School. Croft has been identified as being over capacity by the Metro School Board. There is capacity at another middle school within the cluster. This information is based upon data from the school board last updated August 31, 2004.

Ms. Harris presented and stated that staff is recommending disapproval.

Mr. Shawn Henry, 315 Deadrick Street, spoke in support of the proposal.

Ms. Jeanette Nash, 1000 St. Andrews Place, spoke in support of the proposal.

Ms. Sue Richardson, 4101 Lealand Lane, spoke in opposition to the proposal.

Mr. Bob Vanderspek, 4108 Lealand Lane, spoke in opposition to the proposal.

Mr. Clifton stated that the proposal is not consistent with the Subarea plan. He stated that density was an issue.

Ms. Cummings requested clarification on the history of the zoning of the surrounding properties.

Mr. Tyler stated that he agreed with staff recommendations due to the density of the proposal.

Mr. Ponder requested additional information pertaining to the proposed rezoning and other possibilities for this parcel.

Mr. Ponder suggested disapproving the proposed RS10, and to approve RS15.

Ms. Jones expressed concerns over rezoning without conferring with the applicant.

Mr. Bernhardt suggested that the Commission take action on the RS10 zone change request and then direct the Planning Staff to initiate RS15 for the rest of the area to see if there would be interest for this type of rezoning.

A brief discussion ensued among the Commission members regarding their options on this proposal.

Mr. Ponder moved, and Mr. McLean seconded the motion, to disapprove the request to rezone to RS10, but approve the request to rezone 2004Z-140U-10 to RS15. **(6-2) No Votes – Tyler, Clifton**

**Resolution No. RS2004-436**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2004Z-140U-10 is **DISAPPROVED RS10, BUT APPROVED RS15. (6-2)**

**The proposed RS10 district is not consistent with the Subarea 10 Plan's Residential Low policy intended for residential development at a density of one to two dwelling units per acre. It is also not consistent with the surrounding zoning pattern. The RS15 district would allow for a transition between the larger lots to the north and east and the smaller lots to the south of the property."**

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4. **2004Z-144G-06**  
Map 114, Parcel 209.02, 213, And 329  
Subarea 6 (2003)  
District 23 (Whitson)

A request to change from R10 to RM15 district properties at 7301 Sonya Dr. and Sonya Dr. (unnumbered), east of Old Hickory Boulevard, (13.32 acres), requested by CCH Partners, G.P., applicant/owner.

**The Metropolitan Planning Commission DEFERRED Zone Change 2004Z-144G-06 to January 13, 2005 at the request of the applicant. (9-0)**

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## **IX. FINAL PLATS**

5. **97S-014U-03**  
Forest Vale Subd.  
Map 059-01, Parcel 28-34  
Subarea 3 (2003)  
District 1(Gilmore)

A recommendation from the Metropolitan Department of Law to rescind the original approval of the preliminary and final approval for seven lots abutting the northeast corner of Briley Parkway and Buena Vista Pike, opposite Beal's Lane (3.52 acres), classified within the R15 District, requested by Howard Fisher, owner/developer, H & H Land Surveying, Inc., surveyor. The original plat was approved without the required sewer line extension being built or properly bonded.

Ms. Fuller presented and stated that on advice from the Metropolitan Department of Law, staff recommends that the prior approval be rescinded.

Mr. Brooks Fox explained the issues associated with this proposal. He stated that Metro Legal is in support of rescinding the approval of this proposal.

Mr. Mike Morris, Metro Water Services, verified that Water Services approved a subdivision plat in 1997, and that it was subject to the posting of a bond or construction of a sewer line. Mr. Morris stated that neither has taken place. He stated that there have been multiple attempts to resolve this issue, but all have been unsuccessful.

Mr. Fox verified with Mr. Morris that the final plat included in the Commissioner's packet was the same final plat originally approved by Water Services.

Mr. Fox also verified that the original construction plan that was in Mr. Morris' possession was that which was originally submitted by Mr. Fisher.

Mr. Fox also verified with Mr. Morris that the construction plans were not built out.

Mr. Brooks Fox submitted several items into the record. They were as follows:

- A copy of the construction plans,



- A letter dated June 8, 2004 addressed to Mr. Bernhardt regarding Forest Vale Subdivision 1997S-014U, written by Mr. Brooks Fox
- A letter dated June 3, 2004 addressed to Mr. Howard Fisher regarding Forest Vale Subdivision 1997S-014U, written by Mr. Brooks Fox
- A letter dated February 21, 2003 addressed to Mr. Terry Cobb, written by Mr. Scott Potter.
- A letter dated July 17, 1997 addressed to Ms. Nancy Phillips, written by Mr. James S. Norman.

Mr. Fox suggested that the Commission defer the Public Hearing on this item until the second meeting in January.

Mr. Jesse Walker, a Civil Engineer representing the owner of Lot 2, spoke in support of deferring this item until the second meeting in January.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to defer the Public Hearing until January 27, 2005. **(8-0)**

**The Metropolitan Planning Commission DEFERRED 97S-014U-03 to January 13, 2005 at the request of the applicant. (9-0)**

6. **2004S-267U-07**  
 West Meade Village, Section C-1, Resubdivision of Lot 8  
 Map 118-08, Parcel 68  
 Subarea 7 (2000)  
 District 23 (Whitson)

A request for final plat approval to subdivide 1 existing lot into 2, located at the southeast corner of Davidson Road and Bresslyn Road (2.13 acres), classified RS40 district, requested by Joan B. Hager, owner and John Hood, surveyor.

**Staff Recommendation** - *Approve with conditions, including a lot comparability waiver.*

**APPLICANT REQUEST**

**Final Plat** - Request to subdivide one existing lot into 2 lots on 2.13 acres at the southeast corner of Davidson Road and Bresslyn Road.

**ZONING**

**RS40 district** - RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

**SUBDIVISION DETAILS**

**Lot Comparability** - Section 2-4.7 of the Subdivision Regulations state that lots in areas that are predominantly developed to be generally in keeping with the lot frontage and lot area of surrounding lots. A lot comparability waiver can be granted if the lot is smaller in lot frontage and area if it is consistent with the land use policy in the area.

A lot comparability test was conducted and the lot area yielded a minimum lot size of 51, 245 sq. ft. and a minimum allowable lot frontage of 167 feet. Both lots failed for lot area since the proposed lot area for lot 1 is 49,720 sq. ft. and for lot 2 is 42,263 sq. ft. The lots passed for lot frontage since the proposed lots have over the 167 feet minimum.

Sidewalks are not required since the zoning is RS40. Sidewalks are not required unless zoned under RS20, or lot sizes are less than 20,000 square feet.

**STAFF RECOMMENDATION** - Staff recommends approval of the subdivision and a lot comparability waiver. These lots are located within the Subarea 7 Plan's Residential Low policy intended for residential development within a density of 1 to 2 dwelling units per acre. The proposed subdivision allows for two dwelling units on two

acres which is consistent with both the policy and the zoning. Also, the frontage for the new lot to be created on Bresslyn Road has frontage that is comparable with the frontage of other lots on that street

**PUBLIC WORKS RECOMMENDATION - No Exception Taken.**

**CONDITIONS**

1. Prior to recordation, a note shall be added to the plat stating that: "The installation, operation and maintenance of the private sewer line crossing Lot Two will be the responsibility of the owner of Lot One."

Ms. Harris presented and stated that staff is recommending approval with conditions and approval of a lot comparability waiver.

Ms. Joan Hager Davis, 429 Davidson Road, spoke in support of the proposal and submitted plans to the Commission for the record. She also submitted photos for the record.

Ms. Melissa Shirey, 420 Powder Mill Road, spoke in opposition to the proposal.

Mr. Terry Shirey, 420 Power Mill Road, spoke in opposition to the proposal.

Ms. Ellen Simpson, 6006 Bresslyn Road spoke in opposition to the proposal.

Ms. Pamela Clark, 423 Davidson Road, spoke in opposition to the proposal.

Mr. Martin Kresge, 412 Powder Mill Road, spoke in opposition to the proposal.

Mr. Doug Wright, 408 Powder Mill Road, spoke in opposition to the proposal.

Mr. Walter Marianelli, 417 Davidson Road, spoke in opposition to the proposal.

Ms. Adrienne Marianelli, 417 Davidson Road, spoke in opposition to the proposal.

Mr. Kevin Gangaware, 6040 Bresslyn Road, spoke in opposition to the proposal.

Mr. David Lose, 413 Powder Mill Road, spoke in opposition to the proposal.

Ms. Betty Lose, 413 Powder Mill Road, spoke in opposition to the proposal.

Mr. Fred Stevenhager, 213 Asheboro Place, spoke in support of the proposal.

Mr. Rob Carpenter, 2525 Hobbs Road, spoke in support of the proposal.

Mr. Auburn Hager spoke in support of the proposal. He presented photos to the Commission.

Mr. Maclin Davis, 407 Page Road, spoke in support of the proposal.

Mr. Clifton requested clarification on the analysis of subdividing this parcel.

Mr. Tyler left the meeting at 6:45 p.m.

Ms. Harris explained lot comparability and the percentages associated with this proposal. She also explained the waiver requirements. She explained too the land use policy and compatibility of this subdivision.

Mr. Bernhardt further explained lot comparability waivers to the Commission.

The Commission posed further questions to Mr. Bernhardt regarding the specifics of this proposal.

Mr. Ponder was in agreement with the lot comparability issue and questioned whether the proper setback was used for this proposal.

Ms. Harris stated that the setback provisions could be included as a condition or noted on the plat when the applicant retains the permit. The current plat shows no special setback. The normal setback provisions in the Metro Code would apply.

Mr. Ponder moved to approve 2004S-267U-07, with the condition that the setback be further than 65 feet. This motion did not receive a second.

The Commissioners discussed the motion regarding setback specifics.

Mr. Loring spoke in opposition to approving the motion due to Councilmember Whitson's request and he stated that the subdivision would not be compatible with the neighborhood.

Mr. Small spoke in opposition to subdividing of the lot. He stated that the subdivision would not be compatible to the already established area.

The Commissioners briefly discussed a case they had presented to them which was very similar to this subdivision.

Mr. Ponder moved and Mr. McLean seconded the motion, to approve 2004S-267U-07.

Mr. Loring moved to table the motion to approve. This motion failed.

The motion to approve Subdivision 2004S-267U-07 was approved **(4-3)**.

**Yes Votes - Ponder, Cummings, Clifton, McLean**

**No Votes - Loring, Jones, Small**

**Resolution No. RS2004-437**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-267U-07 is **APPROVED. (4-3)**"

**X. PLANNED UNIT DEVELOPMENTS**

7. **89P-013U-12**  
Hickory Bell Retail PUD  
Map 162, Parcel 252  
Subarea 12 (2004)  
District 31 (Toler)

A request to revise a portion of the preliminary and for final approval for a portion of a Commercial Planned Unit Development district located abutting the south side of Old Hickory Boulevard, 1,100 feet east of Nolensville Pike, classified SCR, (0.89 acres), to permit the development of a 3,737 square foot automatic car wash, replacing a 3,670 square foot, restaurant, requested by Dale and Associates, Inc, for Steak N Shake, owner, and Smith Brothers, Car Wash, optionee.

**Staff Recommendation - Approve with Conditions**

**APPLICANT REQUEST - Revise Preliminary & Final PUD**

Request to revise a Preliminary PUD and for Final approval to permit a 3,737 square foot drive-thru car wash, replacing an existing 3,670 square foot fast-food restaurant, located along the south side of Old Hickory Boulevard, 1,100 feet east of Nolensville Pike.

## **ZONING**

**Shopping Center Regional Within Commercial PUD - SCR** district is intended for high intensity retail, office, and consumer service uses for a regional market area. Under the SCR district, a drive-thru car wash is classified in the Zoning Code as a Permitted with Conditions (PC) use.

**History** - This Commercial PUD was originally approved in 1989, and included 48,000 square feet of office, general retail, and fast-food.

### **Metro Code Requirements for a Car Wash in the SCR District - Automatic Car Wash**

1. One automatic car wash, capable of washing only one car at a time, shall be located fifty feet away from any residential zone district or district permitting residential use.
2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent residentially zoned property.
3. If located within one hundred feet of a residential zone district or district permitting residential uses, operation of the establishment shall be prohibited prior to eight a.m. or after ten p.m. on any day of the week.

**PLAN DETAILS** - This plan proposes to convert the existing fast-food restaurant building into a drive-thru car wash.

**Site Design** -The proposed drive-thru car wash includes access to an internal private driveway. There is no direct access to Old Hickory Boulevard. The plan also includes 16 vacuum bays.

**Landscape Buffer Yards** - The proposed plan includes an 8 foot wide landscape buffer yard along the eastern boundary of the PUD. The Zoning Administrator has ruled that the standard "D" (20 feet wide) is not required since Section 17.40.120 (G) (3) states that minor modifications to a previous PUD must meet the landscaping standards of Chap. 17.24 and apply to all new development. Sec. 17.24.200 requires buffer yards be installed only if there is an enlargement of 25% to existing structures. Based on this rationale, Codes does not require buffer yard retrofit on solely a change of use.

**Staff Recommendation** - Staff recommends approval with conditions since the proposed plan complies with the Zoning Ordinance requirements, as interpreted by the Zoning Administrator, and since the proposed use is permitted by the underlying base zoning.

## **TRAFFIC**

### **PUBLIC WORKS' RECOMMENDATION**

1. Please note that the existing sidewalk on Old Hickory Boulevard shall be brought up to compliance with current Metro standards if not already in compliance.
2. Provide cross-access to adjacent properties on all sides.

### **CONDITIONS**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until

four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans 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 will require reapproval by the Planning Commission.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-438**

“BE IT RESOLVED by The Metropolitan Planning Commission that 89P-013U-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans 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 will require reapproval by the Planning Commission.”

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**XI. PUBLIC HEARING:  
ZONING MAP AMENDMENTS**

8. **2003Z-116G-14**  
Map 65-13, A portion of Parcels 131, 008  
Subarea 14 (1996)  
District 12 (Gotto)

A request to change from R10 to CS district properties at part of 4900 Lebanon Pike and part of Lebanon Pike (unnumbered), approximately 800 feet east of Big Horn Drive, (4.72 acres), requested by Robert E.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 4.72 acres from residential single-family and duplex (R10) to mixed use limited (MUL) district on a portion of properties at 4900 Lebanon Pike and Lebanon Pike (unnumbered).

**Existing Zoning**

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

**Proposed Zoning**

**MUL district -Mixed Use Limited** is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**DONELSON-HERMITAGECOMMUNITY PLAN POLICY**

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

**Policy Conflict**-The proposed MUL district is consistent with the Donelson-Hermitage Community Plan’s CC policy intended for variety of uses at the edge of a neighborhood. A site plan was submitted that proposes 8 buildings totaling 51,000 square feet of office development, which is consistent with the intent of the CC policy. The proposed development would also serve as a transition from the residential to the north and west and the commercial development along Lebanon Pike.

**RECENT REZONINGS** - Yes. The adjacent property to the west was recently rezoned to RM6 as part of a Planned Unit Development request.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENDATION**-A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single -family detached (210 )	5.99	3.7	22	211	17	23

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710 )	5.99	0.198	51,663	805	112	137

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single -Family Detached	5.99	3.7	22	211	17	23



**APPLICANT REQUEST** - Amend Zoning Code to require the Metro Planning Commission to notify the district councilmembers in whose district a request to modify a planned unit development (PUD) has been submitted.

## **ANALYSIS**

**Existing Law** -Presently, the Zoning Code requires no notification of district councilmembers of any PUD plan submitted. Staff routinely provides such notification in four ways depending on the PUD request: 1) a sketch of the project after submittal; 2) a public hearing notice; 3) MPC staff report and agenda; and/or 4) an action letter. There is only one requirement for notification of a district councilmember in the Zoning Code. That notification occurs when a new tower (radio, TV, satellite, cell) is proposed under Section 17.16.180.A.5

**Existing Practice** - For all PUD requests, including final PUDs and revisions to preliminary PUDs, but excluding minor administrative PUD review, staff sends notification (see below) to the district councilmember. No notice is sent to the district councilmember for an administrative PUD approval that is required as part of the building permit process (e.g. tenant improvements, parking lot restripings, or minor building additions).

### *Current Notification by Mail to District Council Members*

Four (4) business days after the application submittal deadline, a sketch and description of the proposed PUD revision; Ten (10) days prior to the commission meeting, a public hearing notice for For new/amend/cancel PUDs; Six (6) days prior to the commission meeting, the staff report and agenda; and  
A couple weeks after the commission meeting, an action letter noting the commission's decision on a PUD request.

**Proposed Text Change**-The proposed amendment would require the planning commission to provide written notice of all modification requests in a planned unit development. It specifically states that no minor modifications shall be approved unless the district councilmember has been notified in writing of the substance of the proposed changes. Such notice would have to occur within five (5) days of application submittal. Below are the proposed text changes:

- By amending Subsection F.1. by adding the following new sentence after the first sentence: Within five (5) days from receiving an application to modify a master development plan, the planning commission shall notify the district councilmember for the district(s) in which the property subject to the master development plan is located in writing as to the substance of the proposed changes requested in the application for modification.
- By amending subsection G.2. by adding after the phrase “subject to the following limitations”, the phrase “, provided that no minor modifications shall be approved unless the district councilmember for the district(s) in which the property subject to the planned unit development is located is notified in writing as to the substance of the proposed minor modifications.

**Analysis** -Staff already provides notification to the district councilmember of PUD revisions within five (5) business days after the application submittal deadline. A previous Council Bill BL2004-224, also proposed changes that would affect all PUDs, regardless fo the magnitude of the change to the PUD. Such modifications could include restriping a shopping center or office parking lot, adjustments to landscaping, a small addition to a club house, or a change in a dumpster location. These changes currently are handled administratively by the Executive Director of the Planning Department. Adding a require ment to notify Council Members, place the item on a Commission agenda, and/or refer the request to the Metro Council, will add unnecessary inefficiency to the Metro development review and approval process.

In addition, the notification deadline in the current bill – five days – means five calendar days not business or working days. Section 17.04.050.B.1 of the Zoning Code states that “day” means a calendar day unless working day is specified. Thus, the proposed notification requirement does not account for weekends or holidays.

**Staff Recommendation** -Disapprove. This bill attempts to address a similar situation as that addressed in council bill BL2004-224 sponsored by Councilmember John Summers. The change to the processing of PUD modifications should be addressed comprehensively in one bill. Clarification is needed on whether all PUD modifications require notification or simply those of a certain size or scope (i.e. magnitude). At a minimum, any notification provision should provide at least five (5) *business* days in which to mail the required notice, and the bill should further be



revised to ensure it does not apply to minor PUD review issues, which would unnecessarily delay the development approval process.

Ms. Regen presented and stated that staff is recommending disapproval.

Mr. Loring spoke in support of the request. He stated that this request would not cause an additional burden or cost on the planning commission.

Mr. Clifton agreed with Mr. Loring.

Mr. Ponder requested further clarification regarding this bill.

Mr. Bernhardt explained the additional processes that would be included if the bill was approved.

Mr. Ponder moved and Ms. Cummings seconded the motion, to disapprove 2004Z-023T. **(5-2) No Votes – Clifton, Loring**

**Resolution No. RS2004-440**

“BE IT RESOLVED by The Metropolitan Planning Commission that Zone Change Text Amendment 2004Z-023T is **DISAPPROVED. (4-2)**”

Ms. Jones left the meeting at 7:20 p.m.

**10. 2004Z-024T**  
Council Bill BL2004-432

An ordinance amending Title 17 of the Metropolitan Code, zoning regulations, by amending Section 17.04.060 to allow business schools to offer four-year degrees, requested by Councilmember Loring.

**Staff Recommendation** - *Approve* – no exceptions taken.

**APPLICANT REQUEST** - Amend Zoning Code by creating a revised definition of a “business school”.

**ANALYSIS**

**Existing Law** -Presently, the business school definition does not state whether an institution or enterprise may award four-year degrees and/or post-graduate degrees. Instead, the definition is tailored towards enterprises which prepare students for licensed exams such as those required to become stylists, spa trainers, cosmetologists, barbers, and manicurists. The Zoning Code includes a separate definition for “College or University,” which does include institutions that award undergraduate or graduate degrees.

A business school, a vocational school, and a college/university are not allowed in the same zoning districts. For example, business schools and vocational schools may locate in the MUL, OL, CL, CS, CA, SCR, IWD, and IR zoning districts, while a college/university is a prohibited land use in those districts.

“Business school,”and “college/university” and “vocational school” are currently defined in the Zoning Code as follows:

"Business school" means an enterprise offering instruction and training in a service or the arts such as secretarial, cosmetology, commercial artist, computer software, and similar training.

"College or university" means an institution of higher education offering undergraduate or graduate degrees.

"Vocational school" means the offering of regularly scheduled instruction in technical, commercial or trade skills.



**Proposed Zoning**

**RM15 district - RM15** is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The RM15 district permits a maximum of 150 units, while the associated PUD limits the density to 111 dwelling units.

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN 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 accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Policy Conflict** - No. The residential uses permitted by the proposed RM15 zoning district are permitted by NG policy, which allows single and higher density residential development. All multi-family residential development should have a detailed design plan, and in this case, a planned unit development has been submitted that fulfills this requirement.

In addition to the above, the surrounding residential PUD (Provincetown PUD) to the southwest and southeast has base zoning that includes RM15, which is consistent with the proposed rezoning, and an MUN district, which serves as a neighborhood center. The proposed rezoning to RM15 will support this neighborhood center.

**RECENT REZONINGS** - Parcels 154 to the southeast and several adjacent parcels to the southwest were rezoned from RS7.5 to RM15 and MUN on January 21, 2003 (part of residential PUD 95P-019G-13). Planning Commission recommended approval on November 14, 2002.

**TRAFFIC PUBLIC WORKS RECOMMENDATION** - A TIS has been submitted. See PUD comments for 2004P-015U-13.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	10	0.5	5	48	4	6

Typical Uses in Proposed Zoning District: RM15 with PUD

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (230)	10	15	111*	699	57	66

\* Units proposed in PUD

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+106	651	53	60

**METRO SCHOOL BOARD REPORT**

Projected student generation      13 Elementary    9 Middle      7 High

**Schools Over/Under Capacity** - Students would attend Mt. View Elementary School, Antioch Middle School, and Antioch High School. All three schools have been identified as being full or overcrowded by the Metro School Board. There is capacity at other elementary and middle schools within the cluster, but not at other high schools. There is high school capacity in the adjacent Glencliff cluster. This information is based upon data from the school board last updated August 31, 2004.

[Note: Items #11 and #12 were discussed by The Metropolitan Planning Commission together. See item #12 for actions and resolutions.]

**12.** **2004P-015U-13**  
Old Franklin Road Property  
Map 163, Parcels 258, 259  
Subarea 13 (2003)  
District 32 (Coleman)

A request for preliminary approval for a Planned Unit Development located abutting the east margin of Old Franklin Road south of Mt. View Road, classified AR2a and proposed for RM15, (10 acres), to permit the development of 111 townhomes units, requested by Wamble and Associates for Paul and Mary Rainey owners. See Zone Change Proposal Number 2004Z-069U-13.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST - Preliminary PUD**

Request preliminary approval of a Planned Unit Development located abutting the east side of Old Franklin Road south of Mt. View Road, classified AR2a and proposed for RM15, (10.0 acres), to permit the development of 111 townhomes units.

**PLAN DETAILS**

**Site Design** -The plan calls for 111 attached two bedroom townhomes that will either front on Waterburg or Isabelle Lane, or on open space. Sidewalks are provided on both sides of these two streets, and for those townhomes that do not have street frontages, pedestrian access is provided between an associated parking lot and to the street. The proposed density of 11.1 units per acre is below that allowed by the RM15 district. The PUD limits the density to this number and any requested increase in the future would require a PUD amendment and Council approval.

**Access** - The PUD will have one access point via Isabelle Lane to Old Franklin Road to the west. Another internal access point is via the extension of Waterburg Lane, which already serves the Provincetown PUD to the southwest.

**Open Space** - The preliminary site plan has 4.64 acres of open space (constituting 46% of the acreage), while none is required by the Zoning Code for a multi-family development. There are no slopes greater than 15%. The open space consists of three 50' by 150' areas with units fronting them, sporadic areas between sets of attached townhomes, and a 25' stream buffer that runs along the eastern edge of the PUD.

**Environmental**

The applicant proposes a 25' stream buffer that runs along the eastern edge of the PUD. A stormwater treatment/detention area is proposed to the east of the stream. Trees are evenly spaced along streets and at the edges of the three main open space areas.

**TRAFFIC**

**PUBLIC WORKS RECOMMENDATIONS** - A Traffic Impact Study (TIS) has been received, Public Works states, however, that it has not been scoped. Comments will be forthcoming after review of TIS. If Public Works conditions are not received prior to the Planning Commission meeting, then a condition may be added to this recommendation to require any Public Works requirements to be added to the Council Bill prior to its approval on third reading.

## CONDITIONS

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
2. Subsequent to enactment of this planned unit development overlay district by the Metropolitan Council, and prior to any consideration by the Metropolitan Planning Commission for final site development plan approval, a paper print of the final boundary plat for all property within the overlay district must be submitted, complete with owners signatures, to the Planning Commission staff for review.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
6. If specific conditions are not received prior to the Planning Commission Meeting and included in the Commission's recommendation, then prior to third reading at Council, any traffic mitigations recommended by Metro Public Works shall be included in the Council Bill. If these conditions are not included in the Council Bill the Planning Commission recommendation shall be to disapprove.

Mr. Pereira presented and stated that staff is recommending approval of zone change 2004Z-069U-13 and approval with conditions of planned unit development 2004P-015U-13 to include the recommendation to require any Public Works requirements to be added to the Council Bill prior to its approval on third reading.

Councilmember Coleman stated that he has held community meetings for this project. He acknowledged that Mr. McLean would be recusing himself from voting on this issue. He announced he was pleased that the traffic issues associated with this project have been addressed. However, he stated that the financial impact that this proposal would have on the school system was not addressed and hopes that staff will continue to study this issue for this district. Councilmember Coleman stated that the community was in favor of approving this proposal.

Mr. Daniel Wamble, Project Engineer, spoke in support of the proposal.

Councilmember Coleman stated that the developer has agreed to make a pledge to contribute to the Parks system and that this was done in lieu of contributing to the school system.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Zone Change 2004Z-069U-13 and to approve with conditions Planned Unit Development 2004P-015U-13. **(5-0-1) Abstained – McLean**

### **Resolution No. RS2004-442**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-069U-13 is **APPROVED. (5-0-1)**

**The proposed RM15 district is consistent with the Antioch-Priest Lake Community Plan's Neighborhood General policy intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. It is also consistent with the surrounding zoning and development pattern. Development proposals in the Neighborhood General policy are to provide a site plan or Planned Unit Development to assure that the development plan is consistent with the intent of the policy. A Planned Unit Development was submitted and conforms with the intent of the policy.”**



**RM6 district** - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. The proposed zoning district would permit approximately 362 dwelling units total on this site.

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN POLICY**

**Neighborhood General (NG)** - NG is intended to apply to existing areas that are, and are envisioned to remain, predominantly residential in character, and the emerging and future areas that are planned to be predominantly residential. NG areas include single family residential and public benefit activities. Residential development other than single family is also appropriate provided the location and the particular type of residential development proposed are supported by a detailed neighborhood design plan or, for areas lacking a design plan, a special policy or site plan.

**Policy Conflict** - No. The proposed RM6 district is consistent with the NG policy in this area. A Planned Unit Development (2004P-028U-13) is accompanying this zone change which proposes a variety of housing types, which is the intent of the policy. According to the newly adopted LUPA document, the NG policy is intended to “contain a mix and arrangement of development that is appropriate to the site based on where it is situated within the neighborhood with respect to the center and edge of the neighborhood as envisioned in the Structure Plan.” The PUD plan proposes 342 multi-family units (townhome and duplex units) and 20 single-family lots adjacent to the recently approved Preserve at Old Hickory Subdivision. It also proposes a 12 acre park to be donated to Metro Parks.

**RECENT REZONINGS** - Parcel 104 to the south was rezoned from IR to IG in January 2004, by Council. The Planning Commission recommended approval in September 2003.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENDATION** - See Public Works comments for 2004P-028G-13. With the submittal of Final Development Plans and review by the Traffic Engineer, a Traffic Impact Study may be required to determine the additional traffic generated by the proposed level of development and required mitigations.

Typical Uses in Existing Zoning District: AR2a

Land Use (ITE Code)	Acres	Density per acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	60.41	0.5	30	288	31	31

Typical Uses in Proposed Zoning District: RM6

Land Use (ITE Code)	Acres	Density per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	60.41	6	362	2122	160	189

Change in traffic between Typical Uses in existing and proposed zone

Land Use (ITE Code)	Acres	FAR	--	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
			+332	+1834	+120	+158

**METRO SCHOOL BOARD REPORT**

Projected student generation      32 Elementary    21 Middle      16 High

**Schools Over/Under Capacity** - Students would attend Mt. View Elementary School, Kennedy Middle School, or Antioch High School. All three schools have been identified as being over capacity by the Metro School Board.

There is capacity at an elementary and middle school within the cluster and a high school at an adjacent cluster (Glencliff). This information is based upon data from the school board last updated August 31, 2004.

[Note: Items #13 and #14 were discussed by The Metropolitan Planning Commission together. See item #14 for actions and resolutions.]

**14.** **2004P-028G-13**  
Vaughn Property Townhomes  
Map 175, Parcel 16  
Subarea 13 (2003)  
District 32 (Coleman)

A request for preliminary approval for a Planned Unit Development district located on the west margin Old Hickory Boulevard 1600 feet north of Logistics Way, classified AR2a and proposed for RM6, (60.41 acres), to permit 342 multi-family units and 20 single-family lots, requested by Luther Marie Vaughn, and MEC, Inc., applicant. (See Zone Change No. 2004Z-085G-12).

**Staff Recommendation** -*Approve with conditions*

#### **APPLICANT REQUEST**

**Preliminary PUD**-Request to adopt a new Preliminary PUD on 60.41 acres to permit 342 multi-family units and 20 single-family lots, on property located at Old Hickory Boulevard (unnumbered), approximately 1,650 feet north of Logistics Way.

#### **ZONING & LAND USE POLICY**

**AR2a to RM6 district**-This request for preliminary PUD approval is associated with a zone change request (2004Z-085G-13).

**Antioch-Priest Community Plan NG policy**-NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

#### **PLAN DETAILS**

**Site Design** -The plan proposes 342 multi-family units in the eastern portion of the property near Old Hickory Blvd and 20 single-family lots are proposed connecting to the recently approved Preserve at Old Hickory Subdivision to the west. Within the 342 units, 70 are proposed as two unit multi-family structures between the single-family development and the multi-family development.

Rear access is proposed for both single-family lots and the multi-family units. Alleys are proposed for the single-family lots.

The street setback proposed for the multi-family units is 10 feet, which is less than the standard setback requirement, as is permitted within a PUD. The PUD provides alternative setbacks from the standard setbacks of 70 feet, thus allowing the buildings to be closer to the street to create a more pedestrian oriented streetscape.

**Street/Pedestrian Connectivity** -All required street connections in the adopted community plan are provided with pedestrian linkages throughout the property. The applicant proposes a connection to Asheford Trace to the north, which will be a collector from the existing Asheford Trace to the proposed Southeast Arterial and a local street south of the proposed Southeast Arterial. A street connection is also provided from the western property line from the recently approved Preserve at Old Hickory subdivision. Stub streets are also provided to the north and south for future connection.

**Proposed Park Dedication** Twelve acres has also been proposed for a park to be donated/dedicated to Metro Parks. The property is located on the northwestern portion of the property, adjacent to the proposed Southeast Arterial. If Metro Parks does not accept the donation, then this area is to remain as open space.



Within the proposed park area, the proposed Southeast Arterial runs adjacent to the residential development, as well as, a TVA easement.

**Staff Recommendation** -Staff recommends conditional approval. The plan proposes a mixture of housing type and provides a careful arrangement of the various housing types, which is consistent with the intent of the policy. It also meets the technical requirements of both the zoning and the PUD.

#### **PUBLIC WORKS RECOMMENDATION**

1. Developer shall construct a northbound left turn lane with 250 ft. of storage and transition per AASHTO standards, on Old Hickory Blvd. at Ashford Trace access road. The widening of Old Hickory Blvd./Hobson Pk. frontage shall be per MPW road standards.
2. Developer shall construct Ashford Trace as a 3 lane collector road.
3. The developer shall contribute \$ 12,000 toward the signal modification at Murfreesboro and Hobson Pk.
4. Developer shall dedicate 120 ft of ROW for the Southeast arterial along the south side of the TVA easement.
5. Developer shall construct a southbound right turn deceleration lane with 75 ft of storage length and transition per AASHTO standards on Hobson Pike at Ashford Trace.
6. Developer shall have traffic counts and signal warrant analysis conducted at Ashford Trace /Hobson Pike/Old Hickory Blvd. intersection at the issuance of the 150th and 300th Use and Occupancy permits. The warrant analysis and traffic counts shall be submitted to Metro Traffic engineer for review and approval. The developer shall submit traffic signal plans and install a traffic signal when approved by the Traffic and Parking Commission. The signal plans shall include the construction of additional turn lanes at this approach as follows:
7. Construction a southbound left turn lane on Hobson Pike with 75 ft storage length and transition per AASHTO standards.
8. Construction a westbound left turn lane with 75 ft of storage length and transition per AASHTO standards.
9. Provide adequate parking, on-street parking will be prohibited on Ashford Trace.
10. Provide adequate sight distance per AASHTO standards for connection to O.H.B.
11. This development as proposed has a substandard mix of public and private streets.
12. All streets and alleys to be private, with the exception of the collector, Ashford Trace.
13. Eliminate street stubs to adjacent parcels.
14. Sprucedale Drive to be private, and cul-de-saced at property line.
15. Ashford Trace to be public.
16. Right of way and cross section for Ashford Trace to be dimensioned, and shown on plan as ST-253.
17. Streets joining Ashford Trace to be connected with a ST 314 ramp.
18. Add professional seal.
19. Subject to PW approval of final construction plans.

## CONDITIONS

1. The applicant must comply with the following Public Works conditions of approval prior to final PUD approval:
2. Developer shall construct a northbound left turn lane with 250 ft. of storage and transition per AASHTO standards, on Old Hickory Blvd. at Ashford Trace access road. The widening of Old Hickory Blvd./Hobson Pk. frontage shall be per MPW road standards.
3. Developer shall construct Ashford Trace as a collector road north of the proposed Southeast Arterial.
4. The developer shall contribute \$ 12,000 toward the signal modification at Murfreesboro and Hobson Pk.
5. Developer shall dedicate 120 ft of ROW for the Southeast arterial along the south side of the TVA easement.
6. Developer shall construct a southbound right turn deceleration lane with 75 ft of storage length and transition per AASHTO standards on Hobson Pike at Ashford Trace.
7. Developer shall have traffic counts and signal warrant analysis conducted at Ashford Trace /Hobson Pike/Old Hickory Blvd. intersection at the issuance of the 150th and 300th Use and Occupancy permits. The warrant analysis and traffic counts shall be submitted to Metro Traffic engineer for review and approval. The developer shall submit traffic signal plans and install a traffic signal when approved by the Traffic and Parking Commission. The signal plans shall include the construction of additional turn lanes at this approach as follows:
8. Construction a southbound left turn lane on Hobson Pike with 75 ft storage length and transition per AASHTO standards.
9. Construction a westbound left turn lane with 75 ft of storage length and transition per AASHTO standards.
10. Provide adequate sight distance per AASHTO standards for connection to O.H.B.
11. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
12. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
13. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
14. Prior to final PUD approval, written approval is to be provided from Colonial Pipeline Company allowing development over their existing easement.

Ms. Harris presented and stated that staff is recommending approval of zone change 2004Z-028G-13 and approval with conditions on planned unit development 2004P-028G-13.

Mr. Tom White, 315 Deadrick Street, spoke in support of the proposal.

Councilmember Coleman stated that he has held community meetings regarding this project. He stated that the developer will be donating land to the Parks Department as well as making other amenities for this project. He requested again that staff include the financial impact that his proposal will have on the school system within his district as well as any traffic issues associated with it. Councilmember Coleman stated that the community is in favor of approving this development.

Ms. Cummings spoke in favor of the donated green space that was included in the proposal.

Mr. Ponder questioned other land uses that were included in the proposal.

Ms. Harris explained NC (Neighborhood Center) and its uses to the Commission.

Mr. Small requested clarification on the acreage set aside for the green space.

Mr. Loring moved and Mr. Ponder seconded the motion, which passed unanimously to approve Zone Change 2004Z-085G-13 and approval with conditions on Planned Unit Development 2004P-028G-13. **(6-0)**

**Resolution No. RS2004-444**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-085G-13 is **APPROVED**. **(6-0)**

**The proposed RM6 district is consistent with the Antioch-Priest Lake Community Plan’s Neighborhood General policy intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. Development proposals in the Neighborhood General policy are to provide a site plan or Planned Unit Development to assure that the development plan is consistent with the intent of the policy. A Planned Unit Development was submitted and conforms with the intent of the policy.”**

**Resolution No. RS2004-445**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-028G-13 is **APPROVED WITH CONDITIONS**. **(6-0)**

**Conditions of Approval:**

1. Developer shall construct a northbound left turn lane with 250 ft. of storage and transition per AASHTO standards, on Old Hickory Blvd. at Ashford Trace access road. The widening of Old Hickory Blvd./Hobson Pk. frontage shall be per MPW road standards.
2. Developer shall construct Ashford Trace as a 3 lane collector road.
3. The developer shall contribute \$ 12,000 toward the signal modification at Murfreesboro and Hobson Pk.
4. Developer shall dedicate 120 ft of ROW for the Southeast arterial along the south side of the TVA easement.
5. Developer shall construct a southbound right turn deceleration lane with 75 ft of storage length and transition per AASHTO standards on Hobson Pike at Ashford Trace.
6. Developer shall have traffic counts and signal warrant analysis conducted at Ashford Trace /Hobson Pike/Old Hickory Blvd. intersection at the issuance of the 150th and 300th Use and Occupancy permits. The warrant analysis and traffic counts shall be submitted to Metro Traffic engineer for review and approval. The developer shall submit traffic signal plans and install a traffic signal when approved by the Traffic and Parking Commission. The signal plans shall include the construction of additional turn lanes at this approach as follows:
7. Construction a southbound left turn lane on Hobson Pike with 75 ft storage length and transition per AASHTO standards.
8. Construction a westbound left turn lane with 75 ft of storage length and transition per AASHTO standards.
9. Provide adequate parking, on-street parking will be prohibited on Ashford Trace.
10. Provide adequate sight distance per AASHTO standards for connection to O.H.B.

11. This development as proposed has a substandard mix of public and private streets.
12. All streets and alleys to be private, with the exception of the collector, Asheford Trace.
13. Eliminate street stubs to adjacent parcels.
14. Sprucedale Drive to be private, and cul-de-saced at property line.
15. Asheford Trace to be public.
16. Right of way and cross section for Asheford Trace to be dimensioned, and shown on plan as ST-253.
17. Streets joining Ashford Trace to be connected with a ST 314 ramp.
18. Add professional seal.
19. Subject to PW approval of final construction plans.
20. Developer shall construct a northbound left turn lane with 250 ft. of storage and transition per AASHTO standards, on Old Hickory Blvd. at Ashford Trace access road. The widening of Old Hickory Blvd./Hobson Pk. frontage shall be per MPW road standards.
21. Developer shall construct Ashford Trace as a collector road north of the proposed Southeast Arterial.
22. The developer shall contribute \$ 12,000 toward the signal modification at Murfreesboro and Hobson Pk.
23. Developer shall dedicate 120 ft of ROW for the Southeast arterial along the south side of the TVA easement.
24. Developer shall construct a southbound right turn deceleration lane with 75 ft of storage length and transition per AASHTO standards on Hobson Pike at Ashford Trace.
25. Developer shall have traffic counts and signal warrant analysis conducted at Ashford Trace /Hobson Pike/Old Hickory Blvd. intersection at the issuance of the 150th and 300th Use and Occupancy permits. The warrant analysis and traffic counts shall be submitted to Metro Traffic engineer for review and approval. The developer shall submit traffic signal plans and install a traffic signal when approved by the Traffic and Parking Commission. The signal plans shall include the construction of additional turn lanes at this approach as follows:
26. Construction a southbound left turn lane on Hobson Pike with 75 ft storage length and transition per AASHTO standards.
27. Construction a westbound left turn lane with 75 ft of storage length and transition per AASHTO standards.
28. Provide adequate sight distance per AASHTO standards for connection to O.H.B.
29. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
30. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
31. This preliminary plan approval for the residential portion of the master plans is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

32. Prior to final PUD approval, written approval is to be provided from Colonial Pipeline Company allowing development over their existing easement.”

15. **2004Z-154U-08**  
Map 081-16, Parcels 294-300  
Subarea 8 (2002)  
District 19 (Wallace)

A request change from OR20 to RM40 district properties located at 1015, 1017, 1021, 1023, 1025, 1027, and 1031 Scovel Street (0.87 acres), requested by Hope B. Jackson, applicant (agent), Fifteenth Avenue Baptist CDC, owner.

**Staff Recommendation** - *Disapprove*

**APPLICANT REQUEST** - Rezone 0.87 acres from office residential (OR20) to residential multi-family (RM40) property at 1015, 1017, 1021, 1023, 1025, 1027, and 1031 Scovel Street, north of Rev. Dr. Enoch Jones Boulevard, and east of I-40 East/I-65.

**Existing Zoning**

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

**Proposed Zoning**

**RM40 district** - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

**NORTH NASHVILLE COMMUNITY PLAN POLICY  
BUENA VISTA DETAILED NEIGHBORHOOD DESIGN PLAN**

**Transition in Neighborhood General** - This area falls within the Buena Vista Detailed Neighborhood Design Plan (DNDP), updated in January 2002, with the North Nashville Community Plan. A Transition or Buffer in Neighborhood General policy was applied to the entire area around Scovel Street, from one block south to several blocks to the north. According to the DNDP, parcels fronting Scovel Street should be developed to provide a buffer from the commercial activity of Jefferson Street to the solid residential area to the north. Uses should be residential in overall scale, character, and function, but may have a limited commercial or mixed-use component, such as home office or small business.

Neighborhood General is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy. This includes areas that fall under detailed neighborhood design plans.

**SPECIAL POLICY AREA 3 OF NORTH NASHVILLE**

The properties in the NG area between Scovel Street and Rev. Dr. Enoch Jones Boulevard also fall within the Special Policy Area 3 of Subarea 8, which also call for transitional land uses that support and enhance commercial development. Appropriate transitional uses include parking for development along Jefferson Street, and low-rise offices. To the maximum extent possible, access to transitional uses should be via streets, alleys, or driveways through or behind the commercial uses along Jefferson Street. Conventional zoning districts accommodating transitional uses allow RM20 or lower intensity residential districts. Mixed use and commercial zoning districts are not appropriate.

**Policy Conflict** - Yes. The properties proposed for multifamily rezoning (RM40) would be inconsistent with the intent of Special Policy Area 3, which does not permit multifamily residential development at such high density as RM40. Allowable residential densities would be RM20, RM9, etc. These would serve as part of a transitional area between commercial and detached single-family homes starting to the north on Monroe Street. A RM40 rezoning would also be inconsistent with the Detailed Neighborhood Design Plan, which also calls for a buffer region between the commercial and single-family areas to the south and north. RM40 would introduce residential development at a higher density than intended within such a buffer.

**RECENT REZONINGS** - None.

**TRAFFIC PUBLIC WORKS RECOMMENDATION** - No Exception taken.

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710 )	0.87	0.271	10,270	113	16	15

**Typical Uses in Proposed Zoning District: RM40**

Land Use (ITE Code)	Acres	Units per acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential condo/townhome ( 230 )	0.87	40	35	286	26	28

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

Land Use (ITE Code)	Acres	--	Total	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				173	13	13

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     1 **Elementary**   1 **Middle**     1 **High**

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. None of these schools have been identified as being full or overcrowded by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

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

Mr. Jay West, 5704 Cloverwood Drive, spoke in support of the proposal.

Reverend William Buchanan, 1203 9<sup>th</sup> Avenue North, spoke in support of the proposal.

Mr. Eddie Gray, 911 Evans Road, spoke in support of the proposal.

Mr. Quenton White, 102 Dry Creek Point Court, spoke in support of the proposal.

Ms. Sharon Hurt, 1215 9<sup>th</sup> Avenue North, spoke in support of the proposal.

Ms. Cummings recused herself from voting on this issue.



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.

**Policy Conflict - Yes.** The proposed MUI district would not be consistent with the surrounding intensity and density of the surrounding area. The Subarea 10 Plan intends for any rezoning in this area to be consistent with, and retain, the existing character and intensity of development.

The ORI district is the predominant zoning district in this area and allows a 3.00 floor area ratio (FAR), while the proposed MUI district allows for a 5.00 FAR. FAR is the ratio of the building square footage to the total square footage of the lot. The ORI district allows for 109,771 sq. ft. total floor area, while MUI would allow for 182,952 sq. ft in addition to floor area bonuses allowed in MUI and CC zoning districts. The MUI district would allow for a higher intensity and density of development than in the surrounding area.

This property is also north of the recently adopted 31<sup>st</sup>/Long Boulevard Urban Design Overlay (UDO). This UDO should be taken into consideration with any development proposals in this area.

If the applicant proposes development that is compatible with the surrounding density and intensity of the area and the 31<sup>st</sup> & Long Boulevard UDO, then MUI may be appropriate with the submittal of a planned unit development (PUD). A PUD would assure that the development plan conforms to the intent of the policy, the existing character of the area, and the UDO north of the property.

**RECENT REZONINGS** - Parcels 017, 018, 384, 388, 389, and 390 to the south were approved by the Commission on October 28, 2004, for a rezoning request from OR20 to ORI. This item has been deferred to the December 7, 2004, meeting for the third reading at Council. Parcels 048, 051, 063, 066, 257 to the southeast were also approved by the Commission on October 28, 2004, for a rezoning request from CL to MUG. This item has not been heard by the Metro Council.

The 31<sup>st</sup> Avenue & Long Boulevard UDO was approved by the Metro Council in March 2004. The Planning Commission recommended approval in January 2004.

**TRAFFIC**

**PUBLIC WORKS' RECOMMENDATION** -A Traffic Impact Study may be required at development.

Typical Uses in Existing Zoning District: ORI

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.84	0.49	17,929	355	48	99

Typical Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.84	0.89	32,565	562	77	116

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				207	29	17

Maximum Uses in Existing Zoning District: ORI

Land Use	Acres	FAR	Total	Daily Trips	AM Peak	PM Peak
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(ITE Code)			Floor Area	(weekday)	Hour	Hour
Walk In Bank (911)	0.84	.10*	3,659	NA	79	154

\*adjusted according to use

Maximum Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.84	5	182,952	2122	305	284

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	226	130

**METRO SCHOOL BOARD REPORT**

Projected student generation\*     1 Elementary    1 Middle     1 High

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. None of these schools have been identified as being overcrowded by the Metro School Board. This information is based upon data from the school board last updated August 31, 2004.

\*The numbers for MUI zoning are based upon students that would be generated if the MUI zoning were to develop as residential instead of office and commercial. This also assumes each multi-family unit has 1,200 sq.ft. of floor area.

Ms. Harris presented and stated that staff is recommending disapproval.

Ms. Mary Lu Smith, 3947 Woodlawn Drive, spoke in support of the proposal.

Mr. Boyd Vogel, architect, spoke in support of the proposal.

Mr. John Hayes, 109 Jocelyn Hills Road, spoke in support of the proposal.

Mr. McLean requested clarification on the staff's recommendation.

Mr. Clifton questioned MUI zoning and the various locations it could be used throughout Nashville.

Mr. Bernhardt explained that staff is currently working on a detailed neighborhood design plan for this area and once completed, this proposal could be compatible to the subarea plan.

Ms. Cummings requested clarification on the location of this property and its surrounding parcels.

Mr. Ponder spoke in favor of the development.

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously to approve Zone Change 2004Z-155U-10. **(6-0)**

**Resolution No. RS2004-447**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-155U-10 is **APPROVED. (6-0)**

**The proposed MUI district is consistent with the Subarea 10 Plan’s Mixed Use (MU) policy intended for mixture of residential, retail, and office uses. It is also consistent with the surrounding development pattern. Since the MUI and ORI provide similar bulk standards, the MUI district is appropriate at this location.”**

**17. 2004Z-157G-12**  
Map 174, Parcels 1, 2  
Subarea 12 (2004)  
District 32 (Coleman)

A request to change from RM15 and RS10 to RM9 district property located at Preston Road (unnumbered), north of Pettus Road (28 acres), requested by Dale & Associates, applicant for C. Paul & Sons Development Company, Inc., owner.

**Staff Recommendation** - *Approve*, with the condition that a public street connect the proposed multi-family development with the adjacent RS10 property.

**APPLICANT REQUEST** - Rezone 28 acres from residential single-family (RS10) and multi-family (RM15) to multi-family residential (RM9) property at Preston Road (unnumbered), north of Pettus Road and at the southern terminus of Hickory Park Drive.

**Existing Zoning**

**RS10 district (13.62 acres)** - RS10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. The existing RS10 district would permit 50 single-family lots.

**RM15 district (14.27 acres)** - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre. The existing RM15 district would permit 214 units.

**Proposed Zoning**

**RM9 district (28 acres)** - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. The proposed RM9 district would permit 252 total units.

**SOUTHEAST COMMUNITY PLAN POLICY**

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

**Residential Medium High (RMH)** - RMH policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate the most common types include attached townhomes and walk-up apartments.

**Policy Conflict** - The property is located in two different land use policies, RLM and RMH. Although the RM9 zoning district is more intense than what the RLM policy calls for, it is at the low end of what the RMH policy allows.

As currently zoned, the property could develop a combination of 264 single-family lots and multi-family units. The RM9 zoning would allow 252 multi-family units, or 12 less units than the current zoning would permit. Given the partial consistency with the policies, and the reduced allowable density, staff recommends approval with conditions.

**TRAFFIC**

**PUBLIC WORKS' RECOMMENDATION** - No exceptions taken.

**Typical Uses in Existing Zoning District: RM15 and RS10**

Land Use (ITE Code)	Acres	Density	Total Units and Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. single-family detached and Res. condo/townhome (230)	28	13.62 acres at 3.7 un/ac 14.27 acres at 15 un/ac	264	1466	113	133

**Typical Uses in Proposed Zoning District: RM9**

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
(230)	28	9	252	1408	108	128

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	--		-12	-58	-5	-5

**METRO SCHOOL BOARD REPORT**

**Projected student generation** - Under the proposed RM9 zoning, 47 students are projected to be generated, which is 15 fewer than the current RS10 and RM15 zoning.

**Schools Over/Under Capacity** - Students would attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. All of the schools have been identified as being over capacity by the Metro School Board. All three schools have been identified as being over capacity by the Metro School Board. There is capacity at an elementary and middle school within the cluster and a high school at an adjacent cluster (Glenclyff). This information is based upon data from the school board last updated August 31, 2004.

**CONDITIONS**

1. With any proposed development on this site, a public street shall connect the proposed multi-family development with the adjacent RS10 property.

Mr. Kleinfelter presented and stated that staff is recommending approval with the condition that a public street connect the proposed multi-family development with the adjacent RS10 property.

Councilmember Coleman stated that he has met with his community members and that they are in support of the proposal. However, he expressed concerns regarding the financial impact this development would have on the school system in the area. He suggested that the Commission place conditions on the project that would address this issue. He also expressed a concern regarding the traffic impacts and requested that the Commission address this issue also.

Mr. Loring spoke of the issue of overcrowded schools in this area. He suggested that a safeguard be used to address this issue. He did speak in favor of the proposal.

Mr. McLean spoke also of the overcrowded schools in the Nashville area.

Mr. Kleinfelter explained the methods used by staff while determining the number of additional students a rezoning



**Policy Conflict** - No. The proposed RM9 district is consistent with Antioch-Priest Lake Community Plan’s RMH policy intended for residential development at a density of nine to twenty dwelling units per acre. This rezoning would allow for multi-family development that is consistent with surrounding development along Rural Hill Road.

**RECENT REZONINGS** None.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENATION** - No Exception Taken.

Typical Uses in Existing Zoning District: R15

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single -family detached (210)	0.75	2.47	2	20	2	3

Typical Uses in Proposed Zoning District: RM9

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. condo/townhome (230)	0.75	9	7	41	4	4

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+5	21	2	1

**METRO SCHOOL BOARD REPORT**

Projected student generation      1 Elementary    <1 Middle    <1 High

**Schools Over/Under Capacity** - Students would attend J.E. Moss Elementary School, Apollo Middle School, or Antioch High School. Moss and Antioch have been identified as being overcrowded by the Metro School Board. There is capacity at another elementary school within the cluster and there is capacity for high school students at an adjacent cluster (Glencliff). This information is based upon data from the school board last updated August 31, 2004.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-449**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-159U-13 is **APPROVED. (9-0)**

**The proposed RM9 district is consistent with the updated Antioch-Priest Lake Community Plan’s Residential Medium High (RMH) policy intended for residential development at a density of nine to twenty dwellings units per acre. It is also consistent with the surrounding development pattern in the area.”**

Map081-12, Parcels 348, 349, 351, 353-355  
Subarea 8 (2002)  
District 19 (Wallace)

A request to change from CS and R6 to MUL district properties located at 1703, 1705, 1709, 1711, and 1713 8th Avenue North and 1702, 1704, and 1706 Nassau Street (1.33 acres), requested by Kathy Ann Leslie of Alpha Development Co, applicant for Eddie and Debra Patterson, Eric Davis, T&N Automart, Inc., Mamie Dunn, and Jack Davis, owners.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 1.80 acres from commercial service (CS) to mixed use limited (MUL) district at 1703, 1705, 1709, 1711, 1713, 1715, 1717, and 1719 8<sup>th</sup> Avenue North and 1702, 1704, and 1706 Nassau Street.

**Existing Zoning**

**CS district - Commercial Service** is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

**Proposed Zoning**

**MUL district - Mixed Use Limited** is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

**SUBAREA 8 PLAN - BUENA VISTA DETAILED NEIGHBORHOOD DESIGN PLAN (DNDP)**

**Mixed Use in Community Center**

**(MU in CC)** - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above. CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. To assure that the design objectives of the policy, an Urban Design or Planned Unit Development overlay district application or a site plan should be accompanied with any proposal in this policy area.

**Policy Conflict** - No. The proposed MUL district is consistent with the Subarea 8 Plan and the Buena Vista Detailed Neighborhood Design Plan’s Mixed Use in Corridor Center policy. It is also consistent with the surrounding zoning pattern with MUL across from this property on 8<sup>th</sup> Avenue North.

Because this property is located within a Detailed Neighborhood Design plan (DNDP), a site plan was submitted to assure that the proposed development is consistent with the intent of the policy. The site plan proposes 44 townhome units with approximately 11,000 square feet of commercial development. The proposed commercial area is at the corner of 8<sup>th</sup> Avenue and Garfield with residential units adjacent to it along 8<sup>th</sup> Avenue and Garfield, with parking in the rear of the buildings.

The MUL district allows for a maximum height of 30 feet at the front setback line and the site plan proposes three story townhomes. Staff recommends that the third floor of the townhomes be offset to be consistent with the bulk regulations of the Zoning Ordinance and to allow for the three story townhomes.

The site plan is consistent with the policy.

**RECENT REZONINGS** - None.

**TRAFFIC**

**PUBLIC WORKS' RECOMMENDATION** - Due to limited acreage, a Traffic Impact Study may be required at development stage.

Typical Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Shopping (814)	1.80	0.42	24,332	1079	NA	80

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/ Convenience Market (945)	1.80	.094	5,446	NA	423	525

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Convenience Market (851)	1.80	.09*	5,214	3848	350	274

\*adjusted as per use

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station w/Convenience Market (945)	1.80	.12*	6,952	NA	540	670

\*adjusted as per use

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				NA	NA	444

**METRO SCHOOL BOARD REPORT**

Projected student generation      4 Elementary    3 Middle      3 High

**Schools Over/Under Capacity** - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. Hill and Hillwood have been identified as being overcrowded by the Metro School Board. There is capacity at another middle school within the cluster and there is capacity for high school students at adjacent clusters (Glenclyff, Hillsboro). This information is based upon data from the school board last updated August 31, 2004.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-450**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-162U-08 is **APPROVED. (9-0)**”

**The proposed MUL district is consistent with the North Nashville Community Plan and the Buena Vista Detailed Neighborhood Design Plan’s Mixed Use in Community Center policy. It is also consistent with the surrounding zoning pattern and the site plan is consistent with the intent of the policy.”**

**20.** **2004Z-163U-11**  
 Map119-02, Parcel 2  
 Subarea 11(1999)  
 District 16 (McClendon)

A request to change from RS5 to CS district property located at 104 Glenrose Avenue, approximately 225 feet east of Foster Avenue (0.27 acres), requested by Dale & Associates, applicant, Hawthorne Group, owner. See Planned Unit Development Proposal 2004P-038U-11.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST** - Rezone 0.27 acres from residential single-family (RS5) to commercial service (CS) district at 104 Glenrose Avenue, approximately 225 feet east of Foster Avenue.

**Existing Zoning**

**RS5 district** - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

**Proposed Zoning**

**CS district - Commercial Service** is intended for a variety of commercial uses, including retail trade, consumer services, financial institutions, general and fast food restaurants, auto-repair, auto sales, self-storage, and light manufacturing and small warehouse uses.

**SUBAREA 11 PLAN**

**Mixed Use (MU)**- MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Policy Conflict** - Yes. The proposed CS district is not consistent with the Subarea 11 Plan’s Mixed Use policy intended for a mixture of residential, retail, and office uses. In MU policy areas, mixed use zoning districts are appropriate since it allows for a mixture of uses and not one type.

There is an associated PUD (2004P-038U-11) which proposes to keep the existing structures on the site. The existing commercial use, a small service shop, has not been approved by Codes and is considered to be an “illegal use” according to the Zoning Administrator.

**RECENT REZONINGS** - None.

**TRAFFIC**

**PUBLIC WORK’S RECOMMENDATION** - No Exception Taken.

Typical Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour



Single-family detached (210)	0.27	0.42	2	20	2	3
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Typical Uses in Existing Zoning District: CS with PUD

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.27	--	911	11	2	2

Change in Traffic Between Typical Uses in Existing and Proposed Zoning District

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-9	0	-1

[Note: Items #20 & #21 were discussed by The Metropolitan Planning Commission together. See item #21 for actions and resolutions.]

- 21.** **2004P-038U-11**  
 Brentwood Landscape  
 Map119-02, Parcel 2  
 Subarea 11 (1999)  
 District 16 (McClendon)

A request for preliminary approval for a Planned Unit Development district at 104 Glenrose Avenue, east of Foster Avenue, classified RS5, (0.27 acres), to permit a 911 square foot office use in an existing building, requested by Dale and Associates, for Hawthorne Group, LLC, owner. See Zone Change Proposal 2004Z-163U-11.

**Staff Recommendation** *Disapprove*

**APPLICANT REQUEST** - Preliminary PUD

Request to adopt a new Preliminary PUD to permit a 911 square foot office use in an existing building, on property located at 104 Glenrose Avenue, approximately 225 feet east of Foster Avenue (0.27 acres).

**ZONING & LAND USE POLICY** - RS5 district to CS district

This request for preliminary PUD approval is associated with a zone change request (2004Z-163U-11).

**Subarea 11 Plan**

**MU policy-** MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**PLAN DETAILS**

*Site Design* - The plan proposes a 911 square foot building to be used as an office building. There is also an existing garage and shed on the site that are to remain. Three parking spaces are provided for the office uses, which meets the Zoning Code requirement.

*Land Use-* Codes has determined that the existing “small service shop” use was never permitted and is an illegal use, not a nonconforming use. Therefore, the applicant is required to meet all zoning code and PUD requirements for the proposal.

*Landscape Buffer Yards/Setbacks -* The plan proposes 5 foot buffer yards with a 6’ chain link fence. The required buffer yard is a standard “C” type buffer, which requires a 20’ minimum buffer yard. The applicant is applying for a variance from the Board of Zoning appeals citing that there are existing structures on the property.

Staff recommends disapproval of the variance for the landscape buffer yards and rear setback. Although the structures are existing, it has not been recognized as an approved land use by the Metro Codes department. Also, the adjacent residential properties would need some buffer from the proposed commercial use. The plan also proposes 3 foot rear setback while the required setback for CS zoning is 20 feet.

**PUBLIC WORKS’ RECOMMENDATION -** Dedicate five feet of right-of-way along Glenrose. The plan does propose a five foot right-of-way dedication.

**STAFF RECOMMENDATION -** Staff recommends disapproval of the PUD. The zoning district requested, CS, and the development plan are not consistent with the intent of the MU policy and does not meet the buffer or setback requirements of the zoning ordinance.

Ms. Harris presented and stated that staff is recommending disapproval of zone change 2004Z-163U-11 and disapproval of planned unit development 2004P-038U-11. Ms. Harris stated that the Commissioners had a letter from Councilmember McClendon stating specific conditions that should be placed on this proposal if it were approved.

A person representing the owner of 106 Glenrose Avenue spoke in support of the proposal with Councilmember McClendon’s conditions.

Mr. Ponder requested additional information on the land use proposed for this development. He indicated he would not be in favor of approval.

Ms. Cummings agreed with Mr. Ponder.

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously to disapprove Zone Change 2004Z-163U-11 as well as Planned Unit Development 2004P-038U-11. **(6-0)**

**Resolution No. RS2004-451**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-163U-11 is **DISAPPROVED. (6-0)**

**The proposed CS district is not consistent with the Subarea 11 Plan’s Mixed Use (MU) policy intended for a mixture of residential, retail, and office uses. Mixed use zoning districts are appropriate because they allow for a mixture of uses, not just commercial. The CS district only allows for commercial and retail uses, which will not provide the mixture of development types intended for this area. The CS district is also not consistent with the surrounding development or zoning pattern.”**

**Resolution No. RS2004-452**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-038U-11 is **DISAPPROVED. (6-0)**”

Subarea 12 (2004)  
 District 31 (Toler)

A request to change from AR2a to RS10 district properties located at 6943 and 6947 Burkitt Road, and a portion of property at Burkitt Road (unnumbered), (46.50 acres), requested by James C.D. Franks, applicant, Karen King and B. Nelson King, owners.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone 46.50 acres from agricultural/residential (AR2a) residential single-family (RS10) district at 6943 and 6947 Burkitt Road, and a portion of property at Burkitt Road (unnumbered).

**Existing Zoning**

**AR2a district** - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district allows for approximately 23 homes on the site currently.

**Proposed 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. The RS10 district would allow for 172 homes on this site.

**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.

**Policy Conflict** - No. The proposed RS10 district is consistent with Southeast Community Plan’s RLM policy intended for residential development at a density of two to four dwelling units per acre.

This property is located within an infrastructure deficiency area. The transportation infrastructure deficiency checklist was applied and Burkitt Road at this location scored an “8”. Under Planning Department policy, any score of \_\_\_ or greater does not result in a staff recommendation of disapproval due to road infrastructure deficiencies. The property is located on a “fair segment of a fair road” and would provide 25% of three required street connections. Proper road improvements should be considered at the development stage. Staff recommends that the Commission consider the conditions of the roadway prior to making their recommendation.

**RECENT REZONINGS** - None.

**TRAFFIC**

**PUBLIC WORKS’ RECOMMENDATION** - A Traffic Impact Study will be required at development.

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

Land Use (ITE Code)	Acres	Units Per Acre	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	52.13	0.5	26	249	20	27

**Typical Uses in Proposed Zoning District: RS10**

Land Use (ITE Code)	Acres	Units per Acre	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached (210)	52.13	3.7	193	1901	145	193

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

Land Use (ITE Code)	Acres	--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--			+167	1652	125	166

**METRO SCHOOL BOARD REPORT**

Projected student generation      30 Elementary    25 Middle      22 High

**Schools Over/Under Capacity** - Students would attend Maxwell Elementary School, Antioch Middle School, or Antioch High School. All three schools have been identified as being overcrowded by the Metro School Board. There is capacity at another elementary and middle school within the cluster and there is capacity for high school students at an adjacent cluster (Glenclyff). This information is based upon data from the school board last updated August 31, 2004.

Ms. Harris presented and stated that staff is recommending approval.

Mr. Bob Hemmerline, landscape architect, spoke in support of the proposal

Mr. Jimmy Banniza, 6914 Burkitt Road, spoke in opposition of the proposed zone change.

Mr. Eric Bollinger, 102 Gloryland Lane, spoke in opposition to proposed zone change.

Mr. Mike McKee, 6913 Burkitt Road, spoke in opposition to the zone change request.

Ms. Judy Martin, 105 Gloryland Lane, spoke in opposition to the zone change request.

Ms. Karen King, owner, spoke in support of the zone change request.

Councilmember Toler spoke on the issue of the overcrowded schools in this area. He mentioned that the area just west of this proposal was approved for RS10 zoning. He stated that he will request that both the developer for the area to the west, and the developer for this proposal meet with the School Board to discuss the issues of overcrowded schools. Councilmember Toler also stated that he would not take this proposal to Council until he held a neighborhood meeting to allow the developer to meet with community members to address any issues associated with this proposal.

Mr. Clifton expressed concerns regarding the infrastructure of the area and the impact that this zone change would have place on it.

Ms. Cummings also expressed concerns regarding the infrastructure of the area. She also mentioned the lack of fire protection to the area.

Mr. Ponder commented on the fact that the proposed zone change is in compliance with the subarea policy.

Mr. Loring also stated that the proposal is compatible with the subarea policy. He spoke of the need of residential areas for the Davidson County.

Mr. McLean spoke of recommending approval so that the Councilmember could begin his meetings with the developers to address the issues of infrastructure and the school system for this area.

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve staff recommendations on Zone Change 2004Z -164G-12. **(6-0)**

**Resolution No. RS2004-453**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-164G-12 is **APPROVED. (6-0)**

**The proposed RS10 district is consistent with the Southeast Community Plan’s Residential Low Medium (RLM) policy intended for residential development at a density of two to four dwellings per acre. It is also consistent with the emerging zoning pattern to the west. The property to the west was recommended for approval by the Planning Commission. Although this property is located within an infrastructure deficiency area, it is located on a fair segment of a fair road and will provide three street connections. The property is also located in the Antioch school cluster in which the School Board has programmed for new schools in this cluster.”**

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**XII. PRELIMINARY SUBDIVISION PLATS**

23. **2004S-345U-13**  
Keeneland Downs  
Map 150, Parcels 129,130,131,132  
Subarea 13 (2003)  
District 33 (Bradley)

A request for preliminary plat approval for 161 cluster single-family lots on the south margin of Hamilton Church Road, approximately 1000 feet west of the Mount View Road intersection (44.72 acres), classified within the RS10 Subdivision, requested by Fischer/Ford LLC, owner/applicant, Anderson, Delk, Epps & Associates, Inc., surveyor.

**The Metropolitan Planning Commission DEFERRED Preliminary Subdivision Plat 2004S-345U-13 to January 13, 2005 at the request of the applicant. (9-0)**

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**XIII. FINAL PLATS**

24. **2004S-313U-14**  
Wright Industries - 2nd Rev. of Lot 1  
Map106, Parcel 148  
Subarea 14 (1996)  
District 15 (Loring)

A request for final plat approval to create 3 lots abutting the north margin of Elm Hill Pike, approximately 600 feet west of Massman Drive (61.07 acres), classified within the IR District, requested by Wright Industries, Inc., owner, Barge, Waggoner, Sumner & Cannon, surveyor.

**Staff Recommendation - *Approve with conditions***

**APPLICANT REQUEST - Final Plat**

Request to subdivide one existing lot into 3 lots on 61.07 acres on the north side of Elm Hill Pike, approximately 600 feet west of Massman Drive.

**ZONING**

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

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

**SUBDIVISION DETAILS** -Lots 1 and 2 encompass existing structures on the property, while lot 3 is proposed as a vacant lot. Two access easements are existing from Elm Hill Pike and are to remain. A 75' dedicated conservation/greenway public access trail easement area is also proposed. Sidewalks are existing and are to remain.

**PUBLIC WORKS RECOMMENDATION**

1. Show vehicular cross access between lots 1, 2, and 3. Also provide cross access to adjacent properties along Elm Hill Pike.
2. Cross access is shown between lots 1-3 and to adjacent properties along Elm Hill Pike (lots 1-4).

**STAFF RECOMMENDATION** - Staff recommends conditional approval of the subdivision. It meets all the subdivision regulations and requirements.

**CONDITIONS**

1. Prior to recordation of the final plat, approvals shall be obtained from Metro Water Services for stormwater and water and sewer service, and infrastructure improvements shall be bonded.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-454**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-313U-14 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Show vehicular cross access between lots 1, 2, and 3. Also provide cross access to adjacent properties along Elm Hill Pike.
2. Cross access is shown between lots 1-3 and to adjacent properties along Elm Hill Pike (lots 1-4).
3. Prior to recordation of the final plat, approvals shall be obtained from Metro Water Services for stormwater and water and sewer service, and infrastructure improvements shall be bonded.”

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25. **2004S-335G-04**  
Keels Subdivision  
Map 43-01, Parcel 112  
Subarea 4 (1998)  
District 9 (Forkum)

A request for final plat approval to subdivide one existing lot into two lots, located on the north side of Sarver Avenue, approximately 200 feet east of Pierce Road (1.24 acres), classified within the RS7.5 district, requested by Robert and Angela Keels, owners and Michael R. Williams, surveyor.

**Staff Recommendation** - *Approve*, including variances for lot size, lot width, and sidewalks.

**APPLICANT REQUEST -Final Plat**

Request to subdivide one existing lot into 2 lots on 1.24 acres on the north side of Sarver Avenue, approximately 200 feet east of Pierce Road.

**ZONING**

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

**SUBDIVISION DETAILS**



27. **2004S-356U-03**  
Allen Property Subdivision  
Map 070-130, Parcel 095  
Subarea 3 (1998)  
District 2 (Isabel)

A request for final plat approval to create two lots abutting the north margin of Cliff Drive, approximately 400 feet east of Buena Vista Pike (0.48 acres), classified within the R8 District, requested by Corey Allen, owner, Dale & Associates, surveyor.

**Staff Recommendation** *Approve.*

**APPLICANT REQUEST - Final Plat**

Request for final plat approval to create 2 lots with a sidewalk variance, located on Cliff Drive, approximately 400 feet east of Buena Vista Pike.

**ZONING**

**R8 district** -R8 district allows a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.41 dwelling units per acre including 25% duplex lots.

**SIDEWALK VARIANCE** -The applicant has requested a variance to the sidewalk requirement for approximately 126 feet of lot frontage because no sidewalk exists in the area currently, unnecessary expense and the removal of mature trees.

This application was submitted prior to the adoption of the amendment to the Subdivision Regulations regarding the new sidewalk provisions. In these cases, the applicant is given the option of applying the old or new regulations to their application. The applicant has requested a variance to the old sidewalk regulations.

Under the new Regulations, the applicant would be required to construct the sidewalk, make a financial contribution to Metro Government, in the amount of \$92 per linear foot, or request a variance. Under the old Regulations, the applicant could construct the sidewalk or request a variance; the financial contribution to Metro was not an option. Therefore, staff recommends approval of the sidewalk variance. A section of sidewalk approximately 126 feet in length will require moderate reconstruction of the roadway with curb and gutter for a relatively short section of sidewalk in a mid-block location, which is inconsistent with good planning and design. Although staff will not apply this analysis to cases filed after the adoption of the new regulations, this recommendation has been applied for similar cases in the past.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-456**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-356U-03 is **APPROVED. (9-0)**”

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**XIV. PLANNED UNIT DEVELOPMENTS (revisions)**

28. **1-74-U-13**  
Hickory Hollow Mall (New Cinemas and Restaurants)  
Map 163-00, Parcel 224, and part of 228  
Subarea 13 (2003)  
District 32 (Coleman)



A request to revise a portion of the Commercial Planned Unit Development district located at the northwest corner of Bell Road and Mt. View Road, classified SCR, (12 acres), to permit a 73,057 square foot movie theater, two, 7,500 square foot restaurants, and a 6,730 square foot restaurant (94,787 total square feet.), replacing 62,574 square feet of retail/restaurant uses, requested by Barge Waggoner Sumner and Cannon, for Courtyard at Hickory Hollow, LTD. PTSP, and the Hickory Hollow Mall LTD, Partnership, owners.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST - Revise Preliminary PUD**

Request to revise a 12 acre portion of the preliminary plan for the Commercial Planned Unit Development district located at the corner of Bell Road and Mt. View Road to permit a 73,057 square foot movie theater, a 6,730 square foot restaurant and two 7,500 square foot restaurants, replacing 62,574 square feet of movie theater, retail and restaurant uses.

**PLAN DETAILS** - The proposed plan replaces an existing movie theater and retail shops with a new, larger movie theater and several restaurants at the corner of Bell Road and Mt. View Road.

**Zoning**

**SCR District/Commercial PUD**-Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

**Parking** - The proposed plan utilizes the Hickory Hollow Mall parking area on the inside of the mall loop road. As part of a Planned Unit Development, this PUD was originally approved with shared parking for the different uses in the mall area. This plan will allow the underutilized areas of the mall parking lot to be used, while providing a more pedestrian oriented layout where people can walk between the restaurants and the movie theater, and the mall. Adequate parking is provided in that 5,310 parking spaces are required for the mall, movie theater, and restaurants, while a total of 5,749 parking spaces are provided. Many of the uses operate at different peak hours, allowing for the dispersal of the parking demand over different times of the day.

**TRAFFIC** - A Traffic Impact Study has been submitted and has been reviewed by the Public Works Department.

**METRO PUBLIC WORKS' COMMENTS** - No Exception taken.

**CONDITONS**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Prior to the issuance of any building permits, a critical lot plan must be submitted to the Planning Department for review and approval for any lot designated as critical.

Mr. Leeman presented and stated that staff recommends approval with conditions.

Councilmember Coleman spoke in support of the proposal.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions Planned Unit Development 1-74-U-13. **(6-0)**

**Resolution No. RS2004-457**

“BE IT RESOLVED by The Metropolitan Planning Commission that 1-74-U-13 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Prior to the issuance of any building permits, a critical lot plan must be submitted to the Planning Department for review and approval for any lot designated as critical.

**29. 68-79-G-13**  
Whitt's Barbeque  
Map 148, Parcels 213, 215  
Subarea 13 (2003)  
District 28 (Alexander)

A request to revise a portion of the preliminary and for final for a portion of the Commercial Planned Unit Development district, classified OR20, (1.49 acres), to permit a 7,200 square foot light-manufacturing use, and a 3,150 square foot office/warehouse facility, replacing a 5,366 square foot office/light-manufacturing facility, requested by Dale and Associates, for Whitt's Barbeque, owner

**Staff Recommendation** -*Approve with conditions*

**APPLICANT REQUEST - Revise Preliminary & Final PUD**

A request to revise a portion of the preliminary and for final approval for a portion of the existing Commercial PUD (1.49 acres) to permit a 7,200 square foot light-manufacturing use and a 3,150 square foot office/warehouse facility, replacing a 5,366 square foot office/light-manufacturing facility.

**PLAN DETAILS**

**History** - The preliminary commercial PUD was originally approved in 1979. The Whitt’s Barbeque development was approved in 1985, and was revised on March 18, 1988, to allow for an addition to the existing building on parcel 213. To the south, parcel 215 is currently vacant, with a gravel surface. The entire PUD is currently zoned OR20, which allows office and/or multi-family residential units at up to 20 dwelling units per acre. A 5,366 square foot office/light-manufacturing facility is currently located on parcel 213.

The applicant requests that the current building be replaced by a 7,200 square foot light-manufacturing use and a 3,150 square foot office/warehouse facility for final PUD approval, with a gross floor area of 10,350 square feet. The preliminary plan that was approved in 1979 allowed 59,500 square feet of “general retail activities.” To be considered as a minor revision by the MPC, the total floor area of this commercial PUD must not increase more than 10 percent beyond the total floor area last approved by Council. This case does not represent an increase greater than 10 percent, as 10 percent of 59,500 square feet is 5,950, while the current change represents a 4,984 square foot increase.

**Site Design** -The new 3,150 square foot office/warehouse facility falls along the northern limit of the property, with 9 parking spaces proposed. The 7,200 square foot light manufacturing facility falls along the southern portion of the property (parcel 215), with 10 parking spaces proposed.

**Access** The development uses an existing 25' joint access easement across the front of properties within the PUD, parallel to Antioch Pike, across from the eastern terminus of Cherokee Place. This plan does not change the existing access point to this easement. Sidewalks are existing along Antioch Pike. Required ROW for a U4 in OR20 zoning has been observed (62' required, 105' is existing).

**Greenway dedication** - As this is a Commercial PUD, there is no open space requirement. Both parcels in question about Mill Creek, falling entirely within floodplain and floodway. In the case of a new PUD, the subdivision plat requirement for a 75' greenway dedication apply. Given that this is a revision to an existing PUD with much of the property already disturbed (some within 75' of the creek), the Zoning Ordinance exempts this site from the new floodplain development standards. Staff recommends that the floodway and the 50' floodway buffer beyond the floodway be dedicated as greenway since this is the undisturbed portion of the site. Staff is not recommending the additional 25' since a portion of this is already a disturbed area.

**Environmental** -The applicant proposes a silt fence on the eastern edge of the area to be affected by development. Various tree species are provided along the perimeter and within the interior of the development.

## **TRAFFIC**

### **PUBLIC WORKS RECOMMENDATIONS**

1. Construct a 35' maximum width driveway on Antioch Pike opposite Cherokee Place.

### **CONDITIONS**

1. Prior to the issuance of any building permits, the floodway plus 50' beyond the floodway shall be dedicated as a greenway/conservation easement either by instrument or plat.
2. Prior to the issuance of any permits, reconstruct a 35' maximum width driveway on Antioch Pike opposite Cherokee Place.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans 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 will require reapproval by the Planning Commission.

**Resolution No. RS2004-458**

“BE IT RESOLVED by The Metropolitan Planning Commission that 68-79-G-13 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of any building permits, the floodway plus 50' beyond the floodway shall be dedicated as a greenway/conservation easement either by instrument or plat.
2. Prior to the issuance of any permits, reconstruct a 35' maximum width driveway on Antioch Pike opposite Cherokee Place.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
6. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans 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 will require reapproval by the Planning Commission.”

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**30.**

**122-83-U-12**

Woodlands Residential PUD, Phase 2, Section 1A  
Map 172-00, Parcel 179  
Subarea 12 (2004)  
District 31 (Toler)

A request for revision to preliminary PUD plan and for final PUD approval to allow for the development of 3 lots in a portion of the existing PUD (classified R15), to permit 118 single-family lots, replacing 152 single-family lots, located along the south side of Old Hickory Boulevard and approximately 1 mile west of Nolensville Pike, requested by Prestige Homes, applicant, for Jeffrey Hitt & J.D. Eatherly, owners.

**Staff Recommendation - Approve with conditions**

**APPLICANT REQUEST - Revise Preliminary and Final**

**PUD for a Phase** -Request to revise a portion of the preliminary PUD plan to permit 3 single-family lots in Phase 1A, and to permit 115 single-family lots in Phase 1B on a total of 48.57 acres. The request is also for final PUD

approval for Phase 1A for the 3 lots. This plan replaces 152 single-family lots on the currently approved preliminary plan for this portion of the PUD, located at the terminus of Windypine Drive and Woodlands Avenue, south of Old Hickory Boulevard.

**PLAN DETAILS** - The proposed plan redesigns the remaining portion of the Woodlands PUD by changing the street and lot layout. The plan includes 52% Open Space (25 acres) and provides more centralized open space than what was originally approved. The site contains steep slopes between 20% and 25%. All proposed lots are designated as critical lots due to the topography. Critical lots require an individual grading plan that is certified by a Civil Engineer and will be reviewed by Metro prior to the issuance of any building permits. This plan is considered a revision since it reduces the number of lots from 152 to 118, while maintaining the original development concept.

**History** - This PUD was originally approved in 1983 with single-family lots on this portion of the PUD. The overall PUD was originally approved for 829 total units (239 single-family, 390 apartments, and 200 townhomes). The plan has been revised several times, shifting units from one section to another, while some of the townhomes and apartments have been built. The plan has been revised to allow for 196 single-family homes in the existing portion of the PUD, leaving 152 single-family lots on this portion of the PUD.

**Recent PUD Amendments** - There have been several attempts in past years to amend this portion of the PUD to change from the existing 152 single-family homes to 150 townhomes. All three of these requests were approved by the Planning Commission, but were never approved by the Metro Council.

**TRAFFIC** - Currently, there is a traffic signal at the only entrance to this development on Old Hickory Boulevard. Old Hickory Boulevard is currently constructed to a 5-lane cross-section with a westbound center turn lane into the PUD. There are also two exiting lanes from Woodlands Avenue onto Old Hickory Boulevard.

**METRO PUBLIC WORKS' RECOMMENDATION** - No exception taken.

**CONDITONS:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Prior to the issuance of any building permits, a critical lot plan must be submitted to the Planning Department for review and approval for any lot designated as critical.
5. Any final PUD approval for lots located adjacent to Cedar Way Drive, must include a minimum 15 foot wide landscape buffer between the lot and Cedar Way drive in common open space.

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

A resident from 1433 Cedarway Lane expressed concerns regarding this proposal.

Mr. Kevin Gangaware, Civil Site Design Group, spoke in support of the proposal.

Councilmember Toler mentioned the history of this planned unit development. He requested that the community members have the opportunity to review the final plan before work proceeds.

Mr. Tom Read, 5524 Maplesong Drive, spoke in support of the proposal.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to approve with conditions planned unit development 122-83-U-12 including the final PUD be heard by the Planning Commission. (6-0)

**Resolution No. RS2004-459**

“BE IT RESOLVED by The Metropolitan Planning Commission that 122-83-U-12 is **APPROVED WITH CONDITIONS, INCLUDING THAT THE FINAL PLAT BE HEARD BY THE PLANNING COMMISSION.** (6-0)

**Conditions of Approval:**

1. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
2. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
3. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
4. Prior to the issuance of any building permits, a critical lot plan must be submitted to the Planning Department for review and approval for any lot designated as critical.
5. Any final PUD approval for lots located adjacent to Cedar Way Drive, must include a minimum 15 foot wide landscape buffer between the lot and Cedar Way drive in common open space.”

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- 31. 18-84-U-10**  
Blakeford at Greenhills (Burton Hills)  
Map 131-06-0-A, Parcel 15  
Subarea 10 (1994)  
District 25 (Shulman)

A request to revise the preliminary for a phase of the Residential Planned Unit Development located abutting the east side of Burton Hills Boulevard and the north side of Seven Hills Boulevard, classified R15, (9.52 acres), to relocate and change the building footprint without changing the number of living units, and provide a new access point along Seven Hills Boulevard, also requesting for final PUD approval to develop 30 nursing home beds and 17 assisted-living beds where 132 independent living units are existing, requested by Littlejohn Engineering Associates for Blakeford of Green Hills, owners.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST -Revise Preliminary & Final PUD**

Request to revise the preliminary plan for a phase of the Residential PUD to relocate the previously approved building additions without changing the number of living units within this phase, and to add a second driveway access point on Seven Hills Boulevard.

The request is also for Final PUD approval to develop 30 nursing home beds and 17 assisted-living beds, where there are 132 existing independent living units on 9.52 acres, located at the east side of Burton Hills Boulevard and the north side of Seven Hills Boulevard.

## **ZONING & LAND USE POLICY**

**R15 district** - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. The preliminary residential PUD was approved prior to 1998, before the zoning ordinance required the land uses permitted within a PUD district to be consistent with the underlying zoning. As this is a revision to a phase of an approved preliminary PUD, the nursing home, assisted living, and independent living uses are permitted, despite their inconsistency with the standard uses permitted within a R15 zoning district.

Subarea 10 Area 4C

**RLM policy** - This property is located within a RLM policy, which 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.

## **PLAN DETAILS**

**Site Design & Parking** - The preliminary plan proposed the development of 30 nursing home beds, 17 assisted-living beds, while 132 independent living units already exist within this phase. This revised preliminary and final PUD plan does increase the building floor area by 4,205 square feet from the last revision earlier this year, but does not modify the number of units or land use. The proposed additions to the building on the southwest portion of the PUD, which contain nursing home and assisted living uses, have been slightly redesigned to include residential physical therapy and administrative uses in the basement. From the last revision, proposed parking spaces have increased by 26 to 225 spaces.

**Access** - Access to the PUD has been revised to include two points along Seven Hills Boulevard instead of one, as was previously approved. The new proposed parking is available via the eastern access point along this road. Public Works has approved the additional driveway location. A PUD amendment is not required since this PUD was already approved with access onto Seven Hills Boulevard.

**Landscaping** - The applicant will maintain some of the existing trees along Seven Hills Boulevard along the eastern edge of the PUD. Other landscaping includes a monument planting at the corner of the PUD near Seven Hills and Burton Hills Boulevards, an outdoor courtyard area with fish pond along Burton Hills Boulevard, and sporadic placement of ornamental understory trees throughout parts of the PUD undergoing new expansion.

**TRAFFIC PUBLIC WORKS RECOMMENDATIONS** - The applicant shall submit a pavement striping and signing plan for removal of the median opposite the new driveway on Seven Hills Boulevard, including standard traffic notes, and providing parking per code.

## **CONDITIONS:**

1. Prior to the issuance of any permits, the applicant shall submit a pavement striping and signing plan for removal of the median opposite the new driveway on Seven Hills Boulevard, including standard traffic notes, and providing parking per code.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until

four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans 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 will require reapproval by the Planning Commission.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-460**

“BE IT RESOLVED by The Metropolitan Planning Commission that 18-84-U-10 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of any permits, the applicant shall submit a pavement striping and signing plan for removal of the median opposite the new driveway on Seven Hills Boulevard, including standard traffic notes, and providing parking per code.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
7. These plans 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 will require reapproval by the Planning Commission.

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32. **23-85-P-13**  
Hamilton Creek Apartments  
Map 150, Parcel 236  
Subarea 13 (2003)  
District 29 (Wilhoite)



A request for a revision to the preliminary plan and for final approval for a phase of the Planned Unit Development located abutting the north margin of Hamilton Church Road east of Murfreesboro Pike, classified R10, (8.46 acres), to permit the development of 116 multi-family units, replacing 120 units in this phase, requested by Ragan Smith Associates for Hamilton Church Apartment, L.P. owners.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST -Revise Preliminary & Final PUD**

Request to revise a portion of the Preliminary Plan and for Final approval for the Residential PUD to reduce the number of units from 120 apartments to 116 apartment units on an 8.46-acre portion of the PUD. The property is located on the north side of Hamilton Church Road, east of Murfreesboro Pike.

**PLAN DETAILS**

The plan proposes 116 apartment units within a total of seven buildings that are located along either side of a single private drive that extends north into the site from Hamilton Church Road. The request to revise the preliminary is a result of not receiving a variance to the parking standards, as was recommended to the BZA by the Planning Commission in January 2004.

The variance was approved by the BZA, but subsequently reversed in Davidson County Court. The current plan modifies the building and parking layout, and reduces the number of units in this section of the plan from 120 to 116. The connection to parcel 237, directly north of the subject site, will remain intact as originally approved with the Council approved plan. The parcel to the north, parcel 237, is the last vacant tract within the PUD and is approved for additional multi-family units.

**Parking** -The current plan meets the Zoning Code requirements for parking, based on the proposed number of units and bedrooms:

36 – 1 bedroom = 1 space per bedroom  
60 – 2 bedroom = 2 spaces per bedroom  
20 – 3 bedroom = 2.5 spaces per bedroom  
TOTAL = 206 spaces provided  
REQUIRED = 206 spaces

The previously approved plan requested, and received, a parking variance from the Board of Zoning Appeals, however, this decision was challenged in court and was nullified. Therefore, the applicant is now requesting to reduce the number of units and increase the number of parking spaces to meet the Zoning Code requirements.

The previous plan proposed 176 parking spaces, where 216 were required. The current plan proposes 206 parking spaces, where 206 are required. The current plan increases the number of parking spaces by 30 spaces, while reducing the number of units in this phase by 4 units.

**METRO PUBLIC WORKS' RECOMMENDATION**

An eastbound left-turn lane into the site on Hamilton Church Road.

**CONDITIONS**

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.

3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans 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 will require reapproval by the Planning Commission.
5. All traffic mitigation measures, as required by the Metro Public Works Department, including an eastbound left turn lane into the site on Hamilton Church Road.

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

Ms. Cathe Dodd, Woodbine Community Organization, spoke in support of the proposal.

Mr. Douglas Allen, 3356 Calais Circle, spoke in opposition to the proposal.

Ms. Mary Harrell, 1017 Lonsway Circle, spoke in opposition to the proposal. She also submitted information to the Commission.

Mr. Larry Jones, 3601 Roundwood Forest Drive, spoke in opposition to the proposal.

Councilmember Wilhoite spoke in opposition to the proposal. She requested that the item be deferred. She mentioned density, lack of communication by developers with the community and mixed messages of the planning department as reasons she is requesting deferral of this proposal.

Mr. Jerry Susi, 405 Owendale Drive, spoke in support of the proposal.

Mr. J.R. Harrell, 445 Owendale Drive, spoke in favor of the proposal.

Mr. Al Bender, 5980 Mt. View Road, spoke in opposition to the proposal.

Mr. Clifton commented on the requests presented before the Commission. He indicated that the revised PUD is requesting an increase in parking and a decrease in the number of units. He stated that there would be an additional Public Hearing held on this proposal next month and at that time, other issues associated with the proposal could be heard by the Community who would be affected by this proposal.

Ms. Cummings also acknowledged the purpose of the requests presented today.

Mr. Loring spoke in favor a deferring this item until the January meeting. He stated that Councilmember Wilhoite has been working hard with the community members affected by they proposal.

Mr. Ponder moved, and Ms. Cummings seconded the motion, to approve with conditions Planned Unit Development 23-85-P-13. **(4-1-1) No Vote – Loring; Abstention – McLean**

#### **Resolution No. RS2004-461**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 23-85-P-13 is **APPROVED WITH CONDITIONS. (4-1-1)**

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

1. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.

2. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met before the issuance of any building permits.
3. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
4. These plans 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 will require reapproval by the Planning Commission.
5. All traffic mitigation measures, as required by the Metro Public Works Department, including an eastbound left turn lane into the site on Hamilton Church Road."

- 33.** **88-85-P-06**  
West Park, Phase 3  
Map 114, Parcels 261-263  
Subarea 6 (2003)  
District 35 (Tygard)

A request for final approval for a phase of the Residential Planned Unit Development District located abutting the south margin of Charlotte Pike, north of I-40, classified within the R15 district, (25.6 acres), to permit the development of 55 multi family units, requested by Ragan-Smith Associates, for Vastland Communities, owner.

**Staff Recommendation-***Approve with conditions*

**APPLICANT REQUEST - Final PUD**

Request for Final PUD approval for the third and last phase of a Residential PUD, to develop 55 multifamily units of 147 overall units that were approved in the preliminary PUD. Phase 3 involves 25.6 acres, at 7235 Charlotte Pike and Charlotte Pike (unnumbered), northwest of I-40.

**PLAN DETAILS**

**History-**The preliminary residential PUD was originally approved in 1985 for 240 townhomes, and revised by the Planning Commission on June 27, 2002, to reduce the number of units to 147 townhomes, on 40 acres. The plan was grandfathered to permit townhomes within the R15 district. On July 25, 2002, the Planning Commission approved the PUD subject to a final plat to include bonds for off-site road improvements and any necessary public improvements. Phases 1 and 2 have since begun construction, and the applicant requests the remaining 55 multi-family units of Phase 3 for final PUD approval.

**Site Design -**The plan calls for three types of townhomes (between 1,320 and 1,710 square feet each) that front on both sides of a private drive. There are 44 three-bedroom townhomes and 11 two-bedroom townhomes. A sidewalk is provided on the southern side of the private drive, and the road terminates with a cul-de-sac surrounded by open space. A pool and pool house are proposed at the intersection of the private drive and the short driveway providing access to the development along Charlotte Pike.

**Access -**The PUD has one existing access point, via a private drive along Charlotte Pike. Phase 3 is proposed to have internal access via the extension of an existing private road within the PUD.

**Previous conditions -**Public Works approved Phases 1 and 2 based on several conditions, some of which have yet to be partially or completed fulfilled:

- Applicant construct a westbound left-turn lane into the project entrance on Charlotte Pike.

- Area along the south side of Charlotte Pike be cleared of obstructions, including fences, signs, and trees in accordance with the final PUD's landscaping plan.
- Bonds be posted for sidewalks, turn-lane, and landscaping with the final plat.

**Open Space** - The final site plan has 1.2 acres devoted to building coverage, 1.2 acres devoted to parking and streets, and 23.2 acres of open space. A large portion of this open space constitutes steep slopes along the southeastern part of the PUD, north of I-40.

**Environmental** - During Phase 1 and 2, a detention pond was provided along the northwestern part of the PUD. The applicant proposes a silt fence on the northern limit of the proposed development during construction. A line of various tree species are provided just north of the northern row of townhomes, and other trees are provided sporadically throughout the development.

## **TRAFFIC**

**PUBLIC WORKS' RECOMMENDATIONS**-A westbound left turn lane is required on Charlotte Pike at the project entrance. Two exit lanes are required at the private driveway onto Charlotte Pike. The westbound turn lane must be completed prior to 30th U&O permit (Phase 1 condition). The two exiting lanes on the private driveway at the project access shall be constructed with 75 feet of storage for each exit lane.

## **CONDITIONS**

1. Prior to the issuance of the 30<sup>th</sup> Use and Occupancy permit for Phase 1, the westbound left turn lane on Charlotte Pike must be constructed by the developer. The two exiting lanes on the private driveway shall be constructed with 75 feet of storage for each exit lane.
2. Individual driveway lengths should measure at least 20 feet, outside the space dedicated to the width of the sidewalk fronting each unit.
3. Prior to the issuance of any building permits, a final plat shall be recorded to preserve the 16.9 acres of remaining open space to the south of Phase 3.
4. Prior to the issuance of any building permits, Harpeth Valley Utility District shall provide written approval of this phase to the Metro Planning Department.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.

10. These plans 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 will require reapproval by the Planning Commission.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-462**

“BE IT RESOLVED by The Metropolitan Planning Commission that 88-85-P-06 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of the 30<sup>th</sup> Use and Occupancy permit for Phase 1, the westbound left turn lane on Charlotte Pike must be constructed by the developer. The two exiting lanes on the private driveway shall be constructed with 75 feet of storage for each exit lane.
2. Individual driveway lengths should measure at least 20 feet, outside the space dedicated to the width of the sidewalk fronting each unit.
3. Prior to the issuance of any building permits, a final plat shall be recorded to preserve the 16.9 acres of remaining open space to the south of Phase 3.
4. Prior to the issuance of any building permits, Harpeth Valley Utility District shall provide written approval of this phase to the Metro Planning Department.
5. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
6. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
7. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
8. If this final approval includes conditions which require correction/revision of the plans, authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
10. These plans 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 will require reapproval by the Planning Commission.”

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34. **47-86-P-02**  
Nashville Business Center  
Map050-10-B, Parcel 2  
Subarea 2 (1995)  
District 3 (Hughes)

A request to revise a portion of the preliminary plan and for final approval for a portion of the Industrial Planned Unit Development District abutting the north margin of Brick Church Lane and the eastern margin of Interstate 24 (38.69 acres), classified IWD, to permit the development of a 501,300 square foot warehouse/office facility, replacing 445,000 square feet of unbuilt warehouse/office facilities, requested by Barge Cauthen and Associates, for Duke Realty, owner.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST - Revision to Preliminary**

And Final PUD Request for a revision to preliminary and final PUD approval to permit the development of a 501,300 square foot warehouse/office facility, replacing 445,000 square feet of unbuilt warehouse/office facilities.

Although the proposed plan changes the building footprints, parking layout and open space configuration, it is not considered to be an amendment because the use was previously approved and the expansion is not greater than 10%.

**PLAN DETAILS**

**PUD History** - The Brick Church Industrial Park PUD was originally approved in 1987 for 679,000 square feet of Warehouse, Light Manufacturing and Office/Research space in 3 building. Today, there are 2 buildings consisting of approximately 234,000 existing within the PUD today (Cintas Corporation and NWI Warehouse Group.)

The last revision to the entire PUD approved in 1996 building sites, two of which are encumbered by floodway buffer and could not be developed under current regulations. In 1998, this site received approval for a revision to the preliminary PUD and final approval for 362,591 square feet in two buildings, but was never built.

**Site Design** - This revision combines the remaining unconstructed square footage within the entire PUD into one building. The parking and access drives are located around the perimeter of the proposed building, with a possibility of 66 additional parking spaces located on the east side of the building. This plan has less impervious surface abutting Ewing Creek by complying with the Stormwater 50 foot undisturbed floodway buffer.

**PUBLIC WORKS' RECOMMENDATIONS**

**Traffic** - No Exception Taken.

The traffic division has received trip generation information regarding this project. Traffic will waive the TIS requirement and revise our comments to be as follows:

**Plan Review**

1. Construct turnaround to match right-of-way, use curb and gutter.
2. Connect driveways with commercial concrete ramps, ST 314.

**CONDITIONS**

1. Prior to the issuance of a building permit, the applicant shall record a plat or instrument to place a greenway/conservation public access easement over the floodway and 50' foot floodway buffer.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans 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 will require reapproval by the Planning Commission.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-463**

“BE IT RESOLVED by The Metropolitan Planning Commission that 47-86-P-02 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the issuance of a building permit, the applicant shall record a plat or instrument to place a greenway/conservation public access easement over the floodway and 50’ foot floodway buffer.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and fire flow water supply during construction must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans 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 will require reapproval by the Planning Commission.”

- 35. 2004P-004U-13**  
 Carrollton Station (Re-referred plan from Council)  
 Map 149, Parcels 178, 226, 348  
 Map 162, Parcels 24,187,249  
 Subarea 13 (2003)  
 District 28 (Alexander)

A request for preliminary approval for a Planned Unit Development located abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, classified RS7.5 and proposed for RM6, (27.4 acres), to permit the development of 147 townhomes and 8 single family lots and 14,000 square feet of commercial, requested by Civil Site Design Group for CPS Land, LLC., owners.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST - Preliminary PUD**

Request to revise a preliminary PUD, previously approved by the Commission but not by Council, to allow for the development of 8 single-family lots, 147 townhouse units and two lots with 14,000 total square feet of commercial development on approximately 27.4 acres. The PUD property is located along the north side of Una Antioch Pike, at Hickory Hollow Parkway.

## **PLAN DETAILS**

**Access & Connectivity:** This plan, which revises the lot and street layout between Chadfield Way and Bowfield Drive, from the plan previously approved by the Commission, no longer provides a connection between the two streets. Although there is no longer vehicular access between the two streets, staff recommends approval with the addition of two public pedestrian access easements. The first should be between Chadfield Way and Bowfield Drive, while the second should be from the proposed townhouse units to the existing stub-street on Bowfield Drive.

Access to the site is being provided off Una Antioch Pike. The actual entrance to the townhouse site will be located along the new public road that provides for a future connection between Una Antioch Pike and Payne Road. Connection to the single-family areas through the townhouse portion is not being provided. The potential for a connection to the western undeveloped parcels exists since that area could also develop as additional multi-family.

**Site Design:** The Planning Commission voted 9-0 to approve with conditions the previous plan on January 22, 2004, for 139 townhomes, 16 single-family lots, with a loop road connection between Chadfield Way and Bowfield Drive, and 14,000 square feet of commercial uses along Una Antioch Pike. Staff recommended approval with conditions of that proposal.

**Re-referred Plan -** The revised plan calls for the development of 8 single-family lots at the end of Chadfield Way and Bowfield Drive, as well as 147 townhomes with access to Una-Antioch Pike. The portion of the site along Una-Antioch Pike includes two parcels proposed for MUL zoning with approximately 14,000 total square feet of commercial uses. Three single-family lots are proposed at the end of Chadfield Way, while 5 lots are proposed at the end of Bowfield Drive. The applicant designed the townhouse portion into a walkable development, with three large areas of usable open space that are centrally located within the site. These three usable open space areas help to create three areas of townhouse development. The majority of the buildings face onto one of these three recreational areas.

**METRO PUBLIC WORKS' RECOMMENDATION -** Traffic has reviewed this project's Oct. 2004 TIS and prepared the following conditions for approval of this project at Hickory Hollow Pkwy and Una Antioch Pk.

A feasibility plan was not submitted with the TIS, therefore, if the conditioned roadway mitigations cannot be constructed a revised study will be necessary that documents improvements necessary to mitigate this project's impact on the roadways.

### **Blue Hole Rd/ Una Antioch Pk intersection**

1. Due to the 22 car queue for PM thru / left turns westbound on Una Antioch Pk and limited queue space between the railroad crossing and Blue Hole rd and Hickory Hollow pkwy intersections, the developer shall construct a westbound left turn lane on Una Antioch Pk at Blue Hole Rd. according to AASHTO design standards.

2. The developer shall extend this left turn lane to the reconstructed Hickory hollow Pky /Antioch Pk intersection and align with the conditioned eastbound left turn at the project access at the relocated intersection. Therefore, Una Antioch Pk shall be constructed to provide a 3 lane cross section between these 2 signalized intersections.

3. Developer shall modify the traffic signal at this intersection as required. A signal plan shall be submitted for approval by the metro Traffic Engineer.

### **Hickory Hollow Pkwy/Una Antioch Pk intersection**

1. Developer shall Reconstruct Hickory Hollow Pkwy opposite the project access road at Una Antioch Pk. Developer shall modify this approach to intersect at 90 degrees with Una Antioch and construct 1 southbound lane and 2 northbound lanes. The northbound lanes shall be striped to provide a shared right /through lane and a separate left turn lane with 250 ft of storage and transition per AASHTO standards.



2. Developer shall document adequate sight distance for this relocated intersection.
3. Developer shall construct on Una Antioch Pk an eastbound left turn lane with a minimum 125 ft of dedicated storage and aligned with extended eastbound left turn lane at Blue Hole Rd.
4. Developer shall construct a westbound left turn lane with 175 ft of storage and transition per AASHTO standards on Una Antioch Pk at Hickory Hollow PKwy.
5. The developer shall construct the Project access Road/Payne Road extension intersection with UNA ANTIOCH PK with 1 northbound lane and 2 southbound lanes. The southbound lanes shall be striped to provide a shared right /through lane and a separate left turn lane with 125 ft of dedicated storage.
6. The project access road/Payne Road extension shall be constructed with a 3 lane cross section with center 2 -way left turn lane to align with a future Payne road at the property line of the project site.
7. The developer shall construct the Payne Road extension through the project site with a southbound left turn lane at the townhome access driveway.
8. Each commercial parcel will be accessed by 1 driveway. The driveways accessing each parcel shall be aligned and located in order to provide adequate storage for left turning vehicles and no conflict with dedicated storage of southbound left turn lane at Una Antioch Pk.
9. Developer shall modify traffic signal as required. A signal plan shall be submitted for approval by the Metro Traffic Engineer. If side walks are required along Una Antioch, pedestrian signals and associated facilities shall be installed.  
If this access road is considered an extension of Payne rd and therefore a public road then detection loops may be installed. If this access road is considered a private road, video detection shall be utilized for signal modification.

**Preliminary PUD Plan comments.**

Per above conditions,

1. show all off site conditioned roadway improvements
2. Show left turn lanes on Una Antioch at access road.
3. Show 3 lane cross section for access road from Una Antioch Pk to property line near Payne Rd.
4. Provide adequate parking as required by codes.
5. Identify access road as public or private.
6. Dimension reserved/dedicated ROW for 1/2 of U4 (84 ft) classification along Una Antioch Pk property frontage.

**CONDITIONS**

1. The plan approval is based on the addition of two public pedestrian access easements. The first shall be between lots 2 and 3 at the end of Chadfield Way and Lots 4 and 5 at the end of Bowfield Drive, while the second should be from the proposed townhouse units to the existing stub-street right-of-way on Bowfield Drive.
2. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
3. The three internal open space areas shall be planted / landscaped in a way that provides passive or active recreational areas for the residents of the townhouse community. These open space areas shall not be used for any part of the stormwater management system.
4. The proposed sidewalk / path leading from the townhouse development to the two MUL parcels shall be lighted so as to provide safe pedestrian access to these areas at night.

5. If final PUD approval is not requested for the entire PUD, a phasing plan must be submitted with the first request for final PUD approval.
6. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to Third Reading at council, all traffic improvements required by Metro Public Works and the approved Traffic Impact Study must be amended into the Council Bill. If these conditions are not amended into the Council Bill, the recommendation is for disapproval.

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

Ms. Linda York, 2492 Una-Antioch Pike, spoke in opposition to the proposal.

Mr. Kevin Gangaware, Civil Site Design Group, spoke in support of the proposal.

Ms. Judy Cummings requested additional information pertaining to sidewalks and whether they were included in this proposal.

Mr. Leeman stated that proposal contains internal sidewalks that would connect to public roads outside of the development.

Ms. Cummings also requested additional information pertaining to the infrastructure in relation to traffic for the area.

Mr. Clifton commented on many improvements that will be made by the developer in relation to this proposal. He stated he was in favor of approving.

Mr. Charles Hasty, Public Works, commented on the conditions agreed to by the developer for this proposal.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously to approve with conditions Planned Unit Development 2004P-004U-13. **(6-0)**

**Resolution No. RS2004-464**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-004U-13 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. The plan approval is based on the addition of two public pedestrian access easements. The first shall be between lots 2 and 3 at the end of Chadfield Way and Lots 4 and 5 at the end of Bowfield Drive, while the second should be from the proposed townhouse units to the existing stub-street right-of-way on Bowfield Drive.
2. A Tree Preservation / Removal and Grading Boundary Plan (24x36) shall be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
3. The three internal open space areas shall be planted / landscaped in a way that provides passive or active recreational areas for the residents of the townhouse community. These open space areas shall not be used for any part of the stormwater management system.
4. The proposed sidewalk / path leading from the townhouse development to the two MUL parcels shall be lighted so as to provide safe pedestrian access to these areas at night.

5. If final PUD approval is not requested for the entire PUD, a phasing plan must be submitted with the first request for final PUD approval.
6. This preliminary plan approval for this portion of the master plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.
7. Prior to Third Reading at council, all traffic improvements required by Metro Public Works and the approved Traffic Impact Study must be amended into the Council Bill. If these conditions are not amended into the Council Bill, the recommendation is for disapproval.”

36.

**2004P-024G-12**

Christiansted Valley PUD (Referral From Council)  
Map172, Parcel 150, 154  
Subarea 12 (2004)  
District 31 (Toler)

A request for preliminary approval for a Planned Unit Development district located at 251 Holt Hills Road and Holt Hills Road (unnumbered), at the terminus of Palomar Court and Christiansted Lane, classified R20 and proposed for RS15, (20 acres), to permit 49 single-family lots, requested by Ralph Gallant, Et ux, and Lose and Associates, Inc., applicant.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST**

**Preliminary PUD-**Request to adopt a preliminary Planned Unit Development to allow 49 single-family lots on 20 acres. The property is located east end of Palomar Court and Christiansted Lane.

**PLAN DETAILS**

**Site Design & Access-**The plan proposes 49 single-family lots at an extension of Palomar Court and Christiansted Lane.

**Original Plan** - The original plan, approved by the Planning Commission, provided circuitous connectivity to the easternmost property line at the Holt Hills Road private roadway easement as is called for in the current Community. As part of the Southeast Community Plan update, the Planning Commission required that “special consideration” be given to this area with regards to traffic improvements and street connectivity. The street layout provided for non-direct connectivity of streets that would provide for traffic calming. These roadways, designated as local streets with 50 feet of right-of-way, were planned to eventually provide a necessary connection to Bradford Hills Drive.

**Re-referred Plan-**The re-referred plan does not provide the required stub-out connection to the east, as is called for in the Southeast Community Plan. Staff recommends disapproval of the revised plan because this street connection is necessary to provide a long-term alternative for vehicular connectivity for the area.

Palomar Court is still proposed to be permanently dead-ended into this subdivision by way of a new cul-de-sac. Sidewalks are being provided along both sides of all new streets.

**Topography** - There are hillside / slope constraints associated with this subdivision proposal. The applicant is using the cluster option to reduce lot sizes so as to avoid areas of slope that exceed 25% slope.

**ZONING & LAND USE POLICY**

**R20 to RS15** - This request for preliminary PUD approval is associated with a zone change request to change from R20 to RS15, which will allow for the development of the 49 single-family lots.

**Southeast Community Plan**

**RLM Land Use Policy** - The proposed density for the subdivision is 2.45 lots per acre. The RLM policy supports this density and the proposed development pattern.

**METRO PUBLIC WORKS' RECOMMENDATION** - Detailed comments were provided by Metro Public Works and addressed by the applicant's representative.

**CONDITIONS**

If the Commission recommends approval of this PUD, then the following conditions should be included in the recommendation:

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) must be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage.

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

Mr. David Coode, Lose & Associates, spoke in support of the proposal.

Ms. Sharon Force, 280 Holt Hill Road, spoke in opposition to the proposal.

Mr. Bill Land, 6752 Christiansted Lane, spoke in opposition to the connectivity included in the proposal.

A resident of 6740 Christiansted Lane, spoke in opposition to the proposal.

A resident of 6273 Palomar Court, spoke in support of the proposal.

Mr. Travis Wood, 6648 Christiansted Lane, spoke in support of the proposal.

Councilmember Toler stated that he has held numerous meetings regarding this proposal. He stated that as a result of the many meetings, the community members are in agreement with this proposal and requested that the Commissioners approve the plan.

Mr. Clifton spoke regarding connectivity as it relates to this proposal. He spoke in favor of approval.

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously, to approve Planned Unit Development 2004P-024G-12. **(6-0)**

**Resolution No. RS2004-465**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2004P-024G-12 is **APPROVED WITH CONDITIONS. (6-0)**

**Conditions of Approval:**

1. A Tree Preservation / Removal and Grading Boundary Plan (24x36) must be submitted prior to, or in conjunction with, the submittal of the Final PUD application.
2. This preliminary plan is based upon the stated acreage. The actual number of dwelling units to be constructed may be reduced upon approval of a final site development plan if a boundary survey confirms there is less site acreage."

**XV. MANDATORY REFERRALS**

**37. 2004M-121U-09**  
Map 093-06-1, Parcels 87,88  
Subarea 9 (1997)  
District 6 (Jameson)

A request for an aerial encroachment to permit an entry canopy and multiple residential balconies over the Church Street right-of-way, located at 411 Church Street, by Ed Owens of Gresham, Smith & Partners, applicant, for Viridian Development Company, LLC, owner.

**Staff Recommendation** - *Approve with conditions*

**APPLICANT REQUEST** - A request for an aerial encroachment to permit an entry canopy and multiple residential balconies over the Church Street right-of-way, located at 411 Church Street, by Ed Owens of Gresham, Smith & Partners, applicant, for Viridian Development Company, LLC, owner.

The requested entry canopy will extend 7 feet into the right-of-way, 11 feet, 7 inches above the ground. All of the balconies will extend 2 feet, 8.25 inches into the right-of-way, with the lowest balcony approximately 124 feet above the ground.

**DEPARTMENT AND AGENCY COMMENTS** - No responding departments or agencies take exception.

**RECOMMENDATION** - The following departments or agencies have reviewed this request and recommended approval: Metro Historical Commission, Emergency Communications Center, Metro Public Works, and Stormwater. NES recommends approval, with the condition that the proposed canopy shall not overhang any underground NES vault.

**Planning staff recommends approval with the NES condition.**

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-466**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-121U-09 is **APPROVED. (9-0)**”

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**38. 2004M-122UG**

A request to adopt the Metropolitan Government of Nashville and Davidson County Official Street and Alley Map, requested by the Director of Metro Public Works.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - An ordinance to adopt the Metropolitan Government of Nashville and Davidson County Official Street and Alley Map, requested by the Director of Metro Public Works.

The attached list represents all roads that have been accepted for maintenance by the Department of Public Works over approximately the past year. The Metro Code requires that all roads be accepted by the Metro Council for dedication and added to the official streets and alley map. Right-of-ways accepted by subdivision plat are not included in this list until they have been accepted for maintenance by Public Works.

**DEPARTMENT AND AGENCY COMMENTS** - None.

**RECOMMENDATION** - The following departments or agencies have reviewed this request and recommended approval: Emergency Communications Center, Metro Public Works, Stormwater, and NES.

**Planning staff also recommends approval.**

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-467**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-122UG is **APPROVED. (9-0)**”

- 39. **2004M-123U-14**  
Map 84-15, Parcel 55  
Subarea 14 (1996)  
District 15 (Loring)

A request for an easement acquisition located at 212 Walnut Hill Drive, Metro Water Services Project No. 01-SG-92, requested by Metro Water Services.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - A request for an easement acquisition located at 212 Walnut Hill Drive, Metro Water Services Project No. 01-SG-92, requested by Metro Water Services.

**APPLICATION REQUIREMENTS** - None

**DEPARTMENT AND AGENCY RECOMMENDATIONS** - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

Planning staff also supports the request.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-468**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-123U-14 is **APPROVED. (9-0)**”

- 40. **2004M-124G-10**  
Map 146-13, Parcel 4,5,6,7  
Subarea 10 (1994)  
District 34 (Williams)

A request to abandon a water reservoir and water tank properties located at 925 and 929 Otter Creek Road and 941 and 945 Forest Acres Court, Metro Water Services Project No. 04-WG-153, requested by Metro Water Services.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - A request to abandon a water reservoir and water tank properties located at 925 and 929 Otter Creek Road and 941 and 945 Forest Acres Court, Metro Water Services Project No. 04-WG-153, requested by Metro Water Services.

**APPLICATION REQUIREMENTS** - None

**DEPARTMENT AND AGENCY RECOMMENDATIONS** - This item is recommended for approval by the Metro Water & Sewerage Services Department, Emergency Communications Center, and Nashville Electric Service (NES).

**Planning staff also supports the request.**

Approved (9-0), *Consent Agenda*

**Resolution No. RS2004-469**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004M-124G-10 is **APPROVED. (9-0)**”

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**XVI. OTHER BUSINESS**

41. Contract Renewals for Ann Hammond, Jeff Lawrence and David Kleinfelter

Approved (9-0), *Consent Agenda*

42. Employee Contracts for Fred Schwartz and Randy Morgan

Approved (9-0), *Consent Agenda*

43. A request to rehear the Planning Commission's approval of a revision for a portion of the Commercial Planned Unit Development District located at Gale Lane (unnumbered, classified SCC, (8.1 acres) to permit a 12,000 square foot medical office building, replacing a 8,400 square foot retail use, Barge Waggoner Sumner and Cannon, applicant for Land Trust Corporation, owner.

**APPLICANT REQUEST - Re-hearing**

Ms. Doyle has requested a rehearing for an item that was approved with conditions on September 23, 2004, stating two objections: 1) Use of property; 2) Size of the building.

The item that was approved by the Commission was a revision to the preliminary plan and final approval for a portion of the Commercial Planned Unit Development located at the corner of Gale Lane and Franklin Road, to permit a 12,000 square foot medical office building, replacing an 8,400 square foot, unbuilt, retail use.

**Planning Commission Rules And Procedures**

“Any aggrieved party or a planning commission member may, within 60 days after a commission action, request a rehearing. The request, filed in writing by an aggrieved party or announced by a sitting planning commission member at a regular meeting, must be filed or announced at least fourteen (14) days prior to the meeting at which the request will be heard. The request must state what conditions have changed or what new information is available that may serve as cause for rehearing. The councilmember in whose district the subject of the rehearing lies shall be notified immediately of the date of rehearing consideration.

A motion to rehear may be made and seconded by any member of the Commission who voted with the majority in the first action on the issue. A simple majority of the Commissioners present and constituting a quorum is sufficient to carry a motion to rehear. If the motion to rehear passes, the issue may be heard at that point and action may be taken, unless the issue was originally heard at public hearing. When the issue had originally been heard at public hearing, the issue must be set for public hearing again before action is taken.”

**Melrose PUD History**

Date	Request	Approval Body	Uses	Floor Area	Total Approved S.F.	% Change from Prelim. PUD	Lot 4/ Tract B Changes
1989	Preliminary	Council	Shopping Center, Specialty Retail, Retail, Restaurant, Drugstore, Service Shops	226,000 square feet	226,000	0%	Specialty Shops: 11,250 sq. ft.: 2 Driveways to Gale Ln.
1994	Revision to Prelim. and Final	MPC	Retail, Fast Food, Office	150,077 square feet	150,077	-34%	Retail: 8,400 sq. ft.: 1 Driveway to Gale Ln.
1997	Revision to Prelim. and Final	MPC	Addition of 5,430 sq. ft. of retail to shopping center	Addition of 5,430 square feet	155,507	-31%	No Change to Lot 4
2000	Amend Prelim.	Council	36,000 s.f. Church, replacing a 48,000 s.f. retail use	36,000 s.f. church	143,507	0%	No Change to Lot 4
2001	Amend Prelim.**	Council	48,000 s.f. retail use, replacing 36,000 s.f. church	48,000 s.f. retail	155,507	0%	No Change to Lot 4
2004	Revision to Prelim. and Final	MPC	Change Lot 4 from an 8,400 s.f. retail Use to a 12,000 sq. ft. Medical Office Use	12,000 sq. feet Medical Office	159,107	2%	Change from Retail to Medical Office on Lot 4

**Zoning Code Requirements** - Section 17.40.120 of the Zoning Code requires a PUD Amendment when: "The floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council"

Section 17.40.120 of the Zoning Code reads: "If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

**Zoning:** Medical Office is a permitted use under the underlying base zone of SCC, as well as within the PUD since the PUD was approved for office uses.

Mr. Kleinfelter presented information pertaining to the request to rehear this proposal and explained the procedures for the request.

Mr. Small requested further information on whether a change has occurred which would warrant a rehearing.

The Commissioners briefly discussed the issues presented in the request to rehear this proposal.

Mr. Clifton summarized that the evidence provided does not meet the requirements to rehear this proposal.

Mr. Loring stated he would be in favor of rehearing this proposal due to Councilmember Greer's request.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to deny the motion to rehear Planned Unit Development 89P-022U-10. **(5-1) No Vote – Loring**



“BE IT RESOLVED by The Metropolitan Planning Commission that the request to rehear a revision of the Commercial Planned Unit Development District located at Gale Lane was **DISAPPROVED. (5-1)**”

44. Correction to Minutes of September 23, 2004.

**METROPOLITAN PLANNING COMMISSION OF NASHVILLE AND DAVIDSON COUNTY,  
TENNESSEE**

Resolution No. 2004-432

WHEREAS, the Metropolitan Planning Commission adopted the meeting Minutes of September 23, 2004; and

WHEREAS, the following item contained in those minutes should be corrected to read as follows:

1. Item #30 – 2004M-057U-09, Street closure/12<sup>th</sup> Avenue South, Map 93-5, Parcel 100, 101, 122, 123, 124, Subarea 9 (1997), District 19 (Wallace)

A request to close an 1,100 foot section of 12th Avenue North from Charlotte Avenue to the Church Street Bridge and to close a 487 feet portion of Church Street underneath the Church Street Bridge requested by NES, applicant for Metro Government, owner.

~~Mr. James Ward, General Counsel of NES~~ Mr. Gene Ward, General Counsel of NES, spoke in favor of mandatory referral.

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

**Resolution No. RS2004-432**

“BE IT RESOLVED by The Metropolitan Planning Commission that a correction to the Minutes of the September 23, 2004 meeting were corrected.”

45. Executive Director Reports

46. Legislative Update

**XIV. ADJOURNMENT**

The meeting was adjourned at 10:25 p.m.



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Chairman

\_\_\_\_\_  
Secretary