



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201

**Minutes  
of the  
Metropolitan Planning Commission**

*August 12, 2010*

\*\*\*\*\*

*4:00 PM*

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

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

**Staff Present:**

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

**Commission Members Absent:**

Derrick Dalton

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

**I. CALL TO ORDER**

The meeting was called to order at 4:02 p.m.

**II. ADOPTION OF AGENDA**

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the agenda as presented. (9-0)

Mr. Gee recused himself from Items 1 & 2

**III. APPROVAL OF JULY 22, 2010, MINUTES**

Mr. Ponder moved and Dr. Cummings seconded the motion, which passed unanimously, to adopt the July 22, 2010 minutes as presented. (9-0)

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilman Hunt asked the Commission to approve Item 5, stating that this is an opportunity to get the neighborhood cleaned up and put to a productive use.

Councilman Toler spoke in support of Items 1 and 2 and asked the Commission for their approval.

Councilmember Hollin was in attendance but elected not to speak at this time.

Councilmember Evans was in attendance but elected not to speak at this time.

Mayor of the Town of Nolensville, Tennessee, Beth Lothers, spoke regarding Items 1 and 2, stating that the town of Nolensville is supportive of these Items and asked the Commission to approve.

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

There were no items requested to be Deferred or Withdrawn.

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

## **VI. PUBLIC HEARING: CONSENT AGENDA**

### **PUBLIC HEARING: ZONING MAPS, TEXT AMENDMENTS, AND SPs**

4. 2010Z- A council bill to amend Section 17.40.740 of the Metro Zoning Code to provide a waiver for the zoning  
011TX-001 application fee for Councilmembers requesting the rezoning of ten or more parcels from a Specific Plan district to another base zoning district.

**-Because this ordinance deals with a matter of Council prerogative to set fees for rezonings, the Commission took no official position on the bill.**

### **OTHER BUSINESS**

7. A resolution submitting to the Metropolitan Planning Commission a proposed plan of services for the extension of the boundaries of the Urban Services District to include property located in the Bellevue area along Old Hickory Boulevard between Interstate 40 and Highway 70 South. -Approved

Mr. Clifton moved and Councilman Gotto seconded the motion, which passed unanimously, to adopt the revised consent agenda as presented. (9-0) Mr. Gee left the meeting at 4:10 pm.

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

1. **2009CP-012-002**  
Map: 186-00 Parcels: 014.01, 021, 026  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer: Cindy Wood

A request to amend the Southeast Community Plan: 2004 Update by changing from Neighborhood Center and Neighborhood General Policies to T-3 Suburban Community Center policy for properties located at the southeast corner of Nolensville Pike and Burkitt Road.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Amend the land use policy from Neighborhood Center and Neighborhood General to T3 Community Center with a special policy.**

**Community Plan Amendment** A request to amend the *Southeast Community Plan: 2004 Update* by changing Neighborhood Center (NC) and Neighborhood General (NG) policies to T3 Suburban Community Center (T3 CC) policy for property located at the southeast corner of Nolensville Pike and Burkitt Road.

**Deferral** This request was deferred indefinitely at the April 23, 2009, Planning Commission Meeting in order for a second community meeting to be held and for the applicant to address the staff conditions. A community meeting was held on July 12, 2010, and the plan has been redesigned and additional information has been provided by the applicant.

Although the Public Hearing was closed, the plan has changed significantly since the last meeting based on comments from that meeting and from the community meeting held on July 12. New Public Hearing notices were sent out for this meeting and staff recommends that the Planning Commission hold a new Public Hearing since this is, essentially, a new plan being considered and the special policy provisions have been revised.

#### **SOUTHEAST COMMUNITY PLAN EXISTING POLICY**

**Neighborhood Center (NC)** “NC” policy is intended to create small, pedestrian-friendly areas that serve as local centers of activity with uses that meet daily convenience needs and/or provide a place to gather and socialize. “NC” areas may contain single or multiple uses, including mixed-use and residential development. Development mix and pattern are articulated in—and guided by—a design plan.

**Neighborhood General (NG)** “NG” policy is intended to create or preserve primarily residential areas with civic and public benefit uses that are common in residential areas. “NG” areas ideally have a variety of housing to meet a spectrum of housing needs. The development pattern is carefully articulated in a design plan and not placed randomly.

**Special Policy Area 6** Special Policy #6 applies to the “NG” policy areas along the Nolensville Pike corridor in the vicinity of Pettus Road and Burkitt Road, which includes the eastern and southern edges of the subject site. Special Policy #6 states that overall residential densities in those “NG” neighborhoods should not exceed an average of 9 dwelling units per acre. [Note: Special Policy 6 would no longer apply to the subject site if the requested amendment is approved.]

**Infrastructure Deficiency Area (IDA)** The area for which the requested amendment is made is located within the IDA area identified in the community plan as deficient in schools and transportation and is subject to the requirements applicable to those IDA areas. The requested amendment to the Southeast Community Plan does not relieve the applicant of the requirements of the IDA.

#### **PROPOSED POLICY**

**T3 Suburban Community Center** “T3 CC” policy is intended to enhance suburban community (T3 CC) centers by encouraging their development as intense, mixed use areas compatible with suburban neighborhoods as characterized by service area, development pattern, building form, land use and associated public areas. Where not present, infrastructure and transportation networks are provided to improve pedestrian, bicycle and vehicular connectivity.

T3 Suburban Community Centers are pedestrian-friendly areas that are generally located at prominent intersections. These centers contain commercial, mixed-use, civic and public benefit uses and may include transitional residential uses. They serve communities within a 10-20-minute drive (about 3-5 miles). Buildings are generally 1-3 stories and regularly placed; landscaping is formal; setbacks are shallow with limited to no on-site parking between buildings and streets. First-floor individual tenant floorspace is up to 70,000 sq. ft. (ie. larger tenants are in multiple stories rather than spread out over the site.)

Note that the development proposed in the zone change request that accompanies this plan amendment includes a building footprint of almost 135,000 square feet, which is larger than the building footprint generally proposed for T3 Suburban Community Center policy.

**COMMUNITY PARTICIPATION** Staff conducted a community meeting about the request on April 6, 2009, at Oliver Middle School, the nearest public facility to the subject site. Following staff’s presentation, the applicants gave a presentation on the specifics of the development being proposed for the site. A flyer announcing both the community meeting and the public hearing were sent to Davidson County property owners within one-quarter of a mile of the subject site; as well as to government officials in the Town of Nolensville and Williamson County. Notification of the community meeting and public hearing were also published in three newspapers and were posted on the Planning Department’s website.

Based on sign-in sheets, 30 people attended the community meeting including residents who live in the area surrounding the subject site, the applicant, Councilman Parker Toler, and representatives of the Town of Nolensville. No vocal opposition to

the proposal was expressed at that meeting. One written comment was submitted questioning the timing and speculative nature of the proposal. Three comment sheets were received in support of the proposed plan amendment.

A second community meeting was held on July 12, 2010, at the Cane Ridge Community Center. About 45 persons were in attendance. A flyer giving notice of that meeting was sent to Davidson County property owners within one-quarter of a mile of the subject site; to government officials in the Town of Nolensville and Williamson County, and to all persons who attended the April 6, 2009, community meeting and provided mailing addresses. The notice was also posted on the Planning Department website.

Some concerns were expressed about possible impacts of the proposed T3 Community Center policy. Traffic, lighting, delivery hours, and property values were among those concerns noted. The item that received the most discussion was the need to establish a substantial landscaped buffer area between the proposed T3 Community Center area and the adjacent Burkitt Place neighborhood to the west. Those in attendance expressed strong sentiments that this buffer should be as wide as possible and incorporate as many existing mature trees as possible.

A flyer giving notice of the August 12, 2010, Public Hearing was sent to the same list as was used for the July 12, 2010 community meeting. That notice was also posted on the Planning Department website.

**BACKGROUND** The subject site (+/-17.98 acres) is on the southern edge of Metropolitan Nashville/Davidson County on the east side of Nolensville Pike between Burkitt Road and the county line. The development proposed in the zone change request that accompanies this plan amendment request extends into Nolensville/ Williamson County, where commercial development including a large home improvement center has already been approved by the Town of Nolensville.

This proposal was initially considered by the Planning Commission on April 23, 2009, along with the associated SP-C rezoning proposal. Both items were deferred indefinitely and staff was directed to take both proposals back to the community for further consideration. After redesigning the proposed development, the applicants reactivated consideration of the plan amendment and rezoning proposals in late March of 2010. The July 12<sup>th</sup> community meeting was scheduled and the proposals were placed on the August 12, 2010, agenda for the Planning Commission's consideration.

## **ANALYSIS**

**Physical Site Conditions** The site does not contain significant sensitive natural environmental features, such as steep topography or areas subject to flooding. It does contain a "blue-line" stream that is subject to stream buffer regulations.

**Land Use and Land Use Policy** The subject site is vacant. Surrounding land uses include

- 1) new townhouse residential development abutting the east side of the subject site;
- 2) older homes intermingled with vacant parcels across Burkitt Road and Nolensville Pike, and
- 3) vacant land to the south where commercial development has been approved in Nolensville.

The surrounding residences, most notably those to the east, would be the properties most directly impacted by the requested amendment.

The plan amendment request could precipitate or heighten speculative pressure for similar land use policy changes involving the remaining "Neighborhood Center" policy at the corner of Nolensville Pike and Burkitt Road, and the "Neighborhood General" policy on the north side of Burkitt Road opposite the subject site.

**Access** The site has frontage on, and access to, two arterial streets—Nolensville Pike and Burkitt Road. This access meets a basic requirement for "T3 CC" policy locations. These roads are both currently two-lane roads.

There are no projects funded or programmed near-term for widening either of these roads. They are both programmed for widening in the "Long Range Transportation Plan (LRTP) by 2016 and 2025, respectively.

According to a traffic impact study conducted for the SP zoning request associated with this case, traffic generated by the development contemplated can be satisfactorily accommodated with the provision of certain improvements to Nolensville Pike and Burkitt Road. These improvements are discussed in the staff report for the zone change.

**Development Pattern** The subject site is located in an area that has been, and is expected to continue, experiencing steady growth. That growth has attracted a new community-scale grocery store and other retail in the “Community Center” policy area at Nolensville Pike and Concord Road, and approval of a large home improvement center in the Town of Nolensville portion of the proposed development.

The proposed T3 CC policy envisions service to an area within a 10-20 minute drive (about 3-5 miles). For analysis of this request, a 4-mile trade area was examined. In spring 2009, there were an estimated 19,040 households within a 4-mile radius of the subject site. Of those, an estimated 61 percent (11,570) were closer to existing “big-box” centers to the north in Metro, to the west in the Cool Springs area and to the east in the LaVergne area. Those households would not be closer to the proposed development. The remaining 39 percent (7,440 households) would be closer to the subject site than they are to the existing centers. That includes 4,320 households that are now within the service areas of the existing centers, and 3,150 households, mostly in Williamson County, that are more than 4 miles from any “big-box” retail center.

**Growth Potential** Based on the current land use policies in Metro Nashville within the probable trade area of the subject site, the potential exists for an estimated additional 10,870 dwelling units. In Williamson County, the potential exists for an estimated additional 8,050 dwelling units based on a conservatively low density of one home per acre. Although it cannot be said with certainty when that growth might occur, it is clear that the potential is significant.

On February 25, 2010, the community plan was amended by changing land use policy from “Rural” to T3 Suburban Neighborhood Evolving” for about 109 acres along Burkitt Road approximately one mile east of the subject site. That amendment increased the above mentioned development in Davidson County by about 325 households, all of which is in the area that would benefit the most by this proposal.

**Alternative Locations** Existing “prominent intersections” within the Southeast Community that may be possible alternatives to the subject request are all closer to existing “big-box” centers and would result in more overlap of service areas. Also, most of the alternative locations involve intersections of major and collector streets, which are not as preferable as intersections of two major streets for community centers.

**SUMMARY OF FINDINGS AND CONCLUSION** Basic locational requirements and other favorable factors include the following:

**Favorable Factors**

- the site does not contain significant natural environmental constraints;
- the site is at a prominent intersection and it would provide greater convenience to a significant number of households;
- there are no apparent superior alternative locations for the requested policy within the Southeast Community;
- growth potential within the likely trade area is substantial; and
- adequate infrastructure exists or development will be contingent on its provision.

**Unfavorable Factors** Unfavorable factors include:

- the request could precipitate or heighten speculative pressure for additional land use policy changes in the vicinity of Nolensville Pike and Burkitt Road, and
- the scale and placement of “big-box” buildings (versus smaller neighborhood-scale buildings) would hamper, and may preclude, provision of the vehicular connectivity currently envisioned between the subject site and the neighborhood to the east.

**Conclusion** The request meets basic locational requirements and has clear potential benefits. Like this request, any future plan amendment requests it might precipitate can be evaluated on their merits. An inability to achieve a preferable level of vehicular connectivity, by itself, is not a sufficient reason to deny this request. Nevertheless, vehicular connectivity should be discussed and at least bicycle and pedestrian connectivity should be provided.

**STAFF RECOMMENDATION** Approve with a special policy provision that supports first-floor individual tenant space up to a maximum of 135,000 square feet within this T3 CC policy area provided the following are required in conjunction with any zone change:

- 1) long walls are articulated with multiple entrances, and development otherwise reflects the intent and design characteristics of T3 CC policy;
- 2) bicycle and pedestrian connectivity are provided;

- 3) parking is placed in a manner that breaks up large expanses of pavement, provides safe pedestrian movement, and deters speeding vehicles;
- 4) smaller buildings are used to frame the large building and the large buildings are oriented in a manner that creates a town center environment that serves as a destination within the center; and
- 5) one or more areas of publicly accessible, usable, and inviting open space are provided within the development.

Ms. Wood presented the staff recommendation of approval.

Chairman McLean stated that the applicant requested rebuttal time. The applicant would have 10 minutes, with a 2 minute rebuttal time for each side.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to allow additional rebuttal time. (8-0)

Greg Tidwell, applicant, spoke in favor of staff recommendation of approval, stating their dramatic revision of the SP application since the last hearing and citing the most notable revisions. This development would serve the potential growth of an additional 18,000 households within the four mile service area.

Jeff Pape, 628 Oakbourne Way, representing applicant, stated that the applicant has made extensive efforts to meet all concerns of the community. He spoke in favor of staff recommendation of approval.

Peggy Sells, 6968 Nolensville Road, spoke to how impressed she was with the way the applicant addressed neighborhood concerns. She indicated that this development will increase the property value of homes in this area. She is excited about this project and feels that it is a positive move for the community.

Todd Spangler, 8045 Canonbury Dr, indicated that he felt the applicant had been very receptive to all concerns. He felt that this development will improve people's quality of life and property value and is strongly in support of this project.

Bob Pierce, 6801 Hope Road, feels that a development like this will make life more convenient.

John Leeper, 8041 Canonbury Dr, spoke in favor of staff recommendation of approval.

Glen Mizell, 8180 Middlewick Lane, spoke in favor of staff recommendation, but does not wish to see an interior sidewalk connection from this project to the interior of the Burkitt Place PUD to the east due to safety concerns. He indicated that Regency Centers has a very good reputation and it would be nice to see one cohesive master plan under one developer.

Tom Herbert, 9321 Old Smyrna Road, read a letter from Dudley Smith in favor of staff recommendation of approval.

Tiffany Pruett, 8828 Castwick Court, read a letter from Upma Martin in favor of staff recommendation of approval.

Peggy Clifton, 7114 Burkitt Road, has lived in this area for 46 years and feels that this development will be a great asset to the community.

Ross Lucas, 8413 Danbrook Drive, spoke in favor of staff recommendation of approval. He feels that the developer has gone above and beyond to meet the concerns of the neighborhood and that this property needs to be developed cohesively. This development will provide more conveniences for amenities.

Lee Jennings, 5161 Bay Overlook Drive, property owner, spoke in favor of staff recommendation of approval.

Natalie Lucas, 8413 Danbrook Drive, spoke in favor of staff recommendation of approval.

Councilmember Gotto out at 5:00 p.m.

Fabian Bedne, 6649 Sugar Valley Dr, states that the density goes against the 2004 community plan. This is going to drive traffic from 3-5 miles, beyond the area of the immediate neighborhood. Increased traffic will not increase quality of life. Spoke against staff recommendation.

Councilmember Gotto in at 5:02 p.m.

Dr. Cummings out at 5:02 p.m.

Dr. Cummings in at 5:04 p.m.

Taryn Zabel, 7827 Kemberton Drive W, spoke against staff recommendation, stating that she never would have purchased in Burkitt Place had she known this would potentially be a “big box” location. The crime map shows “big box” areas have increased crime.

Suzannah Wilson, 8040 Canonbury, spoke against staff recommendation, stating that she was not influenced by Christian Trotter. Beautiful wooded views, privacy, peace and quiet, and property values will all be lost with this development.

Beau Johnson, 8084 Canonbury, spoke against staff recommendation stating two concerns: basic need--there are several other locations that are easily within reach, and increased traffic concerns for Burkitt Road.

Vance Wilson, 8040 Canonbury, spoke against staff recommendation, stating that half of Burkitt Place owners do not want this development. There are other ways to develop besides “big box”.

Celeste Ware, 8901 Macauley Lane, stated that his biggest concern is getting these stores in the community and then not having the necessary funding to support them. Economically, the community may not be able to support those stores. The traffic situation will also become worse.

Mary Ann Laun, 8069 Canonbury, spoke against staff recommendation. This rezoning is not the original intent of the Planning Commission. No amount of buffers will hide a “big box” in their front and back yards.

Nicole Ross, 7802 Kemberton Drive W, spoke against staff recommendation, stating she never would have purchased in this area if she had known it was a potential “big box” location. She noted that the buffer is not extremely thick and dense and that the traffic noise has increased drastically.

John-David Goolesby, 8094 Canonbury Dr, stated that his property backs up to the potential development and spoke against staff recommendation.

Chuck Laun, 8061 Canonbury Dr, believes that the current land use policy should remain and not be changed to allow big box developments. Mill Creek Water Shed will have to be developed to handle the increased water load.

Christian Trotter, 7539 Kemberton Court, spoke against staff recommendation on behalf of 126 other residents.

Bruce Wheeler, 7822 Kemberton, is opposed to changing this zoning. This development is not close to the street, nor is it one or two rows of parking. He indicated that it does not follow the Commission Rules. He indicated that this development will be detrimental to the community.

Jeff Pape, 628 Oakbourne Way, noted that the Home Depot development was approved well before any of these people bought their homes. He also clarified that the website does not state that all applicants of Burkitt Place are in support of this project. The closest buildings would be at least 100 ft from homes and the economic impact of this community would mean 45 million dollars for tax base. A high quality development tends to breed safety.

Christian Trotter stated that Regency has done a good job with this plan, but they do not address specific concerns such as increased traffic.

**Mr. Clifton moved and Councilman Gotto seconded the motion to close the Public Hearing. (8-0)**

Councilmember Gotto stated that he would like to hear from Councilmember Toler.

Councilmember Toler clarified that he was under the impression that the property out in front was reserved for a commercial site all along. He said we all have to realize that this is an area that will be commercial.

Councilmember Gotto stated that this is going to go to Council and feels that the concerns of the community should be addressed by the Council. He will vote in favor of staff recommendation.

Mr. Ponder appreciated hearing from both sides, but will vote in favor of staff recommendation.

Dr. Cummings also appreciated the neighbors coming out to voice their opinions and does not have a problem voting to amend the land use policy and passing it on to the Council for further deliberation.

Mr. Clifton does not feel that anyone expected this property to remain residential. He asked Ms. Wood for clarification regarding the current plan versus the proposed plan.

Ms. Wood clarified.

Mr. Clifton stated that the burden is on those pushing for change. He is not sure that all of our answers to commercial development are "big box" answers.

Ms. Jones stated her support of staff recommendation.

Ms. LeQuire is undecided and asked for clarification on T-3 zoning.

Ms. Wood clarified.

Councilmember Gotto compared this to Providence in Wilson County, citing internal streets and a nice feel in that development.

Mr. Clifton stated that just because there will be a Home Depot in Williamson County on the same property does not mean that the Davidson County property has to be the same commercial development and that he will not support this item.

**Councilmember Gotto moved and Mr. Ponder seconded the motion to approve staff recommendation. (6-2-1) Mr. Clifton and Ms. LeQuire voted against. Mr. Gee recused himself.**

**Resolution No. RS2010-107**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-012-002 is **APPROVED (6-2-1)**."

**2. 2009SP-006-001**

The Shoppes at Burkitt Place  
Map: 186-00 Parcels: 014.01, 021, 026  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer: Brenda Bernards

A request to change from AR2a to SP-C zoning for properties located at 7022 Nolensville Pike, Nolensville Pike (unnumbered), and Burkitt Road (unnumbered), at the southeast corner of Nolensville Pike and Burkitt Road (17.98 acres), to permit commercial uses, requested by Regency/PGM-Burkitt, LLC, applicant, for James and William McFarlin et al, Ruth Marie McFarlin, and Newco-Burkitt, LLC, owners.

**Staff Recommendation: Approve with conditions, subject to approval of the accompanying Community Plan Amendment with the special policy provisions.**

**APPLICANT REQUEST - Permit a commercial development.**

**Preliminary SP** A request to change from Agricultural/Residential (AR2a) to Specific Plan Commercial (SP-C) zoning for properties located at 7022 Nolensville Pike, Nolensville Pike (unnumbered), and Burkitt Road (unnumbered), at the southeast corner of Nolensville Pike and Burkitt Road (17.98 acres), to permit commercial uses.

**Deferral** This request was deferred indefinitely at the April 23, 2009, Planning Commission Meeting in order for a second community meeting to be held and for the applicant to address the staff conditions. A community meeting was held on July 12, 2010, and the plan has been redesigned and additional information has been provided by the applicant.

Although the Public Hearing was closed, the plan has changed significantly since the last meeting based on comments from that meeting and from the community meeting held on July 12. New Public Hearing notices were sent out for this meeting and staff recommends that the Planning Commission hold a new Public Hearing since this is, essentially, a new plan being considered.

#### **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 is intended to implement the natural conservation land use policy of the general plan.

#### **Proposed Zoning**

SP-C District - Specific Plan-Commercial is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a mix of commercial uses.

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

#### **SOUTHEAST COMMUNITY PLAN**

##### **Existing Policy**

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

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

**Special Policy Area 6** Special Policy #6 applies to the "NG" policy areas along the Nolensville Pike corridor in the vicinity of Pettus Road and Burkitt Road, which includes the eastern and southern edges of the subject site. Special Policy #6 states that overall residential densities in those "NG" neighborhoods should not exceed an average of 9 dwelling units per acre. Special Policy 6 would no longer apply to this property if the requested amendment is approved.

##### **Proposed Policy**

**T3 Suburban Community Center (T3 CC)** T3 CC policy is intended to enhance suburban community centers by encouraging their development as intense, mixed use areas compatible with suburban neighborhoods as characterized by service area, development pattern, building form, land use and associated public areas. Where not present, infrastructure and transportation networks are provided to improve pedestrian, bicycle and vehicular connectivity.

T3 Suburban Community Centers are pedestrian-friendly areas that are generally located at prominent intersections. These centers contain commercial, mixed-use, civic and public benefit uses and may include transitional residential uses. They serve communities within a 10-20-minute drive (about 3-5 miles). Buildings are generally 1-3 stories and regularly placed; landscaping is formal; setbacks are shallow with limited to no on-site parking between buildings and streets. First-floor individual tenant floor space is up to 70,000 sq. ft. (ie. larger tenants are in multiple stories rather than spread out over the site.)

Note that the development proposed in the zone change request that accompanies this plan amendment includes a building

footprint of almost 135,000 square feet, which is larger than the building footprint generally proposed for T3 Suburban Community Center policy.

**Special Policy Provisions** Included in this policy amendment accompanying this SP is a special policy provision that supports first-floor individual tenant space up to a maximum of 135,000 square feet within this T3 CC policy area provided the following are required in conjunction with any zone change:

- 1) long walls are articulated with multiple entrances, and development otherwise reflects the intent and design characteristics of T3 CC policy;
- 2) bicycle and pedestrian connectivity are provided;
- 3) parking is placed in a manner that breaks up large expanses of pavement, provides safe pedestrian movement, and deters speeding vehicles;
- 4) smaller buildings are used to frame the large building and the large buildings are oriented in a manner that creates a town center environment that serves as a destination within the center; and
- 5) one or more areas of publicly accessible, usable, and inviting open space are provided within the development

**Consistent with Policy?** Yes, if the accompanying Community Plan Amendment is approved with the special policy provisions. The request meets the basic locational requirements and has clear potential benefits to the community it will serve.

**PLAN DETAILS** The proposed commercial development straddles the Davidson County and Williamson County line. A portion of this project is within the Town of Nolensville. Any approvals apply to the Davidson County portion of the project only. A copy of the plan was provided to the Town of Nolensville for their review. Nolensville has approved a complementary development on the adjacent property and has indicated support for the Davidson County portion of the project.

The proposed plan calls for an anchor store and several smaller retail uses, both adjacent to the anchor and fronting along an internal street in the manner of a main street and a single out-parcel. A portion of the main street is within the Town of Nolensville. The initial submission did not clearly distinguish the two portions of the development. Staff had included a condition that this distinction be shown. The applicant has addressed this on the current submission with the Davidson County portion of the plan highlighted.

**Building Orientation and Size** As the T3 CC policy limits a first-floor individual tenant floor space to 70,000 sq. ft., the proposed policy amendment included a special provision to increase this to 135,000 square feet provided that the conditions of the special policy described above are met.

Elevations have been provided which show the building articulation required by the policy. While there is only one entrance to the large anchor store, the applicant has proposed a plan that creates an active street front with the stand-alone building in front of the large anchor, wide sidewalks, windows, substantial landscaping and other amenities that enhance the pedestrian environment. There are also four buildings fronting an internal street that will function as a Main Street. As required by the special policy the smaller buildings frame the large building and the buildings are oriented in a manner that creates a town center environment that serves as a destination within the center.

The sidewalk in front of the larger building and adjacent to the larger stand-alone building is sufficiently wide to provide opportunities to create the publicly accessible, usable, and inviting open spaces required by the special policy. Details of these spaces will need to be provided with the final site plan and reviewed and approved by Planning staff. The elevations and plan meet the intent of the policy.

In addition, the T3 CC policy requires the building on the out-parcel to be oriented towards Nolensville Pike. This has been noted on the plan.

**Vehicle Access** Vehicular access will be from one point on Burkitt Road and two points on Nolensville Pike. A cross-access easement, not shown on the previous plan is now shown that will serve as access for the adjacent property at the corner of Burkitt Road and Nolensville Pike. This corner parcel is not included with the SP but will have access to the SP property. The southern Nolensville Pike entrance also serves as a main street for the project, with buildings lined along the street and some parking in front.

**Pedestrian and Bicycle Connectivity** In the previous submission, the applicant had indicated that there will be bicycle and pedestrian connections to the adjacent residential development, but these were not shown on the plan. As required by the staff conditions, these details are now included on the plan. These connections are necessary for this SP to be consistent with the provisions of the proposed policy. In addition, the T3 CC policy calls for pedestrian connectivity within the center to allow pedestrians to park and walk from one business to another business. Sidewalks are proposed on the plan along Nolensville Pike and Burkitt Road. Details of the internal pedestrian circulation have been added to and are consistent with the T3 CC policy. Convenient and highly visible locations for bicycle parking have been identified on the plan.

**Landscaping Requirements** A 15-foot wide B2 landscape buffer is proposed along Burkitt Road and a 40 foot wide D landscape buffer is proposed along the rear of the property. The 40 foot buffer will be similar to the buffer approved on the property within the Town of Nolensville. In addition, a 20 foot buffer is proposed to be installed on the adjacent property owned by the Home Owners Association and is to be installed prior to the start of construction.

Details of the proposed plant species were not provided and will be required with the final site plan. The landscape plan required with the final site plan for the buffers, parking areas, and pedestrian areas will need to be approved by the Urban Forester and include the following:

- protection plan for trees that are to be preserved
- landscaping in parking
- landscape buffer yards
- landscaping along Nolensville frontage
- details of planting materials
- details of any proposed fencing

These requirements have been noted on the preliminary plan.

**Parking** Parking will be provided in surface lots and will be shared by the various businesses. As required by the special policy parking is designed to break up the large expanses of pavement with landscaping and pedestrian facilities have been provided. The final details of the landscaping and screening of the parking lot will be provided with the final site plan and must be compliant with the T3 CC policy.

**Signs** In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs will include building signs and freestanding ground signs.

Building signs are attached directly to, or supported by brackets attached directly to a principal building. A maximum of two signs of no greater than 150 square feet in size each shall be permitted for the major anchor tenant space. One sign for each of the minor anchor tenant spaces of no greater than 100 square feet in size, the tenant adjacent to Burkitt Road may have a sign on both frontages with the sign on the Burkitt Road frontage a maximum of 50 square feet. For all other tenant spaces, signs shall be 5% of the first floor façade area or 50 square feet, whichever is smaller and shall be limited to one sign per business. For any multi-tenant building a sign program shall be required.

Freestanding ground signs are supported by structures or supports that are anchored in the ground and that are independent of any building or other structure. Up to two monument style ground signs, including one per frontage, shall be permitted for the development. The sign dimensions of the City of Nolensville ground signs shall be applied.

The signs are to be externally lit with steady, stationary, down-directed, and completely shielded light sources or may be internally illuminated or back-lit with a diffused or shielded light source. Sign backgrounds must be opaque, only letters and logos may be internally illuminated. Freestanding ground signs may be lit from a ground lighting source.

The dimension and lighting requirements for the signs have been noted on the preliminary plan.

**Morton Cemetery** The Morton Cemetery is currently located on this property. The applicant is working with State officials to relocate this cemetery to an off-site existing cemetery. A note has been added to the plan that this be completed prior to final site plan approval.

**Infrastructure Deficiency Area** The Planning Commission has adopted an “Infrastructure Deficiency Area” (IDA) as part of the Southeast Community Plan. The IDA identifies an area where the Commission has determined that infrastructure is insufficient to accommodate expected new development in the area.

The site for the Shoppes at Burkitt Place SP has been determined to be in the IDA. The applicant will be required to provide 3,075 linear feet of roadway improvements within the IDA.

**Town of Nolensville** As noted above, this property is adjacent to the Town of Nolensville. Copies of the plan were forwarded to their Town Planner.

Their Town Planner stated that the proposal is compatible with the Town of Nolensville’s land use policy plan and zoning ordinances that plan for larger scale commercial development in this area. The adjacent development to the south has been approved by the Town of Nolensville for Phase One of the project.

Their Town Planner recommended that the plan include a clearly defined continuous driving lane connection from the proposed development at Burkitt Road to the development to the south. This driving lane has been enhanced from the previous plan and the town Planner has indicated that his initial comments have been addressed.

Their Town Planner requested that all buildings for the Davidson County portion of the development be designed to meet the Town’s stringent architectural design standards in order to be fully compatible with new buildings on the Nolensville side of the development. These standards require a minimum of 75% masonry products on building walls, excluding windows and doors but the applicant has included a requirement of only 50%. Staff agrees that it is important for the two halves of the development to complement each other and has informed the applicant that the standards need to be incorporated into the plan. The design standards of the Town of Nolensville contained in Section B of Appendix E of the Town of Nolensville Zoning Ordinance, Ordinance No. 06-24 as amended, shall apply to this plan.

**STORMWATER RECOMMENDATION** Preliminary SP approved

**WATER SERVICES RECOMMENDATION** Preliminary SP approved

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

**PUBLIC WORKS RECOMMENDATION**

- All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans. Final design may vary based on field conditions.
- Williamson County home improvement site to make a contribution to the signal modification at Burkitt Road / Nolensville Pike.
- Along Burkitt Road, label and dedicate right of way 30 feet from centerline to property boundary. Label and show reserve strip for future right of way 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW).
- Along Nolensville Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
- Locate signage outside of future right of way reservation areas.
- Construct sidewalks with a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways. Identify bike lanes / paved shoulders. Sidewalks are to be located within the public right of way. Dedicate right of way, as applicable.
- Burkitt Road is to be constructed with twelve (12') feet wide travel lanes and four (4') feet shoulders.
- Provide adequate sight distance at all access drives onto Burkitt Road and Nolensville Road.
- Within Davidson County, widen Nolensville Road from the intersection of Burkitt Road to the main access drive (middle drive) to provide a 3 lane cross section with 1 northbound and 1 southbound travel lane and a continuous two-way left turn lane.
- Coordinate with Metro Nashville Public Works, the Tennessee Department of Transportation, and the City of Nolensville to widen Nolensville Road to provide a continuous 3 lane cross section between Burkitt Road in Davidson County and Burkitt Place Drive in Williamson County.

- Extend the existing 3 lane cross section on Burkitt Road from the intersection of Nolensville Road to 100 ft east of Old Burkitt Road and provide transitions per AASHTO/MUTCD standards. The center lane shall be striped as a continuous two-way left turn lane from Old Burkitt Road to the existing dedicated left turn lane at the Nolensville Road intersection.
- Construct a northbound right turn lane on Nolensville Road at the intersection of Burkitt Road, with 125 ft of storage and transitions per AASHTO standards.
- At the intersection of Nolensville Road and Burkitt Road, modify the existing traffic signal to provide right turn overlap phases for the existing westbound and proposed northbound right turn lanes and to accommodate any required road widening.
- Provide a northern access drive onto Nolensville Road between the main access drive and Burkitt Road, and construct as a full access with 1 entering and 2 exiting lanes. No additional access drives will be permitted to Burkitt Road or Nolensville Road from this SP including any associated out parcels.
- Construct a northbound right turn lane on Nolensville Road at the northern access drive with 100 ft of storage and transitions per AASHTO standards.
- Construct the main access drive (middle drive) onto Nolensville Road as a full access with 2 entering and 2 exiting lanes (with 200 ft of storage).
- Construct a northbound right turn lane on Nolensville Road at the main access drive (middle drive) with 125 ft of storage and transitions per AASHTO standards.
- Construct project access drive on Burkitt Road as a full access with 1 entering and 2 exiting lanes.
- Minor modification may be required to the Burkitt Road access drive to correspond with a possible future realignment of Old Burkitt Road.
- A Shared Parking Study has been provided to support the request for the proposed parking reductions.
- Construct a EB right turn lane on Burkitt Rd with 100' of storage and MUTCD tapers at the Burkitt Rd access drive.
- IDA improvements to be determined at the time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	17.98	0.5 D	8 L	77	6	9

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	17.98	-	197,200 SF	10560	230	1003

Traffic changes between maximum: **AR2a** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+10483	+224	+994

**STAFF RECOMMENDATION** If the associated Community Plan amendment is approved with the special policy provisions, staff recommends approval with conditions.

**CONDITIONS**

1. The design standards of the Town of Nolensville contained in Section B of Appendix E of the Town of Nolensville Zoning Ordinance, Ordinance No. 06-24 as amended, shall apply to this plan.
2. Details of the publicly accessible, usable, and inviting open spaces required by the special policy shall be included

with the first final site plan. These spaces shall be reviewed and approved by Planning Staff.

3. Prior to the recording of the final plat, the IDA requirements, including 3,075 linear feet of roadway improvements (or an equivalent transportation improvement), shall be completed by the applicant within the identified infrastructure deficiency area in locations determined by the Department of Public Works. When appropriate improvements can not be physically made, then the applicant may make a financial contribution for future roadway improvements within the identified infrastructure deficiency area. The Department of Public Works shall determine the appropriate contribution based on the linear feet of roadway to be improved.
4. The requirements of the Public Works Department shall be met with each final site plan or as specified in the Public Works recommendation for approval.
5. The uses for this SP are limited to those uses described on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the SCR zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Bernards presented the staff recommendation of approval with conditions. [See discussion under item #1]

**Mr. Clifton moved and Councilmember Gotto seconded the motion to approve staff recommendation. (8-0-1)**

**Mr. Gee recused himself.**

**Resolution No. RS2010-108**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-006-001 is APPROVED WITH CONDITIONS. (8-0-1)**

**Conditions of Approval:**

1. The design standards of the Town of Nolensville contained in Section B of Appendix E of the Town of Nolensville Zoning Ordinance, Ordinance No. 06-24 as amended, shall apply to this plan.
2. Details of the publicly accessible, usable, and inviting open spaces required by the special policy shall be included with the first final site plan. These spaces shall be reviewed and approved by Planning Staff.
3. Prior to the recording of the final plat, the IDA requirements, including 3,075 linear feet of roadway improvements

(or an equivalent transportation improvement), shall be completed by the applicant within the identified infrastructure deficiency area in locations determined by the Department of Public Works. When appropriate improvements can not be physically made, then the applicant may make a financial contribution for future roadway improvements within the identified infrastructure deficiency area. The Department of Public Works shall determine the appropriate contribution based on the linear feet of roadway to be improved.

4. The requirements of the Public Works Department shall be met with each final site plan or as specified in the Public Works recommendation for approval.
5. The uses for this SP are limited to those uses described on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the SCR zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**The proposed commercial Specific Plan is consistent with the Southeast Community Plan's Land Use policies."**

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The Commission took a break from 6:00 p.m. until 6:15 p.m. Mr. Gee returned to the meeting at 6:15 p.m.

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## **VIII. PUBLIC HEARING: ZONING MAPS, TEXT AMENDMENTS, AND SPs**

3. **2010SP-014-001**  
4101 Hillsboro Circle  
Map: 131-02 Parcel: 013  
Green Hills/Midtown Community Plan  
Council District 25 – Sean McGuire  
Staff Reviewer: Jason Swaggart

A request to rezone from OR20 to SP-MU zoning and for final site plan approval for property located at 4101 Hillsboro Circle, opposite Hillsboro Drive and located within the Green Hills Urban Design Overlay District and partially within the Floodplain Overlay District (0.17 acres), to permit retail, convenience retail and all uses permitted by OR20, requested by Emad Eshak, applicant, Reza Farazmand et ux, owners.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Permit retail, convenience retail and all other uses permitted in the OR20 zoning district.**  
**Rezoning** A request to rezone from Office/Residential (OR20) to Specific Plan Mixed-Use (SP-MU) zoning and for final site plan approval for property located at 4101 Hillsboro Circle, opposite Hillsboro Drive and located within the Green Hills Urban Design Overlay District and partially within the Floodplain Overlay District (0.17 acres), to permit retail, convenience retail and all uses permitted by OR20.

**Existing Zoning**

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

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

**Proposed Zoning**

SP-MU District -Specific Plan-Mixed Use is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

**CRITICAL PLANNING GOALS N/A**

**GREEN HILLS/MIDTOWNCOMMUNITY PLAN**

**Regional Activity Center (RAC)** RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Consistent with Policy?** Yes. The mix of uses in the proposed SP is consistent with the property’s RAC policy. The policy supports uses such as retail activities, office and high density residential.

**REQUEST DETAILS**

General The property is located at 4101 Hillsboro Circle southwest of the Hill Center and is approximately 0.17 acres. It is currently developed with a building approximately 3,000 square feet in size with a paved driveway and parking lot.

The applicant has indicated that the existing building would be used for general retail or retail convenience. The OR20 district currently in place permits retail as an accessory use only with the following conditions:

1. The use is located within the same building as the office building.
2. The use can only be accessed from inside the office building and has no direct access from the outside.
3. There is no exterior signage on the office building.
4. The use can not occupy more than ten percent of total floor area of the office building.

While the proposed retail uses are not permitted as stand- alone uses in the existing OR20 zoning district, the uses are consistent with the RAC land use policy. To ensure that development is consistent with the long range plan, the policy also requires that any zone change be accompanied by an enforceable site plan such as a Planned Unit Development or SP.

The proposed SP will permit the stand-alone use of retail, but also ensure that any future development will be in compliance with the land use policy. It is also important to note that this property is within the Green Hills Urban Design Overlay. While the signage standards of the UDO are mandatory, the development standards are optional. These standards provide incentives such as floor area bonus for projects that develop under the UDO. The proposed SP zoning would not limit this property from developing under the standards of the UDO in the future. The SP is being utilized with this request because the applicant is not proposing any new development at this time. If new development is ever proposed on the site, then the SP would permit the owner to develop under the UDO guidelines.

The request is also for final site plan approval. Since the applicant would be using the existing building, the final site plan that would be required for a project with new construction is not necessary in this case. The proposed SP does include

language for future development and does require a final site plan to be approved by the Planning Commission for any future development.

**Specific Plan Proposal** The proposed SP would permit retail, convenience retail, and all uses permitted in the OR20 zoning district. It also contains conditions which will ensure that permitted uses within the existing building do not become a nuisance, as well as conditions that will guide any future construction or redevelopment of the property. The conditions are as follows:

1. Permitted uses include all uses permitted in the OR20 zoning district, retail and convenience retail.
2. All signage shall meet the Green Hills Urban Design Overlay Sign Standards.
3. Parking requirements for all uses permitted in the OR20 zoning district shall meet Zoning Code requirements. The UZO District standards apply for uses classified as retail (general retail) or convenience retail.
4. New construction shall require final site plans to be submitted to the Planning Commission for approval.
5. New construction shall meet all applicable codes, regulations and policies unless otherwise specified by this SP.
6. Additional disturbance of the flood plain shall meet current regulations as they pertain to the flood plain and the Flood Plain Overlay District.
7. New construction shall be oriented towards Hillsboro Circle.
8. Front Setback for new construction:
  - Minimum 5 feet;
  - Maximum 10 feet.
9. Parking shall be located within the side or rear yard. Parking is not permitted between the front of the building and the right-of-way of Hillsboro Circle.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district as of the date of the applicable request or application.

**PUBLIC WORKS RECOMMENDATION** An access study may be required with any development.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed SP is consistent with the RAC land use policy.

#### **CONDITIONS**

1. Permitted uses in the SP are limited to retail, convenience retail and all uses permitted by the OR20 zoning district.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district as of the date of the applicable request or application.
3. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented staff recommendation of approval with conditions.

Mr. Gee in at 6:15 p.m.

Ms. LeQuire in at 6:16 p.m.

Councilmember Gotto in at 6:18 p.m.

Dr. Cummings out at 6:18 p.m.

Dr. Cummings in at 6:19 p.m.

Emad Eshak, applicant, spoke in favor of staff recommendation.

Charlotte Cooper, 3409 Trimble Road, stated that the boundaries of neighborhood association are within one block of the property in question. This location has no easy access, very limited parking, and is directly across the street from Whole Foods. The applicant wants to open a discount beer and tobacco store at this location. Ms. Cooper spoke in opposition to SP zoning and against staff recommendation.

Lee Corbett, 16 Foxhall Close, spoke against staff recommendation, stating that this property backs up to residential development and is in very close proximity to Whole Foods and The Hill Center. A beer permit application has been filed for this location.

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

Councilmember Gotto stated that the letter received from Councilmember McGuire was dated today.

**Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to defer this to the August 26, 2010, Planning Commission meeting to allow Councilmember McGuire to speak with the applicant. (9-0)**

**Resolution No. RS2010-109**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-014-001 is DEFERRED TO THE AUGUST 26, 2010, PLANNING COMMISSION MEETING. (9-0)”**

4. **2010Z-011TX-001**  
Metro Council Zoning Fee Waiver  
Staff Reviewer: Brenda Bernards

A council bill to amend Section 17.40.740 of the Metro Zoning Code to provide a waiver for the zoning application fee for Councilmembers requesting the rezoning of ten or more parcels from a Specific Plan district to another base zoning district, requested by Councilmember Jamie Hollin.

**Staff Recommendation: Because this ordinance deals with a matter of Council prerogative to set fees for rezonings, staff recommends that the Commission take no official position on the bill.**

**REQUEST - Waive application fees for Councilmembers for certain rezonings from SP to another zoning district.**

**Text Amendment** A council bill to amend Section 17.40.740 of the Metro Zoning Code to provide a waiver for the zoning application fee for Councilmembers requesting the rezoning of ten or more parcels from a Specific Plan district to another base zoning district.

**CRITICAL PLANNING GOALS** N/A

**PURPOSE** There are certain situations where the fee for a Councilmember to file a rezoning application can be waived. The proposed bill will add another option to this list.

**Existing Law** The existing Zoning Code, Section 17.40.740.C provides for the waiver of application fees for rezoning requests by Councilmembers

- C. Any rezoning request initiated by a member or members of council for the purpose of:
1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);
  2. Rezoning the property from an office, commercial, or industrial district to a residential or residential single-family district; or

3. Applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district, as provided in Chapter 17.36.

**Proposed Bill** The proposed bill would delete this section and replace it with the following:

- C. Any rezoning request initiated by a member or members of council for the purpose of:
  - 1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);
  - 2. Rezoning the property from an office, commercial, or industrial district to a residential or residential single-family district;
  - 3. Rezoning ten or more parcels from a specific plan (SP) district to another base zoning district; or
  - 4. Applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district, as provided in Chapter 17.36.

**STAFF RECOMMENDATION** Staff recommends that the Commission neither vote to approve or disapprove this proposed ordinance. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees, and/or the mechanism for that body to determine when the fees will or will not be paid, is an issue that should be determined by the Metro Council.

Approved on the Consent Agenda (9-0)

**Resolution No. RS2010-110**

**“BE IT RESOLVED by The Metropolitan Planning Commission that NO OFFICIAL POSITION IS TAKEN ON 2010Z-011TX-001 due to the ordinance dealing with a matter of Metro Council prerogative to set fees for rezonings. (9-0)”**

- 5. **2010Z-017PR-001**  
 Map: 059-00 Parcels: 086, 087  
 Bordeaux/Whites Creek Community Plan  
 Council District 3 – Walter Hunt  
 Staff Reviewer: Jason Swaggart

A request to rezone from R10 to ON zoning properties located at 3200 Knight Drive, approximately 230 feet north of Briley Parkway (1.13 acres), requested by Pctrucking Inc., applicant, Pamela L. Franck, owner.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST -Rezone from residential to office.**

**Amend Council Bill** A request to rezone from One and Two-Family Residential (R10) to Office Neighborhood (ON) zoning properties located at 3200 Knight Drive, approximately 230 feet north of Briley Parkway (1.13 acres).

**Existing Zoning District**

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 District**

ON District - Office Neighborhood is intended for low intensity office uses.

**CRITICAL PLANNING GOALS** N/A

**SOUTH NASHVILLE 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.

**Consistent with Policy?** No. The proposed office zoning is not consistent with the properties’ residential policy. It is also important to note that while there is industrial zoning across the street; properties immediately adjacent to the properties

proposed for office zoning are residential. The industrial PUD across the street also provides a large area of open space between the industrial buildings and the residential on the west side of Knight Drive.

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

Typical Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.13	4.63 D	4 L	39	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.13	0.137 F	6,743 SF	168	22	22

Traffic changes between typical: **R10** and proposed **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+129	+19	+17

Maximum Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.13	4.63 D	4 L	39	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.13	0.40 F	19,698 SF	382	52	101

Traffic changes between maximum: **R10** and proposed **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+343	+49	+96

**STAFF RECOMMENDATION** Staff recommends that the proposed Office Neighborhood (ON) zoning district be disapproved. The proposed zoning district is not consistent with the area’s residential land use policy.

Mr. Swaggart presented the staff recommendation of disapproval.

Jim Graves, 5395 Rawlings Road, is the realtor for this property. He stated that this is not residential property and asked the

Commission to approve this Item.

Grady Carpenter, 248 Bermuda Drive, also spoke against staff recommendation and stated that there will be no increase in traffic.

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

Mr. Clifton moved to approve the request with direction to staff to prepare and initiate a plan amendment. Councilmember Gotto seconded the motion.

Mr. Gee stated that this really should be considered for the whole strip and that he will support this Item.

Ms. Jones stated that if the zoning is changed and some buffering could be built in for the residential, this would be ideal for this location.

Mr. Gee stated that ON zoning would be an appropriate transition.

**Mr. Clifton restated his motion and Councilmember Gotto seconded the motion, to approve the request with direction to staff to initiate a housekeeping amendment to change the land use policy to a transition policy and to include the appropriate properties within the area in the amendment. (9-0)**

**Resolution No. RS2010-111**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-017PR-001 is **APPROVED. Directed staff to initiate a housekeeping amendment to change the land use policy to a transition policy and to include the appropriate properties within the area in the amendment. (9-0)**

**While the proposed ON zoning district is not consistent with the Bordeaux/Whites Creek Community Plan’ polices, it is consistent with surrounding land uses and could provide a buffer between the industrial areas on the east side of Knight Road, and the residential properties on Green Lane. In its decision the Planning Commission directed staff to initiate a housekeeping amendment for the properties along Knight Road between Green Lane and Briley Parkway for a future land use policy amendment.”**

**IX. PUBLIC HEARING: FINAL PLATS**

- 6. 2010S-053-001**  
 Wal-Mart South, Resub. Lots 3 & 4  
 Map: 161-00 Parcel: 291  
 Southeast Community Plan  
 Council District 31 – Parker Toler  
 Staff Reviewer: Greg Johnson

A request for final plat approval to shift lot lines between two lots and to abandon a joint access easement and to establish a new joint access easement on properties located at 5828 Nolensville Pike, approximately 1,400 feet south of Old Hickory Boulevard (2.11 acres), zoned CL and within the Floodplain Overlay District, requested by Glory Teller Office LLC, owner, Blue Ridge Surveying Inc., surveyor.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST -Shift lot line and revise joint-access easement.**

**Final Plat** A request for final plat approval to shift lot lines between two lots and to abandon a joint access easement and to establish a new joint access easement on properties located at 5828 Nolensville Pike, approximately 1,400 feet south of Old Hickory Boulevard (2.11 acres), zoned Commercial Limited (CL) and within the Floodplain Overlay District.

**CRITICAL PLANNING GOALS** N/A

**PLAN DETAILS** The applicant requests a lot line shift between two existing platted lots. The original Wal-Mart Nashville South subdivision was recorded in 2006 and included Lots 3 and 4, the lots in this application. As part of the request, the plat will alter the joint-access easement that was recorded with the original subdivision.

The recorded joint access easement provided a 35 foot wide easement covering the interior property line between Lots 3 and 4 and allowing for joint vehicular access to both lots from Nolensville Pike. The revised access easement shown on the proposed plat includes an additional connection to Nolensville Pike located to the south of the existing driveway entrance.

Conditions of approval have been added to maintain a single joint access connection as the only access to Nolensville Pike for Lots 3 and 4 and to remove the new access point. The proposed second access point raises concerns related to access management along Nolensville Pike because of its location next to an existing driveway and along an arterial road. The Subdivision Regulations allow for the Planning Commission to combine access points onto arterial streets in order to limit driveway entrances and potential driveway hazards. Metro Public Works supports this condition with its recommendation to remove the second access point in the proposed plat. Additionally, the Metro Fire Marshal has determined that a second access point is not necessary at this time.

**PUBLIC WORKS RECOMMENDATION**

1. Dimension right-of-way width to the centerline of Nolensville Pike at the property corners.
2. Dimension the width of the access easement.
3. Remove proposed second access to Nolensville Pk near existing southern Wal-Mart drive.

**STORMWATER RECOMMENDATION**

1. Show and label the 100-YR FEMA Floodplain line.
2. Please correct "detention easement" to "drainage easement" shown for the detention pond.
3. Grading plans have been submitted for a new Discount Tire Center (ref. SWGR T201000078) for Lot 4 that proposes additional water quality treatment measures. Therefore, this plat cannot be reviewed and approved until this grading plan is approved.

**WATER SERVICES RECOMMENDATION** Metro Water Services recommends approval.

**STAFF RECOMMENDATION** Staff recommends approval of the request with conditions to revise the joint-access easement and to add a note to the plat limiting access to Nolensville Pike to one combined location for both lots.

**CONDITIONS**

1. Remove the southern access point to Nolensville Pike as shown by the new cross access easement. This plat shall be limited to one access point to Nolensville Pike to serve Lots 3 and 4.
2. Once the southern access point is removed, add the following note to the plat: Vehicular access to Nolensville Pike for Lots 3 and 4 shall be limited to a single, joint access easement shown on the plat.
3. Comply with all Metro Stormwater comments.

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

Don Kindle, Development Management Group, spoke in favor of staff recommendation of approval.

Tom White, 36 Oak Club Court, stated that one plat is shown but it is not limited to one. The regulations and guidelines will allow three. A second access to the site is recommended. Mr. White clarified that Discount Tire will not buy this site without two access points and asked the Commission for approval.

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

Mr. Gee stated that he would like to hear from Public Works and staff regarding the second access point.

Mr. Johnson clarified that there has always been only one access point approved on the original plat.

Public Works stated that when properties were rezoned to allow the development of the Wal-Mart site, these properties were included as part of the rezoning process and consequently a part of the traffic analysis. Specific recommendations were given for placement of access points and these properties were to be limited to a single access. Only three access points were recommended for the entire development.

Public Works stated that fewer access points create safer and more efficient operation on the roadway.

Ms. Jones inquired if this was being looked at as an individual site instead of as a Wal-Mart development, would Public Works have a problem with more than one access point?

Public Works answered yes.

Ms. LeQuire requested clarification of staff recommendation.

Mr. Johnson clarified.

Councilmember Gotto asked staff if there are preliminary plats that specify one access only.

Mr. Bernhardt stated that he is not sure of the exact wording on other plats.

Councilmember Gotto stated that if there are going to be preliminary plats with only one entrance is shown and that is all that will be allowed, a note needs to be on the plat so the applicant will know it is restricted. Councilmember Gotto stated his support of the applicant's proposal and suggested looking at one access point being designated as in/out and the other access point being designated as exit only.

Mr. Ponder inquired if consideration had been given to one access point being designated as right-in and right-out only and the other access point being designated as right turn only.

Public Works stated that trying to limit traffic to only one direction is very difficult to enforce. Especially for right in and right out unless there is a physical barrier.

Mr. Ponder stated that he is suggesting a physical curbing that will force traffic to go right only. This is a safety problem. He stated that the Commission really needs to listen to the applicant's request, and if there is something they can do to better it, then it is their responsibility to do so.

Mr. Clifton stated that he has no interest in second guessing the Public Works decision and will be supporting staff recommendation

Discussion ensued regarding possible access points.

Mr. Ponder moved and Councilmember Gotto seconded the motion to approve with conditions including a condition that the southern access point be a right out only and that a note be added to the plat that access is limited to one full joint access and one right exit access for both lots at the locations shown on the plat. (8-1) Mr. Clifton voted against.

Mr. Bernhardt clarified that these are the only access points to this property.

Motion passed. (8-1) Mr. Clifton voted against.

**Resolution No. RS2010-112**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2010S-053-001 is APPROVED WITH CONDITIONS, including a condition that the southern access point be a right out only and that a note be added to the plat that access is limited to only one full joint access and one right exit access for both lots at the locations shown on**

**the plat. (8-1)**

**Conditions of Approval:**

1. Remove the southern access point to Nolensville Pike as shown by the new cross access easement. This plat shall be limited to one access point to Nolensville Pike to serve Lots 3 and 4.
2. Once the southern access point is removed, add the following note to the plat: Vehicular access to Nolensville Pike for Lots 3 and 4 shall be limited to a single, joint access easement shown on the plat.
3. Comply with all Metro Stormwater comments.”

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Councilmember Gotto out at 7:22 p.m.

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**X. OTHER BUSINESS**

7. A resolution submitting to the Metropolitan Planning Commission a proposed plan of services for the extension of the boundaries of the Urban Services District to include property located in the Bellevue area along Old Hickory Boulevard between Interstate 40 and Highway 70 South.

Approved (9-0), Consent Agenda

**Resolution No. RS2010-113**

“BE IT RESOLVED by The Metropolitan Planning Commission that a proposed plan of services for the extension of the boundaries of the Urban Services District along Old Hickory Boulevard between I-40 and Hwy 70 S is **APPROVED. (9-0)**”

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8. Consideration of an amendment of the Rules and Procedures for the creation of an Executive Committee

**The Metropolitan Planning Commission DEFERRED consideration of an amendment to the Rules and Procedures for creation of an Executive Committee to the August 26, 2010 Planning Commission meeting.**

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

**XI. ADJOURNMENT**

The meeting was adjourned at 7:27 p.m.

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Chairman

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Secretary

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