



**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**

*November 14, 2006*

\*\*\*\*\*

*4:00 PM*

*Howard School Auditorium, 700 Second Ave., South*

**PLANNING COMMISSION:**

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

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Brooks Fox, Legal Counsel  
Ted Morrissey, Legal Counsel  
David Kleinfelter, Planning Mgr. II  
Bob Leeman, Planner III  
Kathryn Withers, Planner III  
Adriane Harris, Planner II  
Trish Brooks, Admin. Svcs. Officer 3  
Jason Swaggart, Planner I  
Carrie Logan, Planner I  
Dennis Corrieri, Planning Tech I  
Jennifer Carlat, Communications Officer  
Cynthia Wood, Planner III  
Hilary Kahnle, Planning Manager II

**I. CALL TO ORDER**

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

Chairman Lawson welcomed Ms. Eileen Beehan. Ms. Beehan has been appointed to the Commission to represent Mayor Bill Purcell.

Ms. Hammond announced the procedural guidelines which should be followed if there was dissatisfaction with a decision made by the Commission.

**II. ADOPTION OF AGENDA**

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously, to adopt the agenda as presented. (6-0)

**III. APPROVAL OF OCTOBER 26, 2006, MINUTES**

Mr. Lawson announced that Mr. Clifton has requested a rehearing on a subdivision case that was heard at their October 26, 2006, meeting. He explained that in accordance to the Commission's procedures, the request for a rehearing will be placed on the December 14, 2006, agenda. Prior to being placed on the December 14, 2006, agenda, the request will be reviewed by the Chairman and the Executive Director to determine if it has merit and should be presented to the Commission for a vote. At the December 14, 2006, meeting, Mr. Clifton will present information regarding his request, and the Commission members will deliberate and determine whether to schedule a rehearing.

Mr. Clifton arrived at 4:04 p.m.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve the October 26, 2006, minutes as presented. **(7-0)**

#### **IV. RECOGNITION OF COUNCILMEMBERS**

Ms. Nielson arrived at 4:06 p.m.

Councilmember Gotto spoke in favor of Item #3, 2006Z-173G-14, which was on the Consent Agenda for approval.

Councilmember Coleman thanked the Commission members for their dedicated service to the City. He acknowledged that Item #15, 2004S-104G-13, Preserve at Old Hickory, was on the Consent Agenda for approval. He then spoke of Item #8, 2006SP-181G-12, Evergreen Hills. He mentioned this proposal was a very large development for the Antioch area and requested the Commission acknowledge the existing issues concerning schools, density and traffic. Councilmember Coleman also spoke on Item #23, 247-84-U-12, South Plaza Shopping Center.

Councilmember Evans announced she would reserve her comments and speak at the end of the Public Hearing for Item #9, 2006SP-182U-07, Sunrise at West Meade Park.

Councilmember White spoke in favor of Item #VII, Request to Amend the Donelson-Hermitage-Old Hickory Community Plan: 2003 Update. He mentioned there were some issues which have since been resolved.

Councilmember Jameson spoke of LEED certification protocol in relation to Item #6, 2006SP-178U-09, Signature Tower. He stated that due to the fact that the tower will be the largest building in the downtown area, he will only move favorably if it is first assessed on its LEED certification compliance. Councilmember Jameson then spoke of Item #10, 2006SP-183U-09, The Westin Nashville Hotel & Condominiums. He mentioned he was in favor of the hotel with certain conditions in which he explained to the Commission. Conditions included the ability to assist with the design, architectural and aesthetic requirements of the proposed building, as well as requesting that the Commission require a Historic Zoning Overlay on lower Broad to be implemented along with the proposal.

Councilmember Toler spoke in favor of Item #12, 2006Z-185G-12, Carother's Crossing and Item #13, 2005UD-003G-12 which were on the Consent Agenda for approval.

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

- |    |               |   |   |
|----|---------------|---|---|
| 1. | 2006Z-030U-13 | Request to change from AR2a to CS district property located at Una Antioch Pike (unnumbered), northeast corner of Una Antioch Pike and Goodwin Drive (.23 acres), requested by James A. Rust and Mitchell Whitson et ux, owners | -- deferred until December 14, 2006, at the request of the applicant. |
| 4. | 2006Z-174G-06 | Request to change from AR2a to RM6 zoning a portion of property located at 7848 McCrory Lane  | -- deferred until December 14, 2006, at the request of the applicant. |

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. **(8-0)**

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

### **ZONING MAP AMENDMENTS**

- |     |                            |  |  |
|-----|----------------------------|--|--|
| 2.  | 2004Z-011T &<br>2006Z-186T | Amend Zoning Code to require that any planned unit development (PUD), or phase of a PUD, that is inactive for six or more years be reviewed by the Planning Commission and Metro Council for approval, amendment or cancellation.  | - Disapprove, with direction to staff that a new bill be drafted according to a set of principles that better balances the concerns of PUD owners and community members. |
| 3.  | 2006Z-173G-14              | Request to change from RS15 to AR2a zoning property located at 3224 Earhart Road   | - Approve  |
| 6.  | 2006SP-178U-09             | Signature Tower - Request to change from CC to SP zoning property located at 501 Church Street, to permit the development of a 1,396,000 square foot building, including 435 residential condos, 197 hotel rooms, 17,000 square feet of restaurant and retail space  | - Approve w/conditions, including the condition of the developer's agreement on LEED certification compliance  |
| 7.  | 2006Z-179G-04              | Request to change from RS5 and CS to RM15 zoning a portion of property located at 610 Old Hickory Boulevard  | - Approve  |
| 11. | 2006Z-184U-08              | Request to change from R6 to OL zoning property located at 2908, 2910 and 2912 Felicia Street  | - Approve  |
| 12. | 2006Z-185G-12              | Carother's Crossing - Request to change from AR2a to RM9 properties located at 7140 Carothers Road and Carothers Road (unnumbered)   | - Approve w/conditions   |
| 13. | 2005UD-003G-12             | Carother's Crossing (Amendment) - Request to amend the approved Urban Design Overlay district at Kidd Road (unnumbered) Battle Road (unnumbered), 7140, 7176, 7107, 7211, and 7244 Carothers Road, and Carothers Road (unnumbered), to permit the addition of 87.07 acres into the existing UDO and to increase the number of residential units from 2,300 to a maximum of 3,000 units and to increase from 150,000 square feet to 200,000 square feet of commercial space | - Approve w/conditions   |

### **CONCEPT PLANS**

- |     |               |   |                        |
|-----|---------------|---|------------------------|
| 14. | 2006S-330G-02 | Liberty Place Revision (Formerly Bell Grimes Subdivision) - Request for concept plan approval to add 3 lots to a previously approved subdivision on property located at 1340 Bell Grimes Lane, to allow a total of 42 total lots, where 39 were originally approved | - Approve w/conditions |
| 15. | 2004S-104G-13 | Preserve At Old Hickory, Phase Two - Request to extend the previous approval of a concept plan for 157 lots for one additional year   | - Approve              |

**FINAL PLATS**

- 16. 2006S-180U-14 Cloverwood Subdivision -Request for final plat approval to create 4 lots at the terminus of Cloverwood Drive - Re-approve with conditions including a variance for maximum lot size and sidewalks
- 17. 2006S-344U-09 SBER Ballpark Neighborhood - Request for final plat approval to create 4 lots on property located at 110 and 310 First Avenue South 301 Molloy Street 82 Franklin Street and Franklin Street (unnumbered) and Peabody Street - Approve w/conditions
- 18. 2006S-353U-07 CC Vernon's Farm, Resub. Lot 7 - Request for final plat approval to create two lots on property located at 204 Bellmore Avenue - Approve w/conditions
- 19. 2006S-366U-13 Armstrong's Ezell Road Subdivision - Request for final plat approval to create 5 lots located on the east side of Bakertown Road - Approve w/conditions

**PLANNED UNIT DEVELOPMENTS AND SPECIFIC PLANS**

- 20. 155-74-G-14 Larchwood Commercial - Request to revise the preliminary plan for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, for a 39,360 square foot hotel/motel - Approve w/conditions
- 21. 153-79-G-06 Galleries at Bellevue - Request for final approval for a portion of a commercial Planned Unit Development district located abutting the south side of Memphis Bristol Highway, to permit the construction of a 12,000 square foot retail building - Approve as a revision to the preliminary and final including conditions
- 24. 99P-004U-10 Estes Glen - Request for final PUD approval for a residential Planned Unit Development located at 3806 Estes Road, south of Elder Place, to permit 8 single-family lots - Approve w/conditions

**OTHER BUSINESS**

- 25. Employee Contract for Felix Castrodad - Approve

Ms. Cummings arrived at 4:22

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

**VII. A REQUEST TO AMEND THE DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN: 2003 UPDATE TO GO FROM CORRIDOR GENERAL TO OFFICE TRANSITION, RESIDENTIAL LOW-MEDIUM DENSITY, AND RESIDENTIAL MEDIUM DENSITY POLICIES FOR APPROXIMATELY 45 ACRES FOR PROPERTY LOCATED ALONG BOTH SIDES OF DONELSON PIKE IN THE VICINITY OF LAKELAND DRIVE.**

**APPLICANT REQUEST** - A request to go from Corridor General to Office Transition, Residential Low-Medium Density, and Residential Medium Density policies for approximately 45 acres for property located along both sides of Donelson Pike in the vicinity of Lakeland Drive.

## **Land Use Policies**

**Corridor General (CG)** - Corridor General is for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. Corridor General areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities.

**Office Transition (OT)** -OT is a Structure Plan category for small offices intended to be used in exceptional cases to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas.

**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 (RM)** -Residential Medium Density is intended to accommodate residential development within a density range of about four to nine dwelling units per acre. A variety of housing types can be found in RM areas.

**ANALYSIS** -This amendment is being requested in order to bring the land use policy into conformance with zoning decisions that have been made recently and to recognize the suitability of the location for small offices. Two alternative amendments are being presented for consideration. One would change the policies on the west side of Donelson Pike only and the other would change the policies on both sides. Both alternatives are supportable from a policy standpoint, since the scale and intensity of development would be compatible on both sides of Donelson Pike under either scenario. The alternatives are being presented because the district Councilmember for the east side of Donelson Pike and several of his constituents have expressed interest in retaining the Corridor General policy.

This area lies between two large commercial concentrations along a major arterial corridor. It is predominantly low-medium and medium density residential with some churches and nonresidential uses along Donelson Pike. Because the area is convenient to an interstate interchange, is along a busy four-lane arterial street, and is sandwiched between two large commercial concentrations, small office development may be considered an appropriate use along Donelson Pike. The remainder of the area that is oriented to the side streets is a stable residential area and should retain its residential designation. Most of this area is recommended to be designated as Residential Low-Medium Density in keeping with surrounding development, although there is a section of the area south of Lakeland Drive where Residential Medium Density infill makes more sense because access to the land would need to be gained through the potentially nonresidential frontage.

The graphics included with this report show the current policies and the two amendment alternatives.

Ms. Wood presented and stated that staff is recommending approval on one of two recommended alternatives.

Mr. Mclean moved, and Mr. Ponder seconded the motion, which passed unanimously to approve “alternative #2” presented by staff, which will amend the Donelson-Hermitage-Old Hickory Community Plan: 2003 only the west side of Donelson Pike to allow for the Office Transition along the frontage of Donelson Pike, leaving the back area residential, and the east side of Donelson with its current Corridor General policy. (9-0)

**Resolution No. RS2006-361**

“BE IT RESOLVED by The Metropolitan Planning Commission that the DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN: 2003 UPDATE is hereby amended as shown on the graphic representing “alternative #2” presented by staff, to change the land use policy from CORRIDOR GENERAL to OFFICE TRANSITION, RESIDENTIAL LOW-MEDIUM DENSITY, and RESIDENTIAL MEDIUM DENSITY POLICIES for property located along the west side of Donelson Pike in the Vicinity of Lakeland Drive, but to keep the existing CORRIDOR GENERAL policy on the east side of Donelson Pike, which amendment is **APPROVED. (9-0)**

**VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING**

**ZONING MAP AMENDMENTS**

1. **2006Z-030U-13**  
Map 162-00, Parcel 025  
Subarea 13 (2003)  
Council District 28 - Jason Alexander

A request to change from AR2a to CS district property located at Una Antioch Pike (unnumbered), northeast corner of Una Antioch Pike and Goodwin Drive (.23 acres), requested by James A. Rust and Mitchell Whitson et ux, owners.

**STAFF RECOMMENDATION: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-030U-13 to December 14, 2006, at the request of the applicant. (8-0)**

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

2. **2004Z-011T**  
PUDs Sunset Review - 6 years

A council bill to amend Section 17.40.120 requiring that all planned unit developments inactive for more than six years be submitted to the Metro Council for approval prior to the issuance of any building or grading permit, sponsored by Councilmember John Summers.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** - Amend Zoning Code to require that any planned unit development (PUD), or phase of a PUD, that is inactive for six or more years be reviewed by the Planning Commission and Metro Council for approval, amendment, or cancellation.

**ANALYSIS**

**Background -BL2004-224:** In 2004, Councilmember John Summers introduced an ordinance requiring all modifications to PUDs more than four years old be submitted to the Council for approval. That bill was deferred indefinitely by the Council so that PUD modifications could be addressed more comprehensively. This bill has been superseded by BL2005-629 (see below).

**BL2005-629:** In 2005, Councilmember John Summers introduced a new ordinance, with the assistance of planning staff, that better addressed the various PUD development situations. That bill was deferred indefinitely. It is now scheduled though for 3<sup>rd</sup> reading on December 6, 2006.

**BL2006-1259:** Councilmember Tygard has introduced a new ordinance that also addresses inactive PUD situations. This bill is not as comprehensive as BL2005-629. This bill is scheduled for the January 2007 Council public hearing.

**Existing Law** - The Zoning Code currently does not sunset any old PUDs. Any PUD overlay district regardless of age, remains in effect indefinitely.

**Proposed Text Change** - The proposed amendments establish a process and criteria by which a PUD would be evaluated in the future by the Planning Commission and Metro Council for inactivity. The proposals are similar in that they address PUD plans that have been inactive for six or more years. The bills differ in two respects: 1) When a PUD review would be initiated, and 2) how a PUD would be reviewed by staff, the commission and council.

Staff has communicated with sponsors of the council bills and with spokesmen for PUD owners. There is general agreement on two issues: (1) old, undeveloped PUDs should be addressed, and (2) a balanced bill that draws broad consensus would be more straightforward than amending one of the existing council bills. There appears to be general agreement on the following principles which would be incorporated into a new bill to be drafted by planning staff.

**Consensus Points**

- Old PUDs will be reviewed on an individual basis.
- A PUD will remain active until a review is initiated.
- The review of an old PUD can be initiated by a councilmember, the community, the planning department, the Planning Commission, or any Metro department/agency.
- A review may be initiated of a PUD that has been inactive for 6 years or more from the date it was originally approved or the date last amended by Council.
- A PUD revision does not reset the 6-year clock. Only an amendment restarts the clock.
- Once a PUD is determined “inactive”, then any request to revise the PUD would be handled as an amendment to the PUD requiring Council approval.
- Objective criteria for determining active vs. inactive PUD status will be established for staff, Planning Commission, and Metro Council review.
- The legislation would only become effective 270 days after enactment.

**Public Notice** - One-hundred forty six PUDs have been identified that were either vacant (61) or inactive for a period of six years or more (85). A public hearing notice was mailed to the owner of record listed in the tax assessor’s database on October 31, 2006. That notice identified the bills under consideration with a brief explanation, the date of the planning commission and council meetings, and a website address for more information.

**Analysis** - PUDs are not intended for speculative development, but only by applicants with a firm intention to develop according to a master plan with a master development schedule. Undeveloped PUDs, and those that go inactive after partial development, lead to inaccurate perceptions about the development future of sites that appear vacant and in a natural state. These PUDs also are unreliable predictors of improvements needed in public services and infrastructure.

**Staff Recommendation** - Disapprove. Neither of the two bills currently under consideration adequately balance the concerns of both PUD owners and community members. Staff recommends, instead, that a consensus-based bill be developed for the Planning Commission and Metro Council’s consideration. The recommended timetable for considering the new bill would coincide with the Metro Council’s March public hearing.

Disapproved, with direction to staff that a new bill be drafted according to a set of principles that better balances the concerns of PUD owners and community members (9-0), *Consent Agenda*

**Resolution No. RS2006-362**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004Z-011T and 2006Z-186T is **DISAPPROVED, with direction to staff that a new bill be drafted according to a set of principles that better balances the concerns of PUD owners and community members. (9-0)**”

Map 098-00, Parcel 081  
 Subarea 14 (2004)  
 Council District 12 - Jim Gotto

A request to change from RS15 to AR2a zoning property located at 3224 Earhart Road, approximately 530 feet north of John Hagar Road (3.03 acres), requested by Councilmember Jim Gotto, applicant, for Brian and Shannon Rodgers, owners.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** - A request to change from Single-Family Residential (RS15) to Agricultural/residential (AR2a) zoning property located at Earhart Road, approximately 530 feet north of John Hagar Road (3.03 acres).

**Existing Zoning**

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

**Proposed Zoning**

**AR2a District** - Agricultural/residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a district is intended to implement the natural conservation or interim nonurban land use policies of the general plan.

**DONELSON/HERMITAGE 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.

**Consistent with Policy?** - The AR2a district allows for one dwelling unit per two acres and the RLM policy allows for two to four dwelling units per acre. Therefore, AR2a falls below the density range intended by the Donelson/Hermitage Community Plan’s RLM policy. This proposal would downzone the property to a zoning district consistent with the development pattern, however, and the zoning of adjacent properties to the north.

**RECENT REZONINGS** - On May 13, 2004, the Planning Commission recommended approval of a request to rezone property west of Earhart Road from agricultural/residential (AR2a) to single-family residential (RS15) and recommended approval with conditions of the Bridgewater Planned Unit Development, also west of Earhart Road.

On July 8, 2004, the Planning Commission recommended approval of a request to rezone 5.03 acres from residential single-family (RS15) to agricultural/residential (AR2a) district located at John Hager Road (unnumbered).

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

**Typical Uses in Existing Zoning District: RS15**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	3.03	2.47	7	67	6	8



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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	3.03	0.5	1	10	1	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
--			-6	-57	-5	-6

**METRO SCHOOL BOARD REPORT**-No new students are generated by this request.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2006-363**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-173G-14 is **APPROVED. (9-0)**

**The proposed AR2a district is not completely consistent with the Donelson/Hermitage Community Plan’s Residential Low Medium policy, which is intended to accommodate residential, development within a density range of two to four dwelling units per acre, but it provides a lower density that is consistent with the development pattern in the immediate area.”**

- 4. **2006Z-174G-06**  
Map 126-00, Part of Parcel 064  
Subarea 6 (2003)  
Council District 35 - Charlie Tygard

A request to change from AR2a to RM6 zoning a portion of property located at 7848 McCrory Lane, adjacent to the CSX Railroad and south of Highway 70 (30 acres), requested by McCrory Lane Partners LLC, owner.

**STAFF RECOMMENDATION: Disapprove**

**The Metropolitan Planning Commission DEFERRED Zone Change 2006Z-174G-06 to December 14, 2006, at the request of the applicant. (8-0)**

- 5. **2006Z-175G-06**  
Map 142-00, Parcel 014  
Map 142-07, Parcel 015  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request to change from RS15 to RM20 zoning property located at 7312 and 7316 Highway 70 South, approximately 1,015 feet east of Cross Timbers Drive (1.09 acres), requested by Thomas & Cherrie Teachout, owners.

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST** - A request to change 1.06 acres from Single-Family Residential (RS15) to Multi-Family Residential (RM20) zoning property located at 7312 and 7316 Highway 70 South, approximately 1,015 feet east of Cross Timbers Drive.

**Existing Zoning**

RS15 District - RS15 requires a minimum 15,000 square foot lot and is intended for single-family

dwellings at a density of 2.47 dwelling units per acre.

**Proposed Zoning**

RM20 District - RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

**BELLEVUE 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.

**Consistent with Policy?** - No. The RLM policy envisions no more than two to four dwelling units per acre and is predominately single-family in character. RM20 exceeds this limit by allowing 20 dwelling units per acre and is multi-family in character. It may be possible to achieve higher density in this location, but staff recommends that higher density only be approved by the Planning Commission if a comprehensive plan amendment is approved to address all six of the parcels along the northern side of Highway 70 in this location.

**RECENT REZONINGS** - None.

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

**Typical Uses in Existing Zoning District: RS15**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	1.06	2.47	3	29	3	4

**Typical Uses in Proposed Zoning District: RM20**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	1.06	20	21	171	15	17

**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
--			+18	142	12	13

**METRO SCHOOL BOARD REPORT**

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

**Schools Over/Under Capacity** - Students would attend Brookmeade Elementary School, Hill Middle School, or Hillwood High School. None of the schools has been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 2006.

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

Mr. John Halpin spoke in opposition to the zone change request.

Mr. Thomas Teachout, owner, spoke in favor of the zone change request.

Ms. Cynthia Darby, 7322 Hwy. 70 South, expressed issues regarding the request.

Mr. Ponder stated he agreed with staff recommendation.

Ms. Nielson stated he agreed with staff recommendation.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2006Z-175G-06. **(9-0)**

**Resolution No. RS2006-364**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-175G-06 is **DISAPPROVED**. **(9-0)**

**The proposed RM20 district is not consistent with the Bellevue Community Plan’s Residential Low Medium policy, which calls for residential developments with a density between 2 and 4 dwelling units per acre.”**

6. **2006SP-178U-09**  
Signature Tower  
Map 093-61, Parcel 082  
Subarea 9 (1997)  
Council District 6 - Mike Jameson

A request to change from CC to SP zoning property located at 501 Church Street, at the southwest corner of Church Street and 5th Avenue North (1.23 acres), to permit the development of a 1,396,000 square foot building, including 435 residential condos, 197 hotel rooms, 17,000 square feet of restaurant and retail space, requested by Gresham Smith and Partners, applicant, for Signature Holdings LLC, owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Preliminary SP**

A request to change from CC to SP zoning on 1.23 acres located at the southwest corner of Church Street and 5th Avenue North and located in the Capital Mall Redevelopment District, to permit development of a 1,396,000 square foot building including 435 residential condos, 197 hotel rooms, and 17,000 square feet of restaurant and retail space.

**Existing Zoning**

CC district - Commercial Core is intended for high intensity office, retail, restaurant, amusement, and multi-family uses.

**Proposed Zoning**

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

**SUBAREA 9 COMMUNITY PLAN POLICY**

Central Business District (CBD) - CBD policy is intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. The CBD constitutes the single largest concentration of non-residential development in the city. Offices are the predominant type of development,

also some retail, entertainment, community facilities, government services, and higher density residential.

**Capital Mall Redevelopment Plan (16) Tract 62A**

Intent: To redevelop portions of this tract to provide for commercial/office, residential, arts/institutional, and/or retail space in new or rehabilitated structures.

Principal Uses:

Commercial office/retail, hotel, consumer services, and parking, and religious services related to the activities of two existing churches on the block. Where opportunities permit, residential use and public open space or institutional/arts uses should be encouraged. It is anticipated that uses connected with the churches such as day care or other services provided for the convenience of the public may be developed.

Design Objectives:

Judicious considerations should be given to the existence of church properties on the block and to the Downtown Presbyterian Church in providing for setbacks, height, bulk, and architectural detail of proposed developments on this block. Design and functional relationships of new facilities should consider impacts on churches located on the block. The design and development of any office facilities on Church Street should incorporate street level retail space where MDHA considers it feasible from design or long-term market perspectives.

**Consistent with Policy?** - Yes. The primary goal of the CBD is higher intensity development with a variety of activities in the central core. The project includes multifamily residential, hotel, restaurant and retail uses. The design has incorporated classical elements to echo the facades of the surrounding downtown buildings such as the Ryman Auditorium, St. Cloud Corner and the Downtown Presbyterian Church and is consistent with the design objectives of the Capital Mall Redevelopment District.

**RECENT REZONINGS** - None.

**PLAN DETAILS** - The MDHA Design Review Committee approved the schematic plans for this project on May 10, 2006. This project is located in the Capitol Mall Redevelopment District.

The Signature Tower is a 70 story building rising to a height of 1,057 feet and includes multifamily residential, hotel, restaurant and retail uses. There are eight levels below grade consisting of parking and service. In addition to the tower, there is a “base” element that is designed in a classical style to contrast the modern tower and echo the facades of the surrounding downtown buildings such as the Ryman Auditorium, St. Cloud Corner and the Downtown Presbyterian Church and will contain uses that create an active street level. The residential units and hotel rooms are located in the tower. The base contains a restaurant, meeting rooms and ballrooms for the hotel, and an amenity pool deck and grill on the roof.

Parking is provided on-site for all residential uses at a ratio of 1 space per bedroom. Additional off-site parking will be provided through a valet service for the hotel and restaurant uses.

**Reason for SP** - The current zoning of Central Core (CC) allows a maximum floor area ratio (FAR) of 15. This means that maximum square footage of the building can be 15 times the area of the site. The proposed FAR for this project is 20. A FAR of 19 is actually being proposed, but a maximum of 20 could be achieved on the site. Staff recommends approval of the proposed FAR as compatible with the core of the Central Business District.

**PUBLIC WORKS RECOMMENDATION** - Following are review comments for the submitted Signature Tower SP (2006SP-178U-09), received October 2, 2006. Public Works' comments are as follows:

- (1) Access study is required prior to any final approvals and permit issuance to address request for reversal of Alley No. 74.
- (2) Loading docks shall be designed so that parked vehicles do not encroach into the public right-of-way.
- (3) All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design and improvements may vary based on field conditions.

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.22	5.75	305,573	3,153	459	422

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.22	15	797,148	6,598	988	972

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
High-Rise Apartment(222)	1.22	N/A	435	1,887	131	152

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	1.22	N/A	154,000 (~200 rooms)	1,784	127	123

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant/Retail (814)	1.22	N/A	17,000	765	21	63

**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
--	1.22			1,283	-180	-84

**STORMWATER RECOMMENDATION - Preliminary SP Returned for Corrections:**

Provide the following:

Adequate Water Quality Concept. A Green Roof is ideal for this situation. However, a Green Roof is not an approved method for water quality. Add note stating that the green roof will only be utilized with a Variance from the Stormwater Committee or provide an approved method of treatment.

Note: If a Variance is not received or denied, a major layout change may occur.

**METRO SCHOOL BOARD REPORT**

Projected student generation\* 10 Elementary 7 Middle 7 High

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. Hillsboro High School has been identified as not having capacity, however there is capacity available at a high school in an adjacent cluster. This information is based upon data from the school board last updated August 2006.

**CONDITIONS**

- All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.

2. All Stormwater comments shall be addressed prior to the final site plan approval.
3. For any requirements not specifically addressed in this application, the CC- Commercial Core district shall apply.
4. All elevations and materials shall be further developed and submitted for review with the final SP application.
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.
6. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. The requirements of the Metropolitan 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.
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.

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. The revised plans must be received within 60 days of Metro Council's final approval.

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

**Resolution No. RS2006-365**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-178U-09 is **APPROVED WITH CONDITIONS, including achieving and maintaining Leadership in Environmental and Energy Design (LEED) certification. (9-0)**

**Conditions of Approval:**

1. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
2. All Stormwater comments shall be addressed prior to the final site plan approval.
3. For any requirements not specifically addressed in this application, the CC- Commercial Core district shall apply.
4. All elevations and materials shall be further developed and submitted for review with the final SP application.
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.
6. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. The requirements of the Metropolitan 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.

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.

**The proposed SP district is consistent with the Subarea 9 Community Plan’s Central business District policy, and the Capital Mall Redevelopment Plan, which are for higher intensity developments with a variety of activities in the central core.”**

7. **2006Z-179G-04**  
 Map 043-14, Part of Parcel 051  
 Subarea 4 (1998)  
 Council District 9 - Jim Forkum

A request to change from RS5 and CS to RM15 zoning a portion of property located at 610 Old Hickory Boulevard, approximately 290 feet east of Lena Belle Avenue (7.2 acres), requested by Shannon Faley et al, owner.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** - A request to change 7.2 acres from Single-Family Residential (RS5) and Commercial Service (CS) to Multi-Family Residential (RM15) zoning on property located at 610 Old Hickory Boulevard, approximately 290 feet east of Lena Belle 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.

**CS District** - Commercial Service is intended for retail, consumer service, financial, restaurant, office, auto-repair, auto sales, self-storage, light manufacturing and small warehouse uses.

**Proposed Zoning**

**RM15 District** - RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

**EAST NASHVILLE 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.

**Commercial Arterial Existing (CAE)** - CAE policy is intended to recognize existing areas of “strip commercial” which is characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.

**Consistent with Policy?** -Yes. The proposed RM15 zoning falls within the range permitted in RMH policy. Additionally, CAE policy is intended not only to accommodate existing commercial areas but also to redevelop into more pedestrian-friendly areas. Therefore, multi-family uses are permitted in both RMH and CAE policy areas.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - Traffic study may be required at time of development.

**Typical Uses in Existing Zoning District: RS5 and CS**

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

Single-Family Detached(210)	7.2	7.42	53	580	47	61
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**Typical Uses in Proposed Zoning District: RM15**

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	7.2	15	108	686	55	65

**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
--			+55	106	8	4

**METRO SCHOOL BOARD REPORT**

**Projected student generation    12 Elementary    8 Middle    7 High**

**Schools Over/Under Capacity** - Students would attend Stratton Elementary School, Neely’s Bend Middle School, or Hunters Lane High School. Both Stratton Elementary School and Hunters Lane High School have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated August 2006.

Approved (9-0), *Consent Agenda*

**Resolution No. RS2006-366**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-179G-04 is **APPROVED. (9-0)**

**The proposed RM15 district is consistent with the East Nashville Community Plan’s Residential Medium High policy, which calls for residential developments with a density between 9 and 20 dwelling units per acre, and the Commercial Arterial Existing policy, which is not only intended to accommodate existing commercial, but to redevelop more pedestrian friendly environments.”**

- 8.     **2006SP-181G-12**  
       Evergreen Hills  
       Map 182-00, Parcels 214, 011  
       Subarea 12 (2004)  
       Council District 32 - Sam Coleman

A request to change from AR2a to SP zoning property located at 13880 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 465 feet west of Legacy Drive (173.9 acres), to permit the development of 200 roughhouses and 700 single-family houses, requested by Third Coast Design Studio, applicant, for Turner Farms Development, owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Preliminary SP**

A request to change from agricultural, single-family, and two-family (AR2a) to Specific Plan (SP) for property located north of Old Hickory Boulevard, which will allow for the development of 900 residential units.

**Zoning District**

SP district -Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.



- The SP District is a new base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

#### **SOUTHEAST 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.

**Transportation Plan** - The Southeast Community Plan calls for various road improvements, including two collector streets, and a major roadway across these properties.

**Consistent with Policy?** -Yes, the proposed development is consistent with the intent of the NG policy as it provides a mixture of housing types that are coherently located in a way that creates neighborhood centers that are adequately connected. The plan also incorporates the two planned collector streets, as well as the planned “Southeast Parkway”, that crosses the properties.

#### **PLAN DETAILS**

**Lots/Density** -The plan calls for a total of 900 new residential units on approximately 173 acres, with an overall density of approximately 5.2 dwelling units per acre. While the total number of dwelling units proposed is 900, the plan calls for a variety of different housing choices with 200 town homes and 700 various size residential lots, including estate lots. The plan calls for four separate neighborhood centers. Higher residential densities are called for within the centers. Density levels decrease from the centers to the periphery.

**Access** - All town homes will be accessed from the rear by alleys. Alleys will also be utilized to provide rear access for a majority of the residential lots. Front loaded lots will also be utilized on larger lots.

Access to the development will be provided from multiple locations. Because some of the developments that will provide access to this development have not been constructed all proposed access points are not currently available. Available access points will be Old Hickory Boulevard, Ram Stone Way, Lawson Drive. Future connections will be to Haskell Drive, Haskell Lane, Kotonka Court, and the Southeast Parkway, when it is constructed.

**Connectivity** -The plan provides for adequate automobile and pedestrian connectivity within the development by utilizing a modified grid network of streets that include sidewalks, and pedestrian paths through some of the interior open spaces. A total of four stub streets, and two alley stubs are proposed, and will allow for adequate connectivity to adjacent properties. Three stub streets and one alley stub are proposed to the west, and one stub street and one alley stub are proposed to the east. The north and south are adequately connected by existing streets, or future streets within approved subdivisions.

**Open Space** -The plan calls for approximately 49 acres of open space, which is roughly 28 percent of the total site. Open space is utilized in a variety of ways that will provide for both active and passive use. Active open space is provided in the form of green squares, pocket parks, and court yards. Large linear areas of open space are also provided, and will provide for pedestrian walkways, that will provide an alternative pedestrian modal choice. These large linear park areas, also will help protect environmentally sensitive areas such as streams. Passive open space areas include buffer yards, and stormwater detention

areas.

**Landscape/Buffer Yards** - As proposed street trees will be planted along all public streets. While no specific buffer yard is required with SP districts, the plan calls for a buffer yards along certain perimeter sections. A landscape plan has not been submitted, and will be required with the final development plan application.

Phasing Development will be constructed in eleven separate phases. Access for several of the phases will be from streets that are not currently built. The proposed phasing plan could require excessive construction traffic through adjacent residential areas. The phasing plan must be revised to work north from Old Hickory Boulevard to lessen the impact on adjoining subdivisions or revised to route construction traffic to Old Hickory Boulevard.

**Infrastructure Deficiency Area** -This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 5,017 linear feet of roadway within the IDA. Roadway to be improved will be determined by Public Works' staff. This is in addition to any other off site roadway improvements required by Public Works.

**Staff Recommendation** -Since this request implements the area's Neighborhood General policy, as well as providing for new roadways called out in the Southeast Subarea Plan, staff recommends that the request be approved with conditions.

#### **PUBLIC WORKS RECOMMENDATION**

- The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions. All geometry to support SU-30 design vehicle turning movements.
- Re-evaluate phasing plan to minimize construction traffic thru adjacent developments.
- Transitions into and out of divided boulevards to meet MUTCD / AASHTO design guidelines.

In accordance with the recommendations of the traffic impact study, the following improvements, as a minimum, will be required for the Evergreen Hills development:

1. The site access at Old Hickory Boulevard shall be designed to include one lane for entering traffic and two lanes for exiting traffic. The exiting lanes shall be designed to include 75 feet of storage.
2. An eastbound left turn lane shall be constructed on Old Hickory Boulevard at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
3. A westbound right turn lane shall be constructed on Old Hickory Boulevard at the project access with 75 ft of storage and transitions per AASHTO/MUTCD standards.

In addition, the following conditions shall apply:

4. Along the property frontage, Old Hickory Boulevard shall be improved to provide a collector cross section as approved by Metro Public Works.
5. At the intersection of Old Hickory Boulevard and Burkitt Road, the developer shall conduct a periodic signal warrant analyses as determined by Public Works. If warranted and approved by Public Works, a traffic signal shall be designed and installed by the developer. Applicable road widening (left turn lanes) shall be completed by the developer at this time as well.
6. In keeping with the Planning Department's IDA policy, other infrastructure improvements will be required by this development. The length of these improvements are to be as established by the Planning Department staff. The design is to be by the developer's engineer and approved by the Public Works Department.

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	173.90	0.5	87	915	71	95

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	173.9	N/A	700	6,230	500	618

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	173.9	N/A	200	1,157	90	107

**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
--			+813	6,472	519	630

**STORMWATER RECOMMEDATION** -Approved with the following comment:

1. A variance will be required for all buffer disturbances.

**METRO SCHOOL BOARD REPORT**

Projected student generation\* **135 Elementary 81 Middle 81 High**

**Schools Over/Under Capacity** - Students would attend Maxwell Elementary School, Antioch Middle School, and Antioch High School. All three schools have been identified as over capacity. There is capacity at another middle school in the cluster, and at a high school in an adjacent cluster. This information is based upon data from the school board last updated August 2006.

**Fiscal Liability** -The fiscal liability of 135 new elementary students is \$1,620,000 (135 X \$12,000 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**School Site Dedication** -Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for middle schools with a capacity of 800 students.

This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the Antioch High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

## CONDITIONS

1. No final plat or development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of the requirement for dedication of a school site in compliance with the standards of Section 17.16.040 for middle schools with a capacity of 800 students.
2. A landscape plan shall be submitted with the final development plan, and must be approved by Planning Staff prior to approval of the final development plan.
3. The phasing plan must be revised to work north from Old Hickory Boulevard to lessen the impact on adjoining subdivisions or revised to route construction traffic to Old Hickory Boulevard.
4. Prior to the final development plan being approved, the proposed crossing must be approved by the Stormwater Management Committee. If approvals can not be obtained, then the layout must be modified.
5. The site access at Old Hickory Boulevard shall be designed to include one lane for entering traffic and two lanes for exiting traffic. The exiting lanes shall be designed to include 75 feet of storage.
6. An eastbound left turn lane shall be constructed on Old Hickory Boulevard at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
7. A westbound right turn lane shall be constructed on Old Hickory Boulevard at the project access with 75 ft of storage and transitions per AASHTO/MUTCD standards.
8. Along the property frontage, Old Hickory Boulevard shall be improved to provide a collector cross section as approved by Metro Public Works.
9. At the intersection of Old Hickory Boulevard and Burkitt Road, the developer shall conduct a periodic signal warrant analyses as determined by Public Works. If warranted and approved by Public Works, a traffic signal shall be designed and installed by the developer. Applicable road widening (left turn lanes) shall be completed by the developer at this time as well.
10. This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 5,017 linear feet of roadway. Roadway to be improved will be determined by Public Works' staff prior to the recording of the first final plat.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the RM6 district shall apply.
12. 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.
13. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements in public right of way.
14. All signage must be approved by the Planning Commission prior to final Specific Plan approval.
15. The requirements of the Metropolitan 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.
16. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

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

Mr. Bernhardt explained and stated that the following items are to be included in this SP zone change request. They are as follows: the dedication of the Southeast Parkway bike path and greenway, certain improvements in dedication of right-of-way along Old Hickory Boulevard, certain parks and buffers that are available for community use of approximately 38 acres, a civic center site, emergency services, contributions to schools due to its location in an infrastructure deficiency area, as well as approximately one mile of reconstruction of highways in infrastructure deficiency areas.

Mr. Steve Abernathy, 5929 Pettus Road, spoke in favor of the proposal.

Mr. Tom White, 36 Old Club Court, spoke in favor of the proposal.

Mr. Keith Covington, 3707 Meadowbrook Avenue, spoke in favor of the proposal.

Ms. Joan Rubincam, 8212 Ramstone Way, spoke in favor of the proposal.

Councilmember Coleman spoke of the items mentioned by Mr. Bernhardt and explained that these items were agreed upon by the community members affected by this proposal and were to be met and included in the plan. Councilmember Coleman spoke of many issues associated with the plan as well as the compromises that were reached which resulted in its support. He mentioned that he would hold another community meeting prior to its second reading at Council in order to ascertain the proposal is ready to move forward and meets the requests of the community. He stated he was in favor of its approval at this time.

Ms. Nielson acknowledged the issue regarding the schools located in this area of the district. She also stated that a positive design can result from the communication between the developer and the community.

Mr. Clifton requested additional clarification regarding the traffic construction associated with this proposal.

Mr. Bernhardt explained that the plan contains a recommendation that requires a reexamination of the phasing plan of the proposal in order to minimize the construction traffic associated with the plan.

Mr. Tyler requested additional information on the infrastructure deficiency areas included in the proposal.

Mr. Bernhardt explained the infrastructure deficiency area located in the southeast area and its requirements.

Mr. Ponder spoke in favor of the plan. He did however mention an issue with Old Hickory Boulevard in relation to the entrance of the development.

Mr. Ponder moved and Mr. McLean seconded the motion, which passed unanimously to approve with conditions Zone Change 2006SP-181G-12. (9-0)

**Resolution No. RS2006-367**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2006SP-181G-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. No final plat or development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of the requirement for dedication of a school site in compliance with the standards of Section 17.16.040 for middle schools with a capacity of 800 students.
2. A landscape plan shall be submitted with the final development plan, and must be approved by Planning Staff prior to approval of the final development plan.

3. The phasing plan must be revised to work north from Old Hickory Boulevard to lessen the impact on adjoining subdivisions or revised to route construction traffic to Old Hickory Boulevard.
4. Prior to the final development plan being approved, the proposed crossing must be approved by the Stormwater Management Committee. If approvals can not be obtained, then the layout must be modified.
5. The site access at Old Hickory Boulevard shall be designed to include one lane for entering traffic and two lanes for exiting traffic. The exiting lanes shall be designed to include 75 feet of storage.
6. An eastbound left turn lane shall be constructed on Old Hickory Boulevard at the project access with 100 ft of storage and transitions per AASHTO/MUTCD standards.
7. A westbound right turn lane shall be constructed on Old Hickory Boulevard at the project access with 75 ft of storage and transitions per AASHTO/MUTCD standards.
8. Along the property frontage, Old Hickory Boulevard shall be improved to provide a collector cross section as approved by Metro Public Works.
9. At the intersection of Old Hickory Boulevard and Burkitt Road, the developer shall conduct a periodic signal warrant analyses as determined by Public Works. If warranted and approved by Public Works, a traffic signal shall be designed and installed by the developer. Applicable road widening (left turn lanes) shall be completed by the developer at this time as well.
10. This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. The applicant will be required to improve approximately 5,017 linear feet of roadway. Roadway to be improved will be determined by Public Works' staff prior to the recording of the first final plat.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission approval, the standard Zoning Code requirements of the R3.75 district shall apply for detached units, and RM20 district shall apply for attached units.
12. 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.
13. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements in public right of way.
14. All signage must be approved by the Planning Commission prior to final Specific Plan approval.
15. The requirements of the Metropolitan 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.
16. Prior to the filing of any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.

**The proposed SP district is consistent with the Southeast Community Plan's Neighborhood General policy, which is intended to meet a spectrum of housing needs and provide a variety of housing types that are carefully arranged and not randomly located."**

Sunrise at West Meade Park  
Map 129-10, Parcels 090, 091  
Map 129-11, Parcel 010  
Subarea 7 (2000)  
Council District 23 - Emily Evans

A request to change from RS40 to SP zoning property located at Brookmont Terrace (unnumbered) and Highway 70 South (unnumbered), (6.86 acres), to permit a 78-unit assisted-living facility, requested by Littlejohn Engineering Associates Inc., applicant, for Frances B. Eatherly, owner.

**STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST -Preliminary SP**

A request to change 6.86 acres from residential single-family (RS40) to specific plan (SP) zoning property located at Brookmont Terrace (unnumbered) and Highway 70 (unnumbered) to permit a 78-unit assisted living facility.

#### **Existing Zoning**

RS40 district -RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of 0.93 dwelling units per acre.

#### **Proposed Zoning**

SP district -Specific Plan 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.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.

#### **SUBAREA 7 COMMUNITY 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.

**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.

Area 3A of Subarea 7 PlanArea 3A is within the RL policy area calling for one to two dwelling units per acre. This site falls within an area designated as a sensitive location area that should be given careful attention in conjunction with any development and/or rezoning.

The subarea plan for this area says: “The interface along Brookmont Terrace: since the adoption of the original plan, Brookmont Terrace has been interpreted by the Planning Commission to be the boundary between Area 3A and the RMH policy area 6D. Future development between U.S. 70S [Harding Pike] and Brookmont Terrace should be designated in a manner that is sensitive to the established low density development in Area 3A on the west side of this boundary.”

The Planning Commission decided in 1997, that RMH policy could apply to this site given its location

along Harding Pike. Since the adopted policy is RL, however, the Planning Commission can also decide to allow only densities consistent with the RL policy.

**HISTORY** -In 1995, the Planning Commission disapproved a request for townhomes on this property at 12 units per acre (82 units). In 1997, the Planning Commission approved a PUD for a 115 unit assisted-living facility on this property. This bill was not approved by Council. The Planning Commission determined that 7.3 units per acre within this PUD was appropriate on this property given the site's orientation to Harding Pike and since this was in a transition area.

**PLAN DETAILS** -The proposed plan includes a 3-story, 65,000 square foot assisted-living facility, which includes 78 units. The Zoning Code counts every 3 assisted-living units as 1 dwelling unit for the purposes of calculating density. Under this definition, this SP plan has 3.8 dwelling units per acre.

**Access** -The main access point for this property is directly onto Harding Pike. Staff has confirmed with the Public Works Department that this access point meets all of the traffic engineering requirements in terms of safety. The plan also proposes the corner of the site to be reserved for the future realignment of Brookmont Terrace. Currently, Brookmont Terrace accesses Harding Pike at an angle that is not 90 degrees, as is currently encouraged.

**Sidewalks** -Under a standard multi-family zoning district, the Zoning Code requires sidewalks along Harding Pike and Brookmont Terrace since this property falls within the Urban Services district. Because this is an SP proposal, sidewalk requirements can be specifically tailored for the conditions of the site. Staff recommends that a sidewalk be constructed only along Harding Pike, or the applicant can use the payment in-lieu option for that frontage. There is approximately 1,160 feet of frontage along Harding Pike. Since there is an existing guardrail along most of the frontage of Harding Pike, staff is also working with the applicant and Public Works to determine if an alternative pathway could substitute for a standard sidewalk. Staff will update the Commission at the meeting if an alternative path is agreed upon.

**Geotechnical Report** -A geotechnical report, dated August 2, 2006, was completed for this site by Stephen R. Bryant, who is a registered engineer in Tennessee. The report identifies subsurface conditions, including "extensive zones of fill materials above residual clays and the limestone bedrock. The fill consisted of boulders, metal, plastic bags, tree stumps, random trash, brick, wood, cinders, asphalt, rubber, concrete and typical household and building construction debris." The report also indicates that poor fill material was identified on the site. It further states, "We do not recommend relying on fill placed for building support. The building should be supported on a deep foundation system tied into the limestone bedrock surface with a structural slab bridging over the existing poor fill materials. We recommend budgeting two feet of shotrock fill to bridge the existing poor fill materials in the parking areas." The report provides recommendations for building specifications on this site. Staff recommends that those recommendations are followed during construction.

**STORMWATER RECOMMENDATION** -Approved as noted.  
Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities on this site.

**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 and improvements may vary based on field conditions.

Developer must improve the intersection of Brookmont Terrace at Harding Pike. Identify concept layout for the intersection realignment of Brookmont Terrace. Right of way dedication to accommodate proposed realignment.

**FIRE MARSHAL RECOMMENDATION** -Approved

**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.



2. Prior to or in conjunction with the submittal of any Final SP development plan, the developer must submit plans to be reviewed and approved by Public Works and the Planning Commission to improve the intersection of Brookmont Terrace at Harding Pike. The plan must identify a layout for the intersection realignment of Brookmont Terrace. Right of way dedication to accommodate proposed realignment is required.
3. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
4. All signage must be consistent with the sign specifications included in the SP district, or approved by the Metro Planning Commission with the final development plan.
5. The requirements of the Metropolitan 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.
6. Prior to any additional development applications for this property, the applicant shall provide the Planning Department with a final corrected copy of the SP plan for filing and recording with the Davidson County Register of Deeds.
7. All recommendations from the Geotechnical Report pertaining to construction techniques shall be followed and identified on the final site development plan.
8. The developer shall construct a sidewalk along the property frontage of Harding Pike, make a payment in-lieu of sidewalks, or propose an alternative pathway acceptable to Public Works (if in the public right of way) and Planning Department staff. If an alternative pathway is constructed, the design must be approved by the Planning Commission at the final development plan stage.

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

Mr. Mark Mayberry, 405 Powers Court Avenue, spoke in favor of the proposal.

A representative of Littlejohn Engineering Associates, spoke in favor of the proposal.

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

Mr. Mike Munday, 6616 Brookmont Terrace, spoke in opposition to the proposal.

Ms. Charlotte Whitsonberg, 6642 Brookmont Terrace, spoke in opposition to the proposal.

Mr. Jeff Tighe, 6666 Brookmont Terrace, spoke in opposition to the proposal.

Mr. Charles Whitworth, 6666 Brookmont Terrace, spoke in support of the proposal.

Mr. Gavin Johnson spoke in opposition to the proposal.

Mr. Dennis Whitsonberg, 6642 Brookmont Terrace, spoke in opposition to the proposal.

Mr. Carl Van Beesler, 141 Carnavon Parkway, spoke in opposition to the proposal.

Mr. Paul Wilson, 103 Arcaro Place, spoke in favor of the proposal.

Ms. Jones arrived at 5:25 p.m.

Mr. Glen Yates, Brookmont Terrace resident, spoke in opposition to the proposal.

Councilmember Evans spoke of the various land use policies designated for this parcel which included residential low, as well as an area allowing residential, medium-high. She briefly explained the history involving this parcel as it related to the current proposal. She stated that the community is not in support of the residential medium high density policy for this area.

Ms. Kip Kirby, 142 Carnavon Parkway, spoke in opposition to the proposal. She submitted information to the Commission for the record.

Mr. Craig Brooks, 6626 Brookmont Terrace, spoke in opposition to the proposal. He also submitted information to the Commission for the record.

Ms. Beehan mentioned the site may be unbuildable as it was originally zoned.

Ms. Cummings requested additional information on the setbacks for the proposed building.

Mr. Leeman stated he estimated it would be approximately 50 feet from the right-of-way.

Ms. Cummings then questioned the footage from the back of the proposed building in relation to the houses located on Brookmont.

Mr. Leeman explained this concept to the Commission.

Ms. Cummings requested additional information on the proposed layout of the facility.

Mr. Leeman explained the proposed development faces Hwy 70 and has a topographical change between the site and existing residential homes.

Ms. Cummings also requested additional information regarding the lighting included in the proposal.

Mr. Leeman explained that the lighting would be specifically addressed in the final SP plan when there are more detailed constructions plans submitted.

Mr. Clifton stated he was in favor of assisted living facilities; however the location was not appropriate.

Mr. Clifton moved and Ms. Nielson seconded the motion to disapprove Zone Change 2006SP-182U-07.

Ms. Nielson expressed issues with the boundary line considerations associated with the proposal.

Mr. Loring spoke in favor of SP zoning and its ability to assist with building regulations. He stated he was in favor of staff's recommendation.

Mr. Clifton moved and Ms. Nielson seconded the motion to disapprove Zone Change 2006SP-182U-07. (6-4) No votes – Loring, Jones, Cummings, Tyler

Mr. Bernhardt offered that once the SP zoning is approved for this parcel, it can only be altered by Metro Council.

**Resolution No. RS2006-368**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-182U-07 is **DISAPPROVED. (6-4)**

**The proposed SP district is not consistent with the Subarea 7 Community Plan’s Residential Low policy, which is intended for residential development with a density range between one and two dwelling units per acre.”**

The Commission recessed at 5:50 p.m.

The Commission resumed at 6:00 p.m.

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**10. 2006SP-183U-09**

The Westin Nashville Hotel & Condominiums  
Map 093-06-4, Parcels 041, 042, 043, 045, 046, 047, 049, 050, 056,057  
Map 093-06-2 , Parcels 097, 098, 099  
Subarea 9 (1997)  
Council District 6 - Mike Jameson

A request to change from CF to SP zoning property located at 203, 205, 207, 209, 215, 217, and 221 Broadway, 109, 110, 113, 116, and 119 2nd Avenue South, bounded by Broadway, 2nd Avenue South, and 3rd Avenue South, (1.16 acres), to permit a 450-room hotel with retail and restaurant uses, and 75 condominiums, requested by Gresham, Smith & Partners, applicant, for Mayesco, 119 Second Avenue LLC, Charles E. Tillman, Norma Tillman, Richard D. Piliponis, J. S. Higgins et al, owners,

**STAFF RECOMMENDATION: Disapprove**

**APPLICANT REQUEST - Preliminary SP**

A request to change from CF to SP zoning property located at 203, 205, 207, 209, 215, 217, and 221 Broadway, 109, 110, 113, 116, and 119 2nd Avenue South, bounded by Broadway, 2nd Avenue South, 3rd Avenue South, and the Shelby Street Bridge (1.23 acres), and lying within the MDHA Capital Hill Redevelopment District, to permit a 450 unit hotel and 75 condominiums with associated retail and restaurant uses.

**Existing Zoning**

CF district - Core Frame is intended to implement the central business district’s land use policies for support services. The district is designed primarily for a diverse variety of business service functions along with retail trade and consumer service establishments and large parking structures that require locations in proximity to the central business district.

**Proposed Zoning**

SP district - Specific Plan is a zoning district category that provides for additional flexibility of design, including the relationship of buildings to streets, to provide the ability to implement the specific details of the General Plan.

- The SP District is a base zoning district, not an overlay. It will be labeled on zoning maps as “SP.”
- The SP District is not subject to the traditional zoning districts’ development standards. Instead, urban design elements are determined **for the specific development** and are written into the zone change ordinance, which becomes law.
- Use of SP **does not** relieve the applicant of responsibility for the regulations/guidelines in historic or redevelopment districts. The more stringent regulations or guidelines control.
- Use of SP **does not** relieve the applicant of responsibility for subdivision regulation and/or stormwater regulations.
- The SP **must follow the goals and objectives of the General Plan.**

**SUBAREA 9 COMMUNITY PLAN POLICY**

Central Business District (CBD) -CBD policy is intended specifically for the heart of the downtown area and the surrounding area that contains supporting uses. The CBD constitutes the single largest Concentration of non-residential development in the city. Offices are the predominant type of development, also some retail, entertainment, community facilities, government services, and higher density residential.

Historic Value (p. 87-90)- Nashville’s legacy of historic buildings are concentrated in Downtown and as the Subarea 9 plan states, these buildings are the image of Nashville and keep us from being, “Any City, USA.” In the Subarea 9 Plan these buildings have been listed in 3 groups:

- Properties listed on the National Register of Historic Places
- Properties considered eligible to be listed on the National Register
- Properties that do not meet National Register criteria but are worthy of conservation because of their historic or architectural value in the subarea context.

All three of these categories denoting historic value in the subarea context are present on the development site. The properties on the corner (parcels 41 and 42) are in the National Register District and are proposed to be incorporated into the project. The other buildings are proposed for demolition.

Concept 2010: A General Plan for Nashville and Davidson County as restated in the Subarea 9 Plan (p. 20)

Goals and Objectives

4. Preserve and enhance the unique and historic features which make downtown distinct from other commercial areas.

- Encourage the preservation and reuse of architecturally or historically significant buildings.
- Promote new development which is compatible with and respectful of historic buildings.
- Provide the flexibility to make the use of historic buildings economically feasible while preserving their architectural integrity.

Capital Mall Redevelopment Plan(36) Tract 102 (Amendment No.4 Ord #097-755)

Intent: To provide adequate and suitable space in appropriate locations for high intensity residential uses mixed with a wide range of compatible non-residential uses. Living areas are integrated with working and shopping areas to encourage the reduction of travel needs and parking requirements. Strong pedestrian linkages are encouraged. The preservation of existing buildings that contribute the historical or architectural character of the district is also encouraged.

Principal Use: High intensity residential mixed use with compatible non-residential use, including office, retail shops, entertainment, restaurants, and other eating and drinking establishments, but not drive-in facilities; and personal services businesses such as barber or hairdressing shops, shoe repair, watch and jewelry repair, dry cleaning and pressing shops, etc.

Design Objectives:

Façade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.

**Consistent with Policy?** -The CBD is more complex than to simply require an analysis of uses or to only examine the project in two dimensions. In terms of the uses proposed in this application, this project is consistent with the CBD policy defined simply above. The CBD is the core of our city and is probably the most fundamental element of our identity. The Downtown skyline is what is shown when Nashville is on the national news, and Downtown is visited by tourists from all over the world. This core should intensify over time, but some elements must remain intact to be recognizable as uniquely Nashville. Among these are Downtown’s historically significant sites and areas, which range from individual landmarks such as the State Capitol to National Register Districts such as Second and Broadway. Developments that demolish or significantly alter the historic fabric and scale of Broadway are not in keeping with the goals of the Subarea 9 Plan, or the Concept 2010 General Plan, both of which seek to preserve the character and function of the critically important Lower Broadway corridor that adjoins this proposed project.

Lower Broadway, along with Second Avenue, forms the historical and cultural identity of Nashville at the local, regional, and even international levels. An important goal of plans for this area is the preservation and adaptive reuse of these historic buildings. They form a distinctive corridor that cannot be replicated and must retain its prized authentic qualities. The importance of this area to Nashville’s identity and economy cannot be overemphasized. Lower Broadway’s many historic low- to mid-rise buildings range in height from two to eight stories, a height range that should not be overwhelmed by development that adjoins the corridor.

**RECENT REZONINGS** -None.

**PLAN DETAILS** -This proposal includes all but 2 properties in the block encompassed by Broadway, 2nd Avenue South, 3rd Avenue South, and the Shelby Street Bridge. The plan includes a 450-unit hotel and 75 condominiums with associated retail and restaurant uses in a base with two towers. The retail and restaurant are intended to be oriented to the pedestrian activity of Broadway. The historic structures at the corner of Third Avenue and Broadway will be retained and are proposed for retail on the first floor and affordable housing above on the second floor. The hotel and luxury condominiums are proposed in the new construction.

Parking is provided at 1.5 stalls per luxury condominiums, 0.85 stalls per hotel room and no parking is being provided for affordable housing units.

**Reason for SP** -This application is requesting the SP district because they do not meet the requirements of the Zoning Ordinance in two respects:

1. The proposal is not consistent with the height plane requirement for the Third Avenue South Side. The allowable height is 65 feet at the property line, and then for every foot back from the property line, the height may rise an additional foot and a half.
2. The proposal is not consistent with the maximum Floor Area Ratio of 5.0 allowed in the Core Frame District. Floor Area Ratio is the total building floor area divided by the total horizontal area of the lot.

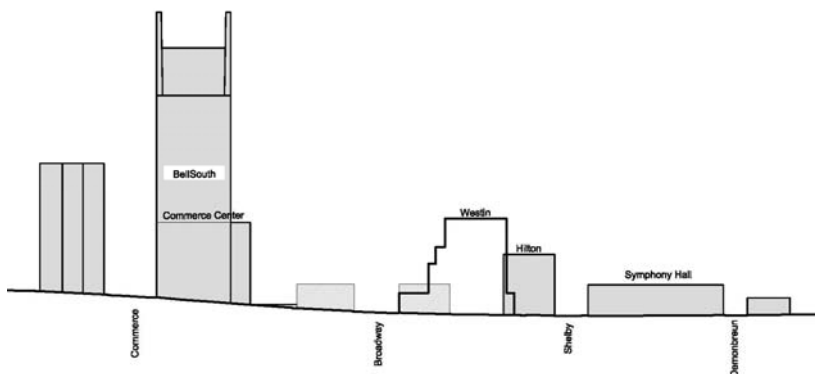
**Redevelopment District** -The properties along Broadway are located in the Metropolitan Development and Housing Agency Capital Mall Redevelopment District and the Broadway National Register Historic District. The MDHA Design Review Committee approved the schematic plans for this project on October 17, 2006.

Looking back at the design objectives listed below from the Capital Mall Redevelopment District Plan:

*Facade guidelines of the Market Design Study for Broadway will be the basis for design review on parcels in the Broadway National Register Historic District. New construction on Broadway will be compatible with the earlier buildings in materials, size, scale, height, proportion, orientation, color and texture. Contemporary design must be compatible with the character of the Broadway Historic District but any new structures should not imitate past architectural styles.*

**Massing** -The buildings on Broadway have historically been human-scaled, ranging from 2 to 5 stories. The Westin proposes a 3-story street frontage rising quickly to 13 and 19 story towers, which is unlike anything on the south side of Broadway. Currently, the tallest building is 75 feet. The Westin, in contrast, will rise to 200 feet (19 stories).

The Planning Commission staff has done a comparison with the Hilton Hotel to put this in perspective. The Hilton is located on the south side of Broadway in the block between Fourth and Fifth. The Hilton sits 225 feet from Broadway and is 125 feet tall at its highest point. The lower tower of The Westin will sit 64 feet from Broadway and rise to 144 feet; the higher tower, 200 feet tall, is 108 feet from Broadway.



North – South Section

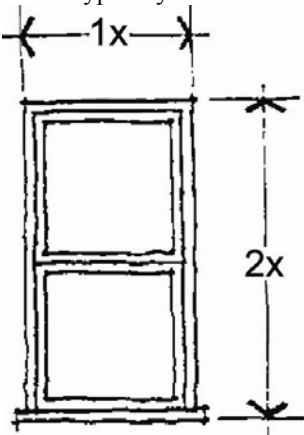
Precedent for new construction adjacent to Broadway show:

Building	Height	Distance from	Percentage (ht./dist.)
<u>Broadway</u>			
Bell South	617'	260'	237%
Bell South	617'	300'	206%
Commerce			
Center	175'	220'	78%
Hilton Hotel	125'	225'	56%

The submitted drawings for the Westin Hotel show:

Building	Height	Distance from	Percentage (ht./dist.)
<u>Broadway</u>			
Westin Hotel	45'	On Broadway	
Westin Hotel	144'	64'	225%
Westin Hotel	200'	108'	185%

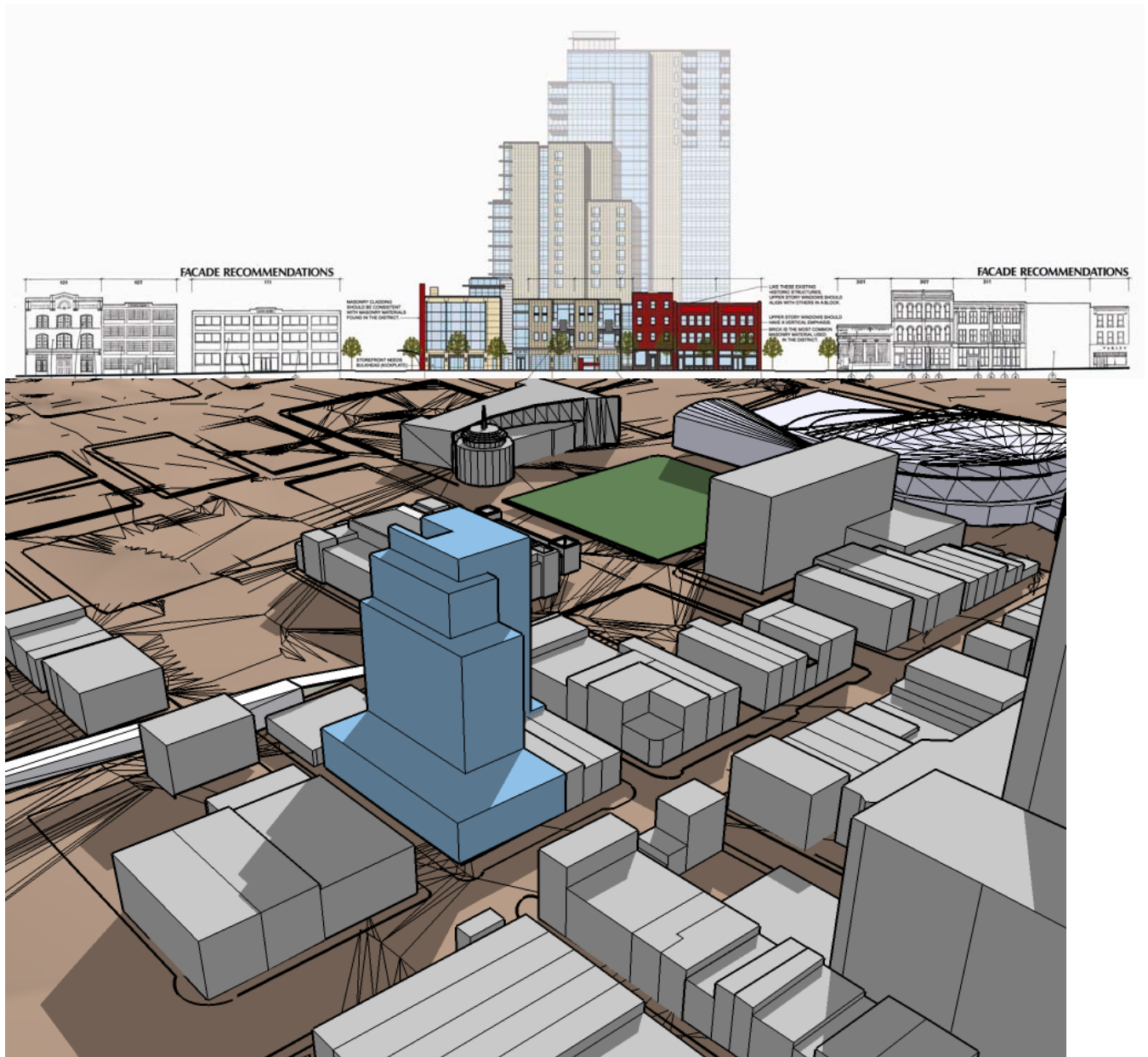
**Proportion and Rhythm** -The architecture elements for the proposed Westin are not consistent with the existing architecture found along Lower Broadway. Compatible design for new structures and additions is important in historic districts such as Lower Broadway. New buildings within historic districts should reflect the architecture of their time. Therefore, new construction should not attempt to imitate or copy old architecture, however, new buildings should relate to the existing buildings on Lower Broadway in terms of height, mass, ratio of solids to voids and materials. The proposed Westin project is not consistent with the existing buildings found along Lower Broadway in terms of height, mass, ratio of solids to voids and materials. The materials used on the proposed Westin are not appropriate and are not similar to those used historically in the architecture of Lower Broadway and the materials do not convey a sense of scale similar to those seen in the Lower Broadway Historic District. The terra cotta wall material proposed for the Westin is not compatible with the Lower Broadway Historic District. Masonry is the traditional building material found in Lower Broadway with brick being the most common masonry used, although there are some examples of stone masonry along Broadway. Materials used on new construction should be similar in appearance, color, scale and texture to those used historically. The windows on the existing structures create a pattern and rhythm along Lower Broadway with the repetition of evenly-spaced, similarly-sized, upper story windows. These windows help give Lower Broadway a sense of human scale. Using window sizes and proportions that are familiar to the pedestrian helps them to relate to the overall size of a building. The alignment and similar scale of windows reflect a common historic pattern that should be continued along Lower Broadway. Currently, the proposed 45' buildings for the Westin that face directly onto Lower Broadway do not create the same rhythm and repetition with their windows as what historically exists along Lower Broadway. Upper story windows on Broadway buildings historically have a vertical emphasis with a typical upper-story window being twice as tall as it is wide. Upper-story windows in new construction should relate to the window proportions seen historically. For example, upper story windows do not typically exceed 6 feet in height and 3 feet in width.



## Upper Story Window Proportions

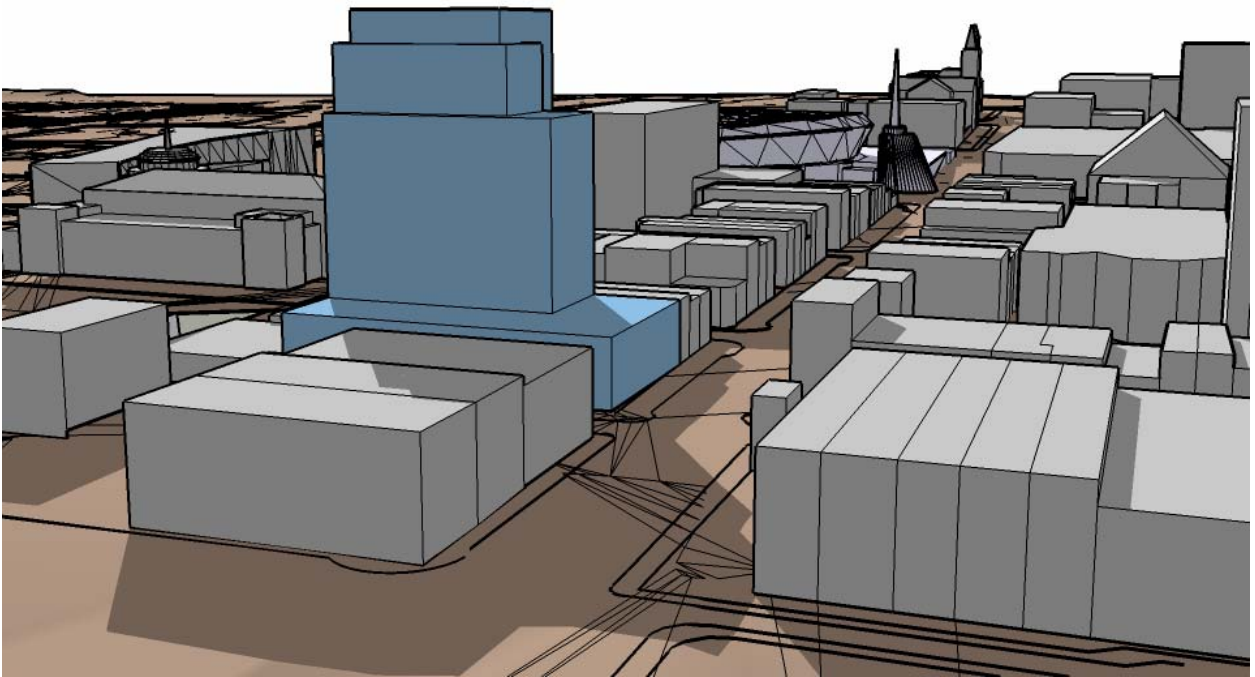
Windows should align with others in a block similarly to the historic structures along Lower Broadway. Windows, lintels, and window trim elements should align with the historic buildings on the block, and the current Westin submittal does not. The current Westin submittal has translucent panels and glass curtain walls and these are not window configurations or materials historically seen along Lower Broadway.

The repetition of recessed building entries occurring along the street in the Lower Broadway historic district provides a rhythm of shadows along the street, which helps establish a sense of scale and invites pedestrians to enter buildings. This trend should be continued in the Westin's new construction and building entrances from Broadway should appear similar to those used historically. The Lower Broadway Historic District should continue to develop as a pedestrian-oriented environment of ground floor storefronts. Buildings should relate to pedestrians by using materials and a human scale compatible with local historic patterns.

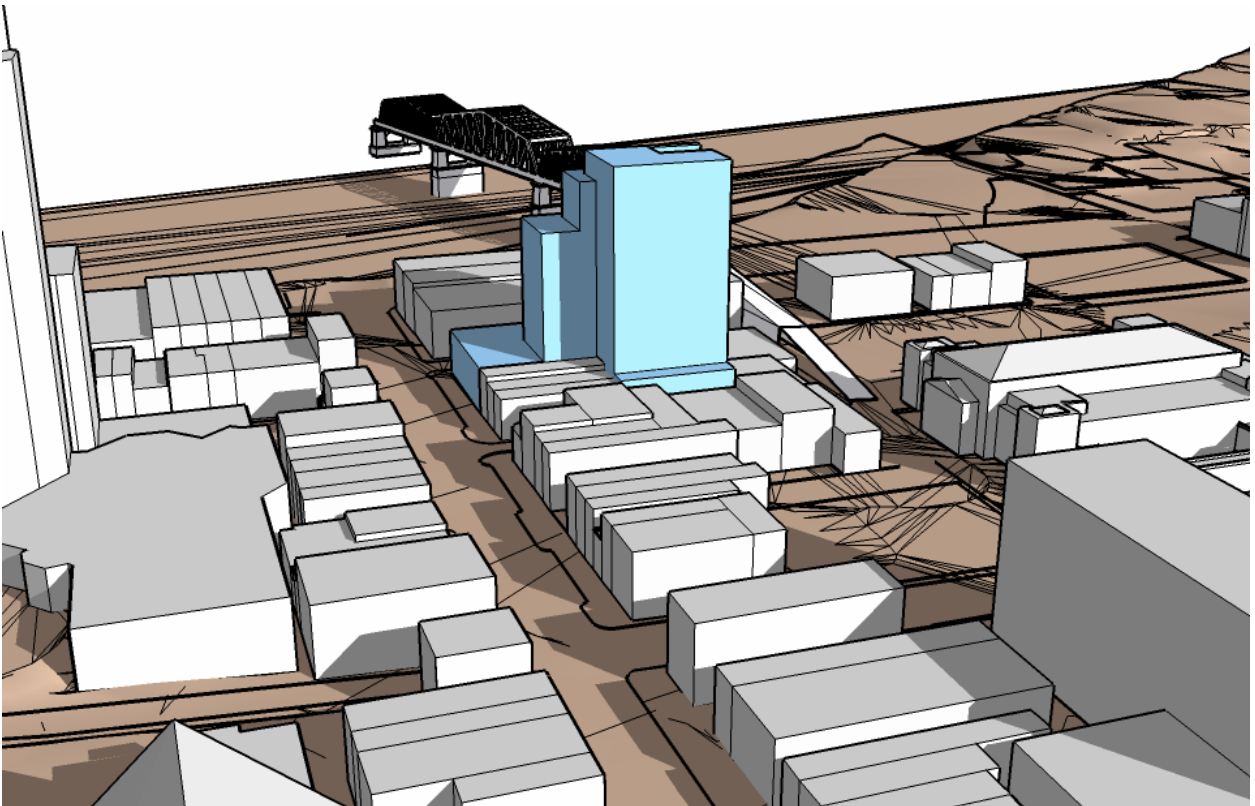


Proposed Westin project looking down Lower Broadway





Proposed Westin project looking West up Lower Broadway



Proposed Westin project looking East down Lower Broadway



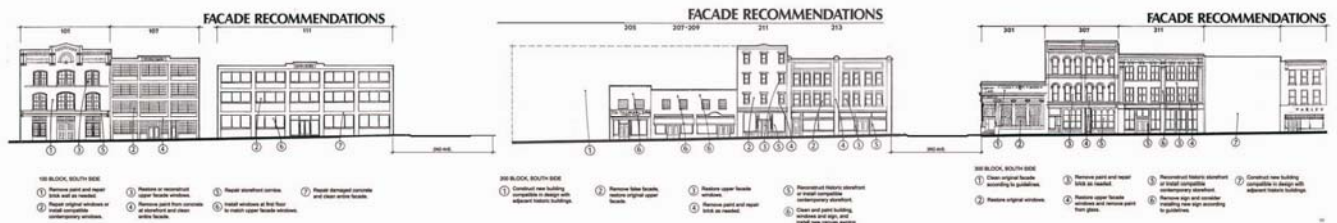
**Design Guidelines** - Staff evaluated the proposal against the MDHA and Metro Historical Commission adopted guidelines found in *A Market and Design Study for the Broadway National Register Historic District* and found many areas in which the design was not consistent with the guidelines:

Masonry cladding should be consistent with masonry materials found in the district. Brick is the most common masonry material used in the district. The proposed terracotta tile curtain wall system material is not compatible with the lower Broadway historic district.

A bulkhead (or kickplate) is a key defining architectural feature on most commercial buildings and should be added to be consistent with the district. The proposed storefronts need bulkheads (kickplates). Additionally, the glass guardrails shown at the balconies are not consistent with historic architectural precedents.

Like the existing historic structures, upper story windows should align with others in a block. Upper story windows should have a vertical emphasis. The upper story windows on the tower are almost square. The glass curtain wall system is not consistent with historic architectural precedents.

Signage should relate to the design of the façade. A common characteristic of signs in this area is that they “fit into” their façade. The Westin has proposed an identification sign that sits on top on the 19-story tower and is not consistent with historic architectural precedents of Broadway.



Lower Broadway Elevation Study from *A Market and Design Study for the Broadway National Register Historic District* (the center block on the elevation is the Westin Property)  
See larger version for details

**HISTORIC COMMISSION STAFF RECOMMENDATION**

The Historical Commission recommends disapproval based on 1) inconsistency with guidelines, 2) the negative impact on historic buildings within the Broadway National Register Historic District and 3) the precedent of incompatibly-scaled development this would set.

**Impact on Historic Fabric-** The developers will demolish three historic buildings eligible for the National Register. One of those, Richards and Richards Storage, is a building type so endangered that the State Historic Preservation Office says it may be individually eligible for the Register.

The developers promise preservation of three storefronts on Broadway. Their plan calls for removing the inappropriate changes made to the Broadway facades. But the 19-story rear addition, the 13-story addition to the east side of the historic structure, and changes to the Third Avenue elevation will mean that those buildings no longer meet National Register criteria as contributing buildings.

That block will be removed from the National Register because it will no longer contain any historic buildings. This will be the first reduction in size of any National Register district in the city. And it sets a dangerous precedent. If this is allowed, on what basis can other large-scaled development be denied?

Note: The developers say that the National Register listing will be affected only if someone initiates de-listing. This is a highly visible project; the changes will be evident. To preserve the integrity of the National Register, the State Historic Preservation Office reviews National Register listings regularly and de-lists those that no longer meet criteria.

**PUBLIC WORKS RECOMMENDATION** - Following are review comments for the submitted Westin

Hotel & Condominiums (2006SP-183U-09), received October 2, 2006. Public Works' comments are as follows:

- (1) Per the recommendations of the traffic access study, development shall provide 67 offsite parking spaces to meet the projected parking demand of 254 spaces.
- (2) Any changes to on-street parking, loading zones, or valet parking will require action by the Metropolitan Traffic and Parking Commission.
- (3) All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design and improvements may vary based on field conditions.

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.23	2.578	138,126	1,711	243	234

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.23	5.0	267,894	2,850	413	379

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	1.23	N/A	450 rooms	4,014	322	325

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/townhome (232)	1.23	N/A	75	507	51	41

**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
--			+20	2,810	-40	-13

**STORMWATER RECOMMENDATION - Preliminary SP Returned for Corrections:**

Provide the following:

- Adequate Water Quality Concept. A Green Roof is ideal for this situation. However, a Green Roof is not an approved method for water quality. Add note stating that the green roof will only be utilized with a Variance from the Stormwater Committee or provide an approved method of treatment.

Note: If a Variance is not received or is denied, a major layout change may occur.

**METRO SCHOOL BOARD REPORT**

**Projected student generation\*    11 Elementary   9 Middle    8 High**

**Schools Over/Under Capacity** - Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School. Hillsboro High School has been identified as not having capacity, however there is capacity available at a high school in an adjacent cluster. This information is based upon data from the school board last updated August 2006.

**CONDITIONS (if approved):**

1. The plans presented with this application (dated October 16) if approved by the Planning Commission and Metro Council will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metro Council.
2. In order to achieve more sustainable design, this development is required to achieve 26 points per Leadership in Environmental and Energy Design (LEED) which is a Basic certification. Certification must be achieved before the Use and Occupancy Permit can be issued.
3. All Public Works conditions shall be bonded and/or completed as required by the Department of Public Works, as listed above.
4. All Stormwater comments shall be addressed prior to the submittal of the final site plan.
5. Any development requirements that are not specifically addressed in this application will follow the Metro Zoning Ordinance for the Core Frame district.
6. This approval does not include any signs. Business accessory or development signs 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. 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.
8. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Section of the Metropolitan Department of Public Works for all improvements within public rights of way.
9. The requirements of the Metropolitan 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.
10. This 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. The revised plans must be received within 60 days of Metro Council's final approval.

Ms. Withers and Ms. Kahnle presented the proposal and stated that staff is recommending disapproval.

Mr. Brandon Rains, The Barber Group, spoke in favor of the proposal.

Ms. Wesley Payne, 1200 Gartland Avenue, spoke in opposition to the proposal.

Mr. Michael Coolidge, Sage Hospitality Resources, spoke in favor of the proposal.

Mr. Ken Geist, 1512 Larimer Street, Denver, CO, spoke in favor of the proposal.

Mr. Jim Johnson, 730 17<sup>th</sup> Street, Denver, CO spoke in favor of the proposal.

Mr. Grace Walker, 4301 Hillsboro Pike, spoke in favor to the proposal.

Ms. Ann Toplovic, 2715 Westwood Avenue, spoke in opposition to the proposal.

Mr. Jim Huebler, 930 Russell Street, spoke in opposition to the proposal.

Ms. Birdell Campbell spoke in opposition to the proposal.

Mr. Reavis Mitchell, 516 Highland View Drive, spoke in opposition to the proposal.

Mr. George Gruhn, 915 Old Lebanon Dirt Road, spoke in favor of the proposal.

Ms. Elizabeth Holland, 305 Church Street, spoke in opposition to the proposal.

Ms. Claudette Stager, 920 Woodmont, spoke in opposition to the proposal.

Ms. Casey Lowe, 3010 Richland Avenue, spoke in favor to the proposal.

Mr. Nick Bailey, 4700 Elkins Avenue, spoke in opposition to the proposal.

Ms. Jane Hardy spoke in opposition of the proposal.

Councilmember Summers spoke in opposition to the proposal. He mentioned that the proposal does not meet requirements and should not be approved for this area.

Mr. Tom Turner, Nashville Downtown Partnership, spoke in favor of the proposal.

Mr. James Weaver, 212 Deer Park Circle, spoke in favor of the proposal.

Mr. Charles Robin spoke in favor of the proposal.

Ms. Ann Roberts, Historical Commission, spoke in opposition to the proposal.

Mr. Loring spoke in favor of the proposal. He gave a brief history of the buildings located in this area and stated the proposal would be an enhancement to the area, both aesthetically as well as economically.

Ms. Jones requested clarification on the requested zone change in relation to the existing zoning for this area.

Mr. Bernhardt explained this concept to the Commission.

Ms. Jones stated she was in favor of economic development however she expressed issues with whether the project would enhance the area. She offered that the project may need additional work to resolve some of the issues with the community.

Mr. Ponder suggested the developer comply with the general looks of existing buildings on lower Broadway in an attempt to maintain the historic look. He suggested the proposed height of the building be reduced by nine percent. He also stated that additional work should be completed on the proposal to address outstanding issues.

Ms. Nielson spoke of the importance of the developmental guidelines established to preserve this area. She stated she was not in favor of approving the project as it is currently being proposed.

Mr. McLean spoke on the issue of building height in relation to other large buildings located in the downtown area. He spoke also on the condition that Council would assist with the building design.

Mr. Clifton spoke in favor of preserving protected properties in Nashville. He spoke of the analysis completed by staff on the proposal. He spoke of the coexistence between business and residential communities. Mr. Clifton requested additional information on other proposals that have been approved for this area.

Mr. Bernhardt explained other proposals slated for this area as well as surrounding areas.

Mr. Clifton mentioned he would not be in favor of approving as submitted, but if it were necessary to move the proposal on to Council, the Commission would need to add additional conditions.

Ms. Cummings spoke of the favorable economic impact the proposal would be providing to the City of Nashville. She also spoke in favor of mixed-use developments being located downtown. She did however express concerns with the building height as well as the façade of the building.

Mr. Tyler stated that the proposal should respect the historic nature of the area. He was particularly concerned with the façade as well as the scale of the building. He agreed the development was good, but stated it needed additional work.

Ms. Beehan spoke of the complexities of the proposal. She stated she was concerned with proposing variation and how it would impact the nature of this particular area. She suggested modifications be made to the proposal to accomplish economic development while maintaining the necessary nature of this area.

Mr. Lawson spoke on the merit of the proposal and how it could combine new economic development as well as preserve the historic value located in this area. He stated that this proposal as well as other proposals slated for the downtown area will not alter the soul of the downtown area as it has been established. He spoke of his respect for the historic commission as well as the importance of economic development for Nashville. He stated he was in favor of moving the proposal forward so that Councilmember Jameson could either achieve or not, his objectives for this development.

Mr. Loring moved, and Mr. McLean seconded the motion to approve Zone Change 2006SP-183U-09, with the condition that Councilmember Jameson continues to work with the developers resulting in an asset to the Metropolitan Government as well as Nashville and Davidson County.

Mr. McLean added that additional conditions or recommendations be included in the motion.

Ms. Nielson added that the proposal be referred back to the Commission prior to final approval.

Mr. Lawson requested clarification on the motion and whether the plan would have to receive additional consent from the Planning Commission if it were altered.

Mr. Bernhardt explained that the motion would approve all information and submittals relating to the proposal (submittals dated Sept. 28, 2006, and supplemented by information received on Oct. 17, 2006) which is consistent with the applicant's current request.

Ms. Cummings suggested an additional condition be added to address the façade of the building in that the façade should match the existing colors and textures of surrounding buildings for this neighborhood.

Mr. Bernhardt offered that the motion could include the condition that the façade elevations along the property line adjacent to Broadway, Second Avenue or Third Avenue, (the three-story frontage on Broadway, Second and Third Avenue) shall be redesigned to be in compliance with the requirements of a Market and Design Study for Broadway Nashville Historic District Register and any applicable MDHA design guidelines and shall be approved by MDHA and the Metro Historical Commission prior to approval of final site plan by the Planning Commission.

Mr. Clifton spoke of the issues which have been raised by the Historical Commission as well as MDHA.

Mr. Lawson requested additional clarification regarding the language used in the motion and the intentions

of the Commission.

Mr. Bernhardt explained that if the Commission were to provide recommendations, to be included in the ordinances, they would be considered conditions and/or requirements. He further explained that MDHA currently has required the applicant to return with revised elevations for the proposal. He further stated that if Council would adopt an ordinance with specific elevations or specific requirements, and if there were a different agreement, it would require Council to resolve the differences.

Mr. Clifton mentioned that the block this project is being proposed for is not included on the Broadway Nashville Historic District Register.

Mr. Bernhardt explained that it is in a redevelopment district that has adopted the guidelines as requirements.

Mr. Clifton suggested adding a condition that would address building entryways to include being recessed as well as looking historical in nature. He also mentioned a condition that would preserve the building through the future in accordance to the Historic Preservation standards.

Mr. Ponder suggested plan alterations to lower the height of the proposal.

Ms. Jones mentioned a condition included in the proposal that addressed affordable housing and its expiration after five years. She offered that the condition could have been written according to the Federal Guidelines and that the Commission could possibly alter it and gave explanations for the alteration.

Mr. Bernhardt explained that this requirement was written under a tax law and that the Commission could establish a requirement to lengthen this requirement.

There was discussion regarding this condition and it was agreed upon by the Commission to recommend that Council further investigate and address the issue regarding the affordable housing units included in the proposal.

Mr. McLean questioned whether the condition Councilmember Jameson requested of the Commission was included as part of the motion thus far.

Mr. Bernhardt explained that Councilmember Jameson requested the Commission include a condition that states that prior to approval of a final site plan, that a historic zoning overlay district be established to include the properties along Broadway between First and Fifth Avenues.

The Commission asked that Councilmember Jameson clarify his request.

Councilmember Jameson stated that in order to prevent a domino effect for this area, which is a concern of the Metro Historic Commission, that the Historic Overlay be in place prior to the development of the proposed hotel.

Mr. Clifton questioned whether the Historic Overlay be adopted prior to adopting the bill that would move forward on the Westin Hotel.

Mr. Bernhardt offered that he suggested the Overlay be adopted prior to the final site plan for the Westin.

Mr. Clifton then spoke of the condition that would address the “green roof” for the building.

Mr. Bernhardt explained that the green roof is in the application, but what is not in the application, is the requirement that the building achieve LEED certification. He suggested the condition to state that in order to achieve a more sustainable design, the development is required to provide a LEED design green roof utilizing best development practices as certified by an appropriate professional experience in the provisions of green roofs, said green roof shall cover a minimum of 15,900 square feet and certification must be achieved prior to use and occupancy permit which may count to their overall LEED certification requirements.

Mr. Clifton requested the condition Mr. Bernhardt's just recited be included in the conditions. He then requested additional information regarding building certifications and when they are applicable.

Ms. Nielson offered information regarding this Mr. Clifton's question.

Ms. Cummings questioned the sign included in the proposal.

Mr. Bernhardt explained that staff's recommendation does not include approval of any signs and that all signage would have to follow the requirements of the design study and applicable MDHA design guidelines.

Ms. Cummings requested the condition just mentioned regarding signs be included in the motion for Council.

Mr. Ponder questioned whether the building height could be specified as a condition.

Mr. Lawson offered that the issue regarding height should be addressed by Councilmember Jameson and MDHA.

Ms. Nielson spoke of the issue of setting a precedent on the extension of the downtown area.

Mr. Bernhardt requested clarification on whether the motion would include the requirements made by Metro Public Works, Metro Stormwater as well as by the Metro Fire Department.

The Commission agreed this condition as well should be included.

Mr. Loring accepted all of the amended conditions for his motion.

Mr. Loring moved, and Mr. McLean seconded the motion to approve Zone Change 2006SP-183U-09, with the condition that Councilmember Jameson work with the developers resulting in a project that would be an asset to the Metropolitan Government as well as Nashville and Davidson County. The following conditions were also added as a result of the Commission's discussion.

1. There shall be a maximum of 375 hotel rooms and 48 residential condominiums
2. The project must achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A green roof shall be a component of the LEED certification.
3. Façade elevations along the property line adjacent to Broadway, 2nd Avenue and 3<sup>rd</sup> Avenue shall be redesigned to be in compliance with the requirements of A Market and Design Study for the Broadway National Register Historic District and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee and the Metro Historical Commission prior to approval of the final site plan and issuance of any building permits. In particular, the redesign shall utilize the proportions and rhythm of the window and door openings of existing buildings along Broadway.
4. Prior to issuance of a building permit for any exterior renovation or alteration to the building at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. All work shall be in accordance with the requirements of A Market and Design Study for the Broadway National Register Historic District as well as the Secretary of the Interior's Standards for Rehabilitation regardless of whether the building remains within the Broadway National Register Historic District or not.
5. All signage shall follow the requirements of A Market and Design Study for the Broadway National Register Historic District; any applicable MDHA design guidelines; and the allowable signage of the Core Frame zoning district (whichever is more restrictive).

6. Consider reducing the height of the building
7. A historic preservation overlay district shall be established to include properties along Broadway between 1st Avenue and 5th Avenue and additional adjacent properties included in, or determined eligible for inclusion in, the Broadway National Register District.
8. All requirements as outlined Metro Public Works, Metro Stormwater as well as by the Metro Fire Department are followed.

This motion was approved. **(8-2) No Votes – Tyler, Nielson**

**Resolution No. RS2006-369**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-183U-09 is **APPROVED WITH CONDITIONS, including the following (8-2):**

**Conditions of Approval:**

1. There shall be a maximum of 375 hotel rooms and 48 residential condominiums
2. The project must achieve and maintain Leadership in Environmental and Energy Design (LEED) certification. A green roof shall be a component of the LEED certification.
3. Façade elevations along the property line adjacent to Broadway, 2nd Avenue and 3<sup>rd</sup> Avenue shall be redesigned to be in compliance with the requirements of A Market and Design Study for the Broadway National Register Historic District and any applicable MDHA design guidelines and shall be approved by the MDHA Design Review Committee and the Metro Historical Commission prior to approval of the final site plan and issuance of any building permits. In particular, the redesign shall utilize the proportions and rhythm of the window and door openings of existing buildings along Broadway.
4. Prior to issuance of a building permit for any exterior renovation or alteration to the building at 217 and 221 Broadway currently within the Broadway National Register Historic District the application shall be approved by the Historical Commission. All work shall be in accordance with the requirements of A Market and Design Study for the Broadway National Register Historic District as well as the Secretary of the Interior's Standards for Rehabilitation regardless of whether the building remains within the Broadway National Register Historic District or not.
5. All signage shall follow the requirements of A Market and Design Study for the Broadway National Register Historic District; any applicable MDHA design guidelines; and the allowable signage of the Core Frame zoning district (whichever is more restrictive).
6. Consider reducing the height of the building
7. A historic preservation overlay district shall be established to include properties along Broadway between 1st Avenue and 5th Avenue and additional adjacent properties included in, or determined eligible for inclusion in, the Broadway National Register District.
8. All requirements as outlined Metro Public Works, Metro Stormwater as well as by the Metro Fire Department are followed.

**With modifications done to the facade along Broadway, the proposed SP district is consistent with the Subarea 9 Community Plan’s Central Business District, which is intended for higher intensity developments with a variety of activities in the central core.”**

11. **2006Z-184U-08**  
Map 092-10, Parcels 192, 193, 194  
Subarea 8 (2002)



Council District 21 - Edward Whitmore

A request to change from R6 to OL zoning property located at 2908, 2910 and 2912 Felicia Street, at the northwest corner of Felicia Street and 30th Avenue North (0.46 acres), requested by Hayes Medical Condominium Centers LLC, owner.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST** - Rezone 0.46 acres from residential single-family and duplex (R6) to office limited (OL) district property located at 2908, 2910, and 2912 Felicia Street.

**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.

**Proposed Zoning**

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

**NORTH NASHVILLE 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 to the intent of the policy.

**McKissack Park Detailed Neighborhood Design Plan**

*Transition or Buffer in Neighborhood General* - Transition or Buffer is intended to provide a transition from intense commercial activity to a more residential character. Uses should be residential in scale, character, and function, but may have a limited commercial or mixed-use component.

**Consistent with Policy?** - Yes. The proposed OL district is consistent with the Transition or Buffer in Neighborhood General Policy. The OL zoning will provide a transition away from the mixed housing pattern (Single-Family Attached and Detached Housing policy) to the north, and the mixed commercial and industrial pattern (Mixed Use and Commercial policy) to the south of this block along Charlotte Avenue. In addition, there is OL zoning to the east of this property, at the corner of Felicia Street and 28<sup>th</sup> Avenue South.

**RECENT REZONINGS** - Parcels 200, 201, and 202 were changed to OL zoning in July 2003. Parcels 196-199 were rezoned in 2005.

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

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

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.46	6.18	3	29	3	4

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Medical Office Low Rise(630)	0.46	0.165	3,306	104	17	18

**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
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--				75	14	14
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**Maximum Uses in Existing Zoning District: R6**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.46	6.18	3	29	3	4

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

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Walk in Bank(912)	0.46	0.10*	2,004	494	25	92

\*adjusted as per use

**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
--				465	22	88

Approved (9-0), *Consent Agenda*

**Resolution No. RS2006-370**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-184U-08 is **APPROVED. (9-0)**

**The proposed OL district is consistent with the North Nashville Community Plan’s Neighborhood General policy, and the area’s detailed neighborhood design plan that calls for the area to provide a transition from intense commercial to residential.”**

12. **2006Z-185G-12**  
 Carother's Crossing  
 Map 188 Parcels 009, 012, 036  
 Subarea 12 (2004)  
 Council District 31 - Parker Toler

A request to change from AR2a to RM9 properties located at 7140 Carothers Road and Carothers Road (unnumbered), (87.07 acres total), requested by Wood Ridge Investments, LLC, owner/applicant.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST** - A request to change 87.07 acres from agricultural and residential (AR2a) to residential multi-family (RM9) property located at 7140 Carothers Road and Carothers 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.

**Proposed Zoning**

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

**SOUTHEAST COMMUNITY PLAN POLICIES**

Neighborhood General - 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 to the intent of the policy.

Parks, Reserves and Other Open Space - PR is reserved for open space intended for active and passive recreation, as well as buildings that will support such open space.

Mixed Housing - MH is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Conflict with Policy? - No. The proposed RM9 zoning and the associated Carothers Crossing UDO is consistent with the Southeast Community Plan's Mixed Housing in Neighborhood General Policy.

**PLAN DETAILS**

Associated UDO - The current request is to rezone and add 87.07 acres to the existing UDO district to allow for additional residential units and commercial square footage throughout the plan and within the areas being added to the plan. The additional units are not only included in the 87 acres being added, but within portion of the existing UDO, as well.

**PUBLIC WORKS RECOMMENDATION** - An updated traffic impact study is required.

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

Land Use (ITE Code)	Acres	Density	Total Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	87.07	0.5	44	489	41	52

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/townhome (230)	87.07	9	784	3,696	269	326

**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
--			+740	3,207	228	274

**METRO SCHOOL BOARD REPORT**

The school board report is based on the additional 700 units proposed in the Carothers Crossing UDO, not the overall number of units in the UDO since the conditions of the previous zone change are still in effect.

**Projected student generation**      70 Elementary   49 Middle   35 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 middle school within the cluster and capacity at another high school in an adjacent cluster (Glenclyff). This information is based upon data from the school board last updated July 2006.

**Fiscal Liability** - The fiscal liability of 70 new elementary students is \$840,000 (70 X \$12,000 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**CONDITION - School Site Dedication**

Due to the potential impact of the overall UDO development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for high schools with a capacity of 2000 students (This is for the entire UDO, not just the 87 acres being added.)

This land dedication requirement is proportional to the development’s student generation potential. Such site shall be within Davidson County and in accordance with the site condition and location criteria of the Metropolitan Board of Education. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

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

**Resolution No. RS2006-371**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006Z-185G-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

Due to the potential impact of the overall UDO development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for high schools with a capacity of 2000 students (This is for the entire UDO, not just the 87 acres being added.)

**The proposed RM9 district is consistent with the Southeast Community Plan’s Neighborhood General policy, which is intended to meet a spectrum of housing needs and provide a variety of housing types that are carefully arranged and not randomly located.”**

**13. 2005UD-003G-12**

Carother’s Crossing (Amendment)  
Map 188, Parcels 004, 005, 008, 009, 011, 012, 033, 034, 036,176, 177  
Map 190, Parcels 002, 003  
Subarea 12 (2004)  
Council District 31 - Parker Toler

A request to amend the approved Urban Design Overlay district at Kidd Road (unnumbered) Battle Road (unnumbered), 7140, 7176, 7107, 7211, and 7244 Carothers Road, and Carothers Road (unnumbered), (599 acres total), to permit the addition of 87.07 acres into the existing UDO and to increase the number of residential units from 2,300 to a maximum of 3,000 units and to increase from 150,000 square feet to 200,000 square feet of commercial space, requested by Robert E. Carothers, David Copeland, and Wood Ridge Investments, LLC, applicant/owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Amend Preliminary UDO**

A request to amend the approved Urban Design Overlay district at Kidd Road (unnumbered) Battle Road (unnumbered), 7140, 7176, 7107, 7211, and 7244 Carothers Road, and Carothers Road (unnumbered), (599 total acres), to permit the addition of 87.07 acres into the existing UDO and to increase the number of residential units from 2,300 to a maximum of 3,000 units and to increase from 150,000 square feet to 200,000 square feet of commercial space/mixed use space.

**PLAN DETAILS**

**Overall Site Plan** -The current request is to rezone and add 87.07 acres into the existing UDO district to allow for additional residential units and commercial square footage throughout the plan, not just within the areas being added to the plan.

The changes to the Plan include:

	Original UDO	Amended Plan
Total UDO Area	512 Acres	599 Acres
Total Open Space	55%	55%
Maximum Number of Dwelling Units	2,300	3,000
Density at Maximum Number of Dwelling Units	4.5 Units per acre	5.0 Units per acre
Maximum Commercial Space	150,000 Sq. Ft.	200,000 Sq. Ft.
Allocation of Multi-Family	10-20%	15-25%
Allocation of Single-Family Attached	40-45%	35-40%
Allocation of Single-Family Detached	35-40%	35-40%

The plan still includes four distinct neighborhoods with varying densities and housing types to address the natural features of the site (topography and creeks). They are the Town Center Village, the School Village, the Ridge Village, and the Hamlet. The villages are organized into neighborhood zones that establish the desired character of each village and ensure the mix of building type. They are the Town Center, Neighborhood Center, Neighborhood General, and Neighborhood Edge neighborhood zones. An elementary school is also proposed with this development.

The design of this community follows traditional neighborhood development principles. The community is compact, walkable, and contains a variety of building types—all of which meet the intent of the Urban Design Overlay designation. A design of this nature requires that all of the components of the neighborhood work in concert with one another. For example, in the more urban areas of the neighborhood, buildings are taller and closer to the street. Streets include curbs, wide sidewalks, consistently spaced street trees and formal on-street parking, open spaces are landscaped or highly manicured. In the more rural areas of the neighborhood, buildings are lower and set farther from the street, streets include swales, narrower sidewalks, and more random plantings, open spaces are more natural. The buildings, streets, and open spaces make up the context for the neighborhood and each is dependent on the other.

The Town Center zone includes the most urban and dense building types. The Neighborhood Center zone is less intense and smaller. It is usually located within neighborhoods to satisfy some of the daily needs of the residents without leaving the neighborhood. The Neighborhood General zone makes up much of the community and is generally residential with a variety of medium density building types. The Neighborhood Edge zone is the least intense, almost rural, area of the community and consists of larger homes on larger lots. Three to four of these context zones are used in varying amounts to establish the desired character of each village.

**Building Types** -The following building types are proposed as part of the UDO plan:

Town Center (Within MUL district):

1. Mixed use- Ground floor retail, office, or residential uses
2. Live/work units-Single-family attached housing with ground floor storefront for residential, office, and retail store
3. Rowhouses/Cloister Houses-Single-family attached housing facing the street with rear access from an alley. The Cloister House type permits rowhouses arranged around a courtyard.

Neighborhood Center (Within MUL district):

1. Live/work units
2. Rowhouses

Neighborhood General (Within RM9 district):

1. Rowhouses,

2. Cottage/Bungalow Court- Smallest single-family detached housing on 38-50 foot wide lots with rear alley access. The Bungalow Court type permits cottages arranged around a courtyard. Garage access is from an alley.
3. Two-unit townhouses- Attached housing on 60-foot wide lots with two units per lot. Garage access is from an alley.
4. Mansion/Villa- Large single-family detached houses with 60-150 foot wide lots with garages accessed from an alley or the street. The Villa type is a multi-unit version of the Mansion.

Neighborhood Edge (Within RM9 district):

1. Two-unit townhouses
2. Medium/Large House- Medium single-family detached houses on 54-150 foot wide lots with garages accessed from an alley or the facing street. The Ridge House type falls into this category as a small footprint house. The intent of this specific type is to minimize disturbance where development on steeper slopes is permitted.
3. Mansion/Villa

**Access** -Access is proposed off of Battle Road and Carothers Road. The street network involves 9 proposed street and alley cross-sections. These fall into three categories: local streets, intra-neighborhood connectors, and inter-neighborhood routes and networks. Local streets provide access to individual lots in each village/neighborhood. Intra-neighborhood connectors are streets or roads that provide primary connections between the villages. Inter-neighborhood routes and networks connect Carothers Crossing to the regional network.

**Carothers Road** This UDO plan retains Carothers Road as a local street within a more comprehensive network system. The proposed interconnected system includes two east-west connections across the site with a total of 11 external connections. Staff previously recommended approval of the Major Street Plan amendment.

**Environmental / Open Space** - This site is encumbered by some hillsides and creeks. These areas have been avoided through design and creation of open spaces totaling over 55%. There are some slopes over 25% on the southeastern portion of the property that are included within the proposed open space. In addition to the conservation of some of the site’s natural features, the master plan includes formal open spaces in the form of plazas, squares, and greens. The various types of formal open space are appropriately placed according to context. For example, squares are located within more urban areas such as the Town Center zone and greens are located within more sub-urban or rural areas such as Neighborhood General and Neighborhood Edge zones. These spaces are typically fronted by buildings and serve as communal gathering spaces for the public.

**PUBLIC WORKS RECOMMENDATION** - Traffic Impact Study is still under review.

**FIRE MARSHAL RECOMMENDATION** -Approved

- All roads with one-way traffic shall be at least 14 feet wide with no parking.
- All roads with two-way traffic shall be at least 20 feet wide with no parking.

**CONDITIONS**

1. Prior to final UDO approval, the applicant shall work with the Fire Marshal to meet access requirements or present alternative solutions that meet the intent of the Urban Design Overlay as well as objectives established by the Fire Marshal.
2. Prior to 3<sup>rd</sup> Reading at Council, any recommended conditions from the Traffic Impact Study should be amended into the Council Bill.
3. The final approved street cross-sections shall be as outlined in Section 3 below and based on the street cross-section that most closely achieves the intent of the UDO. In determining the intent of the UDO, the Department of Public Works shall, at a minimum, consult with the Planning Department and evaluate the Project Concepts and Planning Principles, the Master Plan and Village explanations, the Street Network plan, the Street Types plan, and other relevant

components of the UDO in determining the street cross-section that most appropriately achieves the community development goals of the UDO.

4. All approved street cross-sections shall be either:
  - a. Approved Metro Department of Public Works cross-sections;
  - b. Cross-sections as described in the “Street Type” section of the UDO plan; or
  - c. Any other street cross-section developed in accordance with AASHTO guidelines as set forth in the latest edition of “A Policy on Geometric Design of Highways and Streets” and certified by an appropriately licensed engineer.
5. Where specific street cross-sections, roadway and network design are in variance with currently adopted Metro code, rules, policies, and guidelines, the applicant shall seek all necessary approvals from the Planning Commission, Traffic and Parking Commission any other Metro boards and Commissions and if necessary amendments to the Metro Code to permit the implementation of the UDO as designed. All final street and roadway cross-sections are to be certified by an appropriately licensed engineer as in compliance with the guidelines and standards as set forth in the latest edition of “A Policy on Geometric Design of Highways and Streets” to achieve the roadway design speed and appropriate community context.
6. Focused TIS reports may be required in conjunction with development of individual project phases to identify specific intersection requirements to achieve the planning and mobility concepts of the approved UDO.

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

**Resolution No. RS2006-372**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-003G-12 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to final UDO approval, the applicant shall work with the Fire Marshal to meet access requirements or present alternative solutions that meet the intent of the Urban Design Overlay as well as objectives established by the Fire Marshal.
2. Prior to 3<sup>rd</sup> Reading at Council, any recommended conditions from the Traffic Impact Study should be amended into the Council Bill.
3. The final approved street cross-sections shall be as outlined in Section 3 below and based on the street cross-section that most closely achieves the intent of the UDO. In determining the intent of the UDO, the Department of Public Works shall, at a minimum, consult with the Planning Department and evaluate the Project Concepts and Planning Principles, the Master Plan and Village explanations, the Street Network plan, the Street Types plan, and other relevant components of the UDO in determining the street cross-section that most appropriately achieves the community development goals of the UDO.
4. All approved street cross-sections shall be either:
  - Approved Metro Department of Public Works cross-sections;
  - Cross-sections as described in the “Street Type” section of the UDO plan; or
  - Any other street cross-section developed in accordance with AASHTO guidelines as set forth in the latest edition of “A Policy on Geometric Design of Highways and Streets” and certified by an appropriately licensed engineer.
5. Where specific street cross-sections, roadway and network design are in variance with currently adopted Metro code, rules, policies, and guidelines, the applicant shall seek all necessary approvals from the Planning Commission, Traffic and Parking Commission any other Metro boards and Commissions and if necessary amendments to the Metro Code to permit the implementation of the UDO as designed. All final street and roadway cross-sections are to be certified by an appropriately licensed engineer as in compliance with the guidelines and standards

as set forth in the latest edition of “A Policy on Geometric Design of Highways and Streets” to achieve the roadway design speed and appropriate community context.

6. Focused TIS reports may be required in conjunction with development of individual project phases to identify specific intersection requirements to achieve the planning and mobility concepts of the approved UDO.

**The requested amendment to the UDO is consistent with the Southeast Community Plan’s area policies, as well as consistent with the intent of the originally approved UDO plan.”**

## **X. CONCEPT PLANS**

### **14. 2006S-330G-02**

Liberty Place Revision (Formerly Bell Grimes Subdivision)  
Map 041-00, Parcel 067  
Subarea 2 (1995)  
Council District 3 - Walter Hunt

A request for concept plan approval to add 3 lots to a previously approved subdivision on property located at 1340 Bell Grimes Lane, at the northeast corner of Brick Church Pike and Bell Grimes Lane (23.29 acres), zoned RS20, to allow a total of 42 total lots, where 39 were originally approved, requested by Umbrella Investment Corporation, owner, Dale & Associates, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

#### **APPLICANT REQUEST -Concept Plan**

Subdivide 23.29 acres into 42 single-family lots along north side of Bell Grimes Lane and the east side of Brick Church Pike, where 39 lots were previously approved.

#### **ZONING**

RS20 District - RS20 district, requiring a minimum lot size of 20,000 square feet and intended for single-family dwellings at an overall density of 1.85 dwelling units per acre.

**CLUSTER LOT OPTION** - The cluster lot option allows the applicant to reduce minimum lot sizes two base zone districts from the base zone classification of RS20 (minimum 20,000 sq. ft. lots) to RS10 size lots (minimum 10,000 sq. ft. lots). The applicant is not allowed to increase the number of lots, however.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan proposes 7.99 acres of open space (34%), which complies with this provision.

**SUBDIVISION DETAILS** - The proposed plan adds three lots to a previously approved plat, with one new lot along Brick Church Pike and two new lots along the new interior street. The final survey of this property indicated more acreage than what was shown on the preliminary plat. With this survey the acreage changed from 20.99 acres to 23.29 acres. The additional acreage enables the applicant to request additional lots that will be in compliance with the Zoning Ordinance.

**Site Access** - The subdivision, which is currently under construction, still includes the primary access for the subdivision to be from a new road with access onto Bell Grimes Lane, with two stub-streets to adjacent properties to the north and south. The newly proposed lot on Brick Church Pike includes the relocation of a driveway on one existing lot and a joint access driveway with the newly created lot. This new driveway location does provide adequate site distance and Public Works has approved the site visibility line and plan that was provided by the applicant.

**PUBLIC WORKS RECOMMENDATION** - Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

Dimension temporary turnaround. Construct temporary turnaround per the Department of Public Works



standards.

In accordance with the Access study, construct one (1) entering lane and two (2) exit lanes for separate left and right turns with 50 feet of storage at the access drive / Bell Grimes intersection.

**FIRE MARSHALL RECOMMENDATION - Approved**

**STORMWATER RECOMMENDATION**

1. The map number is incorrect. Specifically, change, '04037CO119F' to, "47037CO119F."
2. Delete the parenthetical text following the map number, as the property is not associated with panel 0228 F.

**CONDITIONS**

1. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.

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

**Resolution No. RS2006-373**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-330G-02 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter."

15. **2004S-104G-13**  
Preserve At Old Hickory, Phase Two  
Map 175, Part of Parcel 21  
Subarea 13 (2003)  
Council District 32 - Sam Coleman

A request to extend the previous approval of a concept plan for 157 lots for one additional year, located on the west margin of Old Hickory Boulevard, approximately 900 feet north of Logistics Way (50.99), classified within the RS10 districts, requested by Ole South Properties, owner, and MEC, Inc, engineer.

**STAFF RECOMMENDATION: Approve**

**APPLICANT REQUEST - Preliminary Plat Extension**

A request to extend for one additional year, the previous approval of preliminary plat for 157 lots located on the west margin of Old Hickory Boulevard, approximately 900 feet north of Logistics Way (50.99), classified within the RS10 districts, requested by Ole South Properties, owner, and MEC, Inc, engineer.

Section 3-3.5 of the Subdivision Regulations (below), stipulates the effective period of preliminary plat approval. According to Section 3-3.5, the preliminary plat is effective for two years, but may be extended by the Planning Commission prior to its expiration, if the Commission finds that significant progress has been made in developing the subdivision.

The Preserve at Old Hickory was originally submitted as one application for 306 lots on 94.51 acres. During the review, issues were raised about the Southeast Arterial which bisects this property. The Southeast Arterial was originally envisioned as a limited access highway. At the time this application was submitted, the planned roadway was contemplated to be downgraded to a limited access parkway. In order to work with staff, the developer broke the subdivision into 2 phases. This allowed them to begin working on the first half of the subdivision that was not in the path of the Southeast Arterial. Several months later, when consensus was reached on the dedication for the Southeast Arterial, Phase 2 was approved.

The Preserve at Old Hickory, Phase One (159 lots) was approved 5/13/2004 and final plats have been recorded. The Preserve at Old Hickory, Phase Two (157 lots) was approved 11/11/2004 and expires on 11/11/2006. The Planning Commission Meeting was originally set for 11/09/2006 so staff has considered this as a request to extend the preliminary plat approval for one addition year as allowed in the regulations, rather than a variance to “revive” an expired plat.

Phase Two requires the completion of Phase One roads and infrastructure. Although the subdivision was approved in two phases, it is essentially one subdivision and final plats have been recorded to “vest” the development rights of the subdivision. Staff recommends that the approval of 11/11/2004 be extended for one additional year.

**APPLICABLE SUBDIVISION REGULATION - 3-3.5 Effective Period of Preliminary Approval –**

“The approval of a preliminary plat shall be effective for a period of two (2) years. Prior to the expiration of the preliminary approval, such plat approval may be extended for one (1) additional year upon request and if the Planning Commission deems such appropriate based upon progress made in developing the subdivision. For the purpose of this section, progress shall mean installation of sufficient streets, water mains, and sewer mains and associated facilities to serve a minimum of ten percent (10%) of the lots proposed within the subdivision.

**PREVIOUS CONDITIONS OF APPROVAL (11/11/2004)**

Resolution No. RS2004-396

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-104G-13 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

1. Preserve Boulevard right-of-way south of roads L and K shall be abandoned when the Southeast Arterial is constructed.
2. Intersection of Preserve Boulevard with Roads K and L and the intersection of Road S and N do not appear to be aligned at ninety degrees. When construction plans are submitted, these intersections may be allowed to intersect at no less than 75 degrees if an obstacle prevents a standard alignment.
3. The center line of Road N does not appear to conform to AASHTO geometric design requirements for a 30 mph design speed.
4. Since Preserve Blvd. will not connect to Phase 1 (due to the southeast arterial), this segment of Preserve Blvd. should have a different name.
5. The proposed Ashford Trace shall be revised to intersect with the proposed southeast arterial at a 90-degree angle.”

Approved (9-0), *Consent Agenda*

Resolution No. RS2006-374

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004S-104G-13 is APPROVED. (9-0)

**XI. FINAL PLATS**

**16. 2006S-180U-14**

Cloverwood Subdivision  
Map 096-12, Parcel 032  
Subarea 14 (2004)  
District 14 - Harold White

A request for final plat approval to create 4 lots at the terminus of Cloverwood Drive (16.81 acres), zoned RS10, requested by Luckey Development, owner, Cherry Land Surveying, surveyor.

**STAFF RECOMMENDATION: Re-approve with conditions including a variance for maximum lot size and sidewalks**

**APPLICANT REQUEST - Final Plat Re-Approval**

Request to re-approve final plat request to subdivide 16.81 acres into four single-family lots located at the end of Cloverwood Drive.

The final plat was approved by the Commission on May 25, 2006 and the approval will expire on November 25, 2006.

**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.

**SUBDIVISION DETAILS-** There are four lots proposed with access from the existing stub streets, Cloverwood Drive and Hickory Bend Drive. The building areas are proposed closer to the existing lots and are not proposed close to the floodway along McCrory Creek Road.

**Floodplain/Floodway -** This property is mostly covered by floodplain and floodway, is not suitable for intense development. McCrory Creek runs through the south side of the property along McCrory Creek Road. Because this is within floodplain, all four lots are critical lots.

**Lot Size Variance -** The Subdivision Regulations state that “the proposed lot area shall not exceed three times the minimum lot size required by the Zoning Regulations for the zone district within which the proposed subdivision is located.” Each lot proposed is more than three times the minimum 10,000 square feet required by zoning. Lot 1 is 64,042 sq. ft. Lot 2 is 318,411 sq. ft. Lot 3 is proposed at 230,392 sq. ft. and lot 4 is proposed at 142,918 square feet.

Staff recommends approval of the variance since most of the floodplain is preserved. There will be 53.9% of undisturbed floodplain to remain.

**Sidewalk Variance Request -** Sidewalks are required along McCrory Creek Road and access points from existing streets. A variance request has been submitted and the stated hardship is the 98% of floodplain on the property.

Staff recommends approval of the sidewalk variance due to the physical constraints of the property. Since McCrory Creek Road is predominantly in a floodway area, it would require further manipulation of the floodplain and floodway.

**Dedicated Conservation and Greenway Easement -** A dedicated conservation and greenway easement is proposed and shown along McCrory Creek.

**STORMWATER RECOMMENDATION -** Approved except as noted.

1. Surveyor sign, stamp, and date plans.

**PUBLIC WORKS RECOMMENDATION -** Exception Taken.

1. Any approval is subject to Public Works approval of the construction plans. Final design and improvements may vary based on field conditions.
2. Submit roadway construction plans for the extension of Cloverwood Drive and Hickory Bend.
3. All roads to be one foot minimum above the 100 year floodplain.
4. For dead end streets greater than 150', construct circular turnaround per standard drawing ST-331.

Show turnaround at terminus of Cloverwood Drive.

**CONDITIONS**

1. Prior to recordation, all Public Works and Stormwater comments and conditions must be met for public infrastructure and/or public right of way.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.
3. Prior to recordation, the Dedicated Conservation easement is to be labeled as such, "25' Dedicated Conservation Greenway Public Access Easement Area."

Reapproved with conditions, including a variance for maximum lot size and sidewalks, (9-0) **Consent Agenda**

**Resolution No. RS2006-375**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-180U-14 is **REAPPROVED WITH CONDITIONS, including a variance for maximum lot size and sidewalks. (9-0)**

**Conditions of Approval:**

1. Prior to recordation, all Public Works and Stormwater comments and conditions must be met for public infrastructure and/or public right of way.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.
3. Prior to recordation, the Dedicated Conservation easement is to be labeled as such, "25' Dedicated Conservation Greenway Public Access Easement Area."

**17. 2006S-344U-09**

Sber Ballpark Neighborhood  
Map 093-07, Parcels 035, 036, 037, 039, 41(Part), 41.01, 050  
Map093-06, Parcel 041  
Map 900-00, Parcel 037  
Subarea 9 (1997)  
Council District 6 - Mike Jameson

A request for final plat approval to create 4 lots on property located at 110 and 310 First Avenue South 301 Molloy Street 82 Franklin Street and Franklin Street (unnumbered) and Peabody Street, at the northeast corner of Gateway Boulevard and First Avenue South (12.28 acres), zoned CF, requested by Metro Government, owner, Gresham Smith & Partners, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Final Plat**

A request for final plat approval to create 4 lots on 12.28 acres, property located at 110 and 310 First Avenue South, 301 Molloy Street, 82 Franklin Street, and Franklin Street (unnumbered) and Peabody Street, at the northeast corner of Gateway Boulevard and First Avenue South.

**ZONING**

CF District - Core Frame is intended for a wide range of parking and commercial service support uses for the central business district.

**PLAN DETAILS** - Nashville Sounds plan to build the 12,500-seat minor league baseball stadium on the old Nashville Thermal Transfer Plant site. Another developer will build commercial and residential properties on surrounding acreage

The proposed plat creates 4 lots. Three of the lots front on First Avenue, one lot fronts on Gateway Boulevard. The platting of these lots will allow ownership to be transferred to the different entities involved in the development, and building plans can be finalized. This request is also a unified plat of subdivision, which will allow maximum floor area to be shared across the site instead of on a per lot basis.

Lot 1 has frontage along the Cumberland River and a greenway dedication is required, and includes the floodway plus 75 feet. The plat does not show the required dedication. Before the plat can be recorded,

written confirmation from the Greenways Staff of the Parks Department must be received that sets the parameters for the dedication. The arrangement will be noted on the face of the plat.

Greenways *Subdivision Regulations Chapter 3-10.6.2.*- In areas where the greenway is intended to protect the natural environment of and public access to the major waterways in Davidson County, and serve the multifunctional roles of recreation, transportation, and habitat protection, the greenway conservation easement shall include the floodway plus a corridor at least 75 feet in width, measured from the outer edge of the floodway.

**PUBLIC WORKS RECOMMENDATION** - Following are review comments for the submitted SBER Ballpark Neighborhood final plat (2006S-344U-09), received October 20, 2006. Public Works' comments are as follows:

Show and dimension right of way along Gateway Boulevard and First Avenue South at property corners.

**STORMWATER RECOMMENDATION** - Approve

**CONDITIONS**

1. Prior to the recording of the final plat:
  - Written confirmation from the Greenways Staff of the Parks Department must be received that sets the parameters for the dedication. The arrangement will be noted on the face of the plat.
  - Show and dimension right of way along Gateway Boulevard and First Avenue South at property corners.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.

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

**Resolution No. RS2006-376**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-344U-09 is **APPROVED WITH CONDITIONS. (9-0)**

**Conditions of Approval:**

1. Prior to the recording of the final plat:
  - Written confirmation from the Greenways Staff of the Parks Department must be received that sets the parameters for the dedication. The arrangement will be noted on the face of the plat.
  - Show and dimension right of way along Gateway Boulevard and First Avenue South at property corners.
2. Final plat is to be recorded within 180 days from this meeting date, unless deferred.”

18. **2006S-353U-07**  
CC Vernon's Farm, Resub. Lot 7  
Map 103-02, Parcel 014  
Subarea 7 (2000)  
Council District 24 - John Summers

A request for final plat approval to create two lots on property located at 204 Bellmore Avenue, at the northeast corner of Burgess Avenue and Bellmore Avenue (0.46 acres), zoned R6, requested by Kelly and Elizabeth Bosch, owners, Campbell, McRae & Associates, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Final Plat**

Request to subdivide 0.46 acres into 2 single-family lots located at 204 Bellmore Avenue, at the northeast corner of Burgess Avenue and Bellmore Avenue.

**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.

**PLAN DETAILS** - As proposed the request will create 2 new lots along the northeast corner of Burgess Avenue and Bellmore Avenue with the following area(s), and street frontage(s):

- Lot 1: 10,808 Sq. Ft., (0.25 Acres), and 110 Ft. of frontage along Bellmore and 104.5 Ft. of frontage along Burgess;
- Lot 2: 6,141 Sq. Ft., (0.03 Acres), and 71.31 Ft. of frontage;

**Lot Comparability** - Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. A lot comparability waiver can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the waiver if they do not feel it is appropriate.

The lot comparability analysis yielded a minimum lot area of 10,999 sq. ft. along Bellmore and 9,148 sq. ft. along Burgess Avenue, and a minimum lot frontage of 71.7 linear feet along Bellmore and 49.50 along Burgess Avenue. Both lots fail for area and pass for minimum frontage.

**Staff Recommendation** - Staff recommends approval of a lot comparability exception. The land use policy for the area is Residential Medium. The Land Use Policy Application (LUPA) recommends a density of four to nine dwelling units per acre for this RM policy. The request is consistent with the RM policy. An exception should be granted because the proposed lots are not significantly out of character with other lots in the area, and the proposal meets the intent of the RM policy.

**STORMWATER RECOMMENDATION** - Approved.

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

**CONDITIONS**

1. Final plat is to be recorded within 180 days from this meeting date, unless deferred.
2. Prior to recordation, add parcel numbers.
3. Final plat is to be recorded within 180 days from this meeting date, unless deferred.

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

**Resolution No. RS2006-377**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-353U-07 is **APPROVED WITH CONDITIONS. (9-0)**”

**Conditions of Approval:**

1. Final plat is to be recorded within 180 days from this meeting date, unless deferred.
2. Prior to recordation, add parcel numbers.
3. Final plat is to be recorded within 180 days from this meeting date, unless deferred.”

- 19. 2006S-366U-13**  
Armstrong's Ezell Road Subdivision  
Map 148-00, Parcels 021, 128  
Subarea 13 (2003)  
Council District 28 - Jason Alexander

A request for final plat approval to create 4 lots located on the east side of Bakertown Road, approximately 260 feet south of Ezell Road (2.63 acres), classified within the R10 District, requested by Gary Armstrong, owner, Campbell, McRae and Associates, surveyor.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST -Final Plat**

Request for final plat approval to create five new lots on 2.63 acres, located on the east side of Bakertown

Road, south of Ezell road.

**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.

**SUBDIVISION DETAILS** - As proposed, five new lots will be created out of two existing parcels containing approximately 2.63 acres. New lots will contain the following areas and frontages:

- Lot 1: 20,497 sq. ft. (.47 ac.), 40 ft. of frontage;
- Lot 1A: 22,945 sq. ft. (.53 ac), 268 ft. of frontage;
- Lot 2: 15,676 sq. ft. (.36 ac.), 63 ft. of frontage;
- Lot 3: 21,522 sq. ft. (.49 ac.), 63 ft. of frontage;
- Lot 4: 34,165 sq. ft. (.78 ac.), 63 ft. of frontage.

**Lot Comparability** -Although all lots meet the R10 minimum lot area requirement of 10,000 square feet, the lot comparability provisions in Section 2-4.7 of the Subdivision Regulations require that new lots in areas that are predominantly developed must be “generally in keeping with the lot frontage and lot size of the existing surrounding lots.” An exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) if the new lots would be consistent with the General Plan.

Lot comparability analysis for this area indicated that the minimum required lot area is 10,840 square feet, and the minimum lot frontage is 74.6 linear feet. All lots pass for area while only one of the lots passes for frontage.

The land use policy for the area is Residential Low Medium (RLM). The Land Use Policy Application (LUPA) recommends a density of two to four homes per acre for RLM policy. This proposal is consistent with the RLM policy. Under 17.16.030 D. of the Metro Code, only 25% of the new lots, or one lot, can include a two family home. The maximum number of dwelling units for this property, therefore, would be ten, which is well within the two to four units per acre called for under RLM policy. For this reason, staff recommends approval of a lot comparability exception for the frontage for all four lots.

This plat was approved by the Planning Commission on December 8, 2005. Lot 1A has been added to the approved plat in order to remove the reserve status and combine it with the remainder created by the four lot subdivision. A house has been on Lot 1A for 42 years.

**Sidewalks** - The request is located in the Urban Services District and sidewalks are required. Sidewalks are shown on the plat.

**PUBLIC WORKS RECOMMENDATION** -Construction plans for sidewalk must be reviewed and approved by Public Works prior to recordation.

**CONDITIONS**

1. Construction plans for sidewalks must be reviewed and approved by Public Works prior to recordation.
2. Correct Vicinity Map to reflect the addition of Lot 1A.
3. Final plat is to be recorded within 180 days from this meeting date, unless deferred.

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

**Resolution No. RS2006-378**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-366U-13 is **APPROVED WITH CONDITIONS, including an exception to lot comparability for frontage. (9-0)**

**Conditions of Approval:**

1. Construction plans for sidewalks must be reviewed and approved by Public Works prior to recordation.
2. Correct Vicinity Map to reflect the addition of Lot 1A.

3. Final plat is to be recorded within 180 days from this meeting date, unless deferred.”

## **XII. PLANNED UNIT DEVELOPMENTS (revisions)**

- 20. 155-74-G-14**  
Larchwood Commercial  
Map 097-130, Parcel 040  
Subarea 14 (2004)  
Council District 14 - Harold White

A request to revise the preliminary plan for a portion of a commercial Planned Unit Development located at 3431 Percy Priest Drive, classified CL district (1.2 acres) for a 39,360 square foot hotel/motel, requested by PBJ Engineering Design, LLC, applicant for Atul Gordhan and Shanabhai Patel, owners.

**STAFF RECOMMENDATION: Approve with conditions**

### **APPLICANT REQUEST-Revision to Preliminary PUD and Approval of Final PUD**

A request to revise the preliminary plan, and for final approval for a portion of a commercial Planned Unit Development district located at 3431 Percy Priest Drive, classified CL (1.2 acres), to permit the development of a 39,360 sq. ft. hotel.

**PLAN DETAILS** - The plan calls for a 39,360 square foot hotel to include 75 rooms, with associated parking. Access will be provided from a private drive to Percy Priest Drive.

**Preliminary Plan** - From the most recent information that can be found regarding this PUD the original preliminary was approved in 1974 for 400,990 square feet of various commercial and retail uses, and for 6,300 square feet for this property. This PUD has been amended and revised numerous times since its original approval. It is unclear what was approved for this property, but the requested use is compatible with existing uses in the PUD, as well as it is allowed under the CL base zone district. While the requested square footage exceeds what records indicate were approved for this property, a majority of the PUD is unbuilt, and therefore, will not increase the overall development over the area approved on the preliminary plan.

**Staff Recommendation** - Since the request is compatible with other uses in the PUD, is allowed with the base zone district, and will not push the overall existing PUD over what was originally approved, staff recommends that the request be approved.

**PUBLIC WORKS RECOMMENDATION** - Approve with the following condition:

1. All Public Works’ design standards shall be met prior to any final approvals and permits issuance. Any approval is subject to Public Works’ approval of the construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION** - Approved

### **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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. 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.

5. 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.
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 for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. RS2006-379**

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74-G-14 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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. 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.
5. 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.
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 for filing and recordation with the Davidson County Register of Deeds.”

- 21. 153-79-G-06**  
Galleries at Bellevue  
Map 142, Parcel 308  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request for final approval for a portion of a commercial Planned Unit Development district located abutting the south side of Memphis Bristol Highway, west of Sawyer Brown Road, classified SCR, (1.49 acres), to permit the construction of a 12,000 square foot retail building, requested by Civil Site Design, LLC, applicant for Montclair Investment Corporation, owner.

**STAFF RECOMMENDATION: Approve as a revision to the preliminary and final including conditions.**

**APPLICANT REQUEST - Final PUD**

A request for final approval for a portion of a commercial Planned Unit Development district located at 7661 Highway 70S, classified SCR (1.49 acres), to permit the development of a 12,000 sq. ft. retail building.

**PLAN DETAILS** - The plan calls for a 12,000 square foot retail building, with associated parking. Access will be provided from private drives within the development to Highway 70S.

**Preliminary Plan** - This PUD was originally approved in 1979 for 225,000 square feet of various commercial/retail uses. The original PUD plan was never built, and the plan has been revised several times through the years. The last revision to the PUD was in 2000 and was for 229,039 square feet, which included 10,633 square feet identified for this property.

**Staff Recommendation** - While this plan will not bring the overall development over the originally approved square footage, it does exceed the most recent revision for this property. Since this request will bring the total approved area to 230,406 square feet, which does not exceed the originally approved preliminary plan, staff recommends that the request be approved as a revision to the preliminary and final.

**PUBLIC WORKS RECOMMENDATION** - All Public Works' design standards shall be met prior to any final approvals and permits issuance. Any approval is subject to Public Works' approval of the construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION** - Approve with the following conditions:

1. A Stormwater Detention Agreement is required to be recorded prior to final plan approval. The agreement must be signed and notarized by the owner and submitted to MWS with original signatures. Please also submit a check, not cash, to cover the recording cost. The cost is \$5 per page plus a \$2 recording fee *per document*. The check must be made out to Register of Deeds.
2. A drainage easement will be required to be recorded for the water quality unit and the pipes that convey offsite water through this property. Please size the drainage easement in accordance with Tables 6-1 and 6-2 of the Stormwater Management Manual Volume 1 and submit a completed Dedication of Easement Form. The grading plan cannot be approved until the easement is reviewed and approved by Ron Sweeny's office. Please also submit a check, not cash, to cover the recording cost. The cost is \$5 per page plus a \$2 recording fee *per document*. The check must be made out to Register of Deeds.
3. Show the Notice of Coverage note on the grading plan and sign and date to certify that an NPDES General Permit is not required.
4. The following EPSC Note is required to be shown on the grading and/or EPSC plan:

Following is the note which should be on plans prior to plan approval.

I, \_\_\_\_\_, Certified Erosion Control Specialist have reviewed the plan for sufficient onsite temporary erosion and sediment control provisions.

\_\_\_\_\_  
Signature

5. Please show a detail of the water quality unit on the detail sheet of the grading plan and include the product name, model number, and elevations. Submit water quality calculations including the 3 month flow to be treated, the treatment capacity flow, the flow to be bypassed, and the bypass capacity flow.
6. The following As-Built note is required to be shown:
  - As-builts are required for underground detention and water quality structures prior to issuance of the U&O Permit. Certification must include, at a minimum, the following information:

- Manufacturer and model number of unit.
- Sales receipt
- Attached shop drawings of installed unit.
- Date of field inspection by Engineer (before backfilling structure).
- Engineer stamp and date.

**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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. 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.
5. 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.
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 for filing and recordation with the Davidson County Register of Deeds.

Approved as a revision to the preliminary and final including conditions (9-0), *Consent Agenda*

**Resolution No. RS2006-380**

“BE IT RESOLVED by The Metropolitan Planning Commission that 153-79-G-06 is **APPROVED as a revision to the preliminary and final, including 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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. 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.

5. 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.
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 for filing and recordation with the Davidson County Register of Deeds.”

**22. 28-81-G-06**  
Hickory Hills Village Park  
Map 142, Parcel 345  
Subarea 6 (2003)  
Council District 22 - Eric Crafton

A request to cancel a portion of a Commercial Planned Unit Development district located at 247 Old Hickory Boulevard, along the west side of Old Hickory Boulevard, 450 feet north of Belle Forest Circle, zoned SCC, (0.97 acres), approved for a 2,603 square foot convenience market and a 615 square foot car wash, requested by Civil and Environmental Consultants, Inc, for Goodwill Industries of Middle Tennessee, owner.

**STAFF RECOMMENDATION: Approve**

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

Mr. Stephen Sexton, 150 4<sup>th</sup> Avenue North spoke in opposition to the proposal.

Mr. David Lipsey, Goodwill Industries, spoke in favor of the proposal.

Mr. Tommy Martin, Civil Environmental Consultants, spoke in favor of the proposal.

Ms. Nielson requested additional information regarding the access to the property in relation to the entire planned unit development.

Ms. Logan explained this concept to the Commission.

Mr. Bernhardt explained that the applicant is requesting to abandon the PUD to leave the base zoning of SCC zoning for the property.

Ms. Nielson requested additional information on the requirements included in PUD cancellations.

Mr. Bernhardt explained this concept to the Commission.

Mr. Lawson offered that the Commission is being asked to recommend to Council whether the PUD cancellation is valid.

Mr. Clifton questioned whether the cancellation would affect the adjoining property owner's access to the property.

Mr. Bernhardt offered that the proposal could be deferred in order for the planning staff to obtain additional information.

Ms. Hammond explained that staff believes the access easement endures independently from the PUD so that if the cancellation were approved, the access easement would continue. However, she could not confirm this statement.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to defer Planned Unit Development 28-81-G-06 until December 14, 2006 to allow additional time for staff to review and report on this issue of easement access contained in this proposal. **(10-0)**

**Resolution No. RS2006-381**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 28-81-G-06 is DEFERRED to the December 14, 2006, Planning Commission meeting. (9-0)”**

- 23. 247-84-U-12**  
South Plaza Shopping Center (Lowe's)  
Map 161, Parcel 082  
Subarea 12 (2004)  
Council District 32 - Sam Coleman

A request to revise the preliminary and for final approval for a portion of a commercial Planned Unit Development district located abutting the northeast margin of Nolensville Pike and Old Hickory Boulevard, classified SCR, (25 acres), to add 21,638 square feet of additional floor area to an existing 137,170 square foot building for a total of 158,808 square feet, requested by Perry Engineering, LLC, applicant for South Plaza Investments, LLC, owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Final PUD**

A request to revise the preliminary plan, and for final approval for a portion of a commercial Planned Unit Development district located at 5520 Nolensville Road, classified SCR (25 acres), to permit the development of a 158,808 sq. ft. building.

**PLAN DETAILS**

Site Plan - The plan calls for a 158,808 square foot building to be used for a Lowe’s home improvements store. The site was previously the location for Wal-Mart, and the plan calls for the existing 137,170 square foot building to be utilized, with the expansion of an additional 21,638 sq. ft. of area. Access will be provided at its existing locations onto Nolensville Pike, and Old Hickory Boulevard.

**Variance Request** - Metro Zoning Code requires that the Planning Commission review and make a recommendation to the Board of Zoning Appeals (BZA) for any variance request within a Planned Unit Development. Since this request is within a PUD, the Planning Commission must make a recommendation to the BZA on the two variances being requested for this development.

**Parking** (Table 17.20.030) - For the proposed use, the Zoning Code requires that there be 730 parking spaces. The remainder of the uses within the PUD requires 942 parking spaces with a total of 1,672 parking spaces required within the PUD district.

As proposed the total number of parking spaces that will be provided within the PUD will be 1,136, which is 536 short of the 1,672 spaces required under the Metro Zoning Code. The applicants have requested that the Board of Zoning Appeals (BZA) grant a variance to Table 17.20.030 of the Metro Zoning Code to allow for a reduction in the number of parking spaces required in the Metro Zoning Code.

Planning staff has reviewed the plan, as well as the variance request, and recommend that the BZA approve a variance to allow for the reduction in the total number of parking spaces required under the Metro Zoning Code. Staff’s recommendation is based on the following (some information is based on research done by the applicant and confirmed by Planning Staff):

- Metro parking standards for such uses are excessive and require more parking than what is really needed. While there are certain times of the year, such as Christmas, where additional parking may be needed, the majority of the time it is not needed. Because of the kind of products that are sold at this type of development, it is unlikely that the requested reduction in parking will even have an impact during the Christmas holidays. Also, it is often found that reported “parking problems” are a lack of front row parking, rather than a lack of parking.

- Many cities around the country have reduced the number of required parking spaces for this type of development, as well as many other types of uses due to excessiveness. Also, the American Planning Association has endorsed the reduction of parking requirements for such uses.
- This proposal represents infill development at an existing underutilized site. Because the site is located within an existing shopping center, the proposal must deal with trying to fit their use into the existing site constraints and the needs of the other existing tenants. Allowing a variance to the Metro Parking requirements for this development will allow for a more viable development. Without a variance the development may move to a “greenfield” site. It is more beneficial to the citizens of Nashville to reuse a vacant big box commercial site rather than forcing a store to leapfrog out to an undeveloped area or an adjacent county and leaving a site further into Nashville abandoned.

**Impervious Surface Ratio (ISR)** (Table 17.12.020C) - Table 17.12.020C of the Metro Zoning Code requires a maximum .80 ISR for development within the SCR district, or 20% green space. The existing development contains 163,317 sq. ft. of green space (13.8%). With this proposal the green space will be increased to 193,302 sq. ft. (16.3%).

Planning staff has reviewed the plan, as well as the variance request, and recommend that the BZA approve a variance to allow for the reduction in open space requirements. Staff’s recommendation is based on the following:

- While Planning Staff often times is not in favor of a reduction in green space requirements, this development represents an infill development reusing an existing commercial big box site, that will make an improvement to the existing green space, and landscape. Without a variance the development may move to a “greenfield” site.
- Requiring more open space will further reduce the total number of available parking spaces. While staff is recommending that a variance to the parking requirements be approved, further reductions may not be appropriate.

**Preliminary Plan** - This PUD was original approved in 1984 for 315,425 sq. ft. of various commercial and retail uses. The plan has been revised a couple of times since it was approved, and the existing built area is 315,425 sq. ft. With the additional 21,638 sq. ft. of retail space proposed in this plan, the total floor area within the PUD will be 337,063 sq. ft.. Since the total area does not exceed the approved area by more than 10% (346,967 sq. ft.), then the request can be approved as a revision.

**Staff Recommendation** - Staff recommends that the request to revise the PUD be approved with conditions. Planning Staff further recommends that the Planning Commission recommend that the BZA approve a variance for a reduction in parking, and a reduction from the Impervious Surface Ratio requirement.

**PUBLIC WORKS RECOMMENDATION** - All Public Works’ design standards shall be met prior to any final approvals and permits issuance. Any approval is subject to Public Works’ approval of the construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION** - Approve with the following conditions:

1. Submit three sets of new construction plans.
2. Submit Maintenance Agreement.
3. Submit Easement documents.
4. Submit NOC from TDEC.

**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.

2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. 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.
5. 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.
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 for filing and recordation with the Davidson County Register of Deeds.

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

Councilmember Coleman explained that he was in favor of the Commission approving the proposal with conditions. However, he mentioned there are certain conditions and requirements that he and his constituents would like to have reduced to writing as they are incorporated into the development. He announced he would be meeting with his constituents affected by this proposal on November 28, 2006.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously, to approve staff recommendations on Planned Unit Development 247-84-U-12 **(10-0)**

**Resolution No. RS2006-382**

“BE IT RESOLVED by The Metropolitan Planning Commission that 247-84-U-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.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metropolitan 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.
4. 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.
5. 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.

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/revise plans have been submitted to and approved by staff of the Metropolitan Planning Commission for filing and recordation with the Davidson County Register of Deeds.”

**24. 99P-004U-10**

Estes Glen  
Map 116-12, Parcel 102  
Subarea 10 (2005)  
Council District 34 - Lynn Williams

A request for final PUD approval for a residential Planned Unit Development located at 3806 Estes Road, south of Elder Place, classified R10, (2.52 acres), to permit 8 single-family lots, requested by Barge Cauthen and Associates, applicant, for Broadway Properties L.P., owner.

**STAFF RECOMMENDATION: Approve with conditions**

**APPLICANT REQUEST - Final PUD**

A request for final approval for a residential Planned Unit Development located at 3806 Estes Road, south of Elder Place, classified R10, (2.67 acres), to permit 8 single-family lots.

**PLAN DETAILS** - The site plan proposes 8 single-family residential lots along a new dead end street. Lots range in size from 7,147 square feet to 11,948 square feet. Access for each lot will be from the new street off of Estes Road.

The final PUD plan is consistent with the last approved preliminary plan. The last amendment to the preliminary plan was approved by the Planning Commission on July 13, 2006.

Staff recommends that the request be approved with conditions since the final PUD plan is consistent with the last approved preliminary plan.

**PUBLIC WORKS RECOMMENDATION** - Approved as noted:

1. Public Works’ design standards, including cross-sections, geometry, and off site improvements shall be met prior to approval of roadway or site construction plans. Final design and improvements may vary based on field conditions.

**STORMWATER RECOMMENDATION** - Approve with the following conditions:

1. Provide a copy of the detention maintenance agreement.
2. Provide construction entrance width on detail.
3. Provide a note to provide stabilization for slopes that are 3:1 or steeper. Hatch or shade area and indicate specific method of stabilization.
4. Identify areas of disturbance on site plan. Are lots to be graded or cleared?
5. Provide easement documentation for underground detention, control structure and water quality unit.
6. Provide a copy of the NPDES NOC letter.
7. Provide note to leave BMP’s in place until site is stabilized.
8. Provide civil details for headwall.
9. Place note on Erosion Control Plan requiring contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during pre-construction meeting.
10. Provide capture capacity for inlets.
11. Provide drainage areas for inlets 1 and 2.
12. Provide area, Tc, C/CN, and Q for design event, for inlets 1 and 2.
13. Provide pipe capacity for pipe 6-7.
14. Provide HGL’s for each pipe segment.



15. Provide outflow velocity for structures 5 and 7.
16. Provide outlet protection for structure 7.
17. Orifice diameter given in detention calculations and orifice diameter called out on site plan are not the same.
18. Provide drainage map showing area to be treated.
19. Provide drainage map of proposed conditions that matches contours of proposed conditions. Entire area does not drain to detention or WQ unit.
20. Provide inverts of the next two downstream drainage structures.
21. Provide percentage of site area to total drainage area, for next two downstream structures.

**CONDITIONS**

1. The PUD name shall be changed and revised on all applicable sheets.
2. “Approved Preliminary” shall be removed from title sheet and replaced with “Final”.
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.
4. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. 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.
6. The requirements of the Metropolitan 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. If any cul-de-sac is required to be larger than the dimensions specified by the Metropolitan Subdivision Regulations, such cul-de-sac must include a landscaped median in the middle of the turn-around, including trees. The required turnaround may be up to 100 feet diameter.
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 re-approval by the Planning Commission.
9. 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 for filing and recordation with the Davidson County Register of Deeds.

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

**Resolution No. RS2006-383**

“BE IT RESOLVED by The Metropolitan Planning Commission that 99P-004U-10 is **APPROVED WITH CONDITIONS. (9-0)**”

**XIII. OTHER BUSINESS**

25. Employee Contract for Felix Castrodad

Approved (9-0), *Consent Agenda*

26. Executive Director Reports


27. Legislative Update

**XIV. ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

 The Planning Department does not discriminate on the basis of age, race, sex, color, national origin, religion or disability in access to, or operation of its programs, services, activities or in its hiring or employment practices. **ADA inquiries should be forwarded to:** Josie L. Bass, Planning Department ADA Compliance Coordinator, 800 Second Avenue South, 2<sup>nd</sup>. Floor, Nashville, TN 37201, (615)862-7150. **Title VI inquiries should be forwarded to:** Michelle Lane, Metro Title VI Coordinator, 222 Third Avenue North, Suite 200, Nashville, TN 37201, (615)862-6170. **Contact Department of Human Resources for all employment related inquiries** at (615)862-6640.