



**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**

April 26, 2007

4:00 PM

Howard School Auditorium, 700 Second Ave., South

PLANNING COMMISSION:

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
Ted Morrissey, Legal Counsel
David Kleinfelter, Planning Mgr. II
Kathryn Withers, Planner III
Jason Swaggart, Planner I
Trish Brooks, Admin. Svcs. Officer 3
Carrie Logan, Planner I
Dennis Corrieri, Planning Tech I
Craig Owensby, Communications Officer
Brenda Bernards, Planner III
Nedra Jones, Planner II
Brian Sexton, Planner I

Commission Members Absent:

Eileen Beehan, representing Mayor Bill Purcell

I. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

Chairman Ponder announced the resignation of Jim Lawson. He explained that Mr. Lawson was appointed by Council to the Parks and Recreation Board and was no longer serving on the Planning Commission. He complimented Mr. Lawson for his outstanding service to the City as well as the Planning Commission.

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

II. ADOPTION OF AGENDA

Mr. Loring moved and Ms. Nielson seconded the motion, which passed unanimously to adopt the agenda as presented. (7-0)

III. APPROVAL OF APRIL 12, 2007, MINUTES

Mr. McLean moved and Mr. Loring seconded the motion, which passed unanimously to approve the April 12, 2007 minutes as presented. (7-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Greer spoke regarding Items # 13 and 14, 2007Z-066T and 2007Z-067T. He expressed issues with the language of the text amendments and suggested further review on them.

Councilmember Gotto spoke in favor of Item #2, 2007S-071G-14 which was on the Consent Agenda for approval. He stated that he would address the Commission on Items #17 (2007S-082G-14) and 18 (2007S-083G-14) after they were presented.

Councilmember Evans spoke in favor of Item #19, 2007S-088U-07, which was on the Consent Agenda for approval. She spoke in favor of Item #21, 2005P-005U-07, Harding Place Condominiums, which was also on the Consent Agenda for approval with conditions. Councilmember Evans submitted a letter (for the record) written by the developer for the Harding Place Condominiums. She explained that the letter stated the developer would continue working with his immediate neighbors surrounding this parcel as the development process begins. Councilmember Evans then spoke of Item #14, 2007Z-067T, Special Exception Uses and Neighborhood Landmark Overlay District. She explained that she would remove the condition pertaining to Neighborhood Landmarks prior to its approval so that she could review it further with Metro Legal.

Ms. Jones arrived at 4:08 p.m.

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

- | | | | |
|-----|---------------|---|--|
| 9. | 2007Z-060U-05 | A request to expand the Urban Zoning Overlay District to various properties located on Riverside Drive, Rosebank Avenue, Greenwood Avenue, Essex Avenue, McGavock Pike, Creighton Avenue, Oakhurst Drive, McKennell Drive, Carter Avenue, Porter Road, Shinkle Avenue, Dorchester Avenue, Evelyn Avenue, Litton Avenue, Piedmont Avenue, Marden Avenue, and Hanover Road (108.99 acres) | - deferred to June 14, 2007, at the request of the applicant |
| 10. | 2007Z-062U-05 | Request to change from RS10 to MUN zoning properties located at 2213 and 2215 Riverside Drive and Riverside Drive (unnumbered), | -- deferred until July 26, 2007, 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 as presented. (8-0)

VI. PUBLIC HEARING: CONSENT AGENDA PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING

- | | | | |
|----|---------------|--|-------------------------|
| 2. | 2007S-071G-14 | Lakeside Meadows, Ph. 4 - Request for concept plan approval to create 8 lots at 4618 Hessey Road. | - Approve |
| 3. | 90P-019U-13 | Vale Ridge (Townhouses) - Request to revise the preliminary plan and for final approval for a residential Planned Unit Development, located at Shiaway Drive (unnumbered), to permit the development of 48 multi-family units. | - Approve w/conditions. |

ZONING MAP AMENDMENTS

- | | | | |
|----|----------------|--|------------------------|
| 4. | 2006SP-112G-12 | Carter Property - Request for final SP site plan approval for a portion of property located at 6419 Pettus Road, to permit the development of 69 single-family homes and 64 townhouse units. | - Approve w/conditions |
|----|----------------|--|------------------------|

13. 2007Z-066T Prohibit Historic Home Events in Residential Areas - A council bill to prohibit historic home events in residential areas. - Approve w/amendments
14. 2007Z-067T Special Exception Uses and the Neighborhood Landmark Overlay District - A council bill to strengthen the special exception (SE) review and enforcement provisions and to clarify the role of the Historic Commission in the review and approval of a Neighborhood Landmark (NL) overlay district to permit a historic home event. - Approve w/amendments
15. 2007Z-068T Height of Single-Family & Two-Family Dwellings - Request to amend Section 17.12.060 of the Metro Zoning Code regarding the height of single-family and two-family dwellings within the Urban Zoning Overlay. - Approve

CONCEPT PLANS

16. 2007S-077U-07 Greenway Glen - Request for concept plan approval to create 12 lots on properties located at 5500, 5501 and 5505 Knob Road and Knob Road (unnumbered). - Approve w/conditions
17. 2007S-082G-14 Cooks Landing - A request for concept plan approval to create 42 lots on property located at Stewarts Ferry Pike (unnumbered), approximately 1,880 feet east of Old Hickory Boulevard (17.13 acres), zoned RS15 - Approve w/conditions

FINAL PLATS

19. 2007S-088U-07 West Meade Farms, Resub. Lot 67 - Request for final plat approval to create 2 lots on property located at 135 Keyway Drive. - Approve w/ conditions, including the applicant will pay the in-lieu fee rather than construct sidewalks.

REVISIONS AND FINAL SITE PLANS

20. 58-85-P-12 Brighton Village - Request to revise the preliminary plan and for final approval for a Residential Planned Unit Development located at 5442 and 5444 Edmondson Pike, to permit the development of 124 multi-family units. - Approve w/ conditions.
21. 2005P-005U-07 Harding Place Condominiums - Request for final approval for a Residential Planned Unit Development located at 112 Harding Place, to permit the development of 14 condominium units. - Approve w/conditions
22. 2005P-031G-03 Daniel Boone Log Homes - Request for final approval for a portion of property located at 5134 Ashland City Highway, to permit the development of a 4,116 square foot sales/leasing office building, and a 1,080 square foot office building for a total of 5,196 square feet, - Approve w/conditions
23. 2001UD-001G-12 Lenox Village Lifestyle Center, Ph. 1 - Request for final approval for a portion of the Lenox Village Urban Design, Phase 1 located at 6900 Lenox Village Drive, to permit the development of a Lifestyle Center with 40,206 square feet of restaurant, retail and office uses, 273 residential units, and 617 parking spaces (5-level, 502 space garage and 115 surface spaces) for a total of 635,432 square feet. Approve with conditions, including Public Works revised conditions of approval:
 1. 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.
- 2. Identify sidewalk requirements along Nolensville Pike.
- 3. An updated TIS may be required with the submittal of Phase 2 of the Lenox Village Lifestyle Center.

2002UD-001U-10 Green Hills UDO (Boundary Amendment) - Request to amend the existing Urban Design Overlay District to add property located at 3821 Green Hills Village Drive to the Green Hills UDO, , to require all provisions of the UDO to apply to this property. - Approve

OTHER BUSINESS

- 25. Recommended Capital Improvements Budget 2007-2008 to 2012-2013 - Approve
- 26. Employee contract renewals for Cynthia Wood and Leslie Thompson and a new employee contract for Gregory M. Johnson - Approve

Ms. Nielson moved and Mr. McLean seconded the motion, which passed unanimously to approve the Consent Agenda as presented (8-0)

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

- 1. **2007Z-052U-14**
 Map 096-09, Part of Parcel 074
 Map 096-09, Part of Parcel 073
 Subarea 14 (2004)
 Council District 15 - J. B. Loring

A request to change from OR20 to OL and R10 to OL zoning on a portion of properties located at 408 and 410 Donelson Pike, at the northwest corner of Donelson Pike and Lakeland Drive (3.73 acres), requested by Frank Batson Homes Inc., applicant, for Harold Foster et ux and Van Buford Grizzard, owners.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - A request to change from Office/Residential (OR20) to Office Limited (OL) and One and Two-Family Residential (R10) to Office Limited (OL) zoning on a portion of properties located at 408 and 410 Donelson Pike, at the northwest corner of Donelson Pike and Lakeland Drive (3.73 acres).

The original request included the western portion of 408 Donelson Pike, requested to be changed to OR20. The amended request contains only the eastern portion of both properties, requested to be changed to OL.

Existing Zoning

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

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

Proposed Zoning

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

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

DONELSON/HERMITAGE COMMUNITY PLAN

Office Transition (OT) - OT policy is intended for small offices intended to serve as a transition between lower and higher intensity uses where there are no suitable natural features that can be used as buffers. Generally, transitional offices are used between residential and commercial areas. The predominant land use in OT areas is low-rise, low intensity offices.

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 Community Plan for this area was amended at the direction of the Planning Commission and approved on November 14, 2006. At that time, it was determined that the area was predominately low medium and medium density residential with some churches and nonresidential uses along Donelson Pike. Because the area is between two commercial concentrations, staff recommended that small office development was appropriate along Donelson Pike, but the residential designation should be retained along the side streets.

This is a request to rezone the eastern portion of two parcels to OL. The northern parcel and the western portion of the southern parcel are currently zoned R10. The eastern portion of the southern parcel was rezoned to OR20 before the plan amendment. The depth of the rezoned portion is more than twice the depth of the Office Transition policy. Therefore, staff recommends disapproval of the request to rezone that deep of a portion on the northern parcel.

Additionally, staff recommends disapproval of the rezoning from OR20 to OL. The reason for the rezoning is to allow parking in front of the building, an arrangement which is not permitted in OR20 districts. Because of the similarities of uses permitted in OR20 and OL, the request to change the zoning is not based on the proposed use of the property. The main difference is that in OL, parking may be placed in front of the building. Staff does not recommend approval of OL zoning solely to permit parking in front of the building. Parking in the front of the building and at the entrance of a residential neighborhood would not be a desirable situation.

Staff Recommendation -Staff recommends disapproval because the request is inconsistent with policy.

RECENT REZONINGS -A request to rezone the southern parcel from R10 to OR20 was approved by the Planning Commission on August 10, 2006.

A request to rezone a parcel one block north of this location from R10 to OL was approved by the Planning Commission on April 12, 2007 (2007Z-050U-14).

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

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.91	3.85	7	67	6	8

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.24	.8	78,059	1,103	154	167

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
General Office (710)	4.15	.75	135,580	1,687	240	231

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				517	80	56

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

Mr. Clifton acknowledged that the developer adjusted this proposal so that it would no longer extend past Seneca Drive. He also noted that the Commission had requested this adjustment at the last Public Hearing on this item.

Mr. Loring stated he has spoken to those residents who would be affected by this proposal and they were satisfied with the development.

Mr. Loring moved and Mr. McLean seconded the motion, which passed unanimously to approve Zone Change 2007Z-052U-14. (8-0)

Resolution No. RS2007-123

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-052U-14 is **APPROVED. (7-0)**

The property is within the Donelson Hermitage Community and is encumbered with Office Transition policy which is up front along Donelson Pike and Residential Low Medium policy which towards the rear and along Lakeland Drive. Residential Low Medium policy is intended for residential development with a density of between 2 and 4 units per acre, and Office Transition policy is intended for small office uses intended to provide a transition between lower and higher densities. While the request OL district is not consistent with the Donelson Hermitage Community Plan’s Residential Low Medium policy, the precedent has already been set with the previous OR20 zoning adjacent this request. No other zoning districts other than residential districts that meet current policy should take place further down Lakeland Drive.”

CONCEPT PLANS

- 2. **2007S-071G-14**
Lakeside Meadows, Ph. 4
Map 110-00, Parcel 181
Subarea 14 (2004)
Council District 12 - Jim Gotto

A request for concept plan approval to create 8 lots at 4618 Hessey Road at the southeast corner of Earhart Road and Hessey Road, zoned RS15, (4.88 acres), Karl and Linnae Nelson, owners, Weatherford and Associates LLC, surveyor.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to change from Office/Residential (OR20) to Office Limited (OL) and One and Two-Family Residential (R10) to Office Limited (OL) zoning on a portion of properties located at 408 and 410 Donelson Pike, at the northwest corner of Donelson Pike and Lakeland Drive (3.73 acres).

The original request included the western portion of 408 Donelson Pike, requested to be changed to OR20. The amended request contains only the eastern portion of both properties, requested to be changed to OL.

Existing Zoning

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

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and

duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

Proposed Zoning

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

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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 Community Plan for this area was amended at the direction of the Planning Commission and approved on November 14, 2006. At that time, it was determined that the area was predominately low medium and medium density residential with some churches and nonresidential uses along Donelson Pike. Because the area is between two commercial concentrations, staff recommended that small office development was appropriate along Donelson Pike, but the residential designation should be retained along the side streets.

This is a request to rezone the eastern portion of two parcels to OL. The northern parcel and the western portion of the southern parcel are currently zoned R10. The eastern portion of the southern parcel was rezoned to OR20 before the plan amendment. The depth of the rezoned portion is more than twice the depth of the Office Transition policy. Therefore, staff recommends disapproval of the request to rezone that deep of a portion on the northern parcel.

Additionally, staff recommends disapproval of the rezoning from OR20 to OL. The reason for the rezoning is to allow parking in front of the building, an arrangement which is not permitted in OR20 districts. Because of the similarities of uses permitted in OR20 and OL, the request to change the zoning is not based on the proposed use of the property. The main difference is that in OL, parking may be placed in front of the building. Staff does not recommend approval of OL zoning solely to permit parking in front of the building. Parking in the front of the building and at the entrance of a residential neighborhood would not be a desirable situation.

Staff Recommendation -Staff recommends disapproval because the request is inconsistent with policy.

RECENT REZONINGS - A request to rezone the southern parcel from R10 to OR20 was approved by the Planning Commission on August 10, 2006.

A request to rezone a parcel one block north of this location from R10 to OL was approved by the Planning Commission on April 12, 2007 (2007Z-050U-14).

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

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached(210)	1.91	3.85	7	67	6	8

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	2.24	.8	78,059	1,103	154	167

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
General Office (710)	4.15	.75	135,580	1,687	240	231

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				517	80	56

Approved (8-0), *Consent Agenda*

Resolution No. RS2007-124

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-071G-14 is **APPROVED WITH REVISED PLAN. (8-0)**”

REVISIONS AND FINAL DEVELOPMENT PLANS

3. 90P-019U-13

Vale Ridge (Townhouses)
 Map 149-00, Part of Parcel 025
 Subarea 13 (2003)
 Council District 28 - Jason Alexander

A request to revise the preliminary plan and for final approval for a residential Planned Unit Development, located at Shiaway Drive (unnumbered), approximately 1,740 feet southwest of the intersection of Una-Antioch Pike and Murfreesboro Pike (10.27 acres), classified RM15, to permit the development of 48 multi-family units, requested by Gerald G. Bucy, applicant, for Fischer & Ford Group LLC, owner.

STAFF RECOMMENDATION: Disapprove unless Stormwater approves stormwater plans prior to the meeting. If stormwater plans are approved prior to the meeting, then staff recommends approval with conditions.

APPLICANT REQUEST -Revise Preliminary & Final PUD

A request to revise the preliminary plan and for final approval for a residential Planned Unit Development, located at Shiaway Drive (unnumbered), approximately 1,740 feet southwest of the intersection of Una-Antioch Pike and Murfreesboro Pike (10.27 acres), classified Multi-Family Residential (RM15), to permit the development of 48 multi-family units.

PLAN DETAILS

Site Plan - The plan calls for 48 town homes on approximately 5.46 acres with an overall density of 8.7 dwelling units per acre. All units front along a small private ring shaped road. All units will be accessed from a private drive that accesses onto Shiaway Drive.

Preliminary Plan - The original preliminary plan for this PUD was approved for 63,450 square feet of office and retail space by the Metro Planning Commission on October 15, 1990. In 2005, the PUD was amended to allow for 48 town homes.

The plan as submitted is generally consistent with the last approved preliminary PUD with the exception of some minor building shifts. A significant difference is the removal of the sidewalk along the outside perimeter of the private drive, the removal of the sidewalk from the development to Una Antioch Pike, and the removal of the access easement from the development to the detention just south of the PUD boundary. Staff does not recommend approval of the removal of these sidewalks or the access easement.

Staff Recommendation - Since Stormwater has not approved the plans as submitted, staff recommends that the request be disapproved. If plans are approved by Stormwater prior to the meeting, then staff recommends that the request be approved with conditions, including providing sidewalks as originally approved in the preliminary PUD plan.

PUBLIC WORKS RECOMMENDATION -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.

STORMWATER RECOMMENDATION - Proposed plan is not consistent with the approved stormwater plan. New plan and calculations must be submitted for review.

CONDITIONS

1. A sidewalk shall be shown along the outside perimeter of the private drive as approved with the preliminary PUD plan.
2. A sidewalk connection shall be required from the development to Una Antioch as approved with the preliminary PUD plan.
3. An access easement from the development to the detention area south of the PUD shall be required as approved with the preliminary PUD plan.
4. A sidewalk shall be required along the entire frontage of Una Antioch Pike. The applicant may also make a financial contribution to Metro in lieu of construction of the required sidewalk as stipulated in Section 3-8.3 of the Metro Subdivision Regulations.
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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. 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.
8. 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.
9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
10. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

11. 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 (8-0), *Consent Agenda*

Resolution No. RS2007-125

“BE IT RESOLVED by The Metropolitan Planning Commission that 90P-019U-13 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A sidewalk shall be shown along the outside perimeter of the private drive as approved with the preliminary PUD plan.
2. A sidewalk connection shall be required from the development to Una Antioch as approved with the preliminary PUD plan.
3. An access easement from the development to the detention area south of the PUD shall be required as approved with the preliminary PUD plan.
4. A sidewalk shall be required along the entire frontage of Una Antioch Pike. The applicant may also make a financial contribution to Metro in lieu of construction of the required sidewalk as stipulated in Section 3-8.3 of the Metro Subdivision Regulations.
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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. 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.
8. 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.
9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
10. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
11. 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.”

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

4. **2006SP-112G-12**
Carter Property
Map181-00, Part of Parcel of 052
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for final SP site plan approval for a portion of property located at 6419 Pettus Road, at the end of Autumn Crossing Way (28.89 acres), to permit the development of 69 single-family homes and 64 townhouse units, requested by LandDesign Inc., applicant for James and William Carter, owners.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - A request for final SP site plan approval for a portion of property located at 6419 Pettus Road, at the end of Autumn Crossing Way (28.89 acres), to permit the development of 69 single-family homes and 64 townhouse units.

PLAN DETAILS -The plan proposes 69 single-family lots from an existing stub street in the adjacent Autumn Oaks subdivision (Autumn Crossing Way). Sixty-four multi-family units are proposed off an existing driveway approved in the Hills of Concord Place development.

A minor modification has been proposed that slightly reconfigures internal lots, increases connectivity, and makes for a larger centrally located active open space.

Although an SP, the plan is consistent with the cluster lot provisions of the Zoning Code for the single-family portion. These lots are consistent with the RS15 zoning district and are clustered down two base zoning districts. The lots range in size from 6,365 square feet to 13,308 square feet. There is 23.83% open space provided, which exceeds the typical open space requirement of 15%. Useable open space is also centrally located within the subdivision.

Landscape buffer yards are proposed around the perimeter of the site and between the single-family and multi-family units. The existing trees will be used for the landscape buffer yard requirement. Additional trees will be planted along internal streets.

Design Standards - There were conditions from the Council Bill that approved the SP. These conditions are being carried through on this final SP site plan:

1. All buildings shall have a finished floor elevation at a minimum of 1.5 ft. from the top of curb measured at the mid point of the lot.
2. Building walls shall be finished in brick, stone, fiber cement siding, shingles, stucco, or vinyl siding.
3. Brick shall be used on 100% of the front façade of the buildings, excluding non-structural architectural features such as dormers, porch gables, etc.
4. Building walls at all side elevations shall be brick on the first floor.
5. Homes built on transition lots, as identified on the site plan, shall have 100% brick fronts excluding non-structural architectural features such as dormers, porch gables, etc. Building walls at all side elevations that are greater than one story shall have brick to the top of the second floor excluding gables.

Infrastructure Deficiency Area -This property is located within an infrastructure deficiency area for transportation established by the Planning Commission in the Southeast Community Plan. Therefore, staff recommends approval with the condition that the infrastructure deficiency area requirements be applied at this stage. Metro Public Works has determined that the required IDA improvements to be constructed on Pettus Road.

A portion of this property is located within the Residential Low Medium (RLM) policy and would require 13 linear feet per acre of roadway improvements. A portion is also within the Residential Medium (RM) policy, which would require 27 linear feet per acre of roadway improvements. There is approximately 24.30 acres within RLM policy and approximately 4.69 acres in RM policy. A total of 443 linear feet of roadway improvements is required and must be bonded or completed with the final plat.

Staff Recommendation -Staff recommends approval with conditions.

FIRE MARSHAL ECOMMENDATION - Approve.

STORMWATER RECOMMENDATION

1. Provide NPDES NOC letter and include a note on the plan set indicating the permit number the site is covered under.
2. Provide Long Term Maintenance Plan, Operations Inspections, and Maintenance Agreement with appropriate recording fees. (Use new agreement from MWS's website.)
3. Indicate easement on plans for WQ units, ponds, and any public water flowing across private property.
4. Sheet C-2.0 references Erosion control details on Sheet 2.3 when they are actually on Sheet 2.2. Please revise.
5. Indicate minimum width of construction entrance as 20 feet on the detail.
6. Indicate temporary pipe information underneath the temporary construction entrance/exit shown on Erosion Control Sheet (size, type, inverts).
7. Provide outlet protection for all headwalls into and out of detention ponds.
8. Place advanced slope protection on all slopes 3:1 and greater. Indicate location of such slopes on plans and design advanced erosion control measures for these slopes. Include detail for such measures.
9. Indicate sinkhole clearly on plans. Place erosion control measures around sinkhole. Since entire north part of site now drains into sinkhole, provide TDEC permit to use sinkhole to receive drainage and provide outlet from sinkhole to safely discharge flows if sinkhole becomes clogged.
10. Provide construction schedule dates.
11. Provide "Tc" used for each area which was used for intensity development.
12. "Rainfall Intensity" and "Design Storm" lines in drainage tables on Sheets C-4.6 and C-4.7 need to be modified to include correct values.
13. Provide Hydraulic grade line information for all pipes to compare with Top of Casting elevations.
14. Provide spread calculations for roadway inlet designs.
15. Specify in table that "RCP" pipe to be used within ROW and that 18" is minimum when crossing roads. Modify table to include what type of pipe is to be used throughout development. Plastic should be avoided in ROW.
16. Provide an existing conditions drainage area map with delineated drainage basins supporting the routing calculations.
17. Provide emergency spillway for ponds and include in modeling. Be sure to have minimum of 1' of freeboard of pond banks above 100-Year max WSEL.
18. Provide a detail showing what type of baffling will be used in the North pond to prevent short circuiting of water quality treatment as indicated in the Temporary Sediment Basin Notes on Sheet C-2.3.
19. South pond has incorrect outlet pipe information in model. Length of pipe needs to be revised.
20. The detail for the South pond shows a 4" pipe at elevation 604.00' but the routing calculations use a 3" pipe. Please revise.
21. Pre-developed South Model should only include area draining to pond in pre-developed condition. It should be the post-conditions model from Hills @ Concord Place (13.44 acres). In pre-conditions, South basin does not drain to pond and should not be included. Note 2 on C4.4 say that pond outflow will not exceed current pond outflow.
22. Water quality calculations are incorrect. They are based on the old regulations. New calculations should be used to correctly size WQ volume as shown in PTP-06 of the revised Volume 4 manual.
23. Some of the area of development appears to drain away from the site without treatment. Quantify what receives treatment and what receives no treatment. South drainage basin map indicates area along eastern boundary drains to pond when it actually flows to the east away from the development.
24. Provide calculations determining the 2 year and 10 year flows for the WQ units. Include details of WQ units in plans showing the 3-month flow, 2-year flow, 10-year flow, and capacity of the units.
25. Provide information on next 2 downstream structures, including size, inverts, capacity, and actual flow.
26. Provide note on plans on what FEMA Community Map, Panel Number, and date in which site is located. Provide what zone site can be found (A, AE, X, etc)
27. Provide approval from TVA for work within easement.
28. The South detention pond is not on the property of the site. Provide approval from property owner to modify existing detention pond to accommodate new development.
29. Provide a geotechnical evaluation stating the North pond is stable with 2:1 side slopes per Steve Mishu's sufficiency review comments.

PUBLIC WORKS ECOMMENDATION

- 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.
- Required IDA improvements to be constructed on Pettus Road. Construct two (2) each - twelve (12) foot travel lanes with four (4) foot shoulders on each side. IDA improvements to begin at the intersection of Nolensville Pike and Pettus Road, meeting the linear footage as stipulated by the Planning staff (BL2006-1286).
- With the submittal of construction plans, evaluate intersection alignment and sight distance. The improvements are to be included and approved as a part of the final construction plans.

CONDITIONS

1. A total of 443 linear feet of roadway improvements on Pettus Road is required for the infrastructure deficiency policy. The requirements must be bonded or completed prior to the recording of the final plat.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district for the single family portion and RM9 district for the multi-family portion, which must be shown on the plan.
3. 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.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
6. 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.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
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 five (5) 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 (8-0), *Consent Agenda*

Resolution No. RS2007-126

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-112G-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A total of 443 linear feet of roadway improvements on Pettus Road is required for the infrastructure deficiency policy. The requirements must be bonded or completed prior to the recording of the final plat.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district for the single family portion and RM9 district for the multi-family portion, which must be shown on the plan.
3. 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.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
6. 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.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
8. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
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 five (5) 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."

5. 2007Z-054U-10

White Oak Drive and Compton Road
Map 104-14, Various Parcels
Map 117-02, Various Parcels
Map 117-03, Various Parcels
Map 117-07, Various Parcels
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to rezone various properties from R10 to RS10 along Compton Road, Woodlawn Drive, Sharondale Drive, Marlin Avenue, and White Oak Drive (22.61 acres), requested by Councilmember Jim Shulman.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to rezone various properties from One and Two-Family Residential (R10) to Single-Family Residential (RS10) along Compton Road, Woodlawn Drive, Sharondale Drive, Marlin Avenue, and

White Oak Drive (22.61 acres).

Existing Zoning

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

Proposed Zoning

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.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? -Yes. The request to downzone the property from R10 to RS10 is consistent with the RLM policy.

Application Fee-There are 58 properties in this request, and the total fee would be \$1,730. If each property owner was to file a Zone Change application individually, the total fee would be \$69,600.

Staff Recommendation -Staff recommends approval of the zone change request because it is consistent with policy. Residential Low Medium policy is applied to areas that are predominantly single family residential. The RS10 is intended for single family dwelling and would be appropriate at this location. Existing duplexes will be permitted to remain as legal non-conforming uses under Section 17.40.650 E. of the Zoning Code.

RECENT REZONINGS - A request to rezone various properties (R8 to RS7.5) north of this location is on this agenda as case 2007Z-058U-10.

PUBLIC WORKS RECOMMENDATION -No exception taken.

METRO SCHOOL BOARD REPORT

Projected student generation- As this request to change to single family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

Ms. Nedra Jones presented and stated that staff is recommending approval.

Mr. Randy Miles 2909 Woodlawn Drive, spoke in opposition to the proposed zone change.

Dr. Emma Flowers, 2907 Woodlawn Drive, spoke in opposition to the proposed zone change.

Mr. Andrew Adams, 2817 White Oak Drive, spoke in opposition to the proposed zone change.

Ms. Delilah Cohn, 2913 Compton Road, spoke in favor of the proposed zone change.

Mr. David Estrin, 2805 White Oak Drive, spoke in favor of the proposed zone change.

Mr. Tyler requested additional information regarding the current zoning for the surrounding parcels.

Ms. Nedra Jones briefly explained the zoning history for this area.

Ms. Cummings requested clarification on the rebuilding requirements for RS zoning.

Ms. Nedra Jones stated there was a one-year limit placed on the rebuilding of duplexes in RS zoning. If the building was not rebuilt within a year, the owners would have to comply with RS10 zoning which requires single-family homes.

Mr. Clifton requested additional clarification on the zoning of surrounding parcels, as well as to when, if any, changes were made to these parcels.

Mr. Kleinfelter explained the current zoning, as well as any recent changes that took place on the surrounding parcels.

Mr. Clifton questioned whether Councilmember Shulman would exempt those property owners who did not want their parcel rezoned to RS10.

Mr. Bernhardt stated he had not heard whether he would allow exemptions.

Mr. McLean expressed issues with the time allowed for property owners to rebuild. He stated the one year limit was an undue burden to owners. He stated he was only in favor of approving this request, if property owners were granted the right to "opt out" of the rezoning. He suggested the Commission adopt a policy regarding these mass rezonings.

Mr. Bernhardt briefly explained the recommendation made by staff in relation to policy. He also spoke on the issue of addressing diversified housing in these types of neighborhoods.

Ms. Nielson questioned if there were size limits placed on duplexes.

Mr. Kleinfelter explained the size limits to the Commission.

Ms. Tonya Jones acknowledged the sensitivity of the constituents. She was in favor of placing a provision on the request to allow home owners to "opt out" if they requested to do so.

Mr. Loring spoke in favor of the request only if there was a provision in place to allow the residents to "opt out" if they wished to do so. He also suggested that the time provision for rebuilding in RS zoning be moved to three years as opposed to one year.

Ms. Tonya Jones moved and Mr. McLean seconded the motion to disapprove this request.

Mr. Ponder questioned staff on whether the Commission could recommend changing the time provisions placed on rebuilding duplexes in RS zoning.

Mr. Bernhardt explained that an amendment would have to be made to the Zoning Ordinance.

Mr. Clifton clarified that the Commission would have to amend the zoning code in order to change the length of time for rebuilding in RS zoning and stated that it could not be accomplished through this recommendation.

Mr. Clifton requested additional information on the special techniques that could be used to accomplish the same end result, as a mass rezoning.

Mr. Bernhardt explained these concepts to the Commission.

Mr. Clifton questioned whether the rezoning could be deferred one meeting to allow additional time for the Commission to hear from the Councilmember.

Mr. Bernhardt explained that the Public Hearing for this item was scheduled for May 1, 2007.

Mr. Kleinfelter further explained the issues that could be associated with the bill if the Commission were to defer.

Mr. Clifton then suggested that the Commission recommend that Council re-refer this bill back to the Commission.

Mr. McLean requested that the originator of the motion, change it to say, that the bill would be recommended for approval only if there was a provision included that would allow those who wished to "opt out" of the rezoning be granted that right.

Ms. Jones briefly explained the reasons for not changing her motion.

Ms. Jones moved and Mr. McLean seconded the motion, which passed unanimously to disapprove Zone Change 2007Z-054U-10. **(8-0)**

Resolution No. RS2007-127

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-054U-10 is **DISAPPROVED. (8-0)**

While the proposed RS10 zoning district is consistent with the Green Hill Community Plan’s Residential Low Medium policy, which is for residential development with a density of between 2 and 4 units per acre the request would limit the availability of diverse housing within an urban neighborhood.”

6. **2007SP-057G-12**
Christiansted Park
Map 172-00, Parcel 032
Subarea 12 (2004)
Council District 31 - Parker Toler

A request to change from AR2a to SP zoning property located at 5940 Mt. Pisgah Road, approximately 800 feet east of Edmondson Pike (10.2 acres), to permit the development of 30 single-family lots, requested by Anderson Delk Epps and Associates, applicant, for Charles White, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - A request to change from Agricultural/Residential (AR2a) to Specific Plan (SP) zoning property located at 5940 Mt. Pisgah Road, approximately 800 east of Edmondson Pike (10.2 acres), to permit the development of 30 single-family lots.

Existing Zoning

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

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 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

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? -Yes. The requested rezoning is for a single-family dwelling unit development at a density of 2.94 units per acre.

PLAN DETAILS

Site Plan- The plan calls for 30 single-family lots with a minimum lot size of 4,400 square feet. The building materials will be brick, stone and Hardie siding with aluminum trim and gutters and asphalt shingles. Lots 1 and 30 will have the side of the houses facing onto Mt. Pisgah Road. The applicant has proposed that each of these lots will have a house with wraparound porches with one side to Mt Pisgah Road. The applicant will need to provide drawings of the architectural features they are proposing.

Access-The applicant has proposed a system of private streets and alleys with one outlet onto Mt. Pisgah Road. The property to the west of this site is undeveloped. As a condition of approval, this street must be a public street with a stub to the west allowing for a future connection. Sidewalks are required on both sides of the new streets.

Parking-Each lot will have two parking spaces. Access to the parking will be via a rear alley.

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

The site for the Christiansted Park SP has been determined to be in the IDA. The applicant will be required to provide 132.6 linear feet of roadway improvements within the IDA.

Staff Recommendation -Staff recommends approval with conditions.

RECENT REZONINGS - Property located at 5961 and 5975 Mt. Pisgah Road were approved for RS15 by the Metro Council on July 20, 2004.

Property located at 6125 was passed by the Metro Council on January 18, 2005, for RS10.

Property located at 6140 Mt. Pisgah Road was passed by the Metro Council on January 18, 2005, for RS10.

URBAN FORESTER RECOMMENDATIONS - Identify the tree species and sizes.

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.
- Show professional seal.
- Construct roadway section per ST-252 from centerline to property boundary along Mt. Pisgah Road property frontage.
- Prior to the preparation of construction plans, document adequate sight distance at project access. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards
- Include a section in the master deed that documents association’s obligation for solid waste collection and disposal.

Maximum 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)	10.5	1 du/2 acres	5	48	4	6

Maximum 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)	10.2	n/a	30	288	23	31

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
--				240	19	25

FIRE MARSHAL RECOMMENDATIONS

- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B
- Fire hydrants shall flow a minimum of 1,000 GPM’s at 20 psi residual flow at the most remote hydrant.
- Fire Hydrants shall be in-service and tested before any combustible material is brought on site.

METRO SCHOOL BOARD REPORT

Projected student generation 3 Elementary 3 Middle 3 High

Schools Over/Under Capacity -Students would attend Granbery Elementary School, Oliver Middle School, or Overton High School. Oliver Middle School and Overton High School have been identified as being over capacity by the Metro School Board. Another middle school in the cluster and a high school in a neighboring cluster have capacity. This information is based upon data from the school board last updated August 2006.

CONDITIONS

1. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance in the review of the final site plan, final plat, and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations, and requirements of the RS3.75 zoning district for the Residential District at the effective date of this ordinance, which must be shown on the plan.
3. 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.
4. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity,

add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.
8. Prior to recording of the final plat, the IDA requirements must be completed or bonded.
9. Construct roadway section per ST-252 from centerline to property boundary along Mt. Pisgah Road property frontage.
10. Provide a public street, stubbed to the property line, in order to permit a future connection to the west. Include sidewalks on both sides of the proposed streets.
11. NES comments must be addressed prior to final SP site plan approval.
12. Provide side elevations for the single-family dwelling units proposed for lots 1 and 30, including specific architectural features (such as a door, side or front porch, and or dormers) that address Mt. Pisgah Road.
13. Provide a list of tree species and sizes as required by the Urban Forester.

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

Ms. Mary Moewe, 5508 Brookshire Drive, expressed issues with this request.

Ms. Kim Fredrickson, 5637 Cedar Rock Drive, expressed issues with this request.

Mr. Mike Anderson, Anderson Delk Associates, spoke in favor of the proposed zone change.

Mr. David McGowan, 5647 Granny White Pike, spoke in favor of the proposed zone change.

A resident of Christiansted expressed issues with the proposed zone change.

Mr. Tyler requested additional information regarding the infrastructure deficiency area and how it will be addressed in relation to this proposal.

Mr. Jonathan Honeycutt, Public Works, explained the process that would be followed to address the infrastructure deficiency area as it pertains to this proposal.

Ms. Cummings questioned whether the ingress/egress onto Mt. Pisgah would have sight limitations.

The Commission mentioned that the request was just a zone change and did not address ingress/egress issues at this time.

Mr. Clifton spoke on the issue of new subdivisions only requiring major road improvements directly in front of the development.

Mr. McLean moved and Ms. Cummings seconded the motion, which passed unanimously to approve Zone Change 2007SP-057G-12. **(8-0)**

Resolution No. RS2007-128

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-057G-12 is **APPROVED WITH CONDITIONS (8-0), including that the elevations submitted by the applicant shall be the building types**

developed for this SP, and construction techniques shall be employed to preserve the trees along the east, north, and west property lines to the greatest extent possible.

The proposed SP district is consistent with Southeast Community Plan’s Residential Low Medium policy, which is for residential development with a density of between 2 and 4 units per acre.”

7. **2007Z-058U-10**
Hillsboro-West End
Map 104-06, Various Parcels
Map 104-07, Various Parcels
Map 104-09, Various Parcels
Subarea 10 (2005)
Council District 18 - Ginger Hausser Pepper
Council District 25 - Jim Shulman

A request to rezone various properties from R8 to RS7.5 along 26th Avenue South, 25th Avenue South, Bernard Avenue, 24th Avenue South, Blair Boulevard, Westmoreland Drive, 30th Avenue South, 29th Avenue South, West Linden Avenue, Ashwood Avenue, Sunset Place, Westwood Avenue, Woodlawn Drive, 27th Avenue South, Natchez Trace, Belcourt Avenue, Acklen Avenue, Fairfax Avenue, Chesterfield Avenue, Marlborough Avenue, 33rd Avenue South, 32nd Avenue South, Overlook Drive, Hillside Drive, Barton Avenue and Essex Place (282.76 acres), requested by Councilmember’s Ginger Hausser-Pepper and Jim Shulman.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request to rezone various properties from One and Two-Family Residential (R8) to Single-Family Residential (RS7.5) along 26th Avenue South, 25th Avenue South, Bernard Avenue, 24th Avenue South, Blair Boulevard, Westmoreland Drive, 30th Avenue South, 29th Avenue South, West Linden Avenue, Ashwood Avenue, Sunset Place, Westwood Avenue, Woodlawn Drive, 27th Avenue South, Natchez Trace, Belcourt Avenue, Acklen Avenue, Fairfax Avenue, Chesterfield Avenue, Marlborough Avenue, 33rd Avenue South, 32nd Avenue South, Overlook Drive, Hillside Drive, Barton Avenue and Essex Place (282.76 acres).

Existing Zoning

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

Proposed Zoning

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY

Open Space (OS) - OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities. The OS designation indicates that recreational activity has been secured for an open space use.

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

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.

Consistent with Policy? Yes. There is no significant change in density.

Application Fee - There are 1171 properties in this request, and the total fee would be \$4,455. If each property owner was to file a Zone Change application individually, the total fee would be \$1,405,200.

Staff Recommendation -Staff recommends approval because the request is consistent with the applicable land use policies in this area. Existing duplexes will be permitted to remain as legal non-conforming uses under Section 17.40.650 E. of the Zoning Code.

RECENT REZONINGS - A request to rezone various properties (R10 to RS10) south of this location is on this agenda as case 2007Z-054U-10.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken.

METRO SCHOOL BOARD REPORT

Projected student generation - As this request to change to single family districts represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

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

Ms. Mary ONiel, 2103 Natchez Trace, spoke in opposition to the proposed zone change.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in opposition to the proposed zone change. He submitted information the Commission for the record.

Mr. Ray Friedman, 2510 Barton Avenue, spoke in favor of the proposed zone change.

Mr. Robert Caldwell, 102 Hampton Place, spoke in opposition to the proposed zone change.

Mr. Jeremy Conlan, 2916 Essex Place, spoke in opposition to the proposed zone change.

Mr. Tom Cash, 3401 Acklen Avenue, spoke in favor of the proposed zone change.

Ms. Elizabeth Gilbreath, 2601 Barton Avenue, spoke in favor of the proposed zone change.

Mr. Tom Grooms, 2605 Barton Avenue, spoke in favor of the proposed zone change.

Mr. John TeSelle, 405 Fairfax Avenue, spoke in favor of the proposed zone change.

Ms. JoAnn Doster, 2802 Westwood Avenue, spoke in favor of the proposed zone change.

Councilmember Hausser Pepper spoke in favor of the proposed zone change. She spoke of issues associated with duplexes as well as affordable housing and how her district has been affected by each. She spoke of the positive growth and how the community will benefit from the RS zoning. She requested is approval.

Mr. Dennis Corrieri, 2121 Ashwood, spoke in opposition to the proposal.

Mr. Loring stated he was only in favor of approving if the constituents were allowed to “opt out” and he also suggested including a text change which would address the length of time allotted for rebuilding a structure in RS zoning – from one year to three years.

Ms. Jones requested clarification on tear downs located in a historic overlay.

Mr. Bernhardt explained there were provisions for tear downs located within a historic overlay.

Ms. Jones spoke of the uniqueness of this area and of the economics that sometimes drive changes. Ms. Jones spoke of the alternative solutions which would ultimately accomplish diversity in housing, conducive to this district.

Ms. Nielson spoke of the balance of this particular neighborhood and that she would like to see it maintained. She

mentioned that the alternative solutions mentioned prior to this case may not assist in the goals for this area.

Mr. McLean was not in favor of approving the zone change if residents were not given the opportunity to opt out. He also stated that the provision regarding rebuilding in RS zoning should be increased to at least three years.

Mr. Clifton briefly spoke of the history of this district and its current make up of urban housing. He requested clarification from staff on the types of housing located in this area.

Ms. Logan explained this information to the Commission.

Mr. Clifton requested additional clarification on detailed neighborhood design plans and moratoriums and whether they could be utilized to accomplish the same results as RS zoning.

Mr. Bernhardt explained this information to the Commission.

Mr. Clifton summarized his views on this request. He spoke of detailed neighborhood design plans; the percentage of current duplexes in the district; alternative solutions, strong neighborhood association support; and conservation overlays.

Ms. Cummings requested clarification on the duplex regulation.

Mr. Bernhardt explained this to the Commission.

Mr. Tyler acknowledged the concerns mentioned by Councilmember Hausser Pepper. He agreed with her intentions to preserve the area.

Mr. Clifton requested the Commission's views on "opting out" in relation to this proposal.

Mr. Bernhardt explained the staff's views of those wishing to opt out of a rezoning.

Mr. Clifton then asked Mr. Morrissey if it was legal for residents to opt out of a rezoning.

Mr. Morrissey offered his advice on the provisions for opting out of a rezoning.

Ms. Jones agreed with the rights of individual homeowners, however, she stated that opting out would not provide the requested end result.

Mr. McLean requested that Councilmember Hausser Pepper be given additional time to address the Commission. The Commission agreed to this request.

Councilmember Hausser Pepper addressed the alternative solution ideas that were discussed by the Commission. She reiterated the importance of approving the request as it would maintain and preserve her district.

Mr. Loring spoke on the issue of tear downs that result in monster homes. He also reiterated the Commission suggest changing the text that would allow the rebuilding period in RS zoning be lengthened to three years as opposed to one year.

Mr. Clifton moved and Ms. Nielson seconded the motion, to approve Zone Change 2007Z-058U-10. **(6-2) No Votes – Loring, Jones**

Resolution No. RS2007-129

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-058U-10 is **APPROVED. (6-2)**

The proposed RS7.5 district is consistent with all the Green Hills/Midtown Community Plan's policies which include Open Space, Residential Low Medium, Residential Medium, and Neighborhood General policies. Each policy calls for residential development with the exception of the open space policy."

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- 8. 2007Z-059U-10**
Belmont-Hillsboro Conservation Overlay
Map 104-16, Various Parcels
Map 117-04, Various Parcels
Map 118-01, Various Parcels
Subarea 10 (2005)
Council District 18 - Ginger Hausser Pepper

A request to amend the adopted Belmont-Hillsboro Neighborhood Conservation Overlay to include various properties located along Ashwood Avenue, Wildwood Avenue, Brightwood Avenue, Dallas Avenue, Paris Avenue, Cedar Lane, and Clayton Avenue, requested by Councilmember Ginger Hausser, applicant, for various owners.

STAFF RECOMMENDATION: Approve, subject to approval of the proposed overlay by the Metro Historic Zoning Commission prior to the Planning Commission meeting.

APPLICANT REQUEST - A request to amend the adopted Belmont-Hillsboro Neighborhood Conservation Overlay to include various properties located along Ashwood Avenue, Wildwood Avenue, Brightwood Avenue, Dallas Avenue, Paris Avenue, Cedar Lane, and Clayton Avenue.

Existing Zoning

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

PROPOSED OVERLAY DISTRICT - Section 17.36.120 of the Metro Zoning Ordinance recognizes Neighborhood Conservation Districts, along with Historic Preservation Districts and Historic Landmarks, as *Historic districts*. These are defined as geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development, and that meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

Portions of the Belmont-Hillsboro neighborhood are currently within a previously adopted Neighborhood Conservation Zoning Overlay District and part of the neighborhood is listed on the National Register of Historic Places. The Metro Historic Zoning Commission will review any new construction including additions, demolitions, or relocation of structures.

GREEN HILLS/MIDTOWN 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.

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

Additionally, the Green Hills/Midtown Community Plan identifies Historically Significant Sites and Areas. The Belmont-Hillsboro Conservation Overlay is listed as historically significant.

Consistent with Policy? -Yes. The proposed Belmont-Hillsboro Neighborhood Conservation Overlay does not change the base zoning. Further, the proposed overlay will serve to preserve the distinctive character of the Belmont-Hillsboro Neighborhood.

Metro Historic Zoning Commission Recommendation -On April 23, 2007 the Metro Historic Zoning Commission approved the proposed expansion of the Belmont-Hillsboro Neighborhood Conservation Zoning District as being a historically significant geographic area as per the criteria of Metro Code 17.36.120. The majority of the proposed properties are located within the Belmont-Hillsboro National Register District. Additionally, the commission approved design guidelines for the proposed expansion area.

Application Fee- There are 195 properties in this request, and the total fee would be \$5,958. If each property owner was to file a Zone Change application individually, the total fee would be \$312,000.

Staff Recommendation -Staff recommends approval because the request is consistent with the applicable land use policies and the intent of Section 17.36.120.

RECENT REZONINGS -None.

PUBLIC WORKS RECOMMENDATION -No Exceptions Taken.

METRO SCHOOL BOARD REPORT

Projected student generation - As this request to apply a historic preservation overlay does not change the underlying zone district, the number of expected students to be generated is zero.

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

Ms. Karen Stephenson, 1508 Dallas Avenue, spoke in favor of the proposed zone change.

Ms. Lisa Meister, 1511 Paris Avenue, spoke in favor of the proposed zone change.

Ms. Sandra Shelton, 1830 Wildwood Avenue, spoke in favor of the proposed zone change.

Mr. Glen Swann, 1302 Clayton Avenue, spoke in favor of the proposed zone change

Mr. Will Welborn, 1826 Wildwood Avenue, spoke in favor of the proposed zone change.

Ms. Susan Tyler, 1504 Cedar Lane, spoke in favor of the proposed zone change.

Mr. Gary Binham, 1704 Sweetbriar Avenue, spoke in favor of the proposed zone change.

Ms. Athene Fearheiley, 1912 Ashwood Avenue, spoke in favor of the proposed zone change.

Ms. Ann Brawn, 521 Fairfax Avenue, spoke in favor of the proposed zone change.

Mr. Eugene TeSelle, 1925 19th Avenue South, spoke in favor of the proposed zone change.

Mr. Manuel Zeitlin, 1919 Linden Avenue, spoke in favor of the proposed zone change.

Mr. Aubrey Harwell, Jr., 150 Fourth Avenue, North, spoke in opposition to the proposed zone change.

Mr. Eric Scott, 2008 Beachwood Avenue, spoke in favor of the proposed zone change

Mr. Joseph Johnston, 2815 Belmont Blvd., spoke in opposition to the proposed zone change. He submitted information to the Commission for the record.

Councilmember Hausser Pepper spoke in favor of the proposed zone change. She mentioned the community support and briefly explained their requests to extend the overlay.

Ms. Cummings requested clarification on two parcels that were exempted from the rezoning.

Ms. Logan explained this to the Commission.

Mr. Loring stated he was in favor of allowing constituents to opt out of the rezoning.

Ms. Nielson spoke of the community involvement in requesting the overlay. She stated it will protect the neighborhood and was in favor of approving.

Mr. Clifton requested additional clarification on a particular resident affected by the overlay. He then mentioned that the overlay would assist in the feel of the community, as well as with the building and aesthetics of the community.

Ms. Nielson moved and Mr. McLean seconded the motion, which passed to approve Zone Change 2007Z-059U-10. (7-1) No Vote - Loring

Resolution No. RS2007-130

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-059U-10 is **APPROVED. (7-1).**

The proposed overlay does not change the base zone and will help preserve the distinctive character of the Belmont-Hillsboro Neighborhood.”

The Commission recessed at 6:30 p.m.

The Commission resumed at 6:40 p.m.

- 9. 2007Z-060U-05**
Expansion of The Urban Zoning Overlay Boundary
Map 072-07, Various Parcels
Map 072-10, Various Parcels
Map 072-11, Various Parcels
Map 072-14, Various Parcels
Map 072-15, Various Parcels
Map 083-03, Various Parcels
Subarea 5 (2006)
Council District 7 - Erik Cole

A request to expand the Urban Zoning Overlay District to various properties located on Riverside Drive, Rosebank Avenue, Greenwood Avenue, Essex Avenue, McGavock Pike, Creighton Avenue, Oakhurst Drive, McKennell Drive, Carter Avenue, Porter Road, Shinkle Avenue, Dorchester Avenue, Evelyn Avenue, Litton Avenue, Piedmont Avenue, Marden Avenue, and Hanover Road (108.99 acres), classified CN, CL, CS, OR20, MUL, R10 and RS10, requested by Councilmember Eric Cole.

STAFF RECOMMENDATION: Approve.

Mr. Kleinfelter announced that Councilmember Cole has requested that this zone change be deferred to June 14, 2007.

Mr. Loring moved and Mr. Clifton seconded the motion, which passed unanimously, to defer Zone Change 2007Z-060U-05 to June 14, 2007 as requested by the applicant. **(8-0)**

The Metropolitan Planning Commission DEFERRED Zone Change 2007Z-060U-05 to June 14, 2007, at the request of the applicant. (8-0)

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10. **2007Z-062U-05**
Map 072-07, Parcels 294, 295, 296
Subarea 5 (2006)
Council District 7 - Erik Cole

A request to change from RS10 to MUN zoning properties located at 2213 and 2215 Riverside Drive and Riverside Drive (unnumbered), approximately 200 feet south of McGavock Pike (0.54 acres), requested by Dan Heller and Dog Park Investments LLC, owners.

STAFF RECOMMENDATION: Disapprove.

The Metropolitan Planning Commission DEFERRED Zone Change 2007Z-062U-05 to July 26, 2007, at the request of the applicant. (8-0)

11. **2007SP-063U-10**
New Natchez Trace
Map 117-02, Parcels 060, 061
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to change from R10 to SP zoning properties located at 3017A and 3019A New Natchez Trace, approximately 290 feet north of Sterling Road (0.68 acres), requested by New Natchez Trace Partners One and New Natchez Trace Partners Two, owners.

STAFF RECOMMENDATION: Disapprove.

APPLICANT REQUEST - A request to change from One and Two-Family Residential (R10) to Specific Plan (SP) zoning to allow three single-family lots for properties located at 3017A and 3019A New Natchez Trace, approximately 290 feet north of Sterling Road (0.68 acres).

Existing Zoning

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

Proposed Zoning

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.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? -No. The proposed density of 4.34 dwelling units per acre exceeds the maximum dwelling units per acre under the RLM policy. RLM policy areas are intended for residential development at two to four dwelling units per acre.

PLAN DETAILS -The applicant has submitted a site plan in the form of a preliminary plat that proposes subdividing two lots into three, with each lot limited to construction of a single family home. The plan, however, does not provide detail relative to the height and scale of each unit, nor does it address the compatibility of the proposed units with the neighboring properties. Each lot is proposed to have an area of 10,132 square feet and 53 feet of linear frontage.

Lot Comparability- As noted above, the SP district does not relieve the applicant of the requirement of complying with the Metro Subdivision Regulations. Section 3-5 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 analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street	Requirements	
	Minimum lot size (sq. ft.)	Minimum lot frontage (linear ft.)
New Natchez Trace	11,543.4	77

As proposed, the three new lots have the following areas and street frontages:

- Lot 1: 10,132.70 Sq. Ft. with 53.33 ft. of frontage
- Lot 2: 10,132.70 Sq. Ft. with 53.33 ft. of frontage
- Lot 3: 10,132.70 Sq. Ft. with 53.33 ft. of frontage

Lot Comparability Exception - A lot comparability exception can be granted if the lot does not meet the minimum requirements of the lot comparability analysis (i.e., smaller in lot frontage and/or size) if the new lots are consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots meet none of the qualifying criteria to be granted an exception to lot comparability.

Staff Recommendation -Staff recommends disapproval of the zone change request because it is inconsistent with the community plan land use policy and the submitted plan is insufficient for review. The applicant’s proposal of single family homes on each lot is appropriate in the Residential Low Medium policy area, but the proposed density of 4.34 units per acre exceeds the maximum recommended density of four dwelling units per acre. In addition, the lots, when platted would fail to meet the lot comparability standards of the subdivision regulations and would be inconsistent with the pattern of surrounding lots in the neighborhood.

PUBLIC WORKS RECOMMENDATION -Traffic Study may be required at the time of development.

Maximum Uses in Existing Zoning District: R10

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached (210)	0.68	3.71	2	20	2	3

Maximum 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)	0.68	4.94	3	29	3	4

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				9	1	1

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Julia Green Elementary School, Moore Middle School, and Hillsboro High School. All three schools are identified as overcrowded by the Metro School Board. While the schools are overcrowded, the projections show that no additional students would be generated by this zone change request.

CONDITIONS

1. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS10 zoning district effective at the date of the building permit. This zoning district must be shown on the plan.
2. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans, final plats, and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
3. 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.
4. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
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. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council, that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

Ms. Nedra Jones presented and stated that staff is recommending disapproval.

Mr. Mike Zinser, 3025 New Natchez Trace, expressed issues with the proposed zone change.

Mr. Bill Sherman, 2407 Sterling Road, spoke in favor of disapproving the requested zone change.

Mr. David Slierman, 3015 New Natchez Trace, spoke in favor of disapproving the proposed zone change.

Mr. Adam Epstein, 3704 Hobbs Road, spoke in favor approving the proposed zone change.

Mr. McLean left the meeting at 6:50 p.m.

Mr. Nielson requested clarification on the staff's recommendation on this zone change request.

Ms. Nedra Jones stated that the plans were limited regarding heights, scales and elevations.

Ms. Nielson requested whether a deferral was an option to allow additional time for this request.

Mr. Kleinfelter explained the reason a deferral was not an option.

Ms. Cummings acknowledged that the proposal did not meet lot comparability and questioned whether a waiver could be considered.

Mr. Kleinfelter stated that there were no exceptions included in the proposal that would allow a waiver.

Ms. Tonya Jones acknowledged the concerns mentioned by the community members as well as the intentions of the developer. She offered that the Commission be aware of the ultimate goal of all involved.

Ms. Nielson mentioned the possible precedent that could possibly be set, if approved.

Mr. Clifton spoke on the issue of the developer not providing enough information for the SP zoning. Mr. Clifton questioned whether the developer was still present at the meeting.

Ms. Nedra Jones stated he had already left the meeting.

Mr. Kleinfelter offered that staff had additional conversations with the developer and he was aware of the suggested disapproval. He further stated that the developer had already worked out most of the issues with the neighborhood, as well as the Councilmember, and that even with staff's recommendation to disapprove, it could be approved at the Council level.

Mr. Clifton stated that it was not right for the Planning Commission to approve with waivers, if the waivers were not justifiable or present to do so.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously, to disapprove Zone Change 2007SP-063U-10. **(7-0)**

Resolution No. RS2007-131

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-063U-10 is **DISAPPROVED. (7-0)**

The proposed SP to have three single-family lots exceeds the density called for in the Green Hills/Midtown Community Plan's Residential Low Medium policy, which is for residential development with a density of between 2 and 4 units per acre.”

12. **2007SP-064U-14**
Price's Collision Center
Map 096-01, Parcel 010
Subarea 14 (2004)
Council District 15 - J. B. Loring

A request to change the zoning from CS to SP on property located at 2730 Lebanon Pike, approximately 260 feet west of Old Lebanon Pike, to permit an "automobile repair" use and all other uses permitted by the CS zoning district and for final SP approval of same (1.49 acres), requested by Johnny Harwell of Harwell Motor Company Inc., owner.

STAFF RECOMMENDATION: Approve Preliminary Specific Plan with Conditions, Disapprove. the request to waive the requirement to submit a final site plan.

APPLICANT REQUEST - A request to change the zoning from Commercial Service (CS) to Specific Plan (SP) on property located at 2730 Lebanon Pike, approximately 260 feet west of Old Lebanon Pike, to permit an "automobile repair" use and all other uses permitted by the CS zoning district and for final SP approval of same (1.49 acres).

Existing Zoning

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

DONELSON/OLD HICKORY COMMUNITY PLAN

Mixed Use (MxU) in Community Center (CC) - MU is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? The proposed zone change to SP will allow for an auto repair use, now located across Donelson Pike, to relocate to this property. The property is currently used for new and used auto sales. The proposed use will retain the existing buildings and is not substantially different in nature from the existing use.

PLAN DETAILS

Site Plan - The property is currently used for new and used auto sales. The proposed use is for an auto repair business which is relocating from across Lebanon Pike. The intention is to use the existing building with minor

modifications to the east side. The doors will be replaced with overhead, roll-up doors to allow for auto entry. A six foot wooden fence is proposed to extend along the east property line for the length of the existing building.

The proposed uses include automobile sales, leasing, rental and repairs; wheel and tire sales; and all uses permitted in the CS zoning district. The bulk standards will be the same as those permitted in the CS zoning district.

Access- The property is accessed from both Old Lebanon Pike via a driveway and Lebanon Pike via a continuous curb cut along the front of the property. The continuous curb cut allows for direct access to the parking stalls in front of the building to allow easy display of cars available for sale. The plan proposes no changes to the current access. As a condition of approval, a consolidated access plan needs to be provided identifying driveway locations and eliminating the direct access to the parking stalls in front of the building.

Sidewalks- Sidewalks are required along Lebanon Pike because this property is located in an area where the Sidewalk Priority Index score is over 20.

Parking -27 parking spaces are proposed. The location of the spaces have not been included on the plan.

Concurrent Approval of the Preliminary and Final SP- The applicant has requested that this SP be approved for both a preliminary and a final plan. Section 17.40.106.G of the Zoning Code allows for concurrent approval of the preliminary and final SP where the preliminary plan approved by the Council is of such detail for a specific land use, phase, or area of development that the submittal of a final site plan would essentially duplicate the applicable portion of the approved development plan. In these cases, the executive director of the planning department may waive the submittal of a final site plan.

The SP, as submitted, does not have sufficient detail that the submittal of a final site plan would essentially duplicate the applicable portion of the approved development plan. The missing details relate to access management, sidewalks, and the reserve strip along Lebanon Pike for future right-of-way that have been requested by the Planning Department and the Public Works Department.

Staff Recommendation - Staff recommends approval with conditions of the preliminary SP but disapproval of the request to waive the requirement to submit a final site plan.

RECENT REZONINGS - None.

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.
- Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan (U6 - 108' ROW).
- Provide standard site plan / boundary information.
- Provide consolidated access plan / driveway locations for this property and other affected adjoining properties.
- No direct access to parking stalls from Lebanon Pike.
- Identify sidewalk requirements.

Typical Uses in Proposed Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.49	.198	12,851	275	37	94

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
Automobile Repair()	1.49	.26	17,127	NA	51	55

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

				Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-	14	-39

Maximum Uses in Existing Zoning District: CS

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.49	.6	38,942	646	89	123

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Square Feet	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Automobile Repair ()	1.49	.26	17,127	NA	51	55

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

		--		Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--				-	-38	-68

FIRE MARSHAL RECOMMENDATIONS- A licensed Fire sprinkler Contractor shall submit plans for review.

CONDITIONS

1. The application, including attached materials, plans, and reports submitted by the applicant and all adopted conditions of approval shall constitute the plans and regulations as required for the Specific Plan rezoning until a Final Plan is filed per the requirement listed below. Except as otherwise noted herein, the application, supplemental information and conditions of approval shall be used by the planning department and department of codes administration to determine compliance, both in the review of final site plans and issuance of permits for construction and field inspection. Deviation from these plans will require review by the Planning Commission and approval by the Metropolitan Council.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations, and requirements of the CS zoning district at the effective date of this ordinance, which must be shown on the plan.
3. 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.
4. 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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access, adequate water supply for fire protection, and fire sprinkler plans must be met prior to the issuance of any building permits.

6. Minor adjustments to the site plan may be approved by the planning commission or its designee based upon final architectural, engineering or site design and actual site conditions. All adjustments shall be consistent with the principles and further the objectives of the approved plan. Adjustments shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or intensity, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. Within 120 days of Planning Commission approval of this preliminary SP plan, and in any event prior to any additional development applications for this property, including submission of a final SP site plan, the applicant shall provide the Planning Department with a final corrected copy of the preliminary SP plan for filing and recording with the Davidson County Register of Deeds. Failure to submit a final corrected copy of the preliminary SP plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission. Sidewalks are required on Lebanon Pike.
8. There shall be no direct access from Lebanon Pike to the parking stalls in front of the building; access shall be from a driveway.
9. Provide details showing access and changes to existing conditions to control the access from Lebanon Pike.
10. Along Lebanon Pike, label and show reserve strip for future right of way, 54 feet from centerline to property boundary, consistent with the approved major street plan.
11. Identify the location of the parking spaces on the site plan.

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

Mr. Johnny Harwell, 5341 Weber Road, spoke in favor of the proposed zone change.

Mr. Luke Barker, 2730 Lebanon Pike, spoke in favor of the proposed zone change as well as the request for a sidewalk variance.

Mr. Clifton summarized the Commission's role on this request. He then spoke of sidewalk variances in relation to this proposal. He requested clarification from staff on when sidewalks are required.

Mr. Bernhardt explained that sidewalks are required whenever there is new construction or redevelopment. He continued by stating that sidewalks are also required when the renovation increases the set value of the property by 25%.

Mr. Clifton spoke on whether the issues at hand would warrant the sidewalk.

Mr. Bernhardt offered additional information regarding SP zoning and sidewalks.

Ms. Cummings commented that sidewalks are necessary for this proposal.

Mr. Tyler questioned whether the sidewalks were necessary due to safety issues.

Mr. Kleinfelter explained staff's recommendation for the sidewalks.

Mr. Loring spoke in favor of approving the proposal as well as granting the variance for the sidewalk. He went on to explain at length, the reasons sidewalks were not necessary for this development.

Mr. Clifton stated he did not agree that sidewalks were not necessary for this location in the future. However, he did state, that he did agree that sidewalks were not necessary for this particular development.

Ms. Cummings stated she would vote in favor of eliminating the sidewalks due to the circumstances surrounding this development.

Mr. Clifton moved and Ms. Cummings seconded the motion, which passed unanimously to approve Zone Change 2007SP-064U-14. (7-0)

Resolution No. RS2007-132

“BE IT RESOLVED by The Metropolitan Planning Commission that **2007SP-064U-14 is APPROVED WITH CONDITIONS (7-0), including the only fencing permitted shall be as shown on the SP plan, the curb shall be built to Public Works standards, and sidewalks are not required.**

The proposed SP district is not inconsistent with the Donelson/Old Hickory Community Plan’s Mixed Use in Community Center which is intended to promote a mixture of uses that are concentrated within a small area that creates a center of activity. The proposed use exists on the other side of the street and represents a move from one side of the street to the other and does not propose any additional auto service oriented business.”

13. 2007Z-066T
Prohibit Historic Home Events in Residential Areas

A council bill to prohibit historic home events in residential areas, requested by Councilmember John Summers.
STAFF RECOMMENDATION: Approve with amendments.

APPLICANT REQUEST- A council bill to prohibit historic home events in residential areas.

ANALYSIS

Existing Law -A historic home event is defined in Section 17.04.060 as the hosting of parties, weddings, and similar kinds of functions in a private home for a fee. The home must be judged to be historically significant by the Historical Commission. Section 17.16.160 of the Zoning Code regulates historic home events and requires a special exception (SE) permit be approved by the Board of Zoning Appeals.

Proposed Bill -The proposed bill would delete the definition of historic home event and prohibit it in all residential areas where a special exception permit is currently required (i.e. One and Two-Family Residential (R), Single-Family Residential (RS), Multi-Family Residential (RM), Mobile Home Park (MHP)). It would retain historic home event as a SE in the agricultural (AG and AR2a) and Office Neighborhood (ON) districts. It would also continue to permit historic home events in various mixed-use, office, commercial, and shopping center districts.

Staff Recommendation -Staff recommends approval with two amendments. The proposed bill removes a quasi-commercial enterprise, historic home events, from residential neighborhoods. This supports the General Plan goals of further reducing commercial intrusions into residential neighborhoods. If adopted by Metro Council, those desiring such a historic home event in residential areas would be required to rezone the property to permit the use. A property owner could apply for either Specific Plan (SP) district or a Neighborhood Landmark (NL) overlay district through submittal of an application for review and recommendation by the Metro Planning Commission to the Metro Council, the final approval body.

As drafted, the current bill needs the following:

- 1) The definition of an historic home event should remain in the Zoning Code. The proposed bill does not propose to prohibit them by right in the mixed-use, office, commercial, and shopping center zoning districts where they are currently allowed. If the definition were deleted, the Zoning Administrator would have to define, on a case-by-case basis, such uses at the time they were proposed by a property owner. Retaining the definition ensures consistency in their review and approval.
- 2) The SE standards should remain in the Zoning Code. The proposed bill does not prohibit them in the AG, AR2a, and ON zoning districts where they are currently allowed by SE. If the SE standards were to be deleted altogether, there would be no standards by which to evaluate a historic home event proposed in the AG, AR2a, or ON districts. Retaining the SE standards ensures consistency in their review and approval.

Approved with amendments (8-0), *Consent Agenda*

Resolution No. RS2007-133

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-066T is **APPROVED WITH AMENDMENTS. (8-0)**”

14. 2007Z-067T

Special Exception Uses and the Neighborhood Landmark Overlay District

A council bill to strengthen the special exception (SE) review and enforcement provisions and to clarify the role of the Historic Commission in the review and approval of a Neighborhood Landmark (NL) overlay district to permit a historic home event, requested by Councilmember Emily Evans.

STAFF RECOMMENDATION: Approve with amendments.

APPLICANT REQUEST - A council bill to strengthen the special exception (SE) review and enforcement provisions and to clarify the role of the Historic Commission in the review and approval of a Neighborhood Landmark (NL) overlay district to permit a historic home event.

ANALYSIS

Existing Law

Special Exceptions: Section 17.16.150 of the Zoning Code identifies the “Burden of Proof” an applicant for a special exception (SE) permit must demonstrate to the Board of Zoning Appeals (BZA). The code contains no explicit provisions concerning enforcement nor plan/project compatibility with the adopted General Plan.

Neighborhood Landmark: Section 17.40.160 identifies the process by which a property is determined eligibility for consideration as a Neighborhood Landmark (NL). It does not identify how the historic properties are to comply with the U.S. Secretary of Interior standards for the treatment of historic properties.

Proposed Bill

Special Exception: The proposed bill strengthens the special exception provisions by not only allowing, but also requiring, the BZA to consider any and all zoning and codes enforcement actions taken against an applicant on *any* property within Davidson County. In so doing, the bill proposes to permit the board to disapprove an application based on that record or the applicant’s failure to abide by conditions imposed by the board under a previously issued permit. Further, an applicant’s representations, commitments, and guarantees made to the board and public, at a public hearing, may be used by the board in its re-evaluation of a special exception permit, whether or not such statements were made part of the board’s official order. The bill proposes to codify into law the public expectation that an applicant will be held accountable for his or her promises related to approval of a Special Exception. The bill provides for a show cause hearing to ensure such statements are upheld through Metro’s enforcement procedures. The show cause hearing would be a public hearing and held within 30 days of the Zoning Administrator learning that an applicant was failing to abide by the SE conditions or the applicants own statements made to the BZA. At such a hearing, the board could consider revoking the SE permit or modifying the permit’s conditions. Lastly, the bill would prohibit the board from granting any variances to the general or specific standards of a special exception permit contained in the Zoning Code.

Neighborhood Landmark: The bill clarifies how the Secretary of Interior standards apply to the treatment of historic properties. Further, it identifies the review and recommendation role of the Metro Historic Zoning Commission (MHZC) in reviewing proposed neighborhood landmark properties that are within an historic overlay district.

Staff Recommendation - Staff recommends approval with one amendment to the neighborhood landmark portion of the bill. The proposed bill seeks to rectify deficiencies in the current special exception review and approval

process. The proposed bill identifies a clear process by which a special exception permit and the applicant requesting such a permit will be evaluated by the BZA, both before and after the individual was granted a special exception permit.

In relation to neighborhood landmarks, the bill clarifies how historic properties are to be evaluated. Staff recommends one amendment to the bill, to expand the MHZC’s review and recommendation of NL properties to those not located within an historic overlay district. The MHZC should review all properties that are deemed worthy of conservation, listed on or eligible for listing on the National Register of Historic Properties.

Approved with amendments (8-0), *Consent Agenda*

Resolution No. RS2007-134

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-067T is **APPROVED WITH AMENDMENTS. (8-0)**”

15. 2007Z-068T
Height of Single-Family and Two-Family Dwellings

A request to amend Section 17.12.060 of the Metro Zoning Code regarding the height of single-family and two-family dwellings within the Urban Zoning Overlay, requested by Councilmember David Briley.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST -A request to amend Section 17.12.060 of the Metro Zoning Code regarding the height of single-family and two-family dwellings within the Urban Zoning Overlay.

APPLICATION DETAILS - Section 17.12.060 C.1. of the Zoning Code provides that single-family and two-family homes within the Urban Zoning Overlay District (UZO) “shall not exceed three stories.” Neither the Code nor any applicable building codes enforced in Davidson County limit the height of each “story” of a residential building. The end result is that there is no absolute height limit on single-family and two-family residences.

This ordinance would place an absolute height limit on single-family and two-family residences of 35 feet. The Zoning Code does not include any regulations on how the height of a building is to be measured. The Zoning Administrator, who is authorized to interpret provisions in the Zoning Code, has directed Codes Administration inspectors to determine the height of a building by measuring from an average of the four corners of the structure. In addition, the height of a house is measured to the peak of the roof, not the bottom of the eaves or any other portion of the structure.

Staff notes that amendments to the Code to state how structures with specific height limits should be measured would provide more clarity as to the effect of the height limits. The proposed 35-foot height limit will have the intended effect of preventing infill development from towering over existing residences, but it may also limit the architectural styles of homes that will can be constructed on a specific lot. In addition, the Council may want to consider amending this section of the Code to include both the current three-story limit and a maximum height limit.

This proposal does not change the height limit provisions for single-family and two-family homes that are located outside the UZO. The height limits for such structures would remain “three stories.”

Staff Recommendation - Staff recommends approval of the proposed ordinance. Infill development in the UZO often occurs on smaller lots. On such lots, the height of new structures should be in keeping with the context of existing development. Adoption of a specific height limit is better suited to ensuring that new development does not overwhelm existing homes in existing residential neighborhoods.

Approved (8-0), *Consent Agenda*

Resolution No. RS2007-135

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007Z-068T is **APPROVED. (8-0)**”

IX. CONCEPT PLANS

- 16. 2007S-077U-07**
Greenway Glen
Map 103-07, Parcels 058, 059, 060, 061
Subarea 7 (2000)
Council District 24 - John Summers

A request for concept plan approval to create 12 lots on properties located at 5500, 5501 and 5505 Knob Road and Knob Road (unnumbered), approximately 1,400 feet west of White Bridge Pike (4.52 acres), zoned R6, requested by Mary Lee Proctor O'Neil Trustee, owner, Dale & Associates, surveyor.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 12 lots on properties located at 5500, 5501 and 5505 Knob Road and Knob Road (unnumbered), approximately 1,400 feet west of White Bridge Pike (4.52 acres), zoned One and Two-Family Residential (R6).

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

- The plan proposes 12 lots on a cul-de-sac. The property is zoned R6, which allows duplexes, but the concept plan labels the proposed units as single family.
- There are no stub streets provided. The properties on the north and west sides are already developed and the property to the south is owned by the State of Tennessee. Richland Creek is to the east.
- Over two acres of this property is in a Dedicated Conservation Greenway Public Access Trail Easement Area, which has been reviewed and accepted by Metro Parks.

Staff Recommendation -Staff recommends approval 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.

STORMWATER RECOMMENDATION -Approved Except as Noted

1. The current concept plat (received 4/17/2007) is acceptable; however, there are some depicted features that will require variances from the SWMC prior to approval of the final plat. A variance must be granted for the following three (3) conditions: 1) Disturbance of buffer zones 1 and 2, as a result of the sanitary sewer pipe 2) Disturbance of buffer zone 2 resulting from grading, and 3) Disturbance of buffer zone 2 as a means to access the pond and water quality device. Ostensibly, buffer zone 2 is the only access route to the water quality features. The noted 3rd requirement would be obviated by an alternative access means to the pond.

CONDITIONS

1. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.
2. Add the acreage for the Greenway Conservation Easement and label "Dedicated Conservation Greenway Public Access Trail Easement Area."

3. Remove the Stormwater Detention & Water Quality from the Dedicated Conservation Greenway Public Access Trail Easement Area.
4. Prior to approval of the final plat, all necessary variances must be obtained from the Stormwater Management Committee.
5. Remove parcel numbers.

Approved with conditions (8-0), *Consent Agenda*

Resolution No. RS2007-136

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-077U-07 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, if this application receives conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the effective date of the Commission's conditional approval vote.
2. Add the acreage for the Greenway Conservation Easement and label “Dedicated Conservation Greenway Public Access Trail Easement Area.”
3. Remove the Stormwater Detention & Water Quality from the Dedicated Conservation Greenway Public Access Trail Easement Area.
4. Prior to approval of the final plat, all necessary variances must be obtained from the Stormwater Management Committee.
5. Remove parcel numbers.”

- 17. 2007S-082G-14**
 Cooks Landing
 Map 109-00, Parcel 176
 Subarea 14 (2004)
 Council District 12 - Jim Gotto

A request for concept plan approval to create 42 lots on property located at Stewarts Ferry Pike (unnumbered), approximately 1,880 feet east of Old Hickory Boulevard (17.13 acres), zoned RS15, requested by Cooks Landing GP, owner, Joseph G. Petrosky and Associates, surveyor.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST - Concept Plan

A request for concept plan approval to create 42 lots on property located at Stewarts Ferry Pike (unnumbered), approximately 1,880 feet east of Old Hickory Boulevard (17.13 acres), zoned Single-Family Residential (RS15).

ZONING

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

PLAN DETAILS - The concept plan proposes 42 single family lots ranging in size from 8,772 sq. ft. to 16,930 sq. ft. This application is proposing to use the cluster lot option which allows lots to be reduced in size by two base zone districts. Since the zoning is RS15, lots can be reduced to 7,500 sq. ft. if the plan meets all requirements of the cluster lot option policy. Several lots are designated as Critical Lots due to steep topography.

This proposed subdivision was approved as a preliminary plat by the Planning Commission at its July 22, 2004, meeting. The preliminary plat expired on July 22, 2006 and the applicant has resubmitted the proposed subdivision for concept plan approval.

Site Access - The proposed street layout is the same as the original request. One stub-street is provided to the large tract of land to the south. Staff had considered requiring more connectivity in the original request, but determined that no additional stub-streets were necessary due to limitations on future development in this area. The limitations were mainly the steep topography and the proximity to Percy Priest Lake to the south, which limits overall connectivity in the future. Staff had also considered requiring a stub-street to the west that would tie into Old Hickory Boulevard, but because Old Hickory Boulevard dead-ends into the lake, it was deemed unnecessary. There are no changes to the original staff position on connectivity.

Sidewalks are proposed along the frontage of Stewarts Ferry Pike, as well as along both sides of Cooks Landing Drive and all of the new internal streets.

Since the original request for preliminary plat approval in 2004, the Fire Marshal requirements for the size of turn-arounds for dead end streets has increased. The applicant has filed an appeal with the Board of Building and Fire Appeals to permit a reduction in the size of the turn-arounds. The appeal is scheduled to be heard at the May 8, 2007, Board meeting.

Open Space - There is 17.30% open space providing "use and enjoyment" proposed that meets the 15% requirement for cluster lot option policy. The Commission's cluster lot policy requires common open space to have "use and enjoyment" value to the residents including recreational value, scenic value, or passive use value. Residual land with no "use or enjoyment" value, including required buffers and stormwater facilities, has not been counted towards the open space requirements.

Landscape buffer yards (Standard "B"- 10 feet) are required and proposed along the west, south and a portion of the east perimeters of the property since the lots are under the base zoning and the adjacent zoning is RS15.

Staff Recommendation - the concept plan meets the requirements of a cluster lot subdivision and connectivity has been provided, staff recommends approval 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.
- Prior to the preparation of construction plans, document adequate sight distance at project access location. Indicate the available and required sight distance at the project entrance for the posted speed limit per AASHTO standards.
- Permanent cul-de-sacs per standard drawing ST-331.

STORMWATER RECOMMENDATION -Approved.

FIRE MARSHAL RECOMMENDATION

- All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds, Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.
- Fire hydrants shall flow a minimum of 1000 GPM's at 20 psi residual flow at the most remote hydrant.

CONDITIONS

1. Identify in Note 1 on the Concept Plan that this subdivision is a cluster lot subdivision
2. If the appeal to the Board of Building and Fire Appeals to permit a reduction in the size of the cul-de-sac turn-arounds is not successful, submit a revised plan with cul-de-sacs that meet the requirements of the Fire Marshal and Public Works Department.

Mr. Bernhardt announced that Item #17, Cooks Landing was originally pulled from the Consent Agenda due to a

letter that staff received asking that it be pulled from the agenda. He stated there was no one present at the meeting who was opposed to this proposal.

Ms. Nielson moved, and Mr. Loring seconded the motion, which passed unanimously, to place Item #17, 2007S-082G-14 back on the Consent Agenda and approve with conditions. **(8-0)**

Resolution No. RS2007-137

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-082G-14 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Identify in Note 1 on the Concept Plan that this subdivision is a cluster lot subdivision
2. If the appeal to the Board of Building and Fire Appeals to permit a reduction in the size of the cul-de-sac turn-arounds is not successful, submit a revised plan with cul-de-sacs that meet the requirements of the Fire Marshal and Public Works Department.”

- 18. 2007S-083G-14**
Tulip Reserve
Map 086-00, Parcel 043
Subarea 14 (2004)
Council District 12 - Jim Gotto

A request for concept plan approval to create 23 lots on property located at 667 Old Lebanon Dirt Road, at the northwest corner of Tulip Grove Road and Old Lebanon Dirt Road (9.93 acres), zoned RS15, requested by George Dunn, owner, Dale & Associates, surveyor.

STAFF RECOMMENDATION: Disapprove.

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

Mr. Roy Dale, Dale & Associates, spoke in favor of the proposed development.

Councilmember Gotto spoke in favor of the proposed development. He stated he held a community meeting regarding the proposal and after some discussion regarding traffic and water retention issues; the community was in favor of the development. He expressed concern with staff’s recommendation to disapprove due to double frontage lots that were included in the plan. He briefly explained his concern and requested that the Commission approve the proposal.

Mr. Loring spoke in favor of the proposal and moved its approval.

This motion was not seconded.

Mr. Clifton requested additional clarification on double frontage lots.

Ms. Logan explained the term double frontage lots and their uses in developments.

Ms. Logan stated that staff would recommend reconfiguration of the lots in order to eliminate the double frontage lots.

Ms. Nielson requested additional information regarding the driveways included in the proposal.

Ms. Logan explained the location of the driveways.

Ms. Nielson requested clarification on certain grades of roads included in the proposal.

Mr. Clifton requested clarification on the width of alleys included in the proposal.

Mr. Honeycutt offered the information regarding alleys and their requirements within subdivisions.

Ms. Logan stated that private access easements could be used in place of the alleys, which have smaller requirements.

Ms. Jones questioned whether staff could continue to work with the applicant on this application.

Ms. Cummings suggested deferring the proposal in order to allow additional time for the staff to work with the applicant on this development.

Mr. Loring was not in favor of deferring the proposal.

A brief discussion ensued among the Commissioners regarding their recommendation and whether to consider deferring the application.

Mr. Tyler requested clarification on whether a reconfiguration on the proposal would reduce the number of lots.

Ms. Logan explained staff's intention to work with the developer to maintain the number of lots as originally proposed.

Mr. Tyler requested additional information on the topographical grades included in the proposal.

Ms. Logan explained this concept to the Commission.

Mr. Clifton offered that the proposal be deferred to allow additional time for the staff members to work with the developer to see if the same number of lots can be obtained.

Mr. Loring stated he was not in favor of deferring this proposal.

Mr. Kleinfelter offered additional information to the Commission regarding staff's recommendation and various alternatives that the Commission could take if they were inclined to approve the development.

Mr. Clifton move, and Ms. Cummings seconded the motion, to defer Concept Plan 2007S-083G-14 to May 10, 2007 to allow additional time for the staff to continue working with the developer to possibly eliminate the double frontage lots from the development. **(4-3) No Votes – Loring, Jones, Tyler**

Resolution No. RS2007-138

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-083G-14 is DEFERRED TO THE MAY 10, 2007, PLANNING COMMISSION MEETING. (4-3)”

X. FINAL PLATS

- 19. 2007S-088U-07**
West Meade Farms, Resub. Lot 67
Map 129-04, Parcel 062
Subarea 7 (2000)
Council District 23 - Emily Evans

A request for final plat approval to create 2 lots on property located at 135 Keyway Drive, approximately 900 feet west of Old Harding Pike (1.05 acres), zoned RS20, requested by Lauren and Jackson Ross and Robert H. Chilton III, owners, Cherry Land Surveying, surveyor.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST - A request for final plat approval to create 2 lots on property located at 135 Keyway Drive, approximately 900 feet west of Old Harding Pike (1.05 acres), zoned Single-Family Residential (RS20).

ZONING

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

PLAN DETAILS - This subdivision proposes to create 2 lots.

Lot Comparability -Section 3-5 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.

Lot comparability analysis was performed and yielded the following information:

Lot Comparability Analysis		
Street:	Requirements:	
	Minimum lot size (sq.ft):	Minimum lot frontage (linear ft.):
Keyway Drive	25,265	90.0

As proposed, the two new lots have the following areas and street frontages:

- Lot 1: 20,346 Sq. Ft., (.46 Acres), with 101.5 ft. of frontage
- Lot 2: 20,303 Sq. Ft., (.46 Acres), with 101.5 ft. of frontage

Lot Comparability Exception -A lot comparability exception can be granted by the Commission if the proposed lots do not meet the minimum requirements of the lot comparability analysis (smaller in lot frontage and/or size) if the lots would be consistent with the General Plan. The Planning Commission has discretion whether or not to grant a lot comparability exception.

The proposed lots meets **one** of the qualifying criteria of the exception to lot comparability:

- If the proposed subdivision is within a one-quarter mile radius of any area designated as a “Mixed Use,” “Office,” “Commercial,” or “Retail” land use policy categories. The proposed subdivision is less than one-quarter mile from a Retail Concentration Community (RCC) policy area.

No other lots on Keway Drive or the other streets in the immediate area appear to be eligible for this lot comparability exception because they are more than ¼ mile from the RCC policy area. All other lots within ¼ mile of the RCC policy area do not appear to have sufficient area to be subdivided and meet the Zoning Code requirement of 20,000 square feet per lot.

Staff Recommendation -Staff recommends the granting of an exception to lot comparability since the proposed subdivision is less than one-quarter mile from a retail policy area.

PUBLIC WORKS RECOMMENDATION -No Exception Taken.

STORMWATER RECOMMENDATION -Surveyor sign and date.

CONDITIONS - Prior to recording the final plat, the following revisions need to be made:

1. Surveyor sign and date.

Approved (8-0), *Consent Agenda*

Resolution No. RS2007-139

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007S-088U-07 is **APPROVED WITH CONDITIONS (8-0), including the applicant will pay the in-lieu fee rather than construct sidewalks.**

Conditions of Approval:

Prior to recording the final plat, the following revisions need to be made:

1. Surveyor sign and date.”

XI. REVISIONS AND FINAL DEVELOPMENT PLANS

20. 58-85-P-12

Brighton Village
Map 161-00, Parcels 071, 254
Subarea 12 (2004)
Council District 27 - Randy Foster

A request to revise the preliminary plan and for final approval for a Residential Planned Unit Development located at 5442 and 5444 Edmondson Pike, classified R10, (15.71 acres), to permit the development of 124 multi-family units, requested by Sandhu Consultants International, applicant, for Regent Investments I, Inc., owner.

STAFF RECOMMENDATION: Disapprove. unless Stormwater approves stormwater plans prior to the meeting. If stormwater plans are approved prior to the meeting then staff recommends approval with conditions.

APPLICANT REQUEST - Revise Preliminary & Final PUD

A request to revise the preliminary plan and for final approval for a residential Planned Unit Development located at 5442 and 5444 Edmondson Pike, classified One and Two-Family Residential (R10), (15.71 acres), to permit the development of 124 multi-family units.

PLAN DETAILS

Site Plan - The plan calls for 124 units on approximately 15 acres with a density of approximately 8.2 units per acre. The units will consist of 90 single-family attached town homes and 34 multi-family homes. The single-family units which make up a majority of the housing type will be dispersed throughout the site. The multi-family units will be located in three separate structures. All units will be accessed from private drives from Edmondson Pike. The units along Edmondson Pike will front onto Edmondson Pike.

Preliminary Plan - This plan which was formerly known as Rucker Landing and Brentwood Midlands was originally approved for 124 multi-family units. In 2004 the plan was revised to 102 town homes. As proposed, the density of this plan is consistent with the originally approved plan. The layout is slightly different than what was originally approved, but the overall concept has not changed.

Staff Recommendation - Since Stormwater has not approved the plans as submitted, staff recommends that the request be disapproved. If plans are approved by Stormwater prior to the meeting, then staff recommends that the request be approved.

PUBLIC WORKS RECOMMENDATION

1. 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.
2. Show and dimension right of way along Edmondson Pike at property corners. Label and show reserve strip for future right of way (42 feet from centerline to property boundary), consistent with the approved major street plan (U4 - 84' ROW).
3. Update development / site table. Include number of bedrooms for all units. Exhibit zoning code requirements.
4. Identify plans for solid waste disposal and recycling collection.
5. Sheet C1.1: Verify scale bar.
6. Identify retaining wall locations / elevations, including top and base of wall elevations. Submit

geotechnical report prior to final approval and permit issuance. Include retaining wall detail: Add table with dimension requirements relating to: wall height, base length, thickness of base, batter decrement (if required), etc. Identify protective barrier.

7. Roadway per ST-252/ST-251. Construct ST-252 from Edmondson Pike intersection to Town Center Homes access.
8. Construct turnarounds at the terminus of dead end alleys, or connect to proposed roadways.
9. All roadways to accommodate SU-30 turning movements.
10. Sheet C1.3: Identify grading along Brighton Village Drive west of street buffer.
11. Along the northern most portion of Bevendean Drive (northeast property corner), locate sidewalk on opposite side of roadway.
12. Include a detail sheet.

STORMWATER RECOMMENDATION - Proposed plan is not consistent with the approved stormwater plan. New plan and calculations must be submitted for review.

CONDITIONS

1. A sidewalk connection shall be provided from the multi-family units to the sidewalk proposed along the internal private drive.
2. Sidewalk shall be provided in front of all units that front onto a private drive.
3. A sidewalk shall be provided along Edmondson Pike.
4. A landscape plan shall be submitted and approved by planning staff and the urban forester prior to the issuance of any permits.
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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. 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.
8. 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.
9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
10. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
11. 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 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 (8-0), *Consent Agenda*

Resolution No. RS2007-140

“BE IT RESOLVED by The Metropolitan Planning Commission that 58-85-P-12 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A sidewalk connection shall be provided from the multi-family units to the sidewalk proposed along the internal private drive.
2. Sidewalk shall be provided in front of all units that front onto a private drive.
3. A sidewalk shall be provided along Edmondson Pike.
4. A landscape plan shall be submitted and approved by planning staff and the urban forester prior to the issuance of any permits.
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 Sections of the Metropolitan Department of Public Works for all improvements within public rights of way.
7. 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.
8. 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.
9. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
10. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
11. 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 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. 2005P-005U-07**
Harding Place Condominiums
Map 130-01, Parcel 053
Subarea 7 (2000)
Council District 23 - Emily Evans

A request for final approval for a Residential Planned Unit Development located at 112 Harding Place, classified RM40 (0.83 acres), to permit the development of 14 condominium units, requested by Civil Site Design Group,

applicant, for Coda Development LLC, owners.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST -Final PUD

A request for final approval for a residential Planned Unit Development located at 112 Harding Place, classified Multi-Family Residential (RM40) (0.83 acres), to permit the development of 14 condominium units.

PLAN DETAILS

Site Plan- The proposal is for a five-story structure to be constructed on piers. The first floor will be an elevated parking deck with no fill placed under the building in order to address floodway issues. The flood elevation for the site is 505 feet above sea level, while the parking garage is proposed at 505.8.

Building elevations are not a requirement of submittal; but the applicant has indicated they will comply with the height restriction of 45 feet at the building setback lines, as required by the Zoning Code. The building will then increase in height away from the setbacks as allowed by the slope/height control plane of 2 to 1.

Preliminary PUD Plan -On January 13, 2005, the Planning Commission recommended that the Council approve the preliminary PUD overlay. Council approved the preliminary PUD overlay in 2006 (BL2005-542). As proposed this plan is consistent with the plan approved by Council.

Staff Recommendation -Since this final PUD plan is consistent with the preliminary plan approved by Council, staff recommends that the request be approved with conditions.

PUBLIC WORKS RECOMMENDATION

1. 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.
2. Along Harding Place, label and dedicate 5' ROW (30 feet from centerline), consistent with the approved major street plan (U2-60' ROW).

STORMWATER RECOMMENDATION -No Comment as of 4/13/07

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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.

7. 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 (8-0), *Consent Agenda*

Resolution No. RS2007-141

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-005U-07 is **APPROVED WITH CONDITIONS. (8-0)**

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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. 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. 2005P-031G-03

Daniel Boone Log Homes
Map 056-00, Part of Parcel 062
Subarea 3 (2003)
Council District 1 - Brenda Gilmore

A request for final approval for a portion of property located at 5134 Ashland City Highway, approximately 800 feet west of Old Hickory Boulevard (20.41 acres), zoned MUL, to permit the development of a 4,116 square foot sales/leasing office building, and a 1,080 square foot office building for a total of 5,196 square feet, requested by Dale & Associates, applicant, for Roger D. Garland, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST -Final PUD

A request for final approval for a commercial Planned Unit Development located at 5134 Ashland City Highway,

approximately 800 feet west of Old Hickory Boulevard (20.41 acres), zoned Mixed Use Limited (MUL), to permit the development of a 4,116 square foot sales/leasing office building, and a 1,080 square foot office building for a total of 5,196 square feet.

PLAN DETAILS

Site Plan - The plans calls for a 4,116-square foot sales/leasing office building for Daniel Boone Log Homes, which is set back approximately 295 feet from Ashland City Highway. There is also an additional office building proposed to the rear of this principal building, of 1,080 square feet.

One private ingress/egress driveway provides the main access to the office building from Ashland City Highway. There is a 5' sidewalk proposed along Ashland City Highway. There are 17 parking spaces proposed to the rear and 9 spaces proposed to the side of the office building, which complies with the code requirements.

The applicant has also complied with the requirement to provide cross access to the rear northern PUD property line, as well as a cross access easement to the adjacent parcel to the east.

Preliminary PUD Plan - On November 10, 2005, the Planning Commission recommended that Council approve the preliminary PUD overlay. Council approved the preliminary PUD overlay in 2006 (BL2005-900). As proposed this plan is consistent with the plan approved by Council.

Staff Recommendation - Since this final PUD plan is consistent with the preliminary plan approved by Council, 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.

STORMWATER RECOMMENDATION -No Comments as of 4/13/07

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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. 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 (8-0), *Consent Agenda*

Resolution No. RS2007-142

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-031G-03 is **APPROVED WITH CONDITIONS. (8-0)**

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. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four (4) additional copies of the approved plans have been submitted to the Metropolitan Planning Commission.
6. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.
7. 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.”

23. 2001UD-001G-12

Lenox Village Lifestyle Center, Ph. 1
Map 172-00, Parcel 243
Subarea 12 (2004)
Council District 31 - Parker Toler

A request for final approval for a portion of the Lenox Village Urban Design, Phase 1 located at 6900 Lenox Village Drive, at the southeast corner of Lenox Village Drive and Nolensville Pike, classified MUL, to permit the development of a Lifestyle Center with 40,206 square feet of restaurant, retail and office uses, 273 residential units, and 617 parking spaces (5-level, 502 space garage and 115 surface spaces) for a total of 635,432 square feet, requested by Batson and Associates, applicant, for Lenox Village III LLC, owner.

STAFF RECOMMENDATION: Approve with conditions.

APPLICANT REQUEST -Final UDO

Request for final approval for a portion of the Lenox Village Urban Design, Phase 1 located at 6900 Lenox Village Drive, at the southeast corner of Lenox Village Drive and Nolensville Pike, classified MUL, to permit the

development of a Lifestyle Center with 40,206 square feet of restaurant, retail and office uses, 273 residential units, and 617 parking spaces (5-level, 502 space garage and 115 surface spaces) for a total of 635,432 square feet.

PLAN DETAILS

Site Plan - The plan calls for a single mixed use building that wraps a parking structure. The parking structure is 175,500 square feet, and contains 502 spaces. To reduce the mass and scale, the building has been designed to appear as two separate buildings; one that is mixed-use and one that is residential. The residential portion of the building faces Althorpe Way and is four stories in height, with interior courtyards. This portion of the building contains 168 residential units and 4,000 square feet of retail. The mixed use portion of the building is also four stories in height and contains 36,000 square feet of retail, and 105 residential units. Alternative paving materials border the mixed use development and help minimize the visual impact of surface parking. In addition, a tot lot and neighborhood green has been provided to serve as an amenity to the community.

PUBLIC WORKS RECOMMENDATION

1. 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.
2. Show and dimension right of way along public roadways at property corners.
3. Dedicate right of way for the extension of Porter House Drive to Nolensville Pike.
4. Identify sidewalk requirements along Nolensville Pike.
5. Identify plans for solid waste collection and disposal.
6. Driveways onto Lenox Village Drive, Porter House Drive, and Persia Way Drive should be a minimum of 100ft from the Nolensville Road right-of-way.
7. An updated TIS may be required. The following information should be provided: detailed information regarding the proposed development figures (sf of office, sf of retail, number of dwelling units, etc.); development figures that have currently been approved for construction within the Lenox Village development; and a copy of the most current TIS.
8. Loading space should be provided for the office and commercial portion of the development.

STORMWATER RECOMMENDATION

1. Revise the Map and Parcel number for this site that is shown on all of the design plan sheets to Map 172 Parcel 243.
2. Provide NOC letter for this project.
3. Sign the EPSC note on the plans.
4. Show the construction entrance location on sheet C-4.
5. Include a note on the Erosion Control Plan requiring the contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively.
6. Provide previously approved plans and calculations, that support that the current proposed work was included in design of storm structures, water quality and detention pond(s).
7. Provide contours or spot elevations for interior parking that clarifies direction of runoff.
8. Provide inlet calculations that include spread and depth.
9. Provide a stormwater structure drainage map that shows current proposed system. Submitted drainage map differs from structure layout and grading shown on sheet C-4.
10. Revise the inlet numbers in calculations. Numbers given do not match inlet numbers on site plan.
11. Provide flow velocities with the pipe calculations.
12. Revise the invert elevations for structures 4 and 33. Inverts given in calculations and on the drainage structure table don't match contours on plans.
13. Provide calculations and detail for proposed ditch within ROW, along Nolensville Pike.
14. Proposed TC and inverts given on site plan for structures on Althorpe aren't the same as the TC and inverts given on attached site plan for Lenox Village I. Clarify that plans provided for Lenox Village I are not as-builts and the proposed elevations have changed.

15. Provide drainage map for next two downstream structures below discharge from structure 36. Include pipe sizes, material, inverts, actual flows and capacities of the structures.
16. Provide 3 sets of revised plans.

CONDITIONS

1. The sidewalk paving around the mixed use building shall extend into the first row parking spaces immediately to the west and into the parking and drive aisle to the south along the tot lot pocket park.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and 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.
5. 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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.

Approved with conditions, including Public Works revised conditions of approval (8-0), *Consent Agenda*

Resolution No. RS2007-143

“BE IT RESOLVED by The Metropolitan Planning Commission that 2001UD-001G-10 is **APPROVED WITH CONDITIONS (8-0), including that the developer’s construction drawings shall comply with Public Works standards, identify sidewalks along Nolensville Pike, and an updated TIS may be required with the submittal of Phase 2 of the Lenox Village Lifestyle Center.**

Conditions of Approval:

1. The sidewalk paving around the mixed use building shall extend into the first row parking spaces immediately to the west and into the parking and drive aisle to the south along the tot lot pocket park.
2. Prior to the issuance of any permits, confirmation of preliminary approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and 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.
5. 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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.”

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- 24. 2002UD-001U-10**
Green Hills UDO (Boundary Amendment)
Map 117-14, Parcel 173
Subarea 10 (2005)
Council District 25 - Jim Shulman

A request to amend the existing Urban Design Overlay District to add property located at 3821 Green Hills Village Drive to the Green Hills UDO, located along the east side of Cleghorn Avenue, south of Crestmoor Road, (2.54 acres) classified SCR, to require all provisions of the UDO to apply to this property, requested by Councilmember Shulman.

STAFF RECOMMENDATION: Approve.

APPLICANT REQUEST -Amend UDO

A request to amend the existing Urban Design Overlay District to add property located at 3821 Green Hills Village Drive to the Green Hills UDO, along the east side of Cleghorn Avenue, south of Crestmoor Road, (2.54 acres) classified Shopping Center Regional (SCR), and to require that all provisions of the UDO apply to this property.

BASE ZONING

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

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Regional Activity Center (RAC) -RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An 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.

UDO History -The Green Hills UDO is a zoning overlay intended to promote a compact multi-level urban village that is visually coherent and pedestrian oriented, and is a center of commerce that includes entertainment, employment and living activities. The overlay includes pedestrian, bicycle and transit linkages within the center, as well between the surrounding areas. The UDO was adopted by the Metro Council in 2002 and amended in 2003.

In February 2007, the Planning Commission voted to add parcel 159 (directly to the south) into the boundary of the UDO and to make the sign guidelines mandatory for all properties in the UDO. This parcel was inadvertently left out of that earlier request.

Utilization of the guidelines thus far has been incentive based and at the choice of the property owner. The development guidelines of the UDO become applicable when a proposed development utilizes any of the incentive provisions of the UDO. For example, in exchange for providing structured parking instead of surface parking, or mixed-use buildings instead of single-use buildings, developments become eligible for “bonuses” such as parking reductions, increased building height, and additional floor area for residential development. The owner still has the option to develop under the base zoning standards if no incentives are desired and the UDO standards are then encouraged but not mandatory.

The guidelines of the UDO include standards for:

- Streetscape
- Building placement, height and massing
- Architectural Treatment
- Parking
- Signage and Awnings

Proposed Change -Add the property located at 3821 Green Hills Village consisting of 2.54 acres into the boundary of the Green Hills UDO and require that all provisions of the UDO to apply to this property. This property currently contains the Regal Cinema.

Staff Recommendation -The addition of the subject property into the Green Hills UDO is consistent with the goal of guiding developing in the area into a visually coherent urban village. Staff recommends approval.

PUBLIC WORKS RECOMMENDATION -N/A

STORMWATER RECOMMENDATION - N/A

FIRE MARSHAL RECOMMENDATION -N/A

Approved (8-0), *Consent Agenda*

Resolution No. RS2007-144

“BE IT RESOLVED by The Metropolitan Planning Commission that 2002UD-001U-10 is **APPROVED. (8-0)**

The addition of the subject property into the Green Hills UDO is consistent with the goals of guiding development in the area into a visually coherent urban village.”

XII. OTHER BUSINESS

25. Recommended Capital Improvements Budget 2007-2008 to 2012-2013

Approved (8-0), *Consent Agenda*

26. Employee contract renewals for Cynthia Wood and Leslie Thompson and a new employee contract for Gregory M. Johnson

Approved (8-0), *Consent Agenda*

27. Executive Director Reports

28. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 7:45 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, 2nd. 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.