



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes  
Of the  
Metropolitan Planning Commission**

*October 13, 2005*

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**4:00 PM**

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

**PLANNING COMMISSION:**

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

**Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Director  
Margaret Holleman, Legal Counsel  
David Kleinfelter, Planning Mgr. II  
Bob Leeman, Planner III  
Kathryn Fuller, Planner III  
Trish Brooks, Admin. Svcs. Officer 3  
Luis Pereira, Planner I  
Jason Swaggart, Planner I  
Nekya Young, Planning Tech I  
Jennifer Carlat, Communications  
Bob Eadler, Planner III

**Commission Members Absent:**

Doug Small, Vice Chairman

**I. CALL TO ORDER**

The meeting was called to order at 4:04 p.m.

**II. ADOPTION OF AGENDA**

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

**III. APPROVAL OF SEPTEMBER 8, 2005 AND SEPTEMBER 22, 2005 MINUTES**

Mr. Ponder moved and Ms. Cummings seconded the motion, which passed unanimously to approve the September 8, 2005 and September 22, 2005 meeting minutes as presented. (7-0)

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

**IV. RECOGNITION OF COUNCILMEMBERS**

Councilmember Toler thanked the Commission for their service and stated that his item – #2005Z-149G-12 was on the Consent Agenda for approval.

Councilmember Forkum stated he would reserve his comments until Item #2005Z-143G-04 was presented to the Commission.

Council Lady Baldwin Tucker announced that she held a subsequent meeting for the Whites Creek & Knight Road community in order to discuss the proposed Parmley Cove (2005S-249G-03) and Derby Downs (2005S-250G-03)

developments. She acknowledged the Commission's revised cluster lot option policies but indicated that she, and the constituents of these communities, were opposed to the developments. She stated that the developments do not meet the historic character of the community nor do they comply with the guidelines or meet the needs of the community. She requested that the Commission disapprove the cluster lot option for both developments. Council Lady Baldwin Tucker submitted petitions of opposition to the Commission for the record.

Councilmember Williams stated she would reserve her comments until Items #2005Z-145G-10 and 2005S-268U-10 were presented to the Commission.

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

1. 2005Z-122T An ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws by amending Sections 2.104.040, 17.24.020, 17.24.030, 17.24.050, 17.24.080, 17.24.100, 17.24.150, 17.24.160, 17.24.210, 17.24.220, 17.24.230, 17.24.240 and 17.24.250 relating to tree topping and landscaping, buffering, and tree replacement – deferred indefinitely 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**

- VII. BUENA VISTA HEIGHTS DETAILED NEIGHBORHOOD DESIGN PLAN APPENDIX E TO THE PLAN FOR THE NORTH NASHVILLE COMMUNITY: 2002 UPDATE** - Approve

### **PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS AND ITEMS ON PUBLIC HEARING:**

#### **ZONING MAP AMENDMENTS**

2. 2005Z-142U-08 Request to change from IWD to RS3.75 district property located at 2115 24th Avenue North - Approve

#### **PLANNED UNIT DEVELOPMENTS**

3. 16-86-P-14 Hermitage MarketPlace (Home Depot) - Request to revise a portion of the preliminary and for final approval for a Commercial Planned Unit Development district located along the east side of Old Hickory Boulevard, to permit the addition of a 3,596 square foot convenience market, gas station and car wash to the parking area of the Home Depot store - Approve w/ conditions

#### **PUBLIC HEARING: ZONING MAP AMENDMENTS**

10. 2005Z-147U-13 Request to change from OR20 to MUN district property located at 2115 Elm Hill Pike - Approve w/ conditions
11. 2005Z-149G-12 Request to change from AR2a to MUL district property located at 6664 Nolensville Pike - Approve w/ conditions
12. 2005Z-151G-04 Request to change a portion of a parcel from RS7.5 to IR district property, located at 939 Anderson Lane - Approve
13. 2005Z-157T-08 Request to amend the Phillips-Jackson Street Redevelopment Plan to change the amount of Tax Increment Financing available, requested by MDHA. - Approve
14. 2005Z-158T-08 Request to apply the Jefferson Street Redevelopment Plan to properties located along a two-mile stretch on Jefferson Street, from 12th Avenue to 28th Avenue, requested by MDHA. - Approve

#### **PRELIMINARY SUBDIVISION PLATS**

16. 2005S-271U-03 Enchanted Hills, Addition 1 - Request for preliminary plat approval to create 10 lots located on the east side of Lila Lane - Approve w/ conditions

- |     |               |   |   |
|-----|---------------|---|---|
| 17. | 2005S-258G-06 | Paul A. Justice Subdivision - Request for final plat approval to create 3 lots located on the south side of Highway 100 | - Approve with Conditions, including a note added to the plat stating: "No disturbance in the floodway buffer until approved by Metro Stormwater Appeals Committee" |
|-----|---------------|---|---|

**FINAL PLATS**

- |     |               |  |                         |
|-----|---------------|--|-------------------------|
| 19. | 2005S-277U-12 | Beverly Heights, Resubdivision of part of lot 92 - Request for final plat approval to create two lots located on the southeast corner of Humber Drive and Wallace Road | - Approve               |
| 20. | 2005S-288U-09 | Hope Garden - Request for final plat approval to create three lots located at 919 Phillips Street and 1021 9th Avenue North  | - Approve w/ conditions |

**PLANNED UNIT DEVELOPMENTS**

- |     |            |   |                         |
|-----|------------|---|-------------------------|
| 21. | 84-87-P-13 | The Crossings at Hickory Hollow, 13B And 14 - Request to revise the preliminary PUD plan for the Crossings at Hickory Hollow, located along the north side of Interstate 24 and west Old Franklin Road, to change approved commercial, office and retail uses to allow commercial and auto dealers uses | - Approve w/ conditions |
|-----|------------|---|-------------------------|

Ms. Hammond announced that Item #21, 84-87-P-13, The Crossings at Hickory Hollow, was placed on the Consent Agenda for approval with conditions by staff. However, staff received a letter from Councilmember Coleman requesting that this item be removed from the Consent Agenda. She also indicated that Councilmember Coleman could not be present at the meeting.

Mr. Lawson asked whether anyone was in the audience to speak specifically on this proposal.

There was no one present to speak on this item.

Mr. Clifton offered that Councilmember Coleman may have questions regarding this development thus requiring its presentation to the Commission as opposed to placing it on the Consent Agenda.

Mr. Bernhardt explained that Councilmember Coleman is requesting the Commission hear the proposal in lieu of just approving it on the Consent Agenda.

The Commission briefly discussed removing this item from the consent agenda.

Ms. Cummings moved and Mr. Lawson seconded the motion, which passed unanimously to leave Item #21, 84-87-P-13 The Crossings at Hickory Hollow, on the Consent Agenda. **(8-0)**

**XIV. OTHER BUSINESS**

- |     |  |           |
|-----|--|-----------|
| 22. | Adoption of the 2006 Planning Commission Meeting Schedule  | - Approve |
| 23. | Set November 10, 2005, Public Hearing for Subdivision Regulation amendment to remove driveway standards from critical lot guidelines.  | - Approve |
| 24. | Adopt Subdivision and Planned Unit Development Submittal Checklist   | - Approve |
| 25. | Approve grant contract between the Metropolitan Government of Nashville and Davidson County and the Robert Wood Johnson foundation for \$35,500 to implement a Safe Routes to School Program | - Approve |

Mr. Bernhardt announced that Item #22 – Adoption of the 2006 Planning Commission Meeting schedule could be placed on the Consent Agenda. He further stated that after the meeting schedule was published and presented to the Commission, staff realized that the date of Thursday, April 13, 2006, (contained in the schedule) was considered a religious holiday and

could cause a conflict. Mr. Bernhardt said that staff recommends moving this meeting date to Tuesday, April 11, 2006, and if the Commission agreed, this item could be amended and placed on the Consent agenda for adoption.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously, to amend the 2006 Planning Commission meeting schedule to reflect Tuesday, April 11<sup>th</sup> as the first meeting date in the month of April, 2006, as well as place the 2006 Planning Commission Meeting Schedule on the Consent Agenda for adoption. (8-0)

Ms. Jones announced that she will be recusing herself from voting on Item #3 – 16-86-P-14, Hermitage Market Place, when the Chairman calls for a vote on the Consent Agenda.

Ms. Nielson moved and Ms. Jones seconded the motion, which passed unanimously to adopt the Consent Agenda as presented. (8-0) -- **Item #3 - 16-86-P-14 will be recorded as follows: (7-0-1) Abstained - Jones**

## **VII. BUENA VISTA HEIGHTS DETAILED NEIGHBORHOOD DESIGN PLAN - APPENDIX E TO THE PLAN FOR THE NORTH NASHVILLE COMMUNITY: 2002 UPDATE**

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Change the detailed land use policy from “Commercial (Com)” to “Mixed Use (MxU)” for a 0.61 acre parcel located along the west margin of 24<sup>th</sup> Avenue N. about 300 ft. north of Clarksville Pk.

The applicant is seeking the change because the current plan and zoning do not support residential use and he wishes to use the property residentially. This is a “minor plan amendment” to an adopted detailed neighborhood design plan [DNDP] only; no change is being proposed to the adopted structure plan for the community. As a minor plan amendment, notification describing the request is to be sent to property owners within 500 ft of the subject site. In this case, the notification for the associated zone change included properties within 600 ft of the proposed zone change, so the notification for the public hearing on this plan amendment was sent to the same property owners to whom notices regarding the proposed zone change were sent.

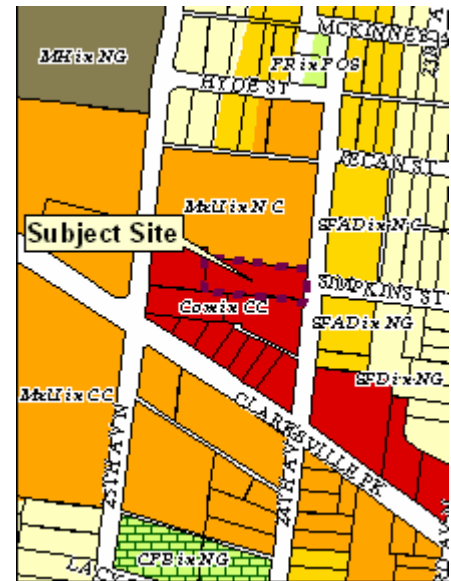
**Existing Land Use Policies Commercial (Com) in Corridor Center (CC) -** “Com” is the policy on the Detailed Land Use Plan in the *Buena Vista Heights Detailed Neighborhood Design Plan*. “CC” is the underlying policy on the Structure Plan in *The Plan for the North Nashville Community: 2002 Update*. Areas designated “Com in CC” are, or are envisioned to be, mainly commercial in character. Many neighborhood and community scale retail and non-retail commercial uses are appropriate and are the primary uses intended in “Com” policy areas that are within “Corridor Center” areas on the community-wide Structure Plan. Office uses and civic and public benefit activities are also appropriate in “Com” areas. As a core shopping area serving surrounding neighborhoods and the community, residential uses are not intended in areas designated “Commercial” on the detailed land use plan.

### **Proposed Land Use Policies**

**Mixed Use (MxU) in Corridor -** “MxU” is the Detailed Land Use Plan classification for Center (CC) areas that are intended to contain an integrated mixture of residential and compatible office, commercial and civic/public benefit uses. These are, or are intended to be, walkable, pedestrian-friendly areas that offer opportunities to live, work, shop and relax in close proximity to each other.

**ANALYSIS** - The subject site is located on the edge of a “Corridor Center (CC)” area that is oriented toward Clarksville Pk. Within that CC area, the area designated “Com”, including the subject site, is all currently planned for continued development with mainly neighborhood and community scale retail commercial uses, but not residential.

- The subject site abuts an area to the north that is envisioned for mixed uses within a “Neighborhood Center.” And, it faces an area on the east side of 24<sup>th</sup> Ave. N. where single family homes and townhouses are planned within a “Neighborhood General” area on the community-wide Structure Plan.
- The subject site is suitably located for either the commercial uses it is currently designated for in the Buena Vista Detailed Neighborhood Design Plan, or, the proposed mixture of uses that includes residential.
- This amendment involves only a minor adjustment in the neighborhood’s detailed land use plan within the context of the existing Structure Plan that will remain unchanged.



**Resolution No. RS2005-361**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Buena Vista Heights Detailed Neighborhood Design Plan – Appendix E To The Plan For The North Nashville Community: 2002 Update is **APPROVED. (8-0)**”

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

1. **2005Z-122T**  
Council Number BL2005-763

An ordinance amending Title 2 and Title 17 of the Metropolitan Code of Laws by amending Sections 2.104.040, 17.24.020, 17.24.030, 17.24.050, 17.24.080, 17.24.100, 17.24.150, 17.24.160, 17.24.210, 17.24.220, 17.24.230, 17.24.240 and 17.24.250 relating to tree topping and landscaping, buffering, and tree replacement.

**The Metropolitan Planning Commission DEFERRED Zone Change 2005Z-122T INDEFINITELY at the request of the applicant. (8-0)**

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2. **2005Z-142U-08**  
Map 081-02, Parcel 122  
Subarea 8 (2002)  
District 2 - Jamie D. Isabel

A request to change from IWD to RS3.75 district property located at 2115 24th Avenue North (.60 acres), requested by Milton G. Pitts, Jr., owner.

**Staff Recommendation** - *Approve with the associated minor amendment to the Buena Vista Heights Detailed Neighborhood Design Plan and North Nashville Community Plan.*

**APPLICANT REQUEST** -Rezone 0.60 acres from industrial warehouse/ distribution (IWD) to residential single-family (RS3.75) district property located at 2115 24th Avenue North.

**Existing Zoning**

IWD district Industrial Warehousing/Distribution is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

**Proposed Zoning**

RS3.75 district RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

**NORTH NASHVILLE COMMUNITY PLAN POLICY**

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

***Buena Vista Heights DNDP***

Commercial in CC - This DNDP policy further specifies the use in this Corridor Center area to be commercial.

**Proposed Minor Amendment to the land use policy**

Mixed Use - MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density.

**Policy Conflict** - The proposed RS3.75 zoning district is consistent with proposed Mixed Use land use policy for this site.

Mixed Use policy supports single-family residential development of a higher density – i.e. RS3.75 zoning, which allows over nine homes per acre. The existing Commercial in CC policy does not support the proposed residential use, but the policy change is also consistent with existing duplex on the site, and the RS3.75 zoning represents an improvement over the existing IWD zoning.

**Future development** - With RS3.75 zoning in place, this property would be large enough to be subdivided into roughly six single-family residential lots. The applicant and the Commission should note that a Planned Unit Development may be required with a future subdivision to help implement a site design that recognizes the area as a transition from commercial and mixed uses near Clarksville Pike to residential uses to the north.

**RECENT REZONINGS** - Parcels 281, 283, 285 and 286 to the immediate south of this property were approved by the Commission for CL zoning at the September 8, 2005, Commission meeting.

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

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

| Land Use (ITE Code)  | Acres | FAR   | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.60  | 0.184 | 4,809             | 130                   | 17           | 85           |

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

| Land Use (ITE Code) | Acres | FAR  | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|------|-------------------|-----------------------|--------------|--------------|
| Warehousing()       | 0.60  | 0.80 | 20,908            | 428                   | 28           | 19           |

**Typical Uses in Proposed Zoning District: RS3.75**

| Land Use (ITE Code)          | Acres | Density per acre | Total Number of Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|------------------|-----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 0.60  | 9.89             | 6                     | 60                    | 5            | 7            |

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

| Land Use (ITE Code) | Acres | -- |  | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
|                     |       |    |  | -368                  | -23          | -12          |

**METRO SCHOOL BOARD REPORT**

Projected student generation    1 Elementary    0 Middle    0 High

**Schools Over/Under Capacity** - Students would attend Gower Elementary School, Hill Middle School, or Hillwood High School. Hillwood High School has been identified as being overcrowded by the Metro School Board. There is capacity within adjacent clusters, including Whites Creek, Hillsboro, and Pearl-Cohn. This information is based upon data from the school board last updated August 2, 2005.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-362**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-142U-08 is **APPROVED. (8-0)**

**The proposed RS3.75 district is consistent with the Buena Vista Heights Detailed Neighborhood Design Plan’s Mixed Use Policy for this site, allowing single-family detached homes.”**

## PLANNED UNIT DEVELOPMENTS

3. **16-86-P-14**  
Hermitage MarketPlace (Home Depot)  
Map 75, Parcel 122  
Subarea 14 (2004)  
District 11 - Feller Brown

A request to revise a portion of the preliminary and for final approval for a Commercial Planned Unit Development district located along the east side of Old Hickory Boulevard, north of Old Lebanon Dirt Road (0.53 acres), classified SCR, to permit the addition of a 3,596 square foot convenience market, gas station and car wash to the parking area of the Home Depot store, requested by Green Farrow, applicant for Home Depot USA, owner.

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

### APPLICANT REQUEST - Revise Preliminary PUD

Request to revise a portion of the preliminary and approve Final PUD, Commercial Planned Unit Development, and for final approval of the PUD to permit the addition of a 3,596 square foot convenience market, gas station, and car wash.

**PLAN DETAILS** - The application is for the development of a 2,732 square foot convenience store/gas station with six pumps, and an 864 square foot car wash. The project will be located in southwest section of the existing Home Depot parking lot.

Access - Ingress/Egress will be from an internal drive within the PUD, and from within the Home Depot parking lot.

Parking - The original PUD was required to have 442 spaces, and provided a total of 553 spaces. Approximately 52 parking spaces will be lost with this development, leaving approximately 501 spaces, maintaining its legally required number of parking spaces.

**STORMWATER RECOMMENDATION** - Approve as noted:

1. Provide Stormwater Detention Maintenance Agreement for water quality structure.
2. Place elevations on water quality detail.
3. Signature is required on EPSC statement.
4. A dedication of easement must be provided for water quality structure.

**PUBLIC WORKS RECOMMENDATION** - No Exceptions Taken

### CONDITIONS

1. A note stating that no display shall be allowed within any parking area must be added to the plans.
2. Prior to the issuance of any permits, confirmation from Metro Stormwater must be received indicating that the conditions, as outlined in the staff report have been satisfied.
3. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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. 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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning

Commission.

7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four 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.

Approved with conditions, (7-0-1), Jones-Abstained, Consent Agenda

**Resolution No. RS2005-363**

“BE IT RESOLVED by The Metropolitan Planning Commission that 16-86-P-14 is **APPROVED WITH CONDITIONS (7-0-1)**

**Conditions of Approval:**

1. Provide Stormwater Detention Maintenance Agreement for water quality structure.
2. Place elevations on water quality detail.
3. Signature is required on EPSC statement.
4. A dedication of easement must be provided for water quality structure.
5. A note stating that no display shall be allowed within any parking area must be added to the plans.
6. Prior to the issuance of any permits, confirmation from Metro Stormwater must be received indicating that the conditions, as outlined in the staff report have been satisfied.
7. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
8. 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.
9. The requirements of the Metropolitan Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits. 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.
10. 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 copies of the corrected/revised plans have been submitted to and approved by staff of the Metropolitan Planning Commission.
11. 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.
12. These plans as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans will require reapproval by the Planning Commission.”

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**IX. PREVIOUSLY DEFERRED ITEMS (Not on Public Hearing)**

**PLANNED UNIT DEVELOPMENTS**



4. **88P-042G-03**  
Parnley Commercial PUD  
Map 049, Parcel 185  
Subarea 3 (2003)  
District 3 - Carolyn Baldwin Tucker

A request to revise the preliminary commercial Planned Unit Development, located at 3705 Whites Creek Pike, north of Green Lane classified SCN, (12.07 acres), approved for a 80,000 square foot office and retail development, to revise building layout including primary access point, requested by Dale and Associates, applicant for Jane and Howard Parnley, and Howard Scott, owners.

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

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

**APPLICANT REQUEST - Revise Preliminary**

Request to revise the Preliminary plan for a 12.07 acre Commercial Planned Unit Development district approved for 80,000 square feet of office and retail development, to allow for the revision of building and street layout. The property is located at 3705 Whites Creek Pike, north of Green Lane.

**PLAN DETAILS**

**History** - The original residential and commercial PUD (88P-042G-03) was adopted by the Metro Council in 1988, and encompassed a larger land area than the 12.07 acre parcel affected by this request. The residential portion of the original PUD was cancelled in 1991. In 2004, a request was made to cancel the remaining unbuilt commercial PUD (88P-042), and for approval of a new residential PUD, proposed for 121 single-family homes. The applications were approved by the Planning Commission, but disapproved by the Metro Council on October 4, 2005.

**Plan Details** - The current plan is located on the remaining originally approved commercial PUD (88P-042) that was approved for 80,000 square feet of office and retail development. As proposed, the plan calls for 80,000 square feet of office and retail use, and is in keeping with the original plan. The only significant changes from the original plan include the rearrangement of streets and buildings to accommodate the proposed adjacent residential developments. The proposed revised plan does not change the overall concept originally approved by Council.

**Adjacent Development** - The application for preliminary approval for two separate subdivisions (Parnley Cove, and Derby Downs) is relevant to this application because access will be provided to both subdivisions through this development. While Derby Downs will have additional access points, Parnley Cove's only access point to Whites Creek Pike will be through this development.

**PUBLIC WORKS RECOMMENDATION**

1. Install a 125 feet southbound left turn lane on Whites Creek at the main access road.
2. Install a 100 feet southbound left turn lane on Whites Creek Road at the northern intersection with Knight Road.
3. Developer shall submit signal warrant analysis for the access road /Whites Creek intersection at 65% completion. Upon approval by the Traffic and Parking Commission and signal plan approval by the Metro Traffic Engineer, Developer shall install a traffic signal at this intersection.
4. The proposed roadway intersections should be located as to provide adequate sight distance per AASHTO. Developer shall prepare a sight distance analysis at the PUD plan revision to insure adequate sight distance is provided.
5. The Parnley Cove PUD plans indicate that the access road will be constructed as a 60 feet collector. Provide a minimum of 200 feet queue distance from the signal to the first commercial driveway.
6. The original conditions were not phased, so these roadway improvements will be conditioned for phase 1 of any development, including the Parnley Cove 53 lot residential subdivision since its access is by way of the PUD access road.
7. Install a right turn lane with 100 feet of storage on Whites Creek Pike at the access road.

## CONDITIONS

1. Comply with all of Public Works' recommendations, above.
2. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
3. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
4. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and 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.

Mr. Loring moved and Ms. Jones seconded the motion, which passed unanimously to approve with conditions, Planned Unit Development 88P-042G-03. **(8-0)**

### **Resolution No. RS2005-364**

"BE IT RESOLVED by The Metropolitan Planning Commission that 88P-042G-03 is **APPROVED WITH CONDITIONS. (8-0)**

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

1. Install a 125 feet southbound left turn lane on Whites Creek at the main access road.
2. Install a 100 feet southbound left turn lane on Whites Creek Road at the northern intersection with Knight Road.
3. Developer shall submit signal warrant analysis for the access road /Whites Creek intersection at 65% completion. Upon approval by the Traffic and Parking Commission and signal plan approval by the Metro Traffic Engineer, Developer shall install a traffic signal at this intersection.
4. The proposed roadway intersections should be located as to provide adequate sight distance per AASHTO. Developer shall prepare a sight distance analysis at the PUD plan revision to insure adequate sight distance is provided.
5. The Parmley Cove PUD plans indicate that the access road will be constructed as a 60 feet collector. Provide a minimum of 200 feet queue distance from the signal to the first commercial driveway.
6. The original conditions were not phased, so these roadway improvements will be conditioned for phase 1 of any development, including the Parmley Cove 53 lot residential subdivision since its access is by way of the PUD access road.
7. Install a right turn lane with 100 feet of storage on Whites Creek Pike at the access road.
8. Comply with all of Public Works' recommendations, above.
9. Prior to the issuance of any permits, confirmation of final approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services and the Traffic Engineering Section of the Metropolitan Department of Public Works.
10. 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.
11. 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.”

## PRELIMINARY SUBDIVISION PLATS

5. **2005S-249G-03**  
Parmley Cove  
Map 049, Parcel 185  
Subarea 3 (2003)  
District 3 - Carolyn Baldwin –Tucker

A request for preliminary approval of a 50 lot cluster-lot subdivision, located abutting the east margin of Whites Creek Pike north of Green Lane (26.51 acres) classified in the RS20 District, requested by Jane D. and Howard Parmley & Howard Scott, owners and Dale and Associates, surveyor.

**Staff Recommendation** - *Approve with conditions (See the text of the report, below, for an alternative recommendation based upon a revised interpretation of existing Code and Regulation provisions)*

### APPLICANT REQUEST - Preliminary Plat

Request for preliminary approval of a 50 lot, cluster lot subdivision on 26.51 acres, located on the east side of Whites Creek Pike, north of Green Lane.

### Zoning

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

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.

**CLUSTER LOT OPTION** - The cluster lot option was created in order to provide for flexibility in design, the creation of common open space, and the preservation of natural features or unique or significant vegetation. The cluster lot option allows lots to be reduced up to two base zone districts, while providing at least 15% open space per phase.

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open space per phase. The plan calls for approximately 8.7 acres of open space, which is approximately 32%.

**SUBDIVISION DETAILS** - As proposed, the request will create 50 lots on approximately 26 acres of land with an overall density of 1.92 dwelling units per acre. The lots range in size from 10,000 square feet to 20,400 square feet. Out of the proposed 50 lots, 94% are smaller than 15,000 square feet.

Fourteen lots are denoted as critical lots, which are lots with 20% or greater slopes. Critical lots are lots that may not be suitable for slab foundation homes, and require homes to be built with the slope of the lot to reduce environmental impacts.

Access - All lots will be accessed by new streets, with primary access for the subdivision along Whites Creek Pike. As proposed, access to Whites Creek Pike will be provided through a street within an adjacent Commercial Planned Unit Development (Parmley Commercial PUD). If the Planned Unit Development is not approved, then this access point will not be available. Another possible access point for this development is through a proposed subdivision to the east (Derby Downs). The closest access point through this development would be over a mile to the east from Knight Drive.

Stub Street(s) - Stub streets are being provided for future connection to adjacent property to the east, west and the south. Temporary turn-arounds are shown, on the east and west stub streets. A temporary turn-around is not required on stub street to the west because the street is less than 150-feet long.

Sidewalks - Sidewalks are proposed along all streets.

**Staff Recommendation** - If the Commercial Planned Unit Development revision is approved, then staff recommends approval of this subdivision. However, if the PUD revision is not approved, then staff recommends that the subdivision be disapproved due to the lack of access. Although access could be provided through Derby Downs (if approved), the distance

this development is from Knight Drive, and the number of lots that would utilize this access would make it an inappropriate single point of access for this project.

#### **PUBLIC WORKS RECOMMENDATION**

1. Final approval is subject to Public Works' approval of construction plans.
2. Dimension circular turnarounds. Show 50' pavement radius, curb and gutter, grass strip, and 5' sidewalk.

#### **STORMWATER RECOMMENDATION - Approve Except as Noted on 8/22/05.**

"We received a fax today indicating that the state did downgrade the blue-line into a wet weather conveyance. This means that you may remove that portion of the buffer. Please note that the portion for ">40 acres" must remain on the plat and development must stay out of that portion of the buffer."

"The location of the "> 40" acres buffer is OK for preliminary. But, you may be required to submit drainage area calculations to support it when your grading plans are being reviewed"

#### **CONDITIONS**

1. Per Public Works, dimension circular turnarounds. Show 50' pavement radius, curb and gutter, grass strip, and 5' sidewalk.
2. 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.
3. No part of any building shall be more than 500 Ft. from a fire hydrant via an approved hard surface. Fire hydrants should flow at least 1,000 GPM's at 40 psi.
4. Dead end roadways over 150 Ft. in length requires a 100 – foot diameter turn around, or a T – type that is approved by the Fire Marshal's Office.

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.

**ALTERNATIVE RECOMMENDATION** - At the September 22, 2005, Commission meeting, Commission members asked staff to further study the application in light of the Cluster Lot options and related provisions in the Code and Subdivision Regulations. Staff has reviewed the Cluster Lot provisions and has presented the Commission with a proposed policy document that may be considered by the Commission for adoption at either the October 13 or 27 Commission meetings. The alternative recommendation below is based upon existing Code and Subdivision Regulation provisions, but incorporates the same principles and recommended policy interpretations contained in the proposed policy document.

The Metro Code places a great deal of discretion in the hands of the Commission with respect to Cluster Lot subdivisions. Section 17.12.090 provides that "subdivisions in the R and RS districts may cluster lots." The Commission is not required, under any circumstances, to approve a Cluster lot subdivision application. The Code further states that lots may be reduced in area the equivalent of two smaller base zoning districts.

As directed by the Commission, staff has conducted further review of this application and can make an alternative recommendation to the Commission that it **disapprove** the requested cluster lot subdivision for reasons described below.

#### **ALTERNATIVE ANALYSIS**

1. The application does not provide for harmonious development by properly addressing neighboring properties. This may require significant buffering of the development from surrounding properties. In addition, it may be necessary for the applicant to provide lots near the perimeter of the subdivision that have the area of the base zoning, or perhaps even larger.

While the exterior lots along a majority of the property line are buffered by steep slopes, the lots along the western property line are adjacent to an existing residential lot. The lots along the western property line (lots 1-17) are on average around 10,000 sq. ft. with the largest being 13,700 sq. ft. The residential lots to the west are zoned AR2A and are much larger than the proposed lots, as well as, what is allowed with the RS20 base district. The only separation between the proposed lots along the western property line and the adjacent property, which is a single family lot on approximately 8.7 acres is a 20 ft. class "C" buffer yard. While this is the type buffer yard stipulated in the Zoning Code, it may not be adequate. To reduce the negative impact this proposal may have on the adjacent property, lots along the western perimeter should at least

meet the minimum base zone requirement. This would allow for a more comprehensive development pattern to merge with the cluster lot and property to the west.

2. The application does not comply with the General Plan, including the adopted Bordeaux – White’s Creek Community Plan.

The Bordeaux – White’s Creek Community Plan designates 2.35 acres of the proposed project as Natural Conservation Land Use policy. There is approximately 102,340 sq. ft. (2.35 acres) of land with slopes 25% or greater. “NOC areas are intended to be rural in character, with very low intensity development.” The Community Plan identifies these areas as “generally unsuitable for conventional suburban or urban development. In general, densities should not exceed one dwelling unit per two acres.” The Commission could condition the exercise of its discretion to allow the cluster lot option by requiring that the density of the overall development be reduced to reflect one density per two acres of all property designated as NCO policy. The following is a breakdown of this provision:

Lots within NCO policy (1 unit/2 acres) – 1 lot  
(calculation: 2.35 acres\*15% for streets = 2 acres/2 = 1 lot)

Lots within RLM (2.2 units/1 acre) – 45 lots  
(calculation: 26.51 acres – 2.35 acres in NCO policy = 24.16\*15% for streets = 20.5 acres\* 2.2 units per acre = 45 lots.  
Note: While RLM policy normally would allow up to four units per acre, the zoning for this portion of the property is RS20, which caps the density at one unit per 20,000 square feet, or 2.2 units per acre).

Total Density = 46 lots.

Although Development Goal 4 of the Community Plan identifies this area for “new residential growth,” Goal C for the greater community calls for such residential growth to “preserve [the] unique rural district through sensitive development and design.” The Plan further “encourages using design to help reflect the character and quality of the community.” The current proposed subdivision does not meet these requirements. The maximum density allowed for the land located in Special Policy Area 1 is two dwelling units per acre within the RLM policy only. The proposed subdivision may need to be reduced in density in order to comply with these requirements in the Community Plan.

“The plan discourages typical suburban design and subdivision of the property along White’s Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from White’s Creek Pike.” Although there are no lots directly on White’s Creek Pike, the plan does not otherwise meet these requirements by protecting the existing natural views.

3. The application does not comply with the special protections contained in the Hillside Development Standards. “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with 20% or greater natural slopes.” Metro Code, § 17.28.030 A. When the Commission is exercising its discretion to allow a cluster lot subdivision, the Commission can also require that a proposed development comply with this section of the Code by staying completely out of any area with contiguous slopes of greater than 20%. The current proposed plat does include all contiguous areas with slopes greater than 20% as open space. Any revision to the plat to address the lot sizes along the western property line should not be permitted to result in the disturbance of any areas with 20% or greater slopes.

Each of these factors listed above is supported by an existing provision in either the Metro Code or the Regulations. The Commission would be within its authority to recommend disapproval of this application based on the failure of the application to meet these standards.

Mr. Kleinfelter presented and explained that the applicant has submitted revised plans for both 2005S-249G-03 and 2005S-250G-03, and that the revised plats meet all of the conditions recommended by staff in the alternative analysis provided at the end of the staff report for each case. Mr. Kleinfelter stated that staff recommends approval with conditions on the revised submissions for both 2005S-249G-03 and 2005S-250G-03.

Mr. Ponder acknowledged the additional studies put into the proposal and spoke in favor of the development.

Ms. Cummings also mentioned the additional analysis of the proposal and stated she too was in favor.

Mr. Clifton stated the proposal captures the interpretations and policies of the cluster lot options, as well as adheres to the zoning required in the area. He was in favor.

Mr. McLean and Ms. Nielson also agreed with the aforementioned comments.

Mr. Jones spoke of the additional time and effort and stated the results were favorable.

Mr. Loring was in favor.

Mr. Lawson spoke positively of staff's guidance on the provisions of the cluster lot options. He commended Council Lady Baldwin Tucker, the residents of Whites Creek, as well as the developer for their attempts to find a plan that would be more conducive for the community. He expressed some concern with the size of the development, but stated it was moving in the right direction.

Mr. Ponder move and Ms. Jones seconded the motion, which passed unanimously, to approve with conditions the revised submission for Preliminary Subdivision Plat 2005S-249G-03, which was submitted by the applicant to comply with the alternative analysis contained in the staff report. **(8-0)**

**Resolution No. RS2005-365**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2005S-249G-03 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Per Public Works, dimension circular turnarounds. Show 50' pavement radius, curb and gutter, grass strip, and 5' sidewalk.
2. 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.
3. No part of any building shall be more than 500 Ft. from a fire hydrant via an approved hard surface. Fire hydrants should flow at least 1,000 GPM's at 40 psi.
4. Dead end roadways over 150 Ft. in length requires a 100 – foot diameter turn around, or a T – type that is approved by the Fire Marshal's Office."

- 
6. **2005S-250G-03**  
Derby Downs  
Map 049, Parcels 141,142,143 & 318  
Subarea 3 (2003)  
District 3 - Carolyn Baldwin Tucker

A request for preliminary approval to create a 607 cluster-lot subdivision on the west side of Knight Road, north of Brick Church Pike (370.02 acres), classified within the RS20 District, requested by Shuler Properties, LLC, optionee, Dale & Associates, surveyor.

**Staff Recommendation** - *Approve with conditions (See the text of the report, below, for an alternative recommendation based upon a revised interpretation of existing Code and Regulation provisions)*

**APPLICANT REQUEST - Preliminary Plat**

Request to create 607 single-family lots on 370.02 acres on the west side of Knight Road, north of Brick Church Pike.

**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.

**CLUSTER LOT OPTION** - The cluster lot option allows the Commission to approve a reduction of minimum lot sizes two base zone districts from the base zone classification of RS20 (minimum 20,000 sq. ft. lots) to RS10 (minimum 10,000 sq. ft. lots).

Pursuant to Section 17.12.080(D) of the Metro Zoning Ordinance, cluster lot subdivisions require a minimum of 15% open

space. The applicant complies with this requirement by proposing a total of 43.4% or 160 acres in open space for this project. The applicant has chosen to use the cluster lot option due to steep topography exceeding 25% and streams running through the property.

### **SUBDIVISION DETAILS**

Phases - Six phases are proposed for this subdivision:

- Phase 1—91 lots
- Phase 2—97 lots
- Phase 3—123 lots
- Phase 4—85 lots
- Phase 5—145 lots
- Phase 6—66 lots

The lots range in size from 10,000 sq. ft to 101,000 sq. ft. There are 579 lots (95%) proposed between 10,000 sq. ft and 14,999 sq. ft. There are 25 lots (4%) proposed between 15,000 sq. ft. and 19,999 sq. ft. and 3 lots (less than 1%) proposed over 20,000 sq. ft.

The current land use policy allows a maximum of 2 units per acre allowing 740 units, while the proposed subdivision provides 607 units.

Access/Street Connectivity - Access is proposed from Knight Drive via the proposed Derby Downs Boulevard, which would connect to the proposed Parmley Cove subdivision to the west. Derby Downs Boulevard would become a collector and connect to Brick Church Lane through the Parmley Cove development. Two additional stub streets are proposed to the north.

Sidewalks - Sidewalks are proposed along all the new streets within the subdivision.

Landscape Buffer Yards - Landscape buffer yards (C-20') are proposed around the western and northern boundary of the property since the lots are reduced in size two zoning districts. There are also buffer yards along Knight Drive that well exceed this requirement and propose as much as 100' in some locations.

**STORMWATER RECOMMENDATION** - Approve.

### **PUBLIC WORKS RECOMMENDATION**

1. Developer shall realign eastern portion of Derby Downs Boulevard to align with Brick Church Lane. Extend Derby Downs Boulevard right of way to Parcel 144 for collector extension.
2. Southern access to be relocated for adequate sight distance, and shall connect to Derby Downs Boulevard. This access shall be located a minimum of 1,000 feet from Brick Church Lane at a location with adequate sight distance. The access road shall be constructed with a residential collector cross section to its connection with the proposed east/west collector section. The connection to Derby Downs Boulevard shall be at a right angle.
3. Developer shall widen Knight Road to a minimum of 1/2 of collector standards along property frontage; a minimum 5 feet of right of way shall be dedicated along Knight Road property frontage. The minimum 1/2 collector standard along the property frontage shall be completed prior to the issuance of 300 building permits.
4. Developer shall construct a northbound left turn lane with a minimum 150 feet of storage on Knight Road and a southbound right turn lane with 50 ft of storage at southern access road. The northbound left turn lane and southbound right turn lane at the southern access road shall be completed prior to the issuance of 150 building permits.
5. Developer shall construct a northbound left turn lane with a minimum of 100 feet of storage on Knight Road and a southbound right turn lane with 50 ft of storage at the northern access road. The northbound left turn lane and southbound right turn lane at the northern access road shall be completed prior to the issuance of 200 building permits.
6. Transitions for turn lanes shall be per AASHTO Standards.
7. Adequate sight distance at both access road intersections shall be provided in accordance with AASHTO

standards.

8. Both access roads with Knight Road shall be designed with one (1) entering lane and two (2) exiting lanes with a minimum of 100 feet of storage for each lane.
9. Developer shall conduct traffic counts at Knight Road and Ewing Drive and submit signal warrant analysis with each final plat. Upon signal approval by the Traffic and Parking Commission, developer shall submit signal plans for approval by the Metro Traffic Engineer, and upon approval shall install traffic signal. Coordinate signal design with intersection roadway improvements by others.
10. When a signal is warranted at the intersection of Knight Road and Ewing Drive, the developer shall evaluate the need to construct a separate southbound left turn lane on Knight Road at Ewing Drive, per AASHTO standards. Public Works will consider an equitable payment in lieu of constructing the separate southbound left turn lane on Knight Road at Ewing Drive.
11. Developer shall conduct traffic counts and signal warrant analysis for the southern main access road / Knight Road intersection upon completion of 75% of development, or 470 lots. If approved by the Traffic and Parking Commission, developer shall submit signal plans for approval by Metro Traffic Engineer, and upon approval shall install traffic signal.

Comments from the 8/8/2005 DRC Meeting. Preliminary plat dated: 7/27/2005.

Approvals are subject to Public Works' review and approval of construction plans.

Show and dimension right of way along Knight Drive. Label and dedicate 5' of right of way (30 feet from centerline), consistent with the approved major street / collector plan. Dimension for roadway centerline to boundary.

Label and dimension 50' pavement radius at circular turnarounds, including curb & gutter, grass strip, and 5' sidewalk.

Extend right of way boundary line to property line for temporary turnarounds.

Show additional street section per Metro ST-252: Residential Local Street (50' ROW).

- A. Preakness Circle from Churchill Lane to Belmont Stakes Drive.
- B. Preakness Circle from Derby Downs Blvd to Churchill Lane.

#### **CONDITIONS**

1. All Public Works conditions listed above must be completed or bonded prior to final plat approval.
2. 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 approval of any final plat. 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.
3. Revised plans are to be received by October 27, 2005, that:
  - a. Label all temporary turnarounds.
  - b. Add "Cluster Lot Subdivision" under the name of the subdivision.
  - c. Lots with alley access shall have access only from the alley.
  - d. Label 10'R.O.W. Reservation note along boundary as Standard C Landscape buffer yard.
  - e. A note should be added to the preliminary plat stating: "Because this preliminary plat contains lots that have been designated as "critical lots" pursuant to Section 17.28.030 of the Metro Code and the Metro Subdivision Regulations (the "critical lot requirements"), no grading permits may be issued for any phase of this preliminary plat containing critical lots until a grading plan for that phase has been approved by the Planning Department. Prior to final plat approval, a grading plan shall be submitted and approved demonstrating the feasibility of complying with the critical lot standards for the critical lots and the surrounding open space areas for the proposed development. It is possible that the final plat will be required to contain significantly fewer lots than shown on this preliminary plat if the lots designated as



critical lots cannot be developed in compliance with the critical lot requirements.”

The required grading plan will allow review of the proposed lot layout and grading to ensure the design will allow the proposed lots to meet the critical lot standards.

**ALTERNATIVE RECOMMENDATION** - At the September 22, 2005, Commission meeting, Commission members asked staff to further study this application in light of the cluster lot options and related provisions in the Code and Subdivision Regulations. Staff has reviewed the cluster lot provisions and has presented the Commission with a proposed policy document that may be considered by the Commission for adoption at either the October 13 or 27 Commission meetings. The alternative recommendation below is based upon existing Code and Subdivision Regulation provisions, but incorporates the same principles and recommended policy interpretations contained in the proposed policy document.

The Metro Code places a great deal of discretion in the hands of the Commission with respect to Cluster Lot subdivisions. Section 17.12.090 provides that "subdivisions in the R and RS districts may cluster lots." The Commission is not required, under any circumstances, to approve a Cluster lot subdivision application. The Code further states that lots may be reduced in area the equivalent of two smaller base zoning districts.

As directed by the Commission, staff has conducted further review of this application and can make an alternative recommendation to the Commission that it **disapprove** the requested cluster lot subdivision for reasons described below.

### **ALTERNATIVE ANALYSIS**

1. The application does not provide for harmonious by properly addressing neighboring properties. Significant additional buffering of the development from surrounding properties may be appropriate in this case. In addition, it may be necessary for the applicant to provide lots near the perimeter of the subdivision that have the area of the base zoning, or perhaps even larger. Lots 142, 470-471, 484, 588-591, 601-606, 57, and 51 are perimeter lots. As proposed, these lots do not comply with this provision since there is not a larger buffer greater than 30' adjacent to the lots or the lots should be made larger to conform to the base zoning minimum lot size requirement of 20,000 sq. ft. or greater. This would allow for a more comprehensive development pattern to merge with the existing cluster lot subdivisions to the south and the larger lots to the north.

2. The application does not comply with the General Plan, including the adopted Bordeaux – White’s Creek Community Plan.

The Bordeaux – White’s Creek Community Plan designates approximately 79 acres (according to Metro contours) of the proposed project as Natural Conservation Land Use policy. There are 52 acres that have slopes 25% or greater and 27 acres that are within 20-24% slopes. “NCO areas are intended to be rural in character, with very low intensity development.” The application of the NCO policy is intended for slopes 20% or greater and other environmentally sensitive areas, but “the more environmentally sensitive or remote a site is, the lower the acceptable density,” according to the Community Plan. The Commission could condition the exercise of its discretion to allow the cluster lot option by requiring that the density of the overall development be reduced to reflect one unit per two acres of all property designated as NCO policy. The following is a breakdown of this provision:

Lots within NCO policy (1 unit/2 acres)—34 lots (Calculation: 79 acres\*15% for streets = 67.15 acres/2 =34 units)

Lots within RLM special policy (2 units/1 acre)—495 lots  
(Calculation: 370.02 acres-79 acres in NCO policy = 291.02\*15% for streets = 247.37 acres\*2 units per acre = 495 lots)

Total density--- 529 lots

Although Development Goal 4 of the Community Plan identifies this area for “new residential growth,” Goal C for the greater community calls for such residential growth to “preserve [the] unique rural district through sensitive development and design.” The Plan further “encourages using design to help reflect the character and quality of the community.” The current proposed subdivision does not adequately meet these requirements. The maximum density allowed for the land located in Special Policy Area 1 is two dwelling units per acre within the RLM policy only. Although the proposed plan does meet the RLM special policy, it does not meet the NCO policy. The proposed subdivision would need to be reduced in density in order to comply with these requirements in the Community Plan.

3. The application does not comply with the special protections contained in the Hillside Development Standards. “The development of residentially zoned property shall minimize changes in grade, cleared area, and volume of cut or fill on those hillside portions of the property with 20% or greater natural slopes.” Metro Code, § 17.28.030 A. When the

Commission is exercising its discretion to allow a cluster lot subdivision, the Commission can also require that a proposed development comply with this section of the Code by staying completely out of any area with contiguous slopes of greater than 20%. The application should be revised to comply with the Hillside Development Standards **by setting aside all areas with 20% or greater slopes as common open space to remain undisturbed.**

Each of these factors listed above is supported by an existing provision in either the Metro Code or the Regulations. The Commission would be within its authority to recommend disapproval of this application based on the failure of the application to meet these standards.

Mr. Kleinfelter presented and explained that the applicant has submitted revised plans for both 2005S-249G-03 and 2005S-250G-03, and that the revised plats meet all of the conditions recommended by staff in the alternative analysis provided at the end of the staff report for each case. Mr. Kleinfelter stated that staff recommends approval with conditions on the revised submissions for both 2005S-249G-03 and 2005S-250G-03.

Mr. Lawson suggested, and the Commissioners agreed, that the Commission will vote individually for each proposal.

Mr. McLean indicated that this plan was also improved to better meet the cluster lot option guidelines.

Mr. Lawson requested additional information on the average lot size included in the Derby Downs development.

Ms. Harris stated that the developer increased the size of buffering utilized in the development as opposed to increasing lot sizes.

Mr. McClean moved and Mr. Ponder seconded the motion, to approve with conditions the revised submission for Preliminary Subdivision Plat 2005S-250G-03, which was submitted by the applicant to comply with the alternative analysis contained in the staff report. **(7-1) No Vote – Lawson**

#### **Resolution No. RS2005-366**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-250G-03 is **APPROVED WITH CONDITIONS.** (7-1)

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

1. Developer shall realign eastern portion of Derby Downs Boulevard to align with Brick Church Lane. Extend Derby Downs Boulevard right of way to Parcel 144 for collector extension.
2. Southern access to be relocated for adequate sight distance, and shall connect to Derby Downs Boulevard. This access shall be located a minimum of 1,000 feet from Brick Church Lane at a location with adequate sight distance. The access road shall be constructed with a residential collector cross section to its connection with the proposed east/west collector section. The connection to Derby Downs Boulevard shall be at a right angle.
3. Developer shall widen Knight Road to a minimum of 1/2 of collector standards along property frontage; a minimum 5 feet of right of way shall be dedicated along Knight Road property frontage. The minimum 1/2 collector standard along the property frontage shall be completed prior to the issuance of 300 building permits.
4. Developer shall construct a northbound left turn lane with a minimum 150 feet of storage on Knight Road and a southbound right turn lane with 50 ft of storage at southern access road. The northbound left turn lane and southbound right turn lane at the southern access road shall be completed prior to the issuance of 150 building permits.
5. Developer shall construct a northbound left turn lane with a minimum of 100 feet of storage on Knight Road and a southbound right turn lane with 50 ft of storage at the northern access road. The northbound left turn lane and southbound right turn lane at the northern access road shall be completed prior to the issuance of 200 building permits.
6. Transitions for turn lanes shall be per AASHTO Standards.
7. Adequate sight distance at both access road intersections shall be provided in accordance with AASHTO standards.

8. Both access roads with Knight Road shall be designed with one (1) entering lane and two (2) exiting lanes with a minimum of 100 feet of storage for each lane.
9. Developer shall conduct traffic counts at Knight Road and Ewing Drive and submit signal warrant analysis with each final plat. Upon signal approval by the Traffic and Parking Commission, developer shall submit signal plans for approval by the Metro Traffic Engineer, and upon approval shall install traffic signal. Coordinate signal design with intersection roadway improvements by others.
10. When a signal is warranted at the intersection of Knight Road and Ewing Drive, the developer shall evaluate the need to construct a separate southbound left turn lane on Knight Road at Ewing Drive, per AASHTO standards. Public Works will consider an equitable payment in lieu of constructing the separate southbound left turn lane on Knight Road at Ewing Drive.
11. Developer shall conduct traffic counts and signal warrant analysis for the southern main access road / Knight Road intersection upon completion of 75% of development, or 470 lots. If approved by the Traffic and Parking Commission, developer shall submit signal plans for approval by Metro Traffic Engineer, and upon approval shall install traffic signal.
12. All Public Works conditions listed above must be completed or bonded prior to final plat approval.
13. 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 approval of any final plat. 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.
14. Revised plans are to be received by October 27, 2005, that:
  - o Label all temporary turnarounds.
  - o Add "Cluster Lot Subdivision" under the name of the subdivision.
  - o Lots with alley access shall have access only from the alley.
  - o Label 10'R.O.W. Reservation note along boundary as Standard C Landscape buffer yard.
  - o A note should be added to the preliminary plat stating: "Because this preliminary plat contains lots that have been designated as "critical lots" pursuant to Section 17.28.030 of the Metro Code and the Metro Subdivision Regulations (the "critical lot requirements"), no grading permits may be issued for any phase of this preliminary plat containing critical lots until a grading plan for that phase has been approved by the Planning Department. Prior to final plat approval, a grading plan shall be submitted and approved demonstrating the feasibility of complying with the critical lot standards for the critical lots and the surrounding open space areas for the proposed development. It is possible that the final plat will be required to contain significantly fewer lots than shown on this preliminary plat if the lots designated as critical lots cannot be developed in compliance with the critical lot requirements."

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

7. **2005Z-143G-04**  
Map 043-15, Parcels 022, 023, 024, 025, and 026  
Subarea 4 (1998)  
District 9 - Jim Forkum

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST-** Request to change 2.12 acres from office and residential (OR20) to commercial service (CS) district on property located at 1119 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered).

**Existing Zoning**

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

**Proposed Zoning**

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

**SUBAREA 4 PLAN**

Office Concentration (OC) - The OC policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

**Policy Conflict - Yes.** The proposed CS district is not consistent with the Subarea Plan’s OC policy intended for office development. The proposed CS zoning would allow for more intense uses that are not consistent with the policy for the area. Although there is commercially zoned property adjacent on each end of the property (corner lots), it is not consistent with the development pattern along the block face of the property, which is zoned OR20. There are single-family homes in the area and a commercial zoning in this area may not be appropriate at this time.

**RECENT REZONINGS - Yes.** Parcel 004 to the east was rezoned from OR20 to CS in 2003. The Planning Commission recommended approval in April 2003, and Metro Council approved it in May 2003.

**PUBLIC WORKS RECOMMENDATION -** A TIS may be required at development; Cross access to adjacent parcels may be required at development; no access will be allowed to State Rt. 45

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

| Land Use (ITE Code)  | Acres | Density | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|---------|-------------------|-----------------------|--------------|--------------|
| General Office (710) | 2.12  | 0.184   | 16,992            | 341                   | 46           | 98           |

**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 |
|-----------------------------|-------|-------|-------------------|-----------------------|--------------|--------------|
| Specialty Retail Center ( ) | 2.12  | 0.368 | 33,984            | 1492                  | na           | 104          |

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

| Land Use (ITE Code) | Acres | -- |         | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|---------|-----------------------|--------------|--------------|
| --                  | 2.12  |    | +16,992 | 1151                  | Na           | 6            |

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

| Land Use (ITE Code) | Acres | Density | Total Square Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|---------|-------------------|-----------------------|--------------|--------------|
| Drive In Bank (912) | 2.12  | 0.15*   | 13,852            | 2783                  | 171          | 634          |

\*Adjusted as per use

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

| Land Use (ITE Code)     | Acres | FAR   | Total Sq. Feet | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------|-------|-------|----------------|-----------------------|--------------|--------------|
| Convenience Market(851) | 2.12  | 0.15* | 13,852         | 10223                 | 928          | 726          |

\*Adjusted as per use

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

| Land Use (ITE Code) | Acres | -- |    | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|----|-----------------------|--------------|--------------|
| --                  | 2.12  | -- | +0 | 7440                  | 757          | 92           |

A request to change from OR20 to CS district property located at 1119 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 200 feet west of Rio Vista Drive (2.12 acres), requested by Richard Rollins, owner.

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

Councilmember Forkum spoke in favor of the zone change request. He stated that the property owner has been in business and provided service to the community for many years. He said that the adjoining properties are already zoned CS and that this request would be comparable to the area. He stated that there was no opposition expressed by the constituents affected by this requested zone change.

Mr. Ponder stated the zone change request is logical for the area and that he was in favor of approving the request.

Mr. Clifton requested further clarification on a 2003 zone change request that took place in this location.

Ms. Harris explained the rezoning to Mr. Clifton.

Mr. Clifton then stated that even though the request was against policy, the results of the rezoning would be right.

Mr. McLean agreed that the rezoning would be appropriate.

Ms. Jones also spoke of rezoning to CS even though it did not meet the general plan for this area.

Mr. Loring spoke in favor of granting approval to the request.

Mr. Ponder moved and Mr. Loring seconded the motion, which passed unanimously to approve zone change request 2005Z-143G-04. **(8-0)**

**Resolution No. RS2005-367**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-143G-04 is **APPROVED. (8-0)**

**The proposed CS district is consistent with the zoning pattern in the area, including the property to the east and west of this site, which are currently zoned CS. The CS district is not out of character with this area and will provide opportunities for a variety of commercial uses to serve the area.”**

- 8. 2005Z-145G-10**  
Map 159-00, part of Parcel 033 (10.17 Ac.)  
Subarea 10 (2005)  
District 34 - Lynn Williams

A request to change from R40 to RS20 district a portion of property located at 11333 Old Hickory Boulevard, opposite Agincourt Way (10.17 acres), requested by The Principles Group, applicant, for William A. King et ux, owners.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - Rezone a 10.17 acre part of a parcel from residential single-family and duplex district (R40) to residential single-family district (RS20) located at 1333 Old Hickory Boulevard, opposite Agincourt Way.

**Existing Zoning**

R40 district R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots.

**Proposed 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.

**GREEN HILLS/MIDTOWN COMMUNITY PLAN POLICY**

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

**Policy Conflict** -No. The proposed RS20 zoning district is consistent with the Residential Low land use policy for this site. Residential Low policy supports single-family residential development of a low density – i.e. RS20 zoning, which allows 1.85 homes per acre.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - An access study may be required at development.

**Typical Uses in Existing Zoning District: R40**

| Land Use (ITE Code)          | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 11.5  | 0.93    | 11                   | 106                   | 9            | 12           |

**Maximum Uses in Proposed Zoning District: RS15**

| Land Use (ITE Code)          | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 11.5  | 2.47    | 28                   | 321                   | 29           | 34           |

**Change in Traffic between Typical and Maximum Uses in Existing and Proposed Zoning District**

| Land Use (ITE Code)          | Acres | Density per acre | Total Number of Units | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|------------------|-----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 11.5  | --               | +17                   | 215                   | 20           | 22           |

**METRO SCHOOL BOARD REPORT**

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

**Schools Over/Under Capacity**-Students would attend Piercy Priest Elementary School, Moore Middle School, or Hillsboro High School. All three schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated August 2, 2005.

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

Mr. Fred Arnold, 6212 Bridlewood Lane, spoke in opposition to the zone change request.

Mr. Terry Smith, 555 Hillview Drive, spoke in opposition to the zone change request.

Mr. Mitch Cone, 1308 Old Hickory Boulevard, spoke in opposition to the zone change request.

Mr. David Mangum, 6204 River Oaks Court, spoke in opposition to the zone change request.

Mr. Phil Hardiman spoke in opposition to the proposed zone change.

Mr. Daniel Baccus, 1331 Old Hickory Boulevard, spoke in opposition to the zone change request. He submitted petitions to the Commission for the record.

Ms. Patsy Baccus, 1331 Old Hickory Boulevard, spoke in opposition to the zone change request.

Mr. Hank Hemaile spoke in opposition to the proposed zone change.

Mr. Ed Kerry spoke in opposition to the proposed zone change.

Councilmember Williams explained that this zone change request has come before the Commission prior to any community meetings. She acknowledged the opposition expressed by those of the adjoining community and suggested amending the subarea plan to place a special policy to this area. She stated she was against staff's recommendation to approve.

Mr. David Schwab, developer, spoke in favor of the proposed zone change request.

Mr. Keith Breeden, 6216 Tupper Place, spoke in opposition to the zone change request.

Mr. Gary Waller, 6208 River Oaks Ct., spoke in opposition to the zone change request.

Ms. Patti Mangum, 6204 River Oaks Court, spoke in opposition to the zone change request.

Mr. Loring spoke in opposition to the zone change request due to the fact that it is not consistent with the general area.

Ms. Nielson expressed issues with the infrastructure of the area in relation to the proposed zone change request.

Mr. McLean spoke of the current land use and the proposed land use in relation to this request. He acknowledged the citizen concerns and stated that prior to any development, many of the concerns mentioned would have to be addressed by Metro Storm Water and Public Works.

Mr. Clifton acknowledged staff's recommendation and stated that this area is currently not ready for this request.

Ms. Cummings spoke favorably of diverse housing. She too spoke of the prior approval that would be required to address issues concerning infrastructure, stormwater and traffic.

Mr. Ponder suggested the possibility of recommending RS40 for the area. He mentioned it would be much more appropriate for the area. He also suggested deferring.

Mr. Lawson explained that the Commission will provide a recommendation to Council and then it would be up to Council if they wanted to make changes to the bill and/or hold a community meeting.

Ms. Jones explained that due to this request being only a zone change a community meeting would not be too productive. There are no plans attached to a zone change request.

A small discussion ensued regarding this proposal.

Mr. Loring moved and Mr. Ponder seconded the motion to disapprove Zone Change 2005Z-145G-10. **(5-3) No Votes – Jones, Cummings, McLean**

**Resolution No. RS2005-368**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-145G-10 is **DISAPPROVED. (5-3)**

**Although the requested RS20 is consistent with the areas RL policy it is not consistent with the lot sizes in the surrounding area. The requested zone district would allow for 20,000 sq. ft. lots while all the surrounding lots are of one acre or greater.”**

The Commission recessed at 5:35 p.m.

The Commission resumed at 5:50 p.m.

Ms. Cummings left the meeting at 5:35 p.m.

Mr. Tyler arrived at 5:35 p.m.

- 9. **2005Z-146U-03**  
 Map 058-00, Parcel 139  
 Subarea 3 (2003)  
 District 1 - Brenda Gilmore

A request to change from RS40 to RS20 district property located at Homeland Drive (unnumbered), west of Clarksville Pike and north of Briley Parkway (16.57 acres), requested by Ellen L. Bryant, James Watkins, and Bertha Smith Clark, owners.

**Staff Recommendation** - *Disapprove RS20. The Commission might consider a Planned Unit Development or cluster lot subdivision application, with the existing RS40 zoning, that would conserve the site's steepest slopes, and minimize disturbance of the site's moderately steep slopes.*

**APPLICANT REQUEST** - Rezone 16.57 acres from residential single-family (RS40) to residential single-family (RS20) district property located at Homeland Drive (unnumbered), west of Clarksville Pike and north of Briley Parkway.

**Existing Zoning**

RS40 district RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. Fifteen lots would be the maximum number allowed on this property with this zoning.

**Proposed 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. Thirty lots would be the maximum number allowed on this property with this zoning.

**BORDEAUX/WHITES CREEK COMMUNITY PLAN POLICY**

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

Natural Conservation (NCO) -NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

**Policy Conflict** -The proposed RS20 zoning district is consistent with the Residential Low land use policy that is on the front portion of this site, but is not consistent with the Natural Conservation land use policy that covers roughly the rear two-thirds of the site. Residential Low policy supports single-family residential development of a low density – i.e. RS20 zoning, which allows 1.85 homes per acre. Given the site's steep slopes to the western rear of the site (much of it in excess of 25 percent slope), however, staff recommends disapproval of RS20 because it is an inappropriate residential density for the NCO policy portion of the site (NCO policy supports even lower density development, at one home per every two acres, which represents about *half* the density as allowed by the *existing* RS40 zoning). Staff could recommend approval of a PUD or cluster lot subdivision on this site with the existing RS40 zoning, to ensure that the maximum density as allowed by NCO and that the existing steep slopes are protected.

**RECENT REZONINGS** -None.

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

**Typical Uses in Existing Zoning District: RS40**

| Land Use (ITE Code)          | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 16.57 | 0.93    | 15                   | 144                   | 12           | 16           |

**Maximum Uses in Proposed Zoning District: RS20**

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



|                              |       |      |             |     |    |    |
|------------------------------|-------|------|-------------|-----|----|----|
|                              |       |      | <b>Lots</b> |     |    |    |
| Single Family Detached (210) | 16.57 | 1.85 | 31          | 355 | 32 | 38 |

**Change in Traffic between Typical and Maximum Uses in Existing and Proposed Zoning District**

| Land Use (ITE Code)          | Acres | Density per acre | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|------------------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 16.57 | --               | +16                  | 211                   | 20           | 22           |

**METRO SCHOOL BOARD REPORT**

**Projected student generation    5\_Elementary    4\_Middle    4\_High**

**Schools Over/Under Capacity** -Students would attend Cumberland Elementary School, Joelton Middle School, or Whites Creek High School. All three schools have been identified as having capacity by the Metro School Board. This information is based upon data from the school board last updated August 2, 2005.

Mr. Pereira presented and stated that staff is recommending disapproval of RS20. However, the Commission might want to consider a Planned Unit Development or cluster lot subdivision application, with the existing RS40 zoning, that would conserve the site’s steepest slopes, and minimize disturbance of the site’s moderately steep slopes.

Mr. McLean moved and Mr. Ponder seconded the motion, which passed unanimously to disapprove Zone Change 2005Z-146U-03. **(8-0)**

**Resolution No. RS2005-369**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-146G-10 is **DISAPPROVED. (5-3)**

**The proposed RS20 district is consistent with the RL policy; however, a majority of the site is in a NCO policy. As proposed, the density allowed with the proposed RS20 district would not be consistent with NCO policy and would allow more density than what the policy calls for on areas with very steep slopes.”**

- 10.    2005Z-147U-13**  
 Map 095-00, Parcel 023  
 Subarea 13 (2003)  
 District 15 - J. B. Loring

A request to change from OR20 to MUN district property located at 2115 Elm Hill Pike, west of Briley Parkway (.88 acres), requested by Ronnie and Breon Degenhardt, owners.

**Staff Recommendation** - *Approve with the condition that the property shall be required at development to provide for cross access with the adjacent parcels.*

**APPLICANT REQUEST** - Rezone 0.88 acres from office/residential district (OR20) to mixed use neighborhood (MUN) district property located at 2115 Elm Hill Pike, west of Briley Parkway.

**Existing Zoning**

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

**Proposed Zoning**

MUN district    Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

**ANTIOCH/PRIEST-LAKE COMMUNITY PLAN POLICY**

Commercial Arterial Existing (CAE) - CAE policy is intended to recognize existing areas of “strip commercial” which is

characterized by commercial uses that are situated in a linear pattern along arterial streets between major intersections. The intent of this policy is to stabilize the current condition, prevent additional expansion along the arterial, and ultimately redevelop into more pedestrian-friendly areas.

**Policy Conflict - No.** The proposed MUN zoning district is consistent with the CAE land use policy for this site. Though MUN is comparable to OR20 in terms of permitted land uses, it implements the intent of the CAE policy to promote the redevelopment of properties along arterial roads (Elm Hill Pike) into more pedestrian-friendly, mixed use areas.

**Existing conditions and site access -** This property has an existing building on the northeastern part of the site, close to Elm Hill Pike, and an existing driveway. The parcel to the west (018) contains an existing church with a driveway that is located at a significant distance from this narrow property. The parcel that surrounds this property to the east and south has an existing apartment complex with a driveway off of Elm Hill Pike that is parallel to the property line. There is also a line of trees and a hill on this property line. Though existing conditions may not easily facilitate it, staff recommends that upon redevelopment, a viable cross access driveway be built within an easement across the frontage of this property, and that this site share a common ingress/egress onto Elm Hill Pike with one or both of these neighboring properties. This may most easily be achieved with the construction of a frontage road to serve all three properties.

**RECENT REZONINGS -** None.

**PUBLIC WORKS RECOMMENDATION -** Provide cross access to adjacent property.

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

| Land Use (ITE Code)  | Acres | FAR   | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|-------|----------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.88  | 0.236 | 9,047                | 209                   | 28           | 89           |

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

| Land Use (ITE Code)           | Acres | FAR   | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-------------------------------|-------|-------|----------------------|-----------------------|--------------|--------------|
| Specialty Retail Center (814) | 0.88  | 0.125 | 4,792                | 243                   | Na           | 33           |

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

| Land Use (ITE Code) | Acres | -- |        | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|--------|-----------------------|--------------|--------------|
| --                  | 0.88  | -- | -4,255 | 34                    | Na           | -56          |

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

| Land Use (ITE Code) | Acres | FAR  | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|------|----------------------|-----------------------|--------------|--------------|
| DRIVE IN BANK(912)  | 0.88  | 0.80 | 30,666               | 5849                  | 379          | 1403         |

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

| Land Use (ITE Code)  | Acres | FAR  | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|----------------------|-------|------|----------------------|-----------------------|--------------|--------------|
| General Office (710) | 0.88  | 0.60 | 22,999               | 429                   | 58           | 105          |

**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 |
|---------------------|-------|----|--------|-----------------------|--------------|--------------|
| --                  | 0.88  | -- | -7,667 | -5420                 | -321         | -1298        |

**METRO SCHOOL BOARD REPORT**

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

**Schools Over/Under Capacity** - Students would attend McGavock Elementary School, Two Rivers Middle School, or McGavock High School. McGavock High School has been identified as not having capacity by the Metro School Board. Adjacent clusters with capacity include Stratford and Glencliff. This information is based upon data from the school board last updated August 2, 2005.

\*Student generation numbers are based on the assumption of 15 residential units of 1,500 square feet each.

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

**Resolution No. RS2005-370**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-147U-13 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Provide cross access to adjacent property.

**The proposed MUN district is consistent with the Antioch-Priest Lake Plan’s Commercial Arterial Existing (CAE) policy. To comply with the condition any development must provide for cross access with the adjacent parcels.”**

11. **2005Z-149G-12**  
Map 181-00, Parcel 047  
Subarea 12 (2004)  
District 31 - Parker Toler

A request to change from AR2a to MUL district property located at 6664 Nolensville Pike, 1,265 feet south of Autumn Oaks Drive (3.4 acres), requested by Don C. Williams of Littlejohn Engineering, appellant, for William T. Chick, owner.

**Staff Recommendation** - *Approve with the condition that the property shall be required at development to provide for cross access along the frontage of this property to the adjacent parcels, as well along the rear of this property to the northwest property line.*

**APPLICANT REQUEST** - Rezone 3.4 acres from agricultural/residential (AR2a) district to mixed use limited (MUL) district property located at 6664 Nolensville Pike, 1,265 feet south of Autumn Oaks Drive.

**Existing Zoning**

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

**Proposed Zoning**

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

**SOUTHEAST COMMUNITY PLAN POLICY**

Community Center (CC) - CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses.

**Policy Conflict** - No. The uses permitted within the proposed MUL zoning district are consistent with the CC land use policy for this site. The context for MUL is also ideal, as the neighboring parcel to the east is zoned SCC and is approved for retail development. The MUL zoning will serve as a transitional zoning district, moving away from the commercial

zoning and development to the east of this parcel to the largely undeveloped parcels and nearby residential developments further to the west.

**Existing conditions and site access** - This property is currently undeveloped, but there is an old commercial PUD with an existing hotel use on the neighboring parcel to the northwest (parcel 46). The property to the east is the Legg Development PUD, which is currently zoned SCC, and has retail buildings approved in a PUD plan (parcel 49). Though this adjacent approved PUD plan does not easily facilitate a connection, staff recommends that upon development of this parcel, a viable cross access driveway be built within an easement across the frontage of this property to both property lines. This site should share a common ingress/egress onto Nolensville Pike with at least the existing hotel property to the west. The required cross access easement will allow for the possible future construction of a frontage drive to serve all three properties. Finally, given the undeveloped nature of the rear of parcel 046 to the northwest, and the high probability of development in the near future, staff recommends that upon development, an additional cross access easement be extended to the northwest property line at the rear of this parcel.

**RECENT REZONINGS** - None.

**PUBLIC WORKS RECOMMENDATION** - A TIS is required at development.

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

| Land Use (ITE Code)          | Acres | Density | Total Number of Lots | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|------------------------------|-------|---------|----------------------|-----------------------|--------------|--------------|
| Single Family Detached (210) | 3.4   | 0.50    | 1                    | 10                    | 1            | 2            |

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

| Land Use (ITE Code)   | Acres | FAR   | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------|-------|-------|----------------------|-----------------------|--------------|--------------|
| Shopping Center (820) | 3.4   | 0.102 | 15,107               | 1979                  | 51           | 180          |

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

| Land Use (ITE Code) | Acres | -- |    | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|---------------------|-------|----|----|-----------------------|--------------|--------------|
| --                  | 3.4   | -- | -- | 1969                  | 50           | 178          |

**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) | 3.4   | 0.50    | 1                    | 10                    | 1            | 2            |

**Maximum Uses in Proposed Zoning District: MUL\***

| Land Use (ITE Code)   | Acres | FAR   | Total Square Footage | Daily Trips (weekday) | AM Peak Hour | PM Peak Hour |
|-----------------------|-------|-------|----------------------|-----------------------|--------------|--------------|
| Shopping Center (820) | 3.4   | 0.50* | 74,052               | 5597                  | 131          | 513          |

\* Probable maximum for this site given the size and shape of property.

**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 |
|---------------------|-------|----|--|-----------------------|--------------|--------------|
|---------------------|-------|----|--|-----------------------|--------------|--------------|

|    |     |    |    |      |     |     |
|----|-----|----|----|------|-----|-----|
| -- | 3.4 | -- | -- | 5587 | 130 | 511 |
|----|-----|----|----|------|-----|-----|

**METRO SCHOOL BOARD REPORT**

**Projected student generation\* 9\_Elementary 6\_Middle 4\_High**

**Schools Over/Under Capacity** - Students would attend Shayne Elementary School, Oliver Middle School, or Overton High School. Overton High School has been identified as not having capacity by the Metro School Board. Adjacent clusters with capacity include Glencliff and Hillsboro. This information is based upon data from the school board last updated August 2, 2005.

\*Student generation numbers are based on the assumption of 99 residential units of 1,500 square feet each.

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

**Resolution No. RS2005-371**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-149G-12 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

This property is currently undeveloped, but there is an old commercial PUD with an existing hotel use on the neighboring parcel to the northwest (parcel 46). The property to the east is the Legg Development PUD, which is currently zoned SCC, and has retail buildings approved in a PUD plan (parcel 49). Though this adjacent approved PUD plan does not easily facilitate a connection, staff recommends that upon development of this parcel, a viable cross access driveway be built within an easement across the frontage of this property to both property lines. This site should share a common ingress/egress onto Nolensville Pike with at least the existing hotel property to the west. The required cross access easement will allow for the possible future construction of a frontage drive to serve all three properties. Finally, given the undeveloped nature of the rear of parcel 046 to the northwest, and the high probability of development in the near future, staff recommends that upon development, an additional cross access easement be extended to the northwest property line at the rear of this parcel.

**The proposed MUL district is consistent with the Southeast Community Plan’s Community Center (CC) policy, which allows a wide variety of uses, including single-family, multi-family residential, offices, commercial retail and services and public benefit uses. To comply with the condition of approval any development must provide for cross access along the frontage of the property to the adjacent parcels, as well as along the rear of the property to the northwest property line.”**

- 12. **2005Z-151G-04**  
Map 043, Parcel 005  
Subarea 4 (1998)  
District 9 - Jim Forkum

A request to change a portion of a parcel from RS7.5 to IR district property, located at 939 Anderson Lane, east of Snow Avenue (4.51 acres), requested by Councilmember Jim Forkum, for owner, Metro Government.

**Staff Recommendation -Approve**

**APPLICANT REQUEST** - Rezone a portion of a parcel (4.51 acres) from residential single-family district (RS7.5) to industrial restrictive district (IR) property, located at 939 Anderson Lane, east of Snow Avenue.

**Existing 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.

**Proposed Zoning**

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

**SUBAREA 4 PLAN**

Industrial and Distribution (IND) - IND policy is intended for existing and future areas of industrial and distribution development. Most types of industrial and distribution uses are found in this policy category including: storage, business centers, wholesale centers, and manufacturing. Certain support uses such as sales, service, and office facilities will also be present in IND areas.

**Policy Conflict** - No. The proposed IR zoning district is consistent with the IND land use policy for this site.

*Concept plan* - The majority of this 20.81 acre property is already zoned IR, and is intended for a Metro waste collection convenience center. The concept plan as submitted by Metro (dated 9/9/05) has two ingress/egress points onto Anderson Lane, with a detention pond and landscape buffering along the frontage of this road. The plan shows an office and a garden mulch area, as well as off-loading, recycling, storage, and parking areas on the site.

**RECENT REZONINGS** - None.

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

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-372**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-151G-04 is **APPROVED. (8-0)**

**The proposed IR district and the associated concept plan are consistent with the areas IND (Industrial and Distribution) policy, which calls for a wide range of industrial type uses, including waste collection/convenience center uses.”**

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**13. 2005Z-157T-08**

District 19 – Ludye N. Wallace and District 21 – Edward Whitmore

A request to amend the Phillips-Jackson Street Redevelopment Plan to change the amount of Tax Increment Financing available, requested by MDHA.

**Staff Recommendation** - *Approve*

**APPLICANT REQUEST** - An ordinance to amend the Phillips-Jackson Street Redevelopment Plan to change the amount of Tax Increment Financing available.

**Details** - The Metropolitan Development and Housing Agency (MDHA) has proposed to amend the Phillips-Jackson Street Redevelopment plan to change the amount of Tax Increment Financing available.

**NORTH NASHVILLE COMMUNITY PLAN POLICY**

**Policy Conflict** - None. The proposed changes to the Phillips-Jackson Redevelopment District do not affect the zoning or land development policies on the property.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-373**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-157T-08 is **APPROVED. (8-0)**

**The request to amend the Phillips-Jackson Street redevelopment plan for the area does not affect the zoning or land development policy on the property or the surrounding area.”**

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**14. 2005Z-158T-08**

District 19 – Ludye N. Wallace and District 21 – Edward Whitmore

A request to apply the Jefferson Street Redevelopment Plan to properties located along a two-mile stretch on Jefferson Street, from 12th Avenue to 28th Avenue, requested by MDHA.

**Staff Recommendation - Approve**

**APPLICANT REQUEST** - An ordinance to apply the Jefferson Street Redevelopment Plan to properties located along a two-mile portion of Jefferson Street, from 12th Avenue, North, to 28th Avenue, North.

**Details** - The Metropolitan Development and Housing Agency (MDHA) has proposed to put into effect a new redevelopment plan along Jefferson Street. The area of the Jefferson Street Redevelopment district is shown on the sketch accompanying this staff report. The MDHA plan permits the following uses on properties that front along the north and south sides of Jefferson Street, between 12<sup>th</sup> Avenue North to 28<sup>th</sup> Avenue North:

Permitted Uses:

- Single-family, two-family, and multi-family Dwellings
- Assisted Living and Retirement Facilities
- Hotels/Motels
- Churches
- University-related Facilities
- Schools
- Daycares
- Offices
- Medical Offices/Hospitals
- General Retail Not Including Liquor Sales or Adult-oriented Products
- Service Retail
- Restaurants Not Featuring Drive-through Service
- Nightclubs Not Including Adult Entertainment
- Theaters
- Cultural Facilities
- Public Facilities and Parks

The following land uses are permitted except on lots located at street corners:

- Surface Parking as a Primary Use
- Gas Stations
- Restaurants Featuring Drive-through Service

Parking structures are permitted only when they incorporate ground-level active uses (e.g. retail, office, residential, etc.) fronting Jefferson Street.

**NORTH NASHVILLE COMMUNITY PLAN POLICY**

**Land Use Policy** - The Jefferson Street Redevelopment Plan is largely consistent with the North Nashville Community plan and the various detailed neighborhood design plans (DNDPs) that currently govern the properties proposed for this new plan. The DNDPs that apply to these properties are the following:

- Fisk-Meharry
- Elizabeth Park
- Osage-North Fisk
- Hadley-Washington
- Hadley Park

The vast majority of these properties have a Mixed Use in Corridor Center land use policy in the above plans. Almost all of the land uses as noted above are permitted by these plans (MxU in CC policy), and for those permitted *with conditions* (assisted living, daycares, automobile parking), the conditions of the Metro Zoning Ordinance shall apply.

For a group of parcels along the north side of Jefferson Street between 26<sup>th</sup> Avenue North on the west and the railroad tracks on the east, there is a Mixed Housing in Corridor Center policy (the Hadley-Washington DNDP). This policy would support single-family, two-family, and multi-family residential uses. MDHA has concurred with Planning Department staff that given that the Metro Planning Commission's plans for these parcels are more restrictive than the Jefferson Street Redevelopment district plans, the Commission's adopted DNDP shall apply to them.

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-374**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005Z-158t-08 is **APPROVED. (8-0)**

**The request to expand the Jefferson Street Redevelopment Plan to these properties is largely consistent with the North Nashville Community Plan and the various detailed neighborhood design plans.”**

## **XI. PRELIMINARY SUBDIVISION PLATS**

### **15. 2005S-268U-10**

Wallace Place  
Map 116-16, Parcels 145, and 146  
Subarea 10 (2005)  
District 34 - Lynn Williams

A request for preliminary plat approval to create 5 lots located on the east side of Wallace Lane, approximately 820 feet north of Hobbs Road (3.71 acres), classified within the RS20 District, requested by Karl E. Haury, Jr., owner, Tsquare Engineering, surveyor/engineer.

**Staff Recommendation - Disapprove**

**APPLICANT REQUEST - Preliminary Plat -** Request to create 5 lots on 3.71 acres located on the east side of Wallace Lane, approximately 820 feet north of Hobbs Road.

### **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.

**SUBDIVISION DETAILS -** As proposed, the request would create 5 new lots with 2 lots fronting along the east side of Wallace Lane and with the following area(s) and street frontage(s):

- Lot 1: 20, 074 Sq. Ft., and 138 Ft. of frontage;
- Lot 2: 20, 094 Sq. Ft., and 142.66 Ft. of frontage;
- Lot 3: 22,407 Sq. Ft., and 71.87 Ft. of frontage;
- Lot 4: 22,373 Sq. Ft., and 174.27 Ft. of frontage; and
- Lot 5: 21, 144 Sq. Ft., and 121 Ft. of frontage;

The existing structures on the property would be removed. There is one critical lot proposed due to steep topography.

Lot Comparability (for Lots 1 and 5) - Section 2-4.7 of the Subdivision Regulations state 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 was only conducted for lots 1 and 5 since they are proposed to face on an existing street (Wallace Lane). The other 3 lots are proposed on a new street and the Subdivision Regulations do not require lots on new roads to comply with lot comparability. Both lots facing Wallace Lane pass for lot area and frontage.

Access/Street Connectivity - Access is proposed from a new street, Wallace Place, to be constructed as a cul-de-sac.

Sidewalks - Sidewalks are proposed along the new street within the subdivision and along Wallace Lane.

Landscape Buffer Yards - Landscape buffer yards are not required. The lots range in size from 20,074 sq. ft. to 21,144 sq. ft., which is over the required minimum lot size requirement for the base zoning district (RS20). The applicant is not requesting to use the cluster lot option.

**Staff Recommendation -** Staff recommends disapproval of the subdivision because it is not consistent with the existing development pattern in the area and could set a precedent that would not allow for “harmonious development,” as described in the Subdivision Regulations and General Plan. The Green Hills-Midtown Community Plan also states that one of the development goals of the community is to preserve and protect established residential areas. This proposed plan is not consistent with the general plan or community plan for the area. The introduction of a new cul-de-sac along Wallace Lane is completely inconsistent with the development pattern along this street.



**STORMWATER RECOMMENDATION** - The Water Quality Device (i.e., detention pond) must be in an area that is labeled as 'Open Space' . Further, the Open Space should be designated as a Drainage Easement on a final plat.

**PUBLIC WORKS RECOMMENDATION** - Approvals are subject to Public Works' review and approval of construction plans.

**CONDITIONS (If approved)**

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. The Water Quality Device (i.e., detention pond) must be in an area that is labeled as 'Open Space'. Further, the Open Space should be designated as a Drainage Easement on a final plat.
3. Revise note #22 to state "The purpose of this plat is to create 5 single-family lots," and move to note #1.
4. A note should be added stating: "Because this preliminary plat contains lots that have been designated as "critical lots" pursuant to Section 17.28.030 of the Metro Code and the Metro Subdivision Regulations (the "critical lot requirements"), no grading permits may be issued for any phase of this preliminary plat containing critical lots until a grading plan for that phase has been approved by the Planning Department. Prior to final plat approval, a grading plan shall be submitted and approved demonstrating the feasibility of complying with the critical lot standards for the critical lots and the surrounding open space areas for the proposed development. It is possible that the final plat will be required to contain significantly fewer lots than shown on this preliminary plat if the lots designated as critical lots cannot be developed in compliance with the critical lot requirements."

The required grading plan will allow review of the proposed lot layout and grading to ensure the design will allow the proposed lots to meet the critical lot standards.

Ms. Harris presented and stated that staff is recommending disapproval. Ms. Harris also announced that the applicant requested to defer this item indefinitely, but the request came in past the deadline for deferring proposals.

Mr. Tim Turner, Tsquare Engineering, requested deferral.

Ms. Heidi Welch, 4010 Wallace Lane, spoke in opposition to the proposal and gave a brief presentation to the Commission.

Mr. Errol Elshtain, 4010 Wallace Lane, spoke in opposition to the proposal.

Mr. Richard Rosing, 3914 Wallace Lane, spoke in opposition to the proposal.

Ms. Margaret McMurray, 4117 Wallace Lane, spoke in opposition to the proposal. She submitted petitions of opposition for the record, as well as, requested that any member of the audience who was opposed to this proposal, to please stand.

Mr. David Trainer, 4130 Sneed Road, spoke in opposition to the proposal.

Councilmember Williams spoke in favor of staff's recommendation. She stated the subdivision is not consistent in keeping with the character of the neighborhood.

Mr. John Brittle, 5475 Franklin Pike Circle, spoke in favor of the proposal.

Mr. Darren Cioffi, 810 Evansdale Drive, spoke in favor of the proposal.

Mr. Lehman Hailey, 4012 Wallace Lane, spoke in favor of the proposal.

Ms. Kathleen Hailey, 4012 Wallace Lane, spoke in favor of the proposal.

Ms. Liz Wiseman, 4115 Skyline Drive, spoke in opposition to the proposal.

Mr. Loring moved, and Ms. Jones seconded the motion, which passed unanimously to disapprove Preliminary Subdivision Plat 2005S-268U-10. **(8-0)**

**Resolution No. RS2005-375**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-268-10 is **DISAPPROVED. (8-0)**”

- 16. 2005S-271U-03**  
Enchanted Hills, Addition 1  
Map 058, Parcel 073  
Subarea 3 (2003)  
District 1 - Brenda Gilmore

A request for preliminary plat approval to create 10 lots located on the east side of Lila Lane and the west side of Sumatra Road (21.02 acres), classified within the RS15 District, requested by Lisa Beard Baldwin, owner, Barge, Cauthen & Associates, engineer/surveyor.

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

**APPLICANT REQUEST - Preliminary Plat**

Request to create 10 lots on 21.02 acres located on the east side of Lila Lane and the west side of Sumatra Road

**ZONING**

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

**SUBDIVISION DETAILS** - The proposed subdivision proposes 10 lots connecting to existing stub streets (Lila Lane and Sumatra Road) in the adjacent Enchanted Hills Subdivision. There is steep topography (11.32 acres greater than 25%) in the northern portion of the subdivision, which is proposed for open space. However, there are 2 lots labeled as critical lots, indicating that there are 15% or greater slopes within the lot.

**STORMWATER RECOMMENDATION** - Approve

**PUBLIC WORKS RECOMMENDATION** - Approvals are subject to Public Works' review and approval of construction plans.

**CONDITIONS**

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. A note should be added stating: "Because this preliminary plat contains lots that have been designated as "critical lots" pursuant to Section 17.28.030 of the Metro Code and the Metro Subdivision Regulations (the "critical lot requirements"), no grading permits may be issued for any phase of this preliminary plat containing critical lots until a grading plan for that phase has been approved by the Planning Department. Prior to final plat approval, a grading plan shall be submitted and approved demonstrating the feasibility of complying with the critical lot standards for the critical lots and the surrounding open space areas for the proposed development. It is possible that the final plat will be required to contain significantly fewer lots than shown on this preliminary plat if the lots designated as critical lots cannot be developed in compliance with the critical lot requirements."

The required grading plan will allow review of the proposed lot layout and grading to ensure the design will allow the proposed lots to meet the critical lot standards.

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

**Resolution No. RS2005-376**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-271U-03 is **APPROVED WITH CONDITIONS. (8-0)**”

**Conditions of Approval:**

1. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to approval of any final plat. 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.
2. A note should be added stating: "Because this preliminary plat contains lots that have been designated as "critical lots" pursuant to Section 17.28.030 of the Metro Code and the Metro Subdivision Regulations (the "critical lot requirements"), no grading permits may be issued for any phase of this preliminary plat containing critical lots until a grading plan for that phase has been approved by the Planning Department. Prior to final plat approval, a grading plan shall be submitted and approved demonstrating the feasibility of complying with the critical lot standards for the critical lots and the surrounding open space areas for the proposed development. It is possible that the final plat will be required to contain significantly fewer lots than shown on this preliminary plat if the lots designated as critical lots cannot be developed in compliance with the critical lot requirements."

## **XII. FINAL PLATS**

- 17. 2005S-258G-06**  
Paul A. Justice Subdivision  
Map 156, Parcels 043, and 116  
Subarea 6 (2003)  
District 35 - Charlie Tygard

A request for final plat approval to create 3 lots located on the south side of Highway 100, approximately 1,000 feet east of Trace Creek Drive (3.89 acres), classified within RS40 district, requested by Joanne and Paul A. Justice, owners, Duclos Survey & Design, Inc., surveyors.

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

### **APPLICANT REQUEST - Final Plat**

Request to subdivide approximately 3.89 acres into three new lots located on the south side of Highway 100, east of Trace Creek Drive.

### **Zoning**

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

**SUBDIVISION DETAILS** - As proposed three new lots will be created out of two individual parcels of land. The lots will have the following area(s), and frontage(s):

- Lot 1: 65,684 sq. ft. (1.51 ac.), and 83.85 ft. of frontage;
- Lot 2: 40,041 sq. ft. (.02 ac.), and 150.55 ft. of frontage;
- Lot 3: 63,560 sq. ft. (1.46 ac.), and 65.61 ft. of frontage.

Lot Comparability - Although all three lots meet the RS40 lot area requirement, Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be "generally in keeping with the lot frontage and lot size of the existing surrounding lots." An exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and size) but the new lots would be consistent with the General Plan.

The lot comparability analysis for this area concluded that the minimum lot area is 87,555 square feet, and the minimum allowable lot frontage is 141 linear feet. All three proposed lots fail for area, and lot 1 and 3 fail for frontage.

The land use policy for the area is Residential Low-Medium. Metro's Land Use Policy Application (LUPA) recommends a density of two to four homes per acre for RLM policy. This proposal is consistent with the RLM policy, with an overall density of about 1 dwelling unit per acre.

Greenway - There is an identified greenway that crosses the property along the Harpeth River.

Staff Recommendation - Because the proposed lots are consistent with the area's policy, staff recommends that the request be approved. Homes on lots one and three should be oriented towards the Harpeth River.

## **STORMWATER RECOMMENDATION**

1. The 50' floodway buffer is incorrectly depicted. Specifically, the buffer extends from a line that possesses no clear meaning. The ambiguous line should be deleted and the 50' floodway buffer should extend from the floodway line.
2. The elevation height listed immediately adjacent, "Zone AE Elevation" is incorrect. Specifically, delete the number, "596.5", and replace with '569.5.'
3. The 25' greenway easement can not reside within the floodway or floodway buffer. Appropriate correction is required.

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

### **CONDITIONS (If Approved)**

1. Correct the 50' floodway buffer along Harpeth River. The 50' buffer should begin at the edge of the floodway line and run north.
2. Correct the identified Greenway/Conservation Access and Trail Area Easement. This should include the floodway and the 50' floodway buffer.
3. Place note on the plat that homes on lots one and three must be oriented towards the Harpeth River.
4. Correct the elevation height listed immediately adjacent, "Zone AE Elevation". Specifically, delete the number, "596.5", and replace with '569.5'.
5. Stormwater must approve all corrections before the plat can be recorded, except that the greenway easement may be located within the floodway and/or floodway buffer.

Approved with conditions, including a note added to the plat stating: "No disturbance in the floodway buffer until approved by Metro Stormwater Appeals Committee.", **(8-0) Consent Agenda**

### **Resolution No. RS2005-377**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-258G-06 is **APPROVED WITH CONDITIONS (8-0), including a note added to the plat stating: "No disturbance in the floodway buffer until approved by Metro Stormwater Appeals Committee."**

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

1. The 50' floodway buffer is incorrectly depicted. Specifically, the buffer extends from a line that possesses no clear meaning. The ambiguous line should be deleted and the 50' floodway buffer should extend from the floodway line.
2. The elevation height listed immediately adjacent, "Zone AE Elevation" is incorrect. Specifically, delete the number, "596.5", and replace with '569.5.'
3. The 25' greenway easement can not reside within the floodway or floodway buffer. Appropriate correction is required.
4. Correct the 50' floodway buffer along Harpeth River. The 50' buffer should begin at the edge of the floodway line and run north.
5. Correct the identified Greenway/Conservation Access and Trail Area Easement. This should include the floodway and the 50' floodway buffer.
6. Place note on the plat that homes on lots one and three must be oriented towards the Harpeth River.
7. Correct the elevation height listed immediately adjacent, "Zone AE Elevation". Specifically, delete the number, "596.5", and replace with '569.5'.
8. Stormwater must approve all corrections before the plat can be recorded, except that the greenway easement may be located within the floodway and/or floodway buffer."

- 18. 2005S-156U-10**  
Petty Subdivision  
Map 131-03, Parcel 154  
Subarea 10 (2005)  
District 25 - Jim Shulman

A request for final plat approval to create two lots on the southwest corner of Shackelford Road and Belmont Park Terrace (0.53 acres), classified within the R10 District, requested by Camellia Petty, owner, John Kohl & Company, P.C., surveyor.

**Staff Recommendation** - *Disapprove, the proposed lots do not meet comparability standards for lot area.*

**APPLICANT REQUEST - Final Plat**

Request to create 2 single-family lots on 0.53 acres on the southwest corner of Shackelford Road and Belmont Park Terrace.

**ZONING**

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

**SUBDIVISION DETAILS** - As proposed the request would create 2 new lots on the southwest corner of Shackelford Road and Belmont Park Terrace:

- Lot 1: 13,174 Sq. Ft., (0.30 acres), and 100 feet frontage on Shackelford Road and 245 feet along Belmont Park Terrace
- Lot 2: 10,011 Sq. Ft., (0.23 acres), and 113.95 feet of frontage

Lot Comparability-Section 2-4.7 of the Subdivision Regulations state 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 conducted for Shackelford Road and Belmont Park Terrace since this is a corner lot. Lot 1 passes for both lot area and lot frontage. Lot 2 fails for lot area, but passes for lot frontage. Lot 2 is proposed for 10,011 square feet, while the required lot area for Belmont Park Terrace is 14,962 square feet.

A lot comparability exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size) if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the exception if they do not feel it is appropriate.

Staff recommends disapproval of an exception for lot comparability. The Green Hills / Midtown Community Plan calls for Residential Low Medium policy intended for residential development within a density range of two to four units/homes per acre. Staff recommends that the Commission not grant an exception for comparability, however, because:

1. Lot 2 fails lot comparability analysis by 4,952 square feet. Although it is within one-half mile of the Green Hills Regional Activity Center, it is well under the lot comparability required lot area amount.
2. The lots are inconsistent with the majority of the existing pattern of development along Belmont Park Terrace and Shackelford.

Sidewalks - Sidewalks are required since the property is located within the Urban Services District and are shown on the plan for lot 2.

**STORMWATER RECOMMENDATION**

1. Add subdivision number to plat.
2. Add more specific bearings reference to enable identification of bearing used.

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

**CONDITIONS (If approved)**

1. Add subdivision number to plat.
2. Add more specific bearings reference to enable identification of bearing used.

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

Ms. Camellia Petty, 1701 Shackelford Road, spoke in favor of the proposal.

Mr. Paul Cook, 2713 Greystone Road, spoke in favor of the proposal.

Mr. William McDonald, 2620 Old Lebanon Road, spoke in favor of the proposal.

Mr. Paul Miller, 1720 Temple Avenue, spoke in opposition to the proposal. He submitted information to the Commission for the record.

Ms. Kristin F. Wright, 1709 Warfield Drive, spoke in opposition to the proposal. She submitted information to the Commission.

Ms. Carolyn McClain, 4405-B Belmont Park Terrace, spoke in opposition to the proposal.

Mr. Chris Reading, 1705 Temple Avenue, spoke in opposition to the proposal.

Ms. Kathy Nelson, 1704 Shackelford Road, spoke in opposition to the proposal.

Ms. Rachel Ridenour, 1706 Warfield, spoke in opposition to the proposal.

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

Ms. Betsy Ferguson, 1721 Warfield Drive, spoke in opposition to the proposal.

Ms. Carrie Martin, 1715 Temple Avenue, spoke in opposition to the proposal.

Mr. Ponder stated he would support staff's recommendation.

Mr. Tyler stated he also agreed with staff's recommendation.

Mr. Clifton spoke in support of the staff's recommendation. He stated that the large variance being requested supports the Commission not allowing an exception to the comparability regulations.

Mr. McLean requested clarification on the lot comparability studies that were completed.

Ms. Nielson spoke in favor of staff's recommendation due to a precedent that could be set if approved.

Mr. Loring spoke in opposition to the staff recommendation due to the fact that it will allow single family homes.

There was a brief discussion regarding the outcome of this proposal if approved.

Mr. Clifton moved and Ms. Nielson seconded the motion to disapprove Final Plat 2005S-156U-10. **(7-1) No Vote – Loring**

**Resolution No. RS2005-378**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-156U-10 is **DISAPPROVED. (7-1)**”**

- 19. 2005S-277U-12**  
Beverly Heights, Resubdivision of part of lot 92  
Map 147-04, Parcel 057  
Subarea 12 (2004)  
District 30 - Michael Kerstetter

A request for final plat approval to create two lots located on the southeast corner of Humber Drive and Wallace Road (0.94 acres), classified within the RS10 District, requested by Naim M. Abulaban, owner, John Kohl & Company, surveyor.

**Staff Recommendation - Approve**

**APPLICANT REQUEST - Final Plat**

Request for final approval to subdivide approximately 0.92 acres into two lots at the southeast intersection of Wallace Road and Humber Drive.

**Zoning**

RS10 district RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

**SUBDIVISION DETAILS** - As proposed, the request would create two new lots with the following area and frontage:

- Lot 1: 19,078 sq. ft. (.44 acres), approximately 90 ft. along Wallace Road;
- Lot 2: 21,122 sq. ft. (.48 acres), approximately 90 ft. on Wallace Road, and approximately 130 ft. on Humber Drive.

Lot Comparability - Section 2-4.7 of the Subdivision Regulations stipulates 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 exception can be granted if the lot fails the lot comparability analysis (is smaller in lot frontage and/or size), if the new lots would be consistent with the General Plan. The Planning Commission does not have to grant the exception if they do not feel it is appropriate.

The lot comparability analysis yielded a minimum lot area of 30,546 sq. ft. and a minimum allowable lot frontage of 144 linear feet. Both lots fail for area and frontage.

The area policy is Residential Low-Medium, which specifies a density of about two to four dwelling units per acre. The request is located within one-quarter mile of office policy area. As proposed, the request is consistent with the RLM policy.

History - The applicants previously applied for a three lot subdivision at this location. Staff recommended that the lots were too small, and could have had a negative impact on the immediate area. The applicants were encouraged to revise the plan to only two lots, but the application was not revised, and was disapproved at the Planning Commission meeting on June 23, 2005.

**STAFF Recommendation** - The two lots are larger than the subdivision application previously disapproved by the Commission on June 23, 2005. This two-lot subdivision is more in keeping with the pattern of development in the immediate area. Also, the request is consistent with the area’s land use policy. Staff recommends that an exception to lot comparability be approved, and that the subdivision application be approved as submitted.

**PUBLIC WORKS RECOMMENDATION - No Exceptions Taken**

Approved, (8-0) *Consent Agenda*

**Resolution No. RS2005-379**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-277U-12 is **APPROVED. (8-0)**”

20. **2005S-288U-09**  
Hope Garden  
Map 082-13, Parcels 032 and 033  
Subarea 9 (1997)  
District 19 - Ludye N. Wallace

A request for final plat approval to create three lots located at 919 Phillips Street and 1021 9th Avenue North (0.26 acres), classified RS3.75 and RM15 districts, requested by Elmer Freeman, Artmas Worthy, and M.D.H.A., owners, Thornton & Assoc., surveyor.

**Staff Recommendation- Approve**

**APPLICANT REQUEST - Final Plat**

Request to create three lots from two parcels on 0.26 acres and a previously abandoned alley right of way, located at 919 Phillips Street and 1021 9th Avenue North.

**ZONING**

RS3.75 district RS3.75 requires a minimum 3,750 square foot lot and is intended for single-family dwellings at a density of 9.87 dwelling units per acre.

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

**SUBDIVISION DETAILS** - This subdivision proposes the creation of three lots from two parcels and a portion of an alley (#216) that was recently abandoned by the Metro Council (BL2005-597). Lots 2 and 3 are proposed to front on Phillips Street, and Lot 1 is a corner lot that is proposed on the corner of Phillips Street and 9<sup>th</sup> Avenue North. The proposed lots are all currently undeveloped. As proposed, the three new lots have the following areas and street frontages:

- Lot 1: 4,355 Sq. Ft., (0.1 Acres), 65 ft. of frontage on 9<sup>th</sup> Ave., and 67 ft. of frontage on Phillips Street.
- Lot 2: 4,355 Sq. Ft., (0.1 Acres), and 67 Ft. of frontage
- Lot 3: 4,590 Sq. Ft., (0.105 Acres), and 42 Ft. of frontage

Sidewalks - This property does fall within the Urban Services District. There are existing sidewalks along the frontage of this property on 9th Avenue N. and Phillips Street at this location. No new sidewalks are required to be constructed with this plat.

Lot comparability -Section 2-4.7 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots. The lot comparability analysis revealed that each of the three proposed lots passed for minimum lot area and minimum lot frontage.

**Staff Recommendation** - Given its compliance with the Subdivision Regulations and its consistency with the Hope Garden Redevelopment Plan by MDHA, Planning staff recommends approval of this three lot subdivision.

**PUBLIC WORKS RECOMMENDATION** - No Exception Taken

**STORMWATER RECOMMENDATION** -Approved Except as Noted:

1. Change note 13 such that it is consistent with the P.U.D.E. labels. Currently note 13 references only P.U.E's. As such, insert the phrase, "and Drainage," between the words, 'utility,' and 'easement.'

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

**Resolution No. RS2005-380**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005S-288U-09 is **APPROVED WITH CONDITIONS. (8-0)**

**Conditions of Approval:**

1. Change note 13 such that it is consistent with the P.U.D.E. labels. Currently note 13 references only P.U.E's. As such, insert the phrase, "and Drainage," between the words, 'utility,' and 'easement.'”

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

**21. 84-87-P-13**

The Crossings at Hickory Hollow, 13B And 14  
Map 174, Parcel 224  
Subarea 13 (2003)  
District 32 - Sam Coleman

Request to revise the preliminary PUD plan for the Crossings at Hickory Hollow, located along the north side of Interstate 24 and west Old Franklin Road, classified R10 (12.43 acres), to change approved commercial, office and retail uses to



allow commercial and auto dealers uses, as requested by Littlejohn Engineering Associates, applicant, for Crews Investment Properties, owner.

**Staff Recommendation** - *Approve with conditions if Stormwater approval is received prior to the Planning Commission Meeting. If Stormwater approval is not received, then disapproval is recommended.*

**APPLICANT REQUEST - Revise Preliminary PUD** - Request to revise lots 13B and 14 of the preliminary PUD plan, to change the approved commercial, office and retail uses to allow 119,420 square feet of commercial and auto dealer uses, located along the north side of Interstate 24 and west of Old Franklin Road.

**PLAN DETAILS** - The property has a base zoning of R10 with a Commercial PUD overlay. The original PUD was approved in 1987, for a total of approximately 1.7 million square feet of "commercial" uses. Other uses in the PUD include retail uses, car dealership, office uses, and unspecified commercial uses.

This proposal includes 119,420 square feet of new auto dealership/retail uses, replacing 119,420 square feet of office, retail and commercial uses. The site plan has changed slightly to account for a blue-line stream that runs between the lots. Previously, a driveway was located in the buffer. That driveway has been removed from this revision.

The previously approved preliminary plan included one driveway curb cut onto Crossings Boulevard for each of the two lots. This proposal includes two driveway curb cuts for each lot and removes cross-access to the adjacent lots (13A and 15). Planning Staff supports the recommendation of the Traffic Engineer to require cross access to adjacent lots and remove one of the driveways on lot 14.

**STORMWATER RECOMMENDATION** - Returned for Corrections

1. Delete the comment for the 50 foot stream buffer. Keep the buffer note: "25' buffer from top of bank or 30' from centerline, whichever is greater". Show the buffer to be at least 60 feet wide.
2. Either provide the 60' buffer for the full length of the stream or submit a drainage area delineation showing where the 40-acre drainage begins.
3. Add a water quality concept.
4. Add the location (map and parcel, or other) of the detention area used for this lot.
5. Change the block title to "Lots 13B and 14", instead of 17 and 18.
6. The FEMA Map number cited is correct, but referred to as a "Community Panel" number.
7. Change to "FEMA Map" number.
8. Delete call-outs for existing structures in stream beds that were permitted previously.
9. A variance will be required for the proposed stream crossing prior to grading permit issuance.

**PUBLIC WORKS RECOMMENDATION** - The following are review comments for the submitted Crossings at Hickory Hollow preliminary PUD (84-87-P-13). This revised submittal only requests a change in land use from 13b and 14 from commercial to auto dealer / retail. Public Works' comments are as follows:

1. Approvals are subject to Public Works' review and approval of construction plans submitted with their final PUD.
2. Label and dimension right of way for existing and proposed roadways.
3. Traffic Engineer Comments: No exception Taken for land use revision.

The PUD Site plan shall be revised to show the following:

1. Provide cross access between parcels 13b and 13a and 13b and 14.
2. Two Driveways for 13 B shall be constructed as right in and right out with no median cuts on Crossings Blvd.
3. Western driveway for parcel 14 shall be constructed as right in right out with no median cut.
4. Eastern driveway as shown for parcel 14 will not be allowed. Access shall be by connection to the joint access easement/driveway identified on parcel 15A per the Preliminary PUD plan dated 3/13/03. This joint use driveway

shall be constructed opposite the apartment driveway at the existing median cut.

5. Provide adequate sight distance at driveways.

#### **CONDITIONS**

1. The plan shall be revised to show one curb cut onto Crossings Boulevard for each lot and constructed cross access to the adjacent lots (lots 15A and 13A).
2. Approvals are subject to Public Works' review and approval of construction plans submitted with the final PUD and compliance with the recommendations listed above.
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 and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to approval of any final plat or the issuance of any building permits.
6. This preliminary plan approval of the proposed master plan is based upon the stated acreage. The actual square footage to be constructed may be reduced upon approval of a final site development plan if a boundary survey determines there is less site acreage.

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

#### **Resolution No. RS2005-381**

"BE IT RESOLVED by The Metropolitan Planning Commission that 84-87-P-13 is **APPROVED WITH CONDITIONS.**  
**(8-0)**

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

1. Delete the comment for the 50 foot stream buffer. Keep the buffer note: "25' buffer from top of bank or 30' from centerline, whichever is greater". Show the buffer to be at least 60 feet wide.
2. Either provide the 60' buffer for the full length of the stream or submit a drainage area delineation showing where the 40-acre drainage begins.
3. Add a water quality concept.
4. Add the location (map and parcel, or other) of the detention area used for this lot.
5. Change the block title to "Lots 13B and 14", instead of 17 and 18.
6. The FEMA Map number cited is correct, but referred to as a "Community Panel" number.
7. Change to "FEMA Map" number.
8. Delete call-outs for existing structures in stream beds that were permitted previously.
9. A variance will be required for the proposed stream crossing prior to grading permit issuance.

**PUBLIC WORKS RECOMMENDATION** - The following are review comments for the submitted Crossings at Hickory Hollow preliminary PUD (84-87-P-13). This revised submittal only requests a change in land use from 13b and 14 from commercial to auto dealer / retail. Public Works' comments are as follows:

1. Approvals are subject to Public Works' review and approval of construction plans submitted with their final PUD.
2. Label and dimension right of way for existing and proposed roadways.

3. Traffic Engineer Comments: No exception Taken for land use revision.

The PUD Site plan shall be revised to show the following:

1. Provide cross access between parcels 13b and 13a and 13b and 14.
2. Two Driveways for 13 B shall be constructed as right in and right out with no median cuts on Crossings Blvd.
3. Western driveway for parcel 14 shall be constructed as right in right out with no median cut.
4. Eastern driveway as shown for parcel 14 will not be allowed. Access shall be by connection to the joint access easement/driveway identified on parcel 15A per the Preliminary PUD plan dated 3/13/03. This joint use driveway shall be constructed opposite the apartment driveway at the existing median cut.
5. Provide adequate sight distance at driveways.

**Other conditions:**

1. The plan shall be revised to show one curb cut onto Crossings Boulevard for each lot and constructed cross access to the adjacent lots (lots 15A and 13A).
2. Approvals are subject to Public Works' review and approval of construction plans submitted with the final PUD and compliance with the recommendations listed above.
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 and the Traffic Engineering Sections of the Metropolitan Department of Public Works.
4. This approval does not include any signs. Business accessory or development signs in commercial or industrial planned unit developments must be approved by the Metropolitan Department of Codes Administration except in specific instances when the Metropolitan Council directs the Metropolitan Planning Commission to approve such signs.
5. The requirements of the Metropolitan Fire Marshal's Office for emergency vehicle access and fire flow water supply during construction must be met prior to approval of any final plat or the issuance of any building permits.
6. This preliminary plan approval of the proposed master plan is based upon the stated acreage. The actual square footage to be constructed may be reduced upon approval of a final site development plan if a boundary survey determines there is less site acreage."

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## **XIV. OTHER BUSINESS**

22. Adoption of the 2006 Planning Commission Meeting Schedule

Approved, (8-0) *Consent Agenda*

Mr. Bernhardt explained that due to the religious holidays in April, it was suggested the Commission move the first meeting date in April to Tuesday, April 11, 2005.

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### **Resolution No. RS2005-382**

"BE IT RESOLVED by The Metropolitan Planning Commission that the 2006 Planning Commission Meeting Schedule is **APPROVED. (8-0)**"

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Meeting Date Change

23. Set November 10, 2005, Public Hearing for Subdivision Regulation amendment to remove driveway standards from critical lot guidelines.

Approved, (8-0) *Consent Agenda*

24. Adopt Subdivision and Planned Unit Development Submittal Checklist

Approved, (8-0) *Consent Agenda*

25. Approve grant contract between the Metropolitan Government of Nashville and Davidson County and the Robert Wood Johnson foundation for \$35,500 to implement a Safe Routes to School Program

Approved, (8-0) *Consent Agenda*

26. Executive Director Reports

27. Legislative Update

**XV. ADJOURNMENT**

The meeting adjourned at 6:50 pm.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



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