



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

3/26/09

4:00 PM

*Metro Southeast at Genesco Park
1417 Murfreesboro Road*

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Stewart Clifton
Judy Cummings
Derrick Dalton
Tonya Jones
Hunter Gee
Victor Tyler
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Asst. Executive Director
Doug Sloan, Legal Counsel
Bob Leeman, Acting Planning Mgr. II
Carrie Logan, Planner II
Trish Brooks, Admin. Svcs Officer 3
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Brian Sexton, Planner I
Steve Mishu, Metro Water
Jonathon Honeycutt, Public Works
Devin Doyle, Public Works

Commission Members Absent:

Councilmember Jim Gotto

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

I. CALL TO ORDER

The meeting was called to order at 4:00 p.m.

Mr. McLean read the Planning Commission's mission statement to the audience.

II. ADOPTION OF AGENDA

Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously, to adopt the agenda as presented. **(8-0)**

III. APPROVAL OF MARCH 12, 2009, MINUTES

Mr. Clifton requested that Item #2, 88-69P-001, Williams Home Place PUD, which was presented and voted on at the March 12, 2009, meeting, be reheard by the Commission. He briefly explained that he reviewed both the minutes and the tape on this item, as he was not present at the March 12, 2009 meeting, and stated that 88-69P-001 could be considered a revision, and requested that the Commission rehear the item.

Mr. McLean, in accordance to the Commission's rules and procedures, acknowledged the request.

Mr. Ponder moved and Mr. Clifton seconded the motion, which passed unanimously, to approve the March 12, 2009 minutes as presented. (8-0)

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Toler stated he would address the Commission after his item was presented for discussion.

Councilmember Stanley spoke in favor of Item #2, 155-74P-001, Larchwood Commercial, which was on the Consent Agenda for approval with conditions.

Councilmember Dominy spoke in favor of Item #5, 239-84P-001, Canter Chase, which was on the Consent Agenda for approval with conditions.

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

There were no items to be deferred or withdrawn from the agenda.

VI. PUBLIC HEARING: CONSENT AGENDA

PREVIOUSLY DEFERRED ITEMS

- | | | | |
|----|-------------|---|-----------------------|
| 2. | 155-74P-001 | A request to revise the preliminary plan for a portion of the Larchwood Commercial Planned Unit Development located at 6918 Stewarts Ferry Pike, to permit 183,000 square feet of office uses, 20,000 square feet of retail uses and 5,200 square feet of restaurant uses, replacing 221,350 square feet of office, hotel, and restaurant uses. | -Approve w/conditions |
|----|-------------|---|-----------------------|

REVISED SITE PLANS

- | | | | |
|----|------------------|--|-----------------------|
| 3. | 2009Z-016PR -001 | A request to rezone from R6 to RM20 zoning property located at 1817 Jo Johnston Avenue, approximately 430 feet west of Dr. D.B. Todd, Jr. Boulevard (0.13 acres), requested by Artmas L. Worthy, owner. | -Approve w/condition |
| 4. | 2005P-008-001 | A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Commercial Planned Unit Development located at the southeast corner of Temple Road and Old Harding Pike, to permit the development of a 2-story, 29,000 square foot medical/office building, replacing 20,000 square feet of office uses. | -Approve w/conditions |
| 5. | 239-84P-001 | A request to revise the preliminary plan and for final approval for a portion of the Canter Chase Commercial Planned Unit Development located at 1919 Murfreesboro Pike, approximately 400 feet north of Smith Springs Road, to permit the development of a 6,000 square foot religious institution and cultural center, replacing 10,200 square feet of restaurant and retail uses. | -Approve w/conditions |
| 6. | 97P-019-001 | A request to revise the preliminary plan and for final approval for a portion of the Trace Creek Commercial Planned Unit Development located at 8175 Highway 100, to permit the addition of one fuel dispenser where four are currently existing. | -Approve w/conditions |

OTHER BUSINESS

- | | | | |
|----|---|--|----------|
| 7. | Employee contract renewal for Michael Skipper | | -Approve |
|----|---|--|----------|

Mr. Ponder requested that the condition that referenced the widening of Stewart's Ferry Pike, as mentioned by Councilmember Stanley, be included in Item #2, 155-74P-001, Larchwood Commercial.

Mr. Bernhardt acknowledged this request and stated that staff would verify and include this condition.

Mr. Clifton moved and Mr. Ponder seconded the motion, which passed unanimously, to adopt the Consent Agenda as amended and presented. **(8-0)**

Mr. Bernhardt explained that the Public Hearing for Item #1, 2009SP-002-001, Primrose School, was reopened, in accordance to the rules and procedures of the Commission, at their March 12, 2009, meeting. He further explained that the hearing would be a continuation of the first hearing, which would only include comments from those who did not address the Commission on March 12, 2009.

V. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

- 1. 2009SP-002-001**
Primrose School
Map: 171-02 Parcels: 005, 006
Southeast Community Plan
Council District 31 – Parker Toler
Staff Reviewer: Brenda Bernards

A request to change from R40 to SP-INS zoning for properties located at 524 and 532 Church Street East, approximately 600 feet east of Cloverland Drive (2.89 acres), to permit a Class IV Daycare center for up to 176 children, requested by Stantec Consulting Services Inc., applicant, for Chi Wai Lee, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP

A request to change from One and Two- Family Residential (R40) to Specific Plan-Institutional (SP-INS) zoning for properties located at 524 and 532 Church Street East, approximately 600 feet east of Cloverland Drive (2.89 acres), to permit a Class IV Daycare Center for up to 176 children.

Deferral -This item was originally heard by the Planning Commission at its February 12, 2009, meeting. The public hearing was closed and the Planning Commission deferred its decision in order for the applicant to provide additional information on a number of matters raised at the public hearing. At the March 12, 2009, meeting, the applicant requested that this item be deferred to the March 26, 2009, meeting. The Planning Commission approved the request and voted to re-open the public hearing.

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

SP-INS District - Specific Plan-Institutional is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes a Class IV Daycare Center.

SOUTHEAST COMMUNITY PLAN

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.

Consistent with Policy? Yes. A Class IV daycare center is an appropriate use for the RL policy, as civic and public benefit uses are permitted in this policy.

ADDITIONAL DETAILS REQUESTED BY THE PLANNING COMMISSION The Planning Commission requested that the applicant provide additional information based on issues raised at the February 12, 2009, public hearing. First, the Planning Commission asked if the maximum number of children served by the facility could be reduced. Second, there were traffic and circulation issues including the impact of peak hour trips on Church Street East, left turns to and from the property, and the internal circulation within property. Third, the suitability of this location for a daycare center was raised, particularly one of this size.

The Planning Commission also questioned the number of trips projected for a daycare center shown in the traffic table. When determining trips, dropping-off a child is considered two trips--one into the facility and one out of the facility. Picking up the child is also counted as two trips. In addition, the trips of the staff members are included in the count. These numbers are derived from the ITE Trip Generation Charts, 8th Edition. The traffic table included in this report has been revised to reflect the reduced capacity of the daycare center.

PLAN DETAILS The proposed SP use is limited to a Class IV daycare center for up to 176 individuals. The original request was for a facility for up to 196 individuals. The applicant reduced the number in response to a request from the Planning Commission. The Zoning Code defines a Class IV daycare center as the provision of care, for less than 24 hours per day, for more than 75 individuals. The applicant has indicated that the daycare center will serve children from infant to kindergarten age. The current R40 zoning district does not permit daycare centers over 75 individuals and the applicant has requested the SP-INS zoning to permit a larger daycare.

The property, consisting of two lots, is 2.89 acres in size. These lots are proposed to be consolidated and required right-of-way and utility easements will be platted along Church Street East.

A ten-foot landscape buffer yard is proposed along the west, north and east sides of the property. Details have been provided on the plantings to be incorporated into the buffer. Backflow preventer devices are required for fire service, water service and landscape irrigation. These are located within the setback from Church Street East. Details of landscaping to screen these devices have not been provided. These details will need to be included on the corrected copies of the plan. Two outdoor play areas are included in the plan.

The original application included four housing units. These have been removed from the plan. All references to the housing must be removed from the corrected copies of the plans.

Sidewalks are required along Church Street East and are shown on the plan.

Parking, Access and Traffic One access drive is proposed from Church Street East into the site. The usual requirement is to provide two access points in order to facilitate drop-off and pick-up of the children. The policy of the Primrose School is to require that all children be checked into and out of the office, which means that all parents/guardians must park and walk their child into the building. The applicant has provided traffic study and a parking needs assessment to the Public Works Department for their review.

Public Works determined that the original plan for vehicular circulation for the school was inadequate and that the applicant would need to better demonstrate that internal traffic flow at drop-off/pick-up area provides the same level of flow as two access points or additional on-site parking would be necessary. The applicant has amended the plan to include improved internal circulation and additional parking. The new design will ensure that any internal circulation difficulties will be contained on the site and not impact Church Street East. In a letter dated March 9, 2009, the applicant acknowledged that there may be delays exiting the site. Public Works has indicated that, with the revisions to the plan, it is not anticipated that the proposed circulation and parking will negatively impact the public right-of-way.

A traffic study was prepared for this development. The study was based on 196 children. The study found that Church Street East currently operates at a Level of Service (LOS) D. The introduction of the traffic from this facility will not decrease the LOS and service will remain at level D. A westbound right turn lane on Church Street East into the site and two exiting lanes from the site were recommended by the traffic study and are incorporated into the plan.

Suitability of the Location for a Class IV Daycare Facility The Planning Commission asked for additional information on the suitability of this site for a daycare facility of this size. The applicant did investigate alternative sites in this area including the Seven Springs PUD site and the Montessori School site. The Seven Springs development on Old Hickory Boulevard is an office development and the current owners have indicated that there are no plans to include a daycare facility. The Montessori School site would require a rezoning to permit a daycare use, as proposed with this application. The applicant has indicated that this proposed daycare facility is in demand in this area, as other nearby facilities have waiting lists and, although this facility has not been advertised, there is already a waiting list and, if approved, this facility is expected to open full.

Building Standards Elevations, building materials, and bulk standards for the school were provided with the plan. For any development standard not included in the plan, the standards of the RM2 zoning district will apply.

Signs The signage permitted for this SP includes a freestanding ground sign and a building sign.

A freestanding ground sign is supported by structures or supports that are anchored in the ground and that are independent of any building or other structure and are a maximum six feet in height and 28 square feet in size. Building signs are attached directly to, or supported by brackets attached directly to a principal building. The building sign for this SP is a maximum of 9.6 square feet in size.

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

The signs must be constructed using high-quality durable materials such as metal, stone, brick, and hardwood, and shall complement materials and features of buildings on the same property. Pole signs and electronic message signs are prohibited.

STORMWATER RECOMMENDATIONS

1. A copy of the Tennessee General Construction Permit NOC letter and the updating of the NPDES information on the plans will be required prior to scheduling the pre-construction meeting.
2. Plan Sheet C1.2 lists the vertical reference datum as NAVD-88. NGVD-29 is shown on the associated plan sheets.
3. Please add a note on the plans that all erosion control measures are to be removed prior to as-built approvals.
4. The Inspection and Maintenance Agreement document remains to be completed and notarized. This document will be added to the Long Term Maintenance Plan already submitted.
5. If this property will not be platted through the Metropolitan Planning Commission, then you must submit a completed Dedication of Easement document. The grading plan cannot be approved until the easement is reviewed and approved by MWS Property Services.

FIRE MARSHAL RECOMMENDATION This project approved as a sprinklered project.

Show fire hydrant(s) flow data or the proposed fire hydrant(s) flow data on plans or the fire hydrant with the highest elevation and the most remote in the development,

Fire Hydrants shall be in-service before any combustible material is brought on site.

A fire hydrant shall be provided within 100' of the fire department connection.

Due to new information about this project it will be approved.

Additional information will be required before a building permit can be issued, adequate information not provided to allow unconditional approval of this project at this time.

WATER SERVICES RECOMMENDATION Approval

PUBLIC WORKS RECOMMENDATION The plan has been revised to improve on-site circulation and increase parking. It is not anticipated that the revised circulation and parking plan will negatively impact the public right-of-way.

All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.

Along Church Street E., construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways.

The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Solid Waste Division.

In accordance with the recommendations of the traffic impact study, conditions have been placed on this development that are expected to mitigate the impact to the public right of way. The following improvements are required:

1. Construct a westbound right turn lane on Church St. at the proposed project access with 75 ft of storage and transitions per AASHTO standards.
2. Construct the proposed project access at Church St. with one entering and two exiting lanes (LT and RT) each with a minimum 50 ft of storage.
3. Provide adequate intersection and stopping sight distance at the proposed project access per AASHTO standards.

Typical/Maximum 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)	2.89	1.16	2	20	2	3

Typical/Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Day Care (565)	2.89	N/A	10,900 (176 children)	796	134	124

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

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
--	2.89		N/A	+776	+132	+121

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed Primrose School SP is consistent with the RL policy of the Southeast Community Plan.

CONDITIONS

1. Prior to the issuance of building permits, the two lots shall be consolidated by plat.
2. Details of the landscaped screening of the back flow preventer devices shall be provided on the corrected copy of the preliminary SP.
3. All references to the housing shall be removed from the corrected copies of the plans.
4. Signage is limited to one ground sign that is a maximum of 28 square feet in size and six feet in height shall be permitted for the property and one building mounted sign that is 9.6 square feet in size. Pole signs and electronic message signs are prohibited.
5. The requirements of the Public Works Department shall be addressed on the final site plan including:
 - a. Construct a westbound right turn lane on Church St. at the proposed project access with 75 ft of storage and transitions per AASHTO standards.
 - b. Construct the proposed project access at Church St. with one entering and two exiting lanes (LT and RT) each with a minimum 50 ft of storage.
 - c. Provide adequate intersection and stopping sight distance at the proposed project access per AASHTO standards.
6. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is

subject to Public Works' approval of the construction plans.

7. Prior to the issuance of building permits, the solid waste collection and disposal plan shall be reviewed and approved by the Department of Public Works Solid Waste Division.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM2 zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council, including the removal of all references to the housing component of the original plan, shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Councilmember Toler spoke favorably of Primrose School and their achievements, however, expressed opposition to the requested development. He briefly explained the issues associated with this project and requested its disapproval.

Mr. Jim Huskey, 6563 Cloverbrook Drive, spoke in opposition to the requested zone change.

Mr. Dave Champion, 5104 Fredricksburg Way East, spoke in opposition to the requested zone change.

Mr. Joe Long, 5208 Fredricksburg Way East, spoke in opposition to the requested zone change.

Ms. Jamie Morrison, 5717 Cloverwood Drive, spoke in opposition to the requested zone change.

Ms. Cummings arrived at 4:25 p.m.

Mr. Jay Morrison, 5717 Cloverwood Drive, spoke in opposition to the requested zone change.

Mr. Martin Ball, 5713 Cloverwood Drive, spoke in opposition to the requested zone change and submitted a petition to the Commission for the record.

Mr. Gerald Bolden, 214 Centerview Drive, spoke in favor of the requested zone change.

Mr. Richard Schuff, 409 Sims Lane, spoke in favor of the requested zone change.

Ms. Cynthia Brown, 805 Cloverfield Court, spoke in opposition to the requested zone change.

Ms. Susan Poling, 217 Church Street, spoke in favor of the requested zone change and submitted a petition to the Commission for the record.

Mr. Tony Emanuel, spoke in favor of the requested zone change.

Ms. Kathy Smith, 205 Thornhill Circle, spoke in opposition to the requested zone change.

Ms. Connie Kimbro, 299 Jones Parkway, spoke in opposition to the requested zone change.

Ms. Danielle Reeves, 5620 Seesaw Road, spoke in favor of the requested zone change.

Mr. William Kimbro, 205 Jones parkway, spoke in opposition to the requested zone change.

Ms. Marla Huskey, 6563 Cloverbrook Drive, spoke in opposition to the requested zone change.

Ms. LeQuire questioned whether an approval of the project would set a precedent for others to utilize SP zoning to increase capacity on smaller parcels, in particular, daycare centers located in residential areas.

Mr. Bernhardt explained the policy intended for this area and the role of the Commission to determine the requested uses.

Ms. LeQuire questioned whether the proposal provided adequate parking that would accommodate the various drop off and pick up times as mentioned in the traffic impact study.

Ms. Bernards explained the parking component as required by Metro Codes to the Commission.

Mr. Dalton explained that he was not in favor of approving this development.

Mr. Ponder questioned whether this development would be considered spot zoning.

Mr. Bernhardt offered additional information on spot zoning in relation to the requested zoning for this development.

Mr. Ponder then questioned whether the traffic impact study recognized the staggered drop off and pick up times.

Mr. Devin Doyle, Public Works, offered a brief explanation on the numbers generated in the traffic impact study.

Mr. Ponder then spoke of safety issues that could exist due to the development being located on a hill.

Mr. Doyle explained that the site distances for this development met the AASHTO standards.

Mr. Clifton stated he could not support the request due to the overwhelming traffic issues associated with the development.

Dr. Cummings requested clarification on the application; in particular, the requested land use and SP zoning.

Ms. Bernards explained this concept to the Commission.

Dr. Cummings questioned the driveway requirements for the requested development.

Ms. Bernards explained these requirements to the Commission.

Mr. Tyler requested clarification on the Level of Service requirements on the intersections located near this development; as well as the general level of service on intersections throughout the city.

Mr. Doyle explained the various levels of service to the Commission.

Mr. Tyler then questioned how intersections could improve their levels of service.

Mr. Doyle explained that signalized street lighting or additional lanes would improve levels of service to intersections.

Mr. Gee questioned whether the Major Street Plan included improvements for Church Street.

Mr. Doyle explained that Church Street was classified as a U2, urban arterial, and that he was not informed as to whether this street had planned improvements.

Mr. Bernhardt explained there were no funded improvements for Church Street.

Mr. Gee then questioned the width of the pavement of this street.

It was mentioned that the width of the pavement was 24 feet.

Councilmember Toler offered additional information to the Commission regarding the width of both Church Street and Cloverland Avenue, however, his comments were inaudible.

Mr. Gee expressed his concerns with denying this request which would be based solely on the traffic issues located in this area. He then questioned whether additional discussion should take place on the issue of the size of the development and its location on this parcel.

Mr. Bernhardt explained the land use classification of residential low medium density to the Commission. He then offered that the Commission was to make a decision on whether this land use request was appropriate for this area.

Ms. LeQuire questioned whether the density of the proposal was compatible with the land use policy.

Mr. Bernhardt explained the land use policy and its potential uses to the Commission.

Ms. LeQuire then expressed her concern with the land use policy slated for this area, and any future development, that may or may not take place due to the lack of major street improvements.

Mr. Bernhardt explained that the current zoning was consistent with the policy.

Dr. Cummings then acknowledged that the current zoning could possibly support a daycare of 75 children, if the developer met certain criteria.

Ms. Bernards explained that special exceptions would have to be met to approve the daycare of 75 children.

Dr. Cummings expressed her concern with the density of the requested development.

Ms. Bernards explained that if the smaller development were being proposed, it would be presented to the Board of Zoning Appeals and that the Commission would not have heard this case.

Mr. Gee requested additional information on the driveway specifications needed for the proposal.

Ms. Bernards explained this concept to the Commission.

Mr. Clifton moved and Mr. Dalton seconded the motion, to disapprove Zone Change 2009SP-002-001. **(8-1) No Vote - Gee**

Resolution No. RS2009-34

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-002-001 is **DISAPPROVED. (8-1)**

While the proposed SP-INS is consistent with the general intent of the Southeast Community Plan’s Residential Low policy, the Planning Commission determined that this location was inappropriate for the size of the proposed daycare facility due to infrastructure constraints.”

2. **155-74P-001**
Larchwood Commercial (Lot 2 Revision)
Map: 096-00 Parcel: 054
Donelson/Hermitage/Old Hickory Community Plan
Council District 14 – James Bruce Stanley
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of the Larchwood Commercial Planned Unit Development Overlay located at 6918 Stewarts Ferry Pike, at the southeast corner of Stewarts Ferry Pike and McCrory Creek Road (19.04 acres), zoned CL, to permit 183,000 square feet of office uses, 20,000 square feet of retail uses and 5,200 square feet of restaurant uses, replacing 221,350 square feet of office, hotel, and restaurant uses, requested by Gresham Smith & Partners, applicant, for Commerce Center TN Land L.P., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary Plan

A request to revise the preliminary plan for a portion of the Larchwood Commercial Planned Unit Development Overlay located at 6918 Stewarts Ferry Pike, at the southeast corner of Stewarts Ferry Pike and McCrory Creek Road (19.04 acres), zoned Commercial Limited (CL) to permit 183,000 square feet of office uses, 20,000 square feet of retail uses and 5,200 square feet of restaurant uses, replacing 221,350 square feet of office, hotel and restaurant uses.

Existing Zoning

Commercial Limited (CL) - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

PLAN DETAILS The Larchwood Commercial Planned Unit Development was originally approved in 1974. The PUD has been revised and amended numerous times and is approved for commercial and office uses.

This portion of the PUD (Lot 2) was last approved for 221,350 square feet of office, hotel and restaurant uses. The site is mostly vacant but there is a large hard surfaced parking area that has been used by the adjacent property. The area along McCrory Creek Road contains a large stand of mature trees and also contains some areas of steep slopes. There are also other areas of steep slopes on the property and it is elevated above Stewarts Ferry Pike and McCrory Creek Road.

Site Plan The plan calls for 183,000 square feet of office space, 20,000 square feet of retail space, and 5,200 square feet of restaurant space for a total of 208,200 square feet of floor space. The floor space is distributed amongst four individual buildings.

Access to the development is shown directly from Stewarts Ferry Pike and indirectly from McCrory Creek Road. The indirect access to McCrory Creek Road is shown from Centerview Drive which is a private drive and is located within the Larchwood PUD. A cross access easement will be required to ensure that the access can be legally maintained.

Staff Analysis The proposed development complies with all zoning requirements including parking and bulk standards. The proposed uses are allowed within the overlay and the layout is consistent with the last approved site plan. An attempt was made to revise the layout in order to bring the buildings closer to Stewarts Ferry Pike and to revise the internal drive to create a more pedestrian friendly environment. While it is possible to move the buildings so that they would adequately address Stewarts Ferry Pike, it would require significantly more grading. Currently, there is a split-face wall at the back of the lot. At its tallest point it is 36 feet high. The amount of grading needed to allow for the buildings to address Stewarts Ferry Pike would result in a wall between 80 and 100 feet in height. The site will require significant grading for this development, but the amount of grading required to orient the buildings closer to Stewarts Ferry would have been excessive and would have resulted in a large, unsightly split-face wall. Since the site plan meets all requirements and is consistent with the last approved site plan, staff recommends that the request be approved with conditions.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Show and dimension right of way along Stewarts Ferry Pike. Label and show reserve strip for future right of way

3. 42 feet from centerline to property boundary, consistent with the approved major street plan (U4 - 84' ROW). Show and dimension right of way along McCrory Creek Road at property corners. Label and dedicate right of way, 30 feet from centerline to property boundary, consistent with the approved major street / collector plan.
4. Right of way is required along McCrory Creek Road for the construction of the McCrory Creek Business Park required infrastructure improvements. Coordinate the proposed site development with the McCrory Creek Business Park development. Dedicate right of way, grade site, and located the proposed retaining wall outside of the required improvement areas.
5. For the proposed sidewalk construction along Stewarts Ferry Pike, construct a six (6') foot furnishing zone and eight (8') foot sidewalk, consistent with the Strategic Plan for Sidewalks & Bikeways.
6. A Traffic Impact Study is under review and comments will be forthcoming.

STORMWATER RECOMMENDATION Preliminary PUD approved except as noted:

1. Remove detention / water quality pond out of the zone 2 stream buffer.

STAFF RECOMMENDATION Staff recommends approval with conditions. If TIS conditions have not been submitted prior to the Planning Commission meeting by Public Works then staff recommends deferral.

CONDITIONS

1. Prior to any final site plan approval, the applicant must demonstrate that the development can legally access McCrory Creek Road through parcel 028. Access shall be provided by a cross-access easement which shall be platted or recorded by instrument.
2. Remove detention / water quality pond out of the zone 2 stream buffer.
3. Prior to the issuance of any building permits, a final plat shall be required, including the dedication of right-of-way along McCrory Creek Road, and Stewarts Ferry Pike as per the preliminary site plan.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2009-35

“BE IT RESOLVED by The Metropolitan Planning Commission that 155-74P-001 is **APPROVED WITH CONDITIONS, including a condition to meet all requirements identified by Public Works. The Planning Commission clarified that the applicant is to dedicate the necessary right-of-way along Stewarts Ferry Pike consistent with the Major Street Plan to allow the construction of the planned U4 Cross Section. (8-0)**

Conditions of Approval:

1. Prior to any final site plan approval, the applicant must demonstrate that the development can legally access McCrory Creek Road through parcel 028. Access shall be provided by a cross-access easement which shall be platted or recorded by instrument.

2. Remove detention / water quality pond out of the zone 2 stream buffer.
3. Prior to the issuance of any building permits, a final plat shall be required, including the dedication of right-of-way along McCrory Creek Road, and Stewarts Ferry Pike as per the preliminary site plan.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

VI. PUBLIC HEARING: ZONING MAP AMENDMENTS

3. 2009Z-016PR-001

Map: 092-07 Parcels: 378
 North Nashville Community Plan
 Council District 19 – Erica S. Gilmore
 Staff Reviewer: Brian Sexton

A request to rezone from R6 to RM20 zoning property located at 1817 Jo Johnston Avenue, approximately 430 feet west of Dr. D.B. Todd, Jr. Boulevard (0.13 acres), requested by Artmas L. Worthy, owner.

Staff Recommendation: Approve with condition

APPLICANT REQUEST - A request to rezone from One and Two-Family Residential (R6) to Multi-Family Residential (RM20) zoning property located at 1817 Jo Johnston Avenue, approximately 430 feet west of Dr. D.B. Todd, Jr. Boulevard (0.13 acres).

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

Neighborhood Urban (NU) NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Watkins Park Detailed Neighborhood Design Plan

Mixed Housing MH is intended for single family and multi-family housing that varies on the size of the lot and the

placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Consistent with Policy? The use in the requested RM20 zoning district is consistent with the MH in NU policy of the North Nashville Community Plan. The policy also calls for an enforceable site plan to accompany the rezoning request to assure the following design principles and elements of the Watkins Park Detailed Neighborhood Design Plan are addressed:

- Encourage and provide locations for a range of public spaces for passive and active recreational use by the residents of the neighborhood.
- Encourage an interconnected transportation network for pedestrians, bicyclists, vehicles, and transit.
- Encourage new development that is sensitive towards and compatible to the scale, mass, materials, and architecture of the historical context of the neighborhood.
- Provide building setbacks ranging from shallow to non-existent.

Staff Analysis While an enforceable site plan was not submitted with this zone change, staff is recommending that a condition be added to this request to require access to the site be from the alley at the rear of the property. This condition will address the guidelines of the Watkins Park DNDP to enhance the pedestrian environment by limiting additional access to Jo Johnston Avenue.

The applicant did submit a conceptual drawing. The conceptual drawing shows a 2,030 square foot triplex building with six parking spaces. Two of the spaces appear to be accessed from Jo Johnston Avenue and the remaining four from the alley to the rear. As noted above, staff is recommending that all parking be accessed from the alley.

The Watkins Park DNDP also encourages building setbacks to range from shallow to non-existent. By placing the parking in the rear, the building could be moved closer to the street, further enhancing the pedestrian environment.

The requested RM20 zoning district requires a five foot side setback on the east and west sides of the lot. The conceptual drawing does not appear to have sufficient area on the east side to accommodate the setback. As this is the side adjacent to the property under the same ownership, combining the lots would resolve this. A standard B Buffer would be required along the western property line in order to provide additional buffering for the existing R6 property.

The site is a 5,950 square foot vacant parcel. The minimum lot area required for the existing R6 zoning is 6,000 square feet. In order to permit a duplex, the minimum lot size requirement must be met. Section 17.40.670 of the Zoning Code allows that a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by the zoning district provided the lot contains a minimum area of 3,750 square feet and existed prior to the date of the ordinance. This parcel is currently permitted to have one-single-family home.

The minimum lot area required by the proposed RM20 zoning district is 7,500 square feet. Despite the rezoning to the multi-family district, the only permitted use on this parcel would be a single-family structure. Similarly to meeting the setback requirements, in order to meet minimum lot size to construct the proposed triplex structure, this parcel will need to be combined with the property to the east. The combined lot would have sufficient area to allow the additional proposed triplex structure and meet the standards of the Zoning Code.

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.13	7.71	1	10	1	2

Maximum Uses in Proposed Zoning District: RM20

Land Use (ITE Code)	Acres	Density	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential/Condo/Townhome (230)	.13	20	3	18	2	2

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students would attend Park Avenue Elementary School, Bass Middle School, or Pearl-Cohn High School. None of these schools are over capacity, nor is the request expected to generate any additional students. This information is based upon data from the school board last updated June 2008.

STAFF RECOMMENDATION Staff recommends approval with a condition that access to the property be from the alley to the rear in order to meet the guidelines of the Watkins Park DNDP.

CONDITION

1. Access to the parcel included in this zone change shall be limited to the alley to the rear of the parcel only.

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

Resolution No. RS2009-36

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-016PR-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. Access to the parcel included in this zone change shall be limited to the alley to the rear of the parcel only.

Uses allowed in the proposed RM20 district are consistent with the North Nashville Community Plan’s Neighborhood Urban and Mixed Housing policies, and while no enforceable site plan is part of the application the condition limiting access to only the alley should ensure that any development meets the more specific requirements for the policies.”

VII. PUBLIC HEARING: REVISED SITE PLANS

4. 2005P-008-001

Harpeth Village (Medical/Office Bldg, Outparcel 7)
 Map: 156-09-0-A Parcels: 007
 Bellevue Community Plan
 Council District 35 – Bo Mitchell
 Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Commercial Planned Unit Development Overlay located at Temple Road (unnumbered), at the southeast corner of Temple Road and Old Harding Pike (2.77 acres), zoned CL, to permit the development of a 2-story, 29,000 square foot medical/office building, replacing 20,000 square feet of office uses, requested by E. Roberts Alley & Associates Inc., applicant, for John Weckesser and Louis M. Viol et al, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary Plan and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Harpeth Village Commercial Planned Unit Development Overlay located at Temple Road (unnumbered), at the southwest corner of Temple Road and Old Harding Pike (2.77 acres), zoned Commercial Limited (CL), to permit the development of a 2-story, 29,000 square foot medical/office building, replacing 20,000 square feet of office uses.

Existing Zoning

Commercial Limited (CL) - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

PLAN DETAILS This is a request to revise the last approved preliminary plan and for final site plan approval for an undeveloped outparcel (Outparcel 7) in the Harpeth Village Planned Unit Development. The PUD is located along the north side of Highway 100 just east of the intersection of Old Harding Pike and Highway 100. Outparcel 7 is located at the southwest intersection of Temple Road and Old Harding Pike.

The original PUD plan was approved by Council in 2005, but the plan has been changed several times since it was first approved. The last amendment was approved by Council in 2007. It was approved for 74 townhomes, 20,000 square feet of office, and 101,677 square feet of general retail and restaurant uses.

The proposed floor area for the office building (29,000 sq. ft.) exceeds what was last approved for the site but does not increase the overall floor of the entire PUD area by more than 10% of what was last approved by Council. Since the proposal is under 10%, it can be approved as a revision.

Site Plan The plan shows a 29,000 square foot, two-story building. The proposed uses include 17,400 square feet of medical office, and 11,600 square feet of general office. Access will be from Temple Road, and there is no direct access to Old Harding Pike. A total of 127 parking spaces are shown which meets the parking requirements of the Zoning Code.

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design may vary based on field conditions.

STORMWATER RECOMMENDATION Approve with the following conditions:

1. A copy of the Tennessee Construction General Permit NOC letter will be required to complete technical review.
2. Include North Arrows on plans.
3. Construction site entrances/exits are to be a minimum of 100-feet in length.
4. Include a note on the Initial Erosion Control Plan requiring the contractor to provide an area for truck wash and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting.
5. Several MWS BMP reference numbers are missing.
6. Provide the Sediment Trap sizing calculations and add the trap stone outlet detail drawings to the plans. As the Harpeth River is a designated 303(d) stream, the erosion control BMPs, specifically the Sediment Trap, must be designed to contain the runoff from the 5-year storm event.
7. MWS requires "No Adverse Impact" calculations of at least the next two downstream. Provide pipe size, material, invert elevation(s), actual flow and capacity of the structures.
8. On the plans, provide a Drainage Table showing all proposed storm system structures including inlets, outlets, junction boxes, and ditches. List pipe size, length, invert elevations, slope, and ground elevation. Indicate the building roof drainage discharge locations on the plans. No curb cuts were called out on the grading plan, delete the curb cut detail.
9. Provide the hydraulic grade line at each structure through to the outlet. Provide the inlets' capacities.
10. Provide pipe flow capacity and full pipe velocities using Mannings equation.
11. MWS requires a certification letter from Contech Stormwater Solutions, Inc. on the Stormfilter design. Contech is aware of the certification requirement. The letter is to state the information provided to Contech: Total Drainage Area, Percent Impervious, Average runoff coefficient, Water Quality Volume, and Total Detention Volume. Include the selected design drawing on the plan detail sheets.
12. Add a note to the plans that all erosion control measures are to be removed prior to as-built approvals.
13. Due to the design life of the proposed building, advise specifying RCP.
14. The Long Term Maintenance Plan requirements are detailed in the Metro Stormwater Manual, Volume 1, Appendix C. Register of Deed fees for the document will be \$5 per page plus \$7. The Long Term Maintenance Plan should contain, at a minimum, the following items:
 - a. The completed Inspection and Maintenance Agreement. A blank copy of this form is the Metro Stormwater Manual, Volume 1, Appendix C.

- b. Description and locations of stormwater system components to be inspected, prepared by the engineer.
- c. Schedule of inspections and the techniques used to inspect and maintain the stormwater system BMPs. Include appropriate checklist from Metro Stormwater Management Manual, Volume 1, Appendix C.
- d. Where and how the trash, sediment and other pollutants removed from the stormwater system will be disposed.
- e. Schematics of BMPs located on the site. Drawings no larger than 8.5"x13".
- 15. If this property will not be platted through the Metropolitan Planning Commission, then you must submit a completed Dedication of Easement document. The grading plan cannot be approved until the easement is reviewed and approved by MWS Property Services.

STAFF RECOMMENDATION Staff recommends approval with conditions. The request is consistent with the concept of the Council approved PUD, and while it calls for more floor area than what was last approved by Council, it is within 10% and can be approved as a revision.

CONDITIONS

- 1. All applicable requirements of BL2005-611 and BL2007-1340 must be satisfied.
- 2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
- 3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
- 4. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs. All signage must be consistent with BL2005-611 and BL2007-1340.
- 5. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
- 6. 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 Metro Planning Commission.
- 7. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
- 8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission’s approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2009-37

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-008-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

- 1. All applicable requirements of BL2005-611 and BL2007-1340 must be satisfied.
- 2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs. All signage must be consistent with BL2005-611 and BL2007-1340.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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 Metro Planning Commission.
7. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

5. **239-84P-001**
 Canter Chase (Alzahra Cultural Center)
 Map: 135-00 Parcels: 386
 Antioch/Priest Lake Community Plan
 Council District 28 – Duane A. Dominy
 Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Canter Chase Commercial Planned Unit Development Overlay located at 1919 Murfreesboro Pike, approximately 400 feet north of Smith Springs Road (2.56 acres), zoned CL, to permit the development of a 6,000 square foot religious institution and cultural center, replacing 10,200 square feet of restaurant and retail uses, requested by Azimtech Engineering, applicant, for Ali Zolfaghari and Mojtaba Rabiei, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary Plan and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Canter Chase Commercial Planned Unit Development Overlay located at 1919 Murfreesboro Pike, approximately 400 feet north of Smith Springs Road (2.56 acres), zoned Commercial Limited (CL), to permit the development of a 6,000 square foot religious institution and cultural center, replacing 10,200 square feet of restaurant use and 24,000 sq. ft. of retail uses.

Existing Zoning

Commercial Limited (CL)- Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

PLAN DETAILS The Canter Chase Commercial Planned Unit Development was originally approved in 1984. A majority of the land within the PUD is undeveloped. The developed area includes a convenience market and gas station. The last revision to the PUD, approved by the Planning Commission on September 27, 2007, included 17,050 sq. ft. of restaurant space, and 30,000 sq. ft. of office and retail space. The portion of the PUD that is now being proposed for a religious institution and cultural center included a 24,000 sq. ft of office/retail, a 6,000 sq. ft. restaurant, and a 4,200 sq. ft. restaurant.

The PUD contains environmental features that create challenges for development. Challenges include steep slopes and large drainage ditches. Even though the PUD was approved for a significant amount of restaurant, retail and office, due to the environmental features it is unlikely that it could be developed to meet today's standards.

Site Plan The proposed plan calls for a 6,000 square foot religious institution and cultural center. The building is set back approximately 180 feet from Murfreesboro Pike, and has its only access point on Murfreesboro Pike. Parking is provided immediately adjacent to the building. A total of 24 spaces are shown, though only 18 spaces are required.

Sidewalks The property is within the Urban Services District and sidewalks are required along Murfreesboro Pike. The plan does not provide any sidewalks and the applicant has asked that sidewalks not be required. The drainage ditch that bisects the property runs somewhat parallel with Murfreesboro Pike. The base of the ditch is deep and the ground drops away from Murfreesboro Pike towards the center line of the ditch. Construction of the sidewalk would require that the area immediately adjacent to Murfreesboro Pike be filled. Due to cost of the sidewalk construction the applicant has asked that the sidewalk not be required.

Sidewalks are required by the Zoning Code. Because there is no sidewalk immediately adjacent to where sidewalk construction would be required, the Zoning Code gives the applicant the option of building the sidewalk or making a contribution to the pedestrian network in lieu of construction of the sidewalk. The applicant may also request that the Board of Zoning Appeals (BZA) grant a variance from the sidewalk requirements. Since this is a PUD, the Planning Commission must make a recommendation to the BZA for any variance request.

At the time of this report the applicant has not submitted a variance application from the sidewalk requirement to the BZA. Since no application has been submitted, staff recommends that the sidewalk be shown on the plan, or that the applicant make a contribution to the pedestrian network in lieu of construction of the sidewalk.

PUBLIC WORKS RECOMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Remove traffic diverters islands from driveway ramp. Ramp is to be constructed per the Department of Public Works standards and specifications.
3. Trash enclosure /dumpster location does not appear accessible for a SU-30 design service vehicle. The solid waste collection and disposal plan is to be reviewed and approved by the Department of Public Works Waste Division.
4. Align driveway with opposing drive.
5. Provide adequate sight distance at access drive.

STORMWATER RECOMMENDATION Approve with the following conditions:

1. Provide an area site sketch of redesigned development drainage sub-areas.
2. Location of proposed curb cut does not provide a grass channel minimum of 50 feet for water quality. A solution is to move it to the east nearer the proposed building. Provide rip-rap outlet protection angled to flow into grass channel. Due to the amount of area of the parking lot and driveway entrance, advise placing inlets and pipe system to discharge into the grass channel.
3. Provide berm at the Grass Channel entrance into the Detention Pond area to ensure all flow runs into the pond area.
4. MWS easements will be required for the grass channel which is placed in the building setback. Minimum easement width is 10 feet greater than the top width of the channel with a minimum of 5 feet on one side. Provide a completed Dedication of Easement for the MWS easements.
5. Add a note to the plans that all erosion control measures are to be removed prior to as-built approvals.
6. Replace "Metro Nashville Public Works" in Note No. 5 in the Stormwater Pollution Prevention notes on C2 to "Metro Water Services".
7. In the Hydraflow pond sizing printouts:
 - a. The 15-inch outlet pipe was not included in the structure weir/orifices. Also include the slope and length as shown on the plans. Including it may decrease the pond volume significantly.
 - b. The weir should be set at the Water Quality Volume Elevation. The weir is shown as 9-inches on the plans while it is 0.58-inches or 7-inches in the printouts.
 - c. The 3.50-inch orifice can be removed.
8. Add an emergency overflow weir at the Detention Pond set at the 100-year event elevation.

9. Specify the waterproofing for the pond wall in the Block Retaining Wall Detail Drawing on Plan Sheet C4.
10. Add erosion control, such as rip-rap to the Curb Cub Detail Drawing on Plan Sheet C4.
11. Add reference to MWS BMP PESC-07 in the Drain Pipe Apron Detail Drawing on Plan Sheet C5.
12. Add reference to MWS BMP PESC-08 in the Grass Channel Detail Drawing on Plan Sheet C5.
13. Add MWS BMP PESC-02 Geotextile Detail Drawing to Plan Sheet C5.
14. On the Inlet Box (Outlet Structure) Detail Drawing:
 - a. Show the Water Quality elevation and the 100-year elevation at a minimum.
 - b. The 15-inch outlet pipe invert elevation is 602.0, Plan Sheet C2 indicates 602.50.
 - c. Grate cover for the Inlet Box is missing from the Detail Drawing on Plan Sheet C5.
 - d. Advise using one low flow orifice.
 - e. The 3.75-inch pipe of unknown material can be removed.
 - f. Add a note on the Inlet Box Detail Drawing on Plan Sheet C5 that the contractor shall remove the stone filter upon project completion.
15. Add a note on the plans that all rock or rip-rap to be placed over Filter Fabric.
16. A Long Term Maintenance Plan will be required. Refer to Metro Stormwater Management Manual Volume 1, Appendix C. A Long Term Maintenance Plan and an Inspection and Maintenance Agreement must be submitted for approval, Register of Deed recording, and issuance of the Grading Permit. Register of Deeds fees will be assessed when the documents are submitted.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. A sidewalk shall be shown along Murfreesboro Pike, or the applicant shall make a contribution to the pedestrian network in lieu of construction of the sidewalk. Prior to the issuance of building permits a revised plan shall be submitted showing sidewalks, as required by the Zoning Code, or the Codes Department shall forward confirmation that the in lieu payment has been accepted.
2. An internal sidewalk shall be provided along the entrance drive connecting the internal sidewalk to Murfreesboro Pike. If a contribution is made to the pedestrian network in lieu of the construction of the sidewalk along Murfreesboro Pike, or the BZA grants a variance from the sidewalk requirement then the internal sidewalk shall not be required. Prior to the issuance of building permits a revised plan shall be submitted showing the internal sidewalk, or the Codes Department shall forward either the confirmation that the in lieu payment has been accepted for the required sidewalk along Murfreesboro Pike, or that the BZA has approved a variance from the sidewalk requirement.
3. Buffer yards shall be shown along the southern and eastern property line as required by zoning. Prior to the issuance of building permits a revised plan shall be submitted showing the buffer yards as required by the Zoning Code.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. 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 Metro Planning Commission.

9. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
10. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2009-38

“BE IT RESOLVED by The Metropolitan Planning Commission that 239-84P-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. A sidewalk shall be shown along Murfreesboro Pike, or the applicant shall make a contribution to the pedestrian network in lieu of construction of the sidewalk. Prior to the issuance of building permits a revised plan shall be submitted showing sidewalks, as required by the Zoning Code, or the Codes Department shall forward confirmation that the in lieu payment has been accepted.
2. An internal sidewalk shall be provided along the entrance drive connecting the internal sidewalk to Murfreesboro Pike. If a contribution is made to the pedestrian network in lieu of the construction of the sidewalk along Murfreesboro Pike, or the BZA grants a variance from the sidewalk requirement then the internal sidewalk shall not be required. Prior to the issuance of building permits a revised plan shall be submitted showing the internal sidewalk, or the Codes Department shall forward either the confirmation that the in lieu payment has been accepted for the required sidewalk along Murfreesboro Pike, or that the BZA has approved a variance from the sidewalk requirement.
3. Buffer yards shall be shown along the southern and eastern property line as required by zoning. Prior to the issuance of building permits a revised plan shall be submitted showing the buffer yards as required by the Zoning Code.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. 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 Metro Planning Commission.
9. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
10. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission

shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

6. 97P-019-001

Trace Creek Center (Kroger Fuel Center Revision)
Map: 155-00 Parcels: 273
Bellevue Community Plans
Council District 35 – Bo Mitchell
Staff Reviewer: Brian Sexton

A request to revise the preliminary plan and for final approval for a portion of the Trace Creek Commercial Planned Unit Development Overlay located at 8175 Highway 100, approximately 520 feet west of Old Harding Pike (1.39 acres), zoned CL, to permit the addition of one fuel dispenser where four are currently existing, requested by Perry Engineering LLC, applicant, for Kroger Limited Partnership I, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary Plan and Final Site Plan

A request to revise the preliminary plan and for final approval for a portion of the Trace Creek Commercial Planned Unit Development Overlay located at 8175 Highway 100, approximately 520 feet west of Old Harding Pike (1.39 acres), zoned Commercial Limited (CL), to permit the addition of one fuel dispenser where four are currently existing.

PLAN DETAILS The Trace Creek Center PUD was originally approved in 1997, for 85,160 square foot commercial center. The plan was last amended by Council in 2003, replacing a financial institution that was never constructed, with a fuel pumping station.

Site Plan The proposed new fuel dispenser will be located next to four existing fuel dispensers that front Highway 100 and will be covered by a 5,075 square foot canopy. No new access points are proposed with this revision.

Highway 100 is designated as a Scenic Arterial on the Major Street Plan and a scenic landscape buffer is required. The applicant has shown a 10-foot wide A-2 landscape buffer on the plan along Highway 100 to meet this requirement.

PUBLIC WORKS RECOMMENDATION The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Final design may vary based on field conditions.

STAFF RECOMMENDATION Staff recommends approval with conditions of the revised preliminary and final site plan. The proposed revision would not result in a significant increase in the intensification of uses within the PUD.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. 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 Metro Planning Commission.

5. The PUD final site plan 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 may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

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

Resolution No. RS2009-39

“BE IT RESOLVED by The Metropolitan Planning Commission that 97P-019-001 is **APPROVED WITH CONDITIONS.**

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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VIII. OTHER BUSINESS

7. Employee contract renewal for Michael Skipper

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


8. Executive Director Reports
9. Legislative Update

IX. ADJOURNMENT

The meeting was adjourned at 5:25 p.m.

Chairman

Secretary

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