



**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**

*July 23, 2009*

\*\*\*\*\*

**4:00 PM**

*Metro Southeast at Genesco Park  
1417 Murfreesboro Road*

**PLANNING COMMISSION:**

James McLean, Chairman  
Phil Ponder, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Hunter Gee  
Victor Tyler  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

**Staff Present:**

Ann Hammond, Asst. Executive Director  
Doug Sloan, Legal Counsel  
Bob Leeman, Planning Mgr. II  
Trish Brooks, Admin. Svcs Officer 3  
Craig Owensby, Public Information Officer  
Brenda Bernards, Planner III  
Brian Sexton, Planner I  
Jason Swaggart, Planner II  
Carrie Logan, Planner II  
Anita McCaig, Planner III  
Scott Adams, Planner I  
Greg Johnson, Planner II  
Steve Mishu, Metro Water

**Commission Members Absent:**

Derrick Dalton  
Tonya Jones

*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 4:05 p.m.

**II. ADOPTION OF AGENDA**

Mr. Leeman explained that Item #18, a Request for a variance from Section 6-5.1 of the Subdivision Regulations for Lot 35 of Timber Ridge Subdivision, was added the agenda. Mr. Leeman also explained that Item #17 would be heard first, after the adoption of the Consent Agenda.

Mr. McLean clarified with staff that Item #18 was not a public hearing item, and did not need to be heard as a public hearing by the Commission.

Mr. Leeman explained that the applicant for Item #17, A request to determine if Item No. 7 (2008CP-007G-03 Alternate

*Development Area Policy of the Scottsboro/Bells Bend Detailed Design Plan) and Item No. 8 (2008SP-022G-03 May Town Center) of the June 25, 2009 Planning Commission meeting will be reheard at a future meeting, has asked that the item be withdrawn..*

Mr. Gotto moved and Mr. Clifton seconded the motion, which passed unanimously, to adopt the agenda as amended. **(7-0)**

### **III. APPROVAL OF JUNE 25, 2009, MINUTES**

Mr. Ponder moved, and Mr. Clifton seconded the motion, which passed unanimously, to approve the June 25, 2009, minutes as revised and presented. **(7-0)**

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

Councilmember Jameson acknowledged that Item #4, 2009CP-005-001, 16<sup>th</sup> & Ordway was on the deferral agenda and would be heard on August 27, 2009. He briefly explained that he has held a community meeting on this request and will be holding another follow-up meeting on Thursday, July 30 at 6:00 p.m. at the East Branch Library to further discuss the proposal.

Councilmember Toler acknowledged that Item #12, 94P-009-001, Shoppes of Brentwood Hills, and Item #13, 94P-016-001, Williamsburg at Brentwood, were both on the Consent Agenda for approval and spoke in favor of the developments.

Councilmember Evans explained she would address the Commission after her item was presented for discussion.

Councilmember Coleman explained that he would be addressing the Commission on Item #10, 2009Z-027PR-001 and Item #11, 2009P-003-001, Preston Hills. He briefly explained the history as well as the complexity of the proposal and stated he would address the Commission after the proposal was presented for discussion.

Councilmember Holleman spoke in favor of Item #5, 2009CP-007-001, West Nashville Community Plan 2009 Update and requested its approval. He briefly explained various aspects of the plan that will continue to enhance his district.

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

4. 2009CP-005-001 A request to amend the *East Nashville Community Plan: 2006 Update* changing the land use policy from Neighborhood General (NG) to Neighborhood Center (NC) on approximately 0.12 acres fronting Ordway Place and North 16<sup>th</sup> Street – deferred to August 27, 2009, at the request of the applicant.
7. 2009CP-010-001 A request to amend land use policies on property within the *Green Hills – Midtown Community Plan: 2005 Update* located at Cross Creek Road and Abbot Martin Road from RAC (Regional Activity Center) and RLM (Residential Low Medium) to Community Character Policies CO (Conservation), T5 MU (T5 Center Mixed Use Neighborhood), and T4 NE (T4 Urban Neighborhood Evolving), requested by Fiveash Development – deferred to August 13, 2009, at the request of the applicant
17. A request to determine if Item No. 7 (2008CP-007G-03 Alternate Development Area Policy of the Scottsboro/Bells Bend Detailed Design Plan) and Item No. 8 (2008SP-022G-03 May Town Center) of the June 25, 2009 Planning Commission meeting will be reheard at a future meeting. – withdrawn, at the request of the applicant.

Mr. Leeman restated that the applicant for Item #17 has asked that their request be withdrawn.

Mr. Clifton questioned the procedures that would need to be followed by the applicant for Item #17 since they withdrew their request.

Mr. Sloan briefly explained the procedures of a request for rehearing to the Commission.

Mr. Clifton questioned whether the Commission had the authority to disapprove a withdrawal request.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. **(7-0)**

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

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

### **PREVIOUSLY DEFERRED ITEMS**

1. 2009CP-008-001 A request to amend the North Nashville Community Plan by changing from Single Family Detached in Neighborhood General to Transition or Buffer in Neighborhood General policy for property located at 906 Cheatham Place. -Approve
2. 2009SP-007-001 A request to change from CN, MUL, and R6 to SP-R zoning properties located at 9<sup>th</sup> Avenue North and Cheatham Place, to permit a 3-story, 38 unit multi-family complex.  
**- Approve with conditions, subject to approval of the associated Community Plan Amendment.**
3. 66-84-G-06 A request to revise the preliminary plan and for final approval for a portion of the Williamsburg Village Planned Unit Development located at Old Hickory Boulevard (unnumbered), at end of Tolbert Road, to permit the development of 128 townhome units and a club house and pool. -Approve w/conditions

### **ZONING TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS**

8. 2009Z-025PR-001 A request to rezone from SP-R to RS10 zoning for properties located at 3017 A and 3019 A New Natchez Trace, approximately 290 feet north of Sterling Road. -Approve
9. 2009Z-026PR-001 A request to rezone from RS10 to R10 zoning property at located at Colfax Drive (unnumbered), approximately 250 feet south of Allen Road. -Approve
12. 94P-009-001 A request to amend the Planned Unit Development District for the Shoppes of Brentwood Hills, approved by Council Bill BL2003-77, located at the northeast corner of Old Hickory Boulevard and Franklin Pike Circle, to modify the condition pertaining to the use of \$50,000 for improvements to Franklin Pike Circle. -Approve
13. 94P-016-001 A request to cancel a portion of the Williamsburg at Brentwood Planned Unit Development District Overlay on property located at 5845 Cloverland Drive, approved for 6 single-family lots. -Approve
14. 2009P-002-001 A request for preliminary and final site plan approval for a proposed Planned Unit Development located at 1400 McGavock Pike, to permit an existing restaurant an exemption from beer regulations requiring a 100 foot minimum distance from a residential use. -Approve w/conditions

### **FINAL PLATS**

15. A request to rescind the recorded plat known as Canton Pass, Phase 1, containing 34 lots and open space located along Canton Pass, Cutter Court, and Arabian Court, but not including the portion labeled 'future development' on said plat. -Approve
16. A request for final plat approval to create 3 lots on properties located at 520 and 600 South 13th Street, approximately 530 feet north of Sevier Street. -Approve

18. A request for a variance from Section 6-5.1 of the Subdivision Regulations for Lot 35 of Timber Ridge Subdivision. Approve with a condition that all required infrastructure is completed by the developer within 60 days.

**OTHER BUSINESS**

19. Employee contract renewal for Trish Brooks. -Approve

Mr. Ponder moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (7-0)

Dr. Cummings arrived at 4:23 p.m.

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

1. **2009CP-008-001**  
9th & Cheatham  
Map: 081-12 Parcel: 309  
North Nashville Community Plan  
Council District 19 – Erica Gilmore  
Staff Reviewer: Bob Eadler

A request to amend the North Nashville Community Plan by changing from Single Family Detached in Neighborhood General to Transition or Buffer in Neighborhood General for 0.08 acres located at 906 Cheatham Place, requested by Dale and Associates and the Metro Planning Department, for Alpha Street Real Estate Development and Investments LLC, owner. (See also Specific Plan Proposal No. 2009SP-007-001).

**Staff Recommendation: Approve**

**APPLICANT REQUEST** A request to amend the *North Nashville Community Plan* by changing from “Single Family Detached in Neighborhood General” to “Transition or Buffer in Neighborhood General” for 0.08 acres located at 906 Cheatham Place.

This proposal was reviewed as a “minor plan amendment,” which requires at a minimum notification of property owners within 500 ft of the subject site. Since the associated zone change required notification to a distance of 600 ft., the plan amendment request used a 600 ft buffer as well.

**Deferral** This item was originally deferred from the May 14, 2009, to the June 11, 2009, Planning Commission meeting in order for a community meeting to be held to discuss the plan amendment and the associated SP. The Commission also requested that the Councilmember attend the meeting. The issues raised by the Planning Commission were in response to community concerns including parking and alley access.

A community meeting was held on June 10, 2009, at which both the plan amendment and associated zone change were discussed. At this meeting, only issues that pertained to the SP were raised. Since the community meeting, staff is not aware of any issues raised regarding the proposed plan amendment.

Based on the discussion at the June 10, 2009, meeting regarding the SP, the applicant requested additional time to redesign the project in order to address the issues raised and asked that both the plan amendment and the associated SP be deferred to the July 23, 2009 meeting.

**EXISTING POLICY *Neighborhood General (NG) Structure Plan Policy.***

The “NG” policy applicable to the subject site is established in the “Structure Plan” for the North Nashville Community. It is intended to create or preserve primarily residential areas including civic and public benefit uses that are common in residential areas. “NG” areas ideally have a variety of housing to meet a spectrum of housing needs. The development pattern is carefully articulated in a design plan and not placed randomly. This request does not involve a change in the “NG” policy.

Rather, the request is for a change in the *detailed land use policy* that is also applied to the property.

***Single Family Detached (SFD) Detailed Land Use Policy.***

The “SFD” detailed land use policy applicable to the subject site was established in the *Buena Vista Detailed Neighborhood Design Plan*. Uses intended in “SFD” policy include detached single family homes and appropriate civic and public benefit activities, such as schools, parks and religious institutions. “SFD” does not support the use of properties for parking lots as either a principal use or as accessory parking for uses not intended in “SFD” policy areas. The applicant wants to use the property for parking for the adjacent multifamily housing development, which precipitated the plan amendment request.

**PROPOSED POLICY**

**“Transition or Buffer” Detailed Land Use Policy** The intent for “TB” policy is to achieve a transition from areas of more intense development, such as commercial or mixed use areas, to the surrounding neighborhoods. A variety of housing types, residential-scale office and mixed use development, and parking are types of uses supported by the requested “TB” policy.

**COMMUNITY PARTICIPATION** Notification of the request and the Planning Commission Public Hearing on the request was posted on the Planning Department website and was mailed to known neighborhood organizations and surrounding property owners within 600 feet of the subject site.

**BACKGROUND** A multifamily residential development is proposed that involves the subject site plus Parcels 310 and 311 on Map 081-12-0 and condo development 081-12-0N, all of which front on 9<sup>th</sup> Ave. N. The residential buildings are proposed on the properties fronting 9<sup>th</sup> Avenue N., and the subject site is intended to be used for some of the parking needed for the development. The existing “Mixed Use” policy on the properties fronting 9<sup>th</sup> Ave. N. supports the proposed multifamily residential buildings. However, the “Single Family Detached (SFD)” detailed policy on the subject site does not support either multifamily buildings or accessory parking for such buildings. Hence, the need for the requested amendment.

**PHYSICAL SITE CONDITIONS** The site does not contain any apparent natural features, such as steep topography or areas subject to flooding that would pose a constraint to development.

**LAND USE** Surrounding land uses include multifamily and single-family residential. The abutting property to the west is vacant, as are the two parcels to the east that are associated with this request. The *Buena Vista Detailed Neighborhood Design Plan* calls for single-family homes to the north and west of the subject property. The extent to which parking on the subject site would impact adjoining properties would be no different than the impact of parking for schools, parks, and other nonresidential uses supported by “Single Family Detached” policy. With required landscape buffering, such parking should not have a detrimental impact on surrounding land uses.

**ACCESS** The site has frontage on Cheatham Place. Alley #503 separates the subject site from the two parcels facing 9<sup>th</sup> Avenue N. on which the associated residential building is proposed. The alley provides an important service to the larger area and it should remain open. It should also be the means of access to the proposed parking on the subject site, if approved.

**DEVELOPMENT PATTERN** The orientation of the subject site toward Cheatham Place is an advantage because it does not intrude into the adjoining “SFD” residential area as deeply as would a parcel oriented toward and extending to 10<sup>th</sup> Avenue N.

**HISTORIC FEATURES** The subject site is in the Buena Vista National Register Historic District. It is also near the Cheatham Place Public Housing development, some of which is on the National Register and some of which is eligible for listing on the National Register. There is, however, no historic overlay zoning currently applicable to the subject site or surrounding area. Sensitivity to the area’s historic features is an important consideration for any development proposed on the subject site and surrounding area.

**ALTERNATIVE LOCATIONS** The subject site is the best option available for accommodating the needed parking. The property to the north of the proposed residential building, while appropriate for parking, contains a house; and providing parking to the east or south would entail crossing 9<sup>th</sup> Avenue N. or Cheatham Place.

**CONCLUSION** The request does not pose any apparent significant adverse impacts and, with adequate landscape buffering, would provide an appropriate transitional land use pattern. Maintaining the public alley and sensitivity toward historic features are important considerations for any development on the subject site.

**STAFF RECOMMENDATION** Staff recommends approval.

Approved, (7-0) *Consent Agenda*

**Resolution No. RS2009-89**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-008-001 is **APPROVED. (7-0)**”

**2. 2009SP-007-001**

9th & Cheatham

Map: 081-12 Parcels: 309, 310, 311

Map: 081-12-N Parcels: 001, 002, 003, 004, 005, 006, 007, 008, 009

North Nashville Community Plan

Council District 19 – Erica Gilmore

Staff Reviewer: Brian Sexton

A request to change from CN, MUL, and R6 to SP-R zoning properties located at 1501 and 1505 9th Avenue North, 9th Avenue North (unnumbered), and 906 Cheatham Place, at the northwest corner of 9th Avenue North and Cheatham Place (0.77 acres), to permit a 3-story, 38 unit multi-family complex, requested by Dale & Associates and the Metro Planning Department, applicants, for Alpha Street Real Estate Development & Investments, LLC, owner. (See also Community Plan Proposal No. 2009CP-008-001).

**Staff Recommendation: Approve with conditions, subject to approval of the associated Community Plan Amendment.**

**APPLICANT REQUEST** A request to change from Commercial Neighborhood Preliminary SP (CN), Mixed Use Limited (MUL), and One and Two-Family Residential (R6) to Specific Plan - Residential (SP-R) zoning properties located at 1501 and 1505 9th Avenue North, 9th Avenue North (unnumbered), and 906 Cheatham Place, at the northwest corner of 9th Avenue North and Cheatham Place (0.77 acres), to permit a 3-story, 38 unit multi-family complex.

**Deferral** This item was originally deferred from the May 14, 2009, to the June 11, 2009, Planning Commission meeting in order for a community meeting to be held to discuss the SP and the associated minor plan amendment. The Commission also requested that the Councilmember attend the meeting. The issues raised by the Planning Commission in response to community concerns include parking and alley access.

The community meeting was held on June 10, 2009. Based on the discussion at the meeting, the applicant requested additional time to redesign the project in order to address the issues raised and asked that this item be deferred to the July 23, 2009, meeting.

The applicant has submitted new plans that reduce the number of units from 44 to 38 to address parking demand. In addition, the development team worked with planning staff to add two additional parking spaces on-site.

**Existing Zoning**

CN District - Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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

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**

SP-R District - Specific Plan-Residential 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 residential.

## **NORTH NASHVILLE COMMUNITY PLAN**

### **Existing Policy**

#### ***Buena Vista Detailed Neighborhood Design Plan***

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

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

**Single Family Detached (SFD) in NG** SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

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

### **Proposed Policy**

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

**Consistent with Policy?** Yes, if the accompanying Community Plan Amendment is approved, this zone change will be consistent with the land use policies. The existing SFD in NG policy does not support either multi-family buildings or accessory parking for multifamily buildings. The community plan amendment to TB will support the proposed parking area proposed with this zone change request. The portion of the property within the MxU in NC is consistent, because the policy permits multi-family uses.

**PLAN DETAILS** The preliminary site plan proposes a three-story infill development on three vacant lots in an urban area. This multi-family building will include 29 one bedroom units, 8 two bedroom units and 1 three bedroom unit. The three lots will need to be consolidated into one lot before this project can be constructed. The SP also includes an additional lot southwest of the site, which is separated by an alley and will be used for accessory parking.

The proposed building will be surrounded by existing single and multi-family residences, with a school, churches, a park and a grocery store in close proximity. Sidewalks are already in place and there is a bus stop one block from this property. By locating in an urban area, this project takes advantage of existing infrastructure and services.

**Building Orientation** The proposed apartment building is oriented toward both 9<sup>th</sup> Avenue North and Cheatham Place with doorways directly accessing the sidewalks on both streets, which helps create a vibrant pedestrian environment. The rear of the apartment building overlooks the parking area. The proposed development includes a front setback of 10 feet from 9<sup>th</sup> Avenue North and a 15 foot front setback from Cheatham Place.

**Access/Parking** Access to the site is provided by an alley from Cheatham Place to the parking area located in the rear of the building. By taking advantage of the existing alley, there will be no new driveway cuts across the sidewalk.

The UZO standards of the Zoning Code require that 39 parking spaces be provided. The plan proposes a total of 42 on-site parking spaces. There is room for seven parking spaces on the street, the UZO permits four of these spaces to be counted towards meeting the parking requirement.

**Landscaping/Screening** A standard A Landscape Buffer Yard is proposed along the northwest property line in order to

provide additional buffering for the existing residential property. A standard C Landscape Buffer Yard, 30 inch knee wall and a four foot screening wall is proposed along the southwestern portion of the site to provide additional buffering for the existing residential property and parking area. The screening wall will be used to display the property address. There is also a six foot masonry wall located along the southwestern portion of the site to provide additional buffering for the parking area.

Details of the proposed landscaping have been provided, but a list of proposed trees and shrubs species consistent with the Urban Forester’s tree density requirement is needed. A dumpster is located on the southwest portion of the property. Screening details for the dumpster were not submitted to staff and will need to be provided with the final site plan.

**Community Discussion** The community meeting, attended by Councilmember Gilmore, Metro Planning staff, four area residents and the applicant, was held on June 10, 2009. The residents indicated that, given the amount of units and lack of existing on-street parking in the neighborhood on Sundays due to the numerous nearby churches, the proposed development did not provide adequate on-site parking. Area residents also expressed concerns regarding the potential misuse of the alley which is being proposed as the primary access point to the development.

The applicant agreed to reduce the number of units from 44 to 38 to help reduce parking demand. In addition, the development team worked with planning staff to add two additional parking spaces on-site.

On July 12, 2009, community residents and the applicant held an additional meeting to discuss building elevations, traffic and parking concerns. Buena Vista Neighborhood Association Chairman Mark Wright reported that there were 13 people in attendance and all agreed to support the rezoning, contingent upon approval of the community’s recommended changes to the design of the building.

The applicant has recently submitted new building elevations to staff that show changes addressing community concerns, as well as a reduction of one doorway along 9<sup>th</sup> Avenue North. Staff is recommending that this doorway be added back into the SP. There are also larger windows on the South side of the building. According to Mr. Wright, there were a few area residents that were adamantly opposed to the project due to the perceived lack of parking and the type of development being proposed. Mr. Wright stated that despite parking issues and the nature of the development, the majority of the attendees at the meeting are willing to continue to work with the applicant to revise the SP prior to Council approval.

**Analysis** This SP request directs new development to an existing community by utilizing three vacant lots in an urban setting. It is an example of infill development. The proposed residential units will be surrounded by existing single and multi-family residences. There is a school, churches, a park and a grocery store in proximity to the proposed development. It will fill in a gap in the development pattern along 9<sup>th</sup> Avenue North and it takes advantage of existing infrastructure. The increase in residences in this community will support a range of transportation options including transit services. There is a bus stop one block from this property.

This area already includes a mix of housing types but is predominantly one and two family dwellings with single story, multi-family residences across 9<sup>th</sup> Avenue North. The introduction of a three-story, 38 unit building will increase housing choices.

This development will add to the already walkable 9<sup>th</sup> Avenue North and Cheatham neighborhood with its existing sidewalks. As noted above, this development is in proximity to shopping and services.

**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 the Department of Public Works' approval of the construction plans.
2. Solid waste disposal and recycling collection plan is to be approved by the Department of Public Works Solid Waste Division.

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

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	.34	0.25	3,702 sq. ft.	106	14	14



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

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Low Rise Residential/Townhome (230)	.34	1	18*	145	14	15

\*Based on 800 square foot units

**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)	.08	7.71	1	10	1	2

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

Land Use (ITE Code)	Acres	FAR	Total Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mid Rise Apartments (220)	.76	N/A	38	354	23	39

**Traffic changes between: CN, MUL, and R6 and proposed SP-R**

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	.76	N/A	N/A	+93	-6	+8

**STORM WATER RECOMMENDATION**

- Provide a water quality concept and room for detentions. Some non-standard methods of water quality and detention are being proposed, which may require a variance from the Stormwater Management Committee. If a variance is not approved, then a direct connection to an adequately sized combined sewer may be required.

**METRO SCHOOL BOARD REPORT**

Projected student generation     3 Elementary     2 Middle     1 High

**Schools Over/Under Capacity**     Students would attend Buena Vista Elementary School, John Early Middle School, or Pearl-Cohn High School. None of the schools has been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated June 2008.

**STAFF RECOMMENDATION**     The proposed SP plan is consistent with the MxU in NC policy and staff is recommending approval with conditions, subject to approval of the associated Community Plan Amendment.

**CONDITIONS**

1. The corrected copy of the preliminary SP plan shall include building elevations that show a minimum of five doorways along 9th Avenue North.
2. Prior to final site plan approval, the SP final site plan shall include a tree density table and plant species list to be approved by the Urban Forester.
3. Details of the screening for the dumpster shall be included with the final site plan.
4. Prior to the issuance of any grading or building permits, lots fronting onto 9<sup>th</sup> Avenue North shall be consolidated.

5. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
6. The requirements of the Metro Stormwater Department must be met prior to final site plan approval.
7. The SP is limited to residential uses.
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 MUL 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 shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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.

Approved with Conditions, (7-0) *Consent Agenda*

**Resolution No. RS2009-90**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-007-001 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. The corrected copy of the preliminary SP plan shall include building elevations that show a minimum of five doorways along 9th Avenue North.
2. Prior to final site plan approval, the SP final site plan shall include a tree density table and plant species list to be approved by the Urban Forester.
3. Details of the screening for the dumpster shall be included with the final site plan.
4. Prior to the issuance of any grading or building permits, lots fronting onto 9<sup>th</sup> Avenue North shall be consolidated.
5. The requirements of the Metro Public Works Department must be met prior to or in conjunction with final site plan approval.
6. The requirements of the Metro Stormwater Department must be met prior to final site plan approval.
7. The SP is limited to residential uses.
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 MUL 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 shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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.

**The proposed SP-R district to permit 38 multi-family units is consistent with the North Nashville Community Plan's Mixed Use and Neighborhood Center policies."**

3. **66-84-G-06**  
Lexington (formerly Williamsburg Village)  
Map: 128-04-0-A Parcel: 007  
Bellevue Community Plan  
Council District 23 – Emily Evans  
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Williamsburg Village Planned Unit Development Overlay located at Old Hickory Boulevard (unnumbered), at the end of Tolbert Road (62.93 acres), zoned RM4, to permit the development of 128 townhome units and a 6,878 square foot clubhouse and pool, requested by Planning Design & Research Engineers, Inc., applicant, for Nandi Hills Associates, owner.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST - Revise Preliminary and PUD**

A request to revise the preliminary plan and for final approval for a portion of the Williamsburg Village Final Site Plan Planned Unit Development Overlay located at Old Hickory Boulevard (unnumbered), and at the end of Tolbert Road (62.93 acres), zoned Multi-Family Residential (RM4), to permit the development of 128 townhome units and a 6,878 square foot club house and a pool.

#### **Zoning District**

RM4 District - RM4 is intended for single-family, duplex, and multi-family dwellings at a density of 4 dwelling units per acre.

**PLAN DETAILS** This is a request to revise the preliminary plan for a portion of the Lexington Planned Unit Development (PUD). The site for this portion of the PUD is currently undeveloped and consists of dense woods and steep hills. The Lexington was approved in 1984, as Williamsburg Landing. It was approved for 840 multi-family units, and six single-family lots. Currently, final site plan approval has been granted for 598 multi-family units and six single-family lots. As proposed, the site plan is mostly consistent with the approved preliminary plan and includes only minor deviations which

have been made to minimize disturbance of areas with the steepest slopes.

**Site Plan** The proposed plan calls for 128 townhome units, a club house and pool. Due to the steep topography on the site the units have been organized in a way that utilizes more level areas of land in order to minimize grading. Access to the 128 units will be provided indirectly from Old Hickory Boulevard by a private drive through the existing development. A total of 311 parking spaces are required and the plan provides 358 spaces which include surface and garage parking.

**Slope Stability Report** Due to the steep slopes and problem soils on the site the applicant was required to provide a Slope Stability Report. In summary the report concluded that construction and development activities should be limited to the minimal disturbance necessary for the project. It further recommends that foundations and slopes should be designed by a geotechnical engineer, and that the geotechnical engineer should supervise construction. Prior to the issuance of Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that everything has been constructed using sound engineering techniques in accordance with the Slope Stability Report shall be submitted.

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

**STORMWATER RECOMMENDATION** Approved with conditions:

1. Provide drainage map showing sub-area to each inlet.
2. Check runoff coefficient when  $Q=CIA$  is used. 0.015 is not right number.
3. Show ditch cross-section data on each grading plan.
4. Size the swale to pass 10 year flow.
5. The inlet should be located at the high end. Otherwise longer swale should be provided.
6. Five minutes residence time is needed for grass swale before detention pond.
7. Detention pond detail is not clear, the slope steeper than 3:1 should be verified by geotechnical engineer regarding slope stability.
8. Check next two downstream structure capacity.
9. Maintenance agreement with recording fee.
10. Easement document with recording fee.
11. Grading permit fee (\$1665.00).

**STAFF RECOMMENDATION** Staff recommends approval with conditions.

#### **CONDITIONS**

1. Prior to the issuance of any Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that everything has been constructed using sound engineering techniques in accordance with the Slope Stability Report shall be submitted to the Planning Department or Codes Department.
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.
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.

Approved with conditions, (7-0) *Consent Agenda*

**Resolution No. RS2009-91**

“BE IT RESOLVED by The Metropolitan Planning Commission that 66-84-G-06 is **APPROVED WITH CONDITIONS.**  
**(7-0)**

**Conditions of Approval:**

1. Prior to the issuance of any Use and Occupancy permits, a certification letter stamped by a licensed engineer stating that everything has been constructed using sound engineering techniques in accordance with the Slope Stability Report shall be submitted to the Planning Department or Codes Department.
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.
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.”

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**VIII. PUBLIC HEARING: COMMUNITY PLANS**

4. **2009CP-005-001**  
16th & Ordway  
Map: 083-10 Parcel: 010  
East Nashville Community Plan  
Council District 6 – Mike Jameson  
Staff Reviewer: Anita McCaig

A request to amend the *East Nashville Community Plan: 2006 Update* changing the land use policy from Neighborhood General (NG) to Neighborhood Center (NC) on approximately 0.12 acres fronting Ordway Place and North 16<sup>th</sup> Street, requested by the Metro Planning Department, for Evolve Developers LLC, owner.

**Staff Recommendation: Defer to the August 27, 2009, Planning Commission Meeting**

**The Metropolitan Planning Commission DEFERRED Community Plan Amendment 2009CP-005-001 to August 27, 2009, at the request of the applicant. (7-0)**

5. **2009CP-007-001**  
West Nashville Community Plan 2009 Update  
Map: Various Parcels: Various  
Staff Reviewers: Cynthia Wood & Anita McCaig

A request to adopt the updated plan for the West Nashville Community, which includes Cockrill Bend, the City of Belle Meade, and the neighborhoods of Sylvan Heights, Sylvan Park, the Nations, Urbandale, Robertson, Charlotte Park, Hillwood, West

Meade, White Bridge, Belle Meade Highlands, Belle Meade Links, and Warner Park Valley, including one policy addition, requested by the Metro Planning Department.

**Staff Recommendation: Approve with one policy addition.**

**APPLICANT REQUEST** - A request to adopt the updated plan for the West Nashville Community, which includes Cockrill Bend, the City of Belle Meade, and the neighborhoods of Sylvan Heights, Sylvan Park, the Nations, Urbandale, Robertson, Charlotte Park, Hillwood, West Meade, White Bridge, Belle Meade Highlands, Belle Meade Links, and Warner Park Valley, including one policy addition.

**WEST NASHVILLE PLAN COMMUNITY PARTICIPATION** Staff conducted 10 meetings in the West Nashville Community beginning October 16, 2008, and ending June 1, 2009. The meetings included an educational meeting for the new Community Character Manual Policy, and workshops to develop the vision, concept plan, and community character policy plans. Open space and transportation systems were also discussed during these workshops. Two open houses were held in the northern and southern areas of the West Nashville Community where stakeholders informally met with planning staff to discuss the draft plan as it related to their neighborhood or property. A follow-up meeting was held in early June to discuss the possible impacts of the proposed May Town Center development on the West Nashville Community.

Staff met with the West Area Business Council of the Nashville Area Chamber of Commerce, as well as the West Area Presidents' Council, the Hillwood Neighborhood Association and the Sylvan Park Neighborhood Association during this planning process. Staff also communicated regularly by email with other neighborhood group leaders.

Notification of community meetings as well as the July 23, 2009, Planning Commission public hearing were published in newspapers and posted on the Planning Department's website. Notices were sent to over 11,000 addresses in the West Nashville Community at the beginning of the plan update process to announce the meeting schedule. Email and hard mail notification was sent periodically to approximately 300 stakeholders who regularly participated in the process.

## **HIGHLIGHTS**

### ***West Nashville Community Plan: 2009 Update***

**Planning Fundamentals** In planning for the future of the West Nashville Community, sustainability and regionalism are two fundamental planning concepts that are essential in creating a community that meets the needs of today and the future. An overview of how these concepts were incorporated into the West Nashville Community Plan is provided below.

Creating Sustainable Development The West Nashville Community Plan emphasizes sustainable development through the application of specific Community Character Policies in strategic locations. In doing so, the West Nashville Community Plan reflects the spirit of *Concept 2010's* commitment to sustainable development as defined by its four core elements:

1. Balancing the economic, environmental and social/cultural needs of the community;
2. Creating development that is good for today and the future;
3. Engaging all stakeholders; and
4. Thinking regionally in planning for growth.

Planning for Regional Growth The West Nashville Community Plan addresses regionalism in its application of Community Character Policies that encourage diversity in development including mixed use and housing choice, development that respects and enhances community character, preserves open space and environmentally sensitive features, and fosters transportation choice.

Providing Housing Choice In a region with a growing population, providing housing options within the region helps distribute population growth equally and provides a variety of housing options in each community. As a result, residents may find suburban and urban housing in West Nashville that is in close proximity to employment within the West Nashville Community and in Downtown Nashville. The Community Character Policies applied in the plan encourage housing diversity while respecting the community character by identifying distinct neighborhood areas, and by providing locations and detailed guidance for appropriate infill development.

Providing Transportation Options Interstate 40, Charlotte Avenue/ Pike, Briley Parkway, White Bridge Road, Highway 70 and Highway 100 provide access to other parts of the county, to the region, and to new development in outlying counties. Regional transportation planning efforts encourage alternative methods of transit to manage the movement of goods and

services in the region. The West Nashville Community Plan complements these efforts by encouraging land uses along its corridors, such as Charlotte Avenue/Pike, and in adjacent neighborhoods that would support transit services, such as bus rapid transit or light rail. The Mixed Use Corridor Policies and Community Center Policies applied in the plan encourage a mixture of uses along the corridor with higher intensity uses occurring at major nodes, while encouraging more dense and varied housing along the corridor and in nearby evolving neighborhoods.

#### Protecting Open Space and

Environmentally Sensitive Features Planning for regional growth also includes thinking comprehensively about open space and environmentally sensitive features and land. The West Nashville Community Plan uses Conservation Policy on sensitive lands that are part of a larger regional pattern of hillsides, rivers and creeks. The preservation and the remediation of these areas and the creation and preservation of parks and greenways not only benefit the West Nashville Community but also contribute to a regional open space network.

#### **Community Character Policy and Special Policies**

Community Character Manual The West Nashville Community Plan Update is the second plan update to use the Community Character Manual (CCM) and its Community Character Policies. The Community Character Policies emphasize the character of development, encourage sustainable development and design, and link transportation and land use.

The CCM is the dictionary of Community Character Policies and provides a broad definition of the general characteristics and intent of the policies. The update of the West Nashville Community Plan applies Community Character Policies to all land in the West Nashville Community and gives more detailed guidance on unique conditions in the community.

This detailed guidance is provided through Special Policies. The Special Policies expand on the Design Principles provided in the CCM. Where there are no unique conditions that would require Special Policies, the general policy language in the CCM is used. In either case, the CCM provides the first level of guidance for future development requests, followed by the guidance in the special policies in the community plan.

The West Nashville Community Character Policies are organized like the CCM, first by Transect category and then by Community Element. The Transect category defines the character (from natural to urban), and the community elements (open space, neighborhoods, centers and corridors) are the components that create complete communities.

Open Space and Conservation Community Character Policies The West Nashville Community has 963 acres (6 percent) of land to which Open Space Policies have been applied. Please refer to the attached policy graphic. Open Space in the West Nashville Community includes both T3 Suburban Open Space and T4 Urban Open Space. Open Space areas include parks and civic uses. In the West Nashville Community this includes Charlotte Park, West Park, McCabe Park and Golf Course, Richland Park, and the Richland Park Branch Library among others. The Open Space Policies encourage the preservation of existing open space. Where additional open space is needed or an opportunity to provide more open space presents itself, the Community Character Policy, Potential Open Space, has been applied.

Conservation Policy is applied to areas considered to be environmentally sensitive – steep slopes, floodplain and floodway, and bodies of water among others. The Conservation Policies encourage the preservation of undeveloped environmentally sensitive areas, and the remediation of environmentally sensitive areas that have been disturbed. Environmentally sensitive land where Conservation Policy has been applied accounts for 3,054 acres (19 percent) of the land in the West Nashville Community.

In the West Nashville Community, the majority of Conservation Policy is applied to water bodies with adjacent floodplain and floodway, including the Cumberland River, Richland Creek and its tributaries. Steep slopes, primarily in West Meade and Hillwood, account for another large portion of Conservation Policy.

Neighborhood Community Character Policies The West Nashville Community has a diverse selection of neighborhoods where Neighborhood Community Character Policies have been applied. These suburban and urban residential areas account for 8,600 acres (54 percent) of the land in the West Nashville Community. Suburban neighborhoods such as the Charlotte Park, Hillwood and West Meade neighborhoods and neighborhoods near the City of Belle Meade are mostly single-family residential on larger lots. Urban neighborhoods, such as Sylvan Heights, Sylvan Park, the Nations, Urbandale and Robertson neighborhoods, typically have smaller lot sizes and often, a greater mixture of housing types including single-family, two-family, townhouses and stacked flats.

The Neighborhood Maintenance Community Character Policies applied throughout the T3 Suburban and T4 Urban Transect areas encourage the maintenance of established, stable residential neighborhoods that need only minor changes over time. Meanwhile, the Neighborhood Evolving Community Character Policies encourage the evolution of growing and/or changing neighborhoods where considerable changes over time are more appropriate.

Where opportunities exist for new development in maintenance neighborhoods, the West Nashville Community Plan has identified "Infill Areas." These areas are discussed in the Special Policies which provide guidance for creating compatible development in West Nashville's more stable residential neighborhoods.

While maintenance policies promote preservation, and evolving policies promote enhancement, both policies encourage some level of housing choice and better connectivity to other community elements.

Center Community Character Policies Centers in the West Nashville Community exist in both the T3 Suburban and T4 Urban Transect categories. In the West Nashville Community, there are 332 acres (2 percent) where Center Community Character Policies have been applied. Development in Neighborhood and Community Centers ranges from a one-story building height (such as in the T3 Suburban Neighborhood Center in the Belle Meade area), to development that may reach five stories in height (such as in the T4 Urban Community Center at the intersection of White Bridge Road/Charlotte Pike). The character of each type of center varies by its Transect category.

West Nashville's T3 Suburban Neighborhood and Community Centers include the small neighborhood center along Highway 100 adjacent to the railroad tracks, the larger neighborhood center at the Highway 70/Highway 100 commercial area, and the community centers near the Nashville West and Hillwood Plaza shopping areas and the Lions Head shopping area along White Bridge Road.

West Nashville's T4 Urban Neighborhood and Community Centers include the small neighborhood centers at Robertson Avenue/Croley Drive, Morrow Road/60<sup>th</sup> Avenue, Richland Park/Charlotte Avenue, and Murphy Road/46<sup>th</sup> Avenue, and the larger community center at Charlotte Pike/White Bridge Road.

The Community Character Policies applied to centers encourage the enhancement of existing commercial centers transitioning these areas into more intense mixed use centers. Rather than expanding commercial centers, infill and redevelopment of older commercial areas in West Nashville is ideal. However, many of the centers in the West Nashville Community require significant enhancement in order to create lively, multi-modal, mixed use areas of activity envisioned by the policy.

Corridor Community Character Policies Mixed Use and Residential Corridors in the West Nashville Community connect suburban and urban communities. In doing so, their character changes depending on the Transect category in which they are located. The Community Character Policies reflect this changing character, with different site and building design principles depending on whether the corridor is located in a suburban setting or an urban setting.

In the West Nashville Community, Mixed Use Corridors are the most prevalent corridor type. A Mixed Use Corridor contains a mixture of land uses ranging from residential to commercial to office. The uses may be vertically mixed in a stand-alone building or designed as a mixture of uses on a single site. Residential Corridors in West Nashville are those corridors that have primarily residential and civic/public benefit land uses along them.

T3 Suburban and T4 Urban Residential and Mixed Use Corridor Community Character Policies have been applied to portions of White Bridge Road, Charlotte Avenue/Pike, Alabama Avenue and Centennial Boulevard. These policies cover 249 acres (1.5 percent) of land in the West Nashville Community.

The corridors in the West Nashville Community serve both a local and a regional transportation function. Prominent corridors, such as Charlotte Avenue/Pike, Highway 70 and Highway 100, also serve surrounding communities and counties. In doing so, the corridors must function to accommodate the movement of goods and services throughout the region, while also providing destinations within the West Nashville Community. Therefore, these prominent corridors must provide adequate and varied modes of transportation including transit, walking, cycling and for vehicles. The Corridor Community Character Policies encourage development that supports multiple modes of travel, including transit options. Providing housing options and mixed use development, as supported by these policies, also increase transit opportunities along



corridors such as Charlotte Avenue/Pike, White Bridge Road, and Highway 70. Additional development along these corridors encourages their use as a destination in the West Nashville Community, rather than just a route to other communities.

Districts The West Nashville Community includes areas of homogenous development and special uses where District Community Character Policies have been applied. Industrial, Impact, and Major Institutional Districts cover 2,725 acres (17 percent) of the West Nashville Community.

A large Industrial District exists in Cockrill Bend. Several Impact Districts are also located in Cockrill Bend, including the State Prison facilities, the John C. Tune Airport, and a quarry. An Institutional District that contains the Nashville State Community College is located along White Bridge Road.

District Community Character Policies encourage consistent design and form within each district. Major Institutional Districts are encouraged to have appropriate transitions to surrounding neighborhoods becoming an asset to those neighborhoods, while more intrusive land uses found in Industrial and Impact Districts should be well buffered and separated from less intense areas.

**Areas Receiving Additional Study** During the West Nashville Plan Update process, two areas received extensive additional study. One area is the Charlotte Avenue/Richland Park commercial area and the other is the Highway 70/Highway 100 commercial area.

Charlotte Avenue/Richland Park Commercial Area During the fall of 2007, Planning staff began working with the community on a Detailed Design Plan for the Charlotte Avenue corridor, located adjacent to Richland Park. The planning process continued into 2008 and began to overlap with the West Nashville Community Plan Update process. As a result, ideas from the detailed design plan meetings were incorporated into the larger area's community plan update meetings, and additional opportunities for input into this area were provided. Ideas were expressed ranging from leaving the area like it currently is, to various levels of enhancement to make this a viable neighborhood center area, to making this an intense mixed use corridor. In balancing the various stakeholder interests with a commitment to sustainable development, infill and transit-supportive development, the area along Charlotte Avenue, surrounding Richland Park, has been placed in T4 Urban Neighborhood Center Policy and the adjacent corridor area has been placed in T4 Urban Mixed Use Corridor Policy.

Special Policies have been applied to limit the height of buildings in areas where there are concentrations of historic buildings. This is done in efforts to preserve the historic buildings, to encourage their adaptive reuse, and to blend new development into the historical character of the area. Additional Special Policies focus on creating focal points, encouraging multiple modes of transportation, and improving access and parking.

Highway 70/Highway 100 Commercial Area During the West Nashville Community Plan Update process, numerous concerns were raised regarding the commercial area at the intersection of Highway 70 and Highway 100. Many of the concerns surrounded the safety of the intersection, for all modes of transportation – including vehicular, bicyclists and pedestrians. Stakeholders expressed several ideas, ranging from leaving the area like it is, to redeveloping certain areas and enhancing transportation.

In the first draft of the Community Character Policy Plan, staff proposed T3 Suburban Community Center Policy. Numerous stakeholders expressed concerns that placing that policy here was too intense, the main concern being that this policy would allow up to five-story buildings in an area comprised of one-story buildings, and that the character of the area would suffer. Staff revised the policy to T3 Suburban Neighborhood Center Policy, along with Special Policies to address consolidating access, reclaiming floodplain areas, addressing the traffic safety concerns, and extending the Richland Creek Greenway, which was accepted by stakeholders.

**Balancing Policy Recommendations** During the West Nashville Community Plan Update process, there are some instances where the appropriate Community Character Policy for an area is obvious, while there are other areas where the appropriate policy is less obvious, requiring additional analysis and discussion. There are some locations within the West Nashville Community where sustainable development principles support consideration of different, often more intense, policy recommendations than those that have been made in the *West Nashville Community Plan: 2009 Update*.

This is not to say that the choices that have been made during the community plan update are ill-advised or unsustainable, but rather that a range of options exist that could fulfill the community's commitment to sustainability or achieve a higher level

of sustainability. In these locations, future amendment proposals may be expected and should be considered on their merits, continuing the dialogue that took place throughout this planning process and refining the plan over time, as conditions continue to evolve, until the next regular Community Plan Update.

These areas have been discussed at length and in detail at the community meetings, and compromises were made between balancing preservation of established neighborhoods with the goal of supporting transit, walkability, environmental sustainability, and efficient use of existing infrastructure by intensifying development at strategic locations. Generally, these are locations in, or adjacent to, Neighborhood and Community Center Policies and along, or within one-quarter mile of, Mixed Use and Residential Corridor Policies. Locations such as these are places where future amendment proposals for intensification can reasonably be expected to occur as these areas experience growth pressure. Such amendment proposals should be given thorough consideration and dialogue as they may have merit from the standpoint of sustainability and for providing housing and transportation choices within proximity to employment and services.

**Transportation Plan** The West Nashville Community Plan also includes recommendations for Transportation and Open Space systems that complement West Nashville's vision and the Community Character Policies.

The West Nashville Community Transportation Plan's strategy is to create a complete transportation network by providing recommendations for major and minor streets, transit, sidewalks, bikeways, and multi-use paths and greenways.

Vehicular Transportation The West Nashville Community Plan makes recommendations on roadway projects found in the Long Range Transportation Plan (LRTP) and in the Major/Collector Street Plan (MCSP). Recommendations include keeping roadway projects that have benefits and merit while removing those projects that are no longer desirable or deemed necessary.

For example, the widening of White Bridge Road, I-40 and Highway 70 are recommended for removal from the LRTP and the MCSP because of their current level of traffic capacity and the cost and possible negative impacts on land use if the widening projects were to move forward. Another recommendation is to study the re-design of the Highway 70/Highway 100 intersection area.

The West Nashville Community Plan recommends the removal of the Centennial Boulevard Connection and Bridge from the MCSP. The proposed alignment and bridge would have connected Centennial Boulevard further north in Cockrill Bend. Based on cost, including two at-grade railroad crossings, limited benefits, and possible extensive property acquisitions, the proposed vehicular connection is recommended to be eliminated.

Other recommendations include providing additional on-street parking in the Charlotte Avenue/Richland Park area, upgrading the 37<sup>th</sup> Avenue Railroad Underpass, and changing the functional classification of several streets.

*Please refer to the associated case 2009CP-007-002 for more details on these proposed amendments to the Major/Collector Street Plan. This associated case calls for amendments to the Major/Collector Street Plan, however changes to the Long-Range Transportation Plan must be made by the regional transportation planning agency – the Metro Planning Organization (MPO). As the agency charged with considering transportation planning on a regional level, the MPO's decision making process involves multiple jurisdictions and not solely Nashville/Davidson County.*

Transit In creating multiple options for transportation, the West Nashville Community Plan recommends enhancing bus transit by consolidating stops, creating complete bus stops (shelter, seating, lighting, signage, schedule), preserving existing routes, and exploring the use of Bus Rapid Transit, along important corridors such as Charlotte Avenue/Pike.

Pedestrian Facilities Sidewalks are recommended along prominent corridors, near centers, and in urban residential areas. This includes Charlotte/Avenue Pike, Morrow Road, Davidson Road, Hillwood Boulevard, Highway 70 and Highway 100. Recommendations for crosswalks are also included, including Charlotte Avenue and area schools.

Bicycle Facilities Bikeways are recommended along 51<sup>st</sup> Avenue North, Vaughn's Gap Road, Percy Warner Boulevard, and Nebraska Avenue to connect these areas with existing bike lanes and area parks and greenways.

**Open Space Plan** The West Nashville Community Plan makes recommendations for the preservation of its existing open space, the creation of new open space, and providing additional greenways.

Greenway Facilities Greenways are not only important in creating a network of open space and providing recreational opportunities, but also provide another mode of travel. The West Nashville Community Plan recommends greenways along the Cumberland River, Richland Creek and Jocelyn Hollow Creek. The plan envisions connecting the existing Richland Creek Greenway to the north towards the Cumberland River and to the south to connect with Percy Warner Parks.

Open Space Plan Open space in the West Nashville Community primarily includes regional, community, and Metro Nashville school parks, including Richland, H.G. Hill, Parmer, Charlotte, West, and McCabe Parks. The plan recognizes a need for neighborhood and mini parks in two areas: in the vicinity of the Hillwood Neighborhood and in the vicinity of the West Meade Neighborhood to better serve these suburban areas.

**Proposed Policy Change** Since staff posted the Draft West Nashville Community Plan, a change to the T3 Suburban Community Character Policies has been proposed.

The proposed change is to add a T3 Suburban Potential Open Space (POS) area for the Harding Academy Athletic Fields, located on Highway 70 at Brookmont Terrace. This area would be shown on the map on page 46 of the plan, referenced as 07-T3-POS-06 on page 48 of the Draft Plan, and the following text would be included:

*07-T3-POS-06*

*West Nashville's T3 Suburban Potential Open Space Area 6 is referenced as 07-T3-POS-06 on the accompanying map. It is the portion of land that currently contains the Harding Academy Athletic Fields, located on Highway 70 at Brookmont Terrace. Should the existing use cease, the intent is for the site to be retained as open space and placed in public use if the opportunity should arise. Where the special policy is silent, the guidance of the T3 Suburban Potential Open Space policy applies.*

- *Alternate Policy*
  - *If this property is not secured for public open space use, the alternate policy is T3 Suburban Neighborhood Maintenance. Guidance for this policy area may be found in T3 Suburban Neighborhood Maintenance area 07-T3-NM-06 and within the T3 Suburban Neighborhood Maintenance policy.*

**STAFF RECOMMENDATION** Staff recommends approval of the *West Nashville Community Plan: 2009 Update* as presented.

Ms. McCaig presented and stated that staff is recommending approval with one policy addition.

Ms. Trish Bolian, 6602 Hickory Valley Road, spoke in favor of the West Nashville Community Plan Update.

Ms. Mina Johnson, 6600 Fox Hollow Road, spoke in favor of the West Nashville Community Plan Update.

Mr. Glenn Turner, 6521 Rolling Fork Drive, spoke in favor of the West Nashville Community Plan Update.

Ms. Susan Floyd of Bonabrook Drive, spoke in favor of the West Nashville Community Plan Update.

Councilmember Evans spoke in favor of the West Nashville Community Plan Update. She spoke of some of the positive aspects of the plan and requested it approval.

Mr. John Summer, 5000 Wyoming, expressed issues associated with the West Nashville Community Plan Update.

Mr. Gotto moved, and Mr. Ponder seconded the motion, to approve the West Nashville Community Plan Update.

Ms. LeQuire mentioned the various components included in the plan that supported preservation and smart growth. She then spoke on the importance of including more density in plans, not only the West Nashville Plan, but all plans throughout the city in order to accommodate future growth. She suggested that future community plans include a language, or a better depiction, of areas that could be slated for higher density to better accommodate unknown growth of the city. She also commented on the importance of keeping the lines of communication open with all communities.

Mr. Ponder thanked all who participated in the plan and spoke in favor of its approval.

Mr. Clifton acknowledged Ms. LeQuire's comments and agreed with her statements regarding density and sustainability. He too agreed that the community plans should be viewed as "living documents" that can accommodate change as the city continues to grow. He spoke on the importance of obtaining public input whenever a change was necessary in any plan.

Dr. Cummings thanked all who took the time to participate amending the community plan and spoke favorably of its approval.

Mr. Gee too congratulated everyone for their work on the plan. He then asked staff to point out various points included in the plan whereby intensification could take place if the need were to arise, specifically, places where rail lines were located or could be located.

Ms. McCaig explained these areas to the Commission.

Ms. LeQuire questioned whether higher density was considered at Highway 70 and Harding Road at the community meetings.

Ms. McCaig offered additional explanation on the discussions that took place on this area of the plan.

Mr. Gee requested clarification on the notification process that staff follows on plan amendments.

Ms. McCaig explained this procedure to the Commission.

Mr. Gee acknowledged the Harding Academy change included in the plan amendment and questioned whether the Academy agreed with the proposed changes.

Councilmember Evans addressed the Commission regarding the Harding Academy change included in the plan.

Mr. Gee then spoke of the May Town Center and asked that staff point out how and where that proposal would have impacted the West Nashville Community Plan.

Ms. McCaig explained how the May Town Center would have impacted the West Nashville Community Plan.

Mr. Gotto moved, and Mr. Ponder seconded the motion, which passed unanimously to adopt 2009CP-007-001, the West Nashville Community Plan: 2009 Update. **(8-0)**

**Resolution No. RS2009-92**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-007-001 is APPROVED WITH ONE POLICY ADDITION. (8-0)"**

- 6. 2009CP-007-002**  
Major & Collector Street Plans  
Map: Various Parcels: Various  
West Nashville Community Plan  
Staff Reviewer: Scott Adams

A request to amend the Major and Collector Street Plans to incorporate the roadway recommendations contained in the West Nashville Community Plan: 2009 Update.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** A request to amend the Major Street Plan and Collector Street Plan to incorporate the roadway recommendations contained in the West Nashville Community Plan: 2009 Update by changing the designation of the

following streets:

#### **Major Street Plan**

- Interstate 40
- Harding Pike/U.S. 70 South
- 46<sup>th</sup> Avenue/Murphy Road

#### **Collector Street Plan**

- Robertson Avenue
- Annex Avenue
- James Avenue

**WEST NASHVILLE PLAN COMMUNITY PARTICIPATION** Staff conducted 10 meetings in the West Nashville Community beginning October 16, 2008 and ending June 1, 2009. Among many other topics, transportation systems were discussed at some of these meetings.

Notification of community meetings as well as the July 23, 2009, Planning Commission public hearing were published in newspapers and posted on the Planning Department's website. Notices were sent to over 11,000 addresses in the West Nashville Community at the beginning of the plan update process to announce the meeting schedule. Email and hard mail notification was sent periodically to approximately 300 stakeholders who regularly participated in the process.

#### **ANALYSIS**

***West Nashville Community Plan: 2009 Update*** - In planning for the future of the West Nashville Community, sustainability and regionalism are two fundamental planning concepts that are essential in creating a community that meets the needs of today and the future. These ideas are discussed in greater detail in the West Nashville Community Plan Update and in the accompanying staff report.

Briefly, the concepts of sustainability and regionalism are pertinent to the amendments to the Major Street Plan and the Collector Street Plan in that the recommendations below reflect a commitment to providing transportation choice along prominent corridors (a hallmark of sustainable development) while preserving the need to move goods and people through the community as well (acknowledging the regional role of many of these corridors).

#### **MAJOR STREET PLAN AMENDMENTS**

**Interstate 40 Current Major Street Plan** Currently, the Major Street Plan calls for Interstate 40 to be a F8 (Freeway 8-Lane), widening it from six to eight travel lanes between U.S. Highway 70 South and Interstate 440, roughly 7.5 miles.

**Staff Recommendation** - Downgrade from F8 (Freeway 8-Lane) to F6 (Freeway 6-lane).

East of Briley Parkway, much of Interstate 40 already has eight travel lanes as it heads into downtown Nashville (where traffic volumes exceed 100,000 vehicles per day). Interstate 40 west of Briley Parkway has six existing travel lanes and the addition of two lanes would require noise and appearance mitigation for the adjacent neighborhoods of Hillwood and Charlotte Park.

A six-lane interstate generally has a traffic capacity of 100,000 to 110,000 Average Daily Traffic (ADT); Interstate 40 west of Briley Parkway is currently below these capacity levels.

**Harding Pike/U.S. Highway 70 South Current Major Street Plan** Currently, the Major Street Plan calls for Harding Pike/U.S. Highway 70 South to be a U6 (Urban Arterial 6-Lane), widening it from four to six travel lanes from Interstate 40 at Coley Davis Road to Murphy Road, roughly 9.8 miles.

**Staff Recommendation** Downgrade from U6 (Urban Arterial 6-Lane) to U4 (Urban Arterial 4-lane)

Widening Harding Pk. conflicts with the desired scenic character of the street, decreases the likelihood of constructing a greenway parallel to the street and faces significant topographical and environmental constraints.

**46<sup>th</sup> Avenue/Murphy Road Current Major Street Plan** Currently, the Major Street Plan calls for 46<sup>th</sup> Avenue/Murphy Road to be a U4 (Urban Arterial 4-Lane), maintaining the cross-section of four travel lanes from West End Avenue to Charlotte Avenue

**Staff Recommendation** Downgrade from U4 (Urban Arterial 4-Lane) to U2 (Urban Arterial 2-Lane).

While the street has 40 feet of pavement, enough space for four travel lanes, the street's traffic levels do not warrant four travel lanes. Additionally, this extra space is currently used for two bike lanes, which are important uses that support the neighborhood's urban character.

#### **COLLECTOR STREET PLAN AMENDMENTS**

**Robertson Road Current Collector Street Plan** Robertson Road is currently designated a local street.

**Staff Recommendation** Upgrade Robertson Road from a local to collector street from Annex Avenue to Morrow Road

Collector streets are normally spaced one half-mile apart in urban areas and serve as an intermediate street system between local streets (more access, less mobility) and arterial streets (less access, more mobility). Robertson Road is one half-mile between Charlotte Pike and Morrow Road and provides an important connection from Annex Avenue to Morrow Road, in addition to already functioning as a collector street for the area with a striped yellow centerline and stop-sign controlled side streets.

**James Avenue Current Collector Street Plan** James Avenue is currently designated a local street.

**Staff Recommendation** Upgrade James Avenue from a local to collector street from Croley Drive to Robertson Avenue.

James Avenue already functions as a collector street for the larger area with features such as a striped yellow centerline and stop-sign controlled side streets.

**Annex Avenue Collector Street Plan** Annex Avenue is an existing and planned collector street between Robertson Avenue and James Avenue.

**Staff Recommendation** Remove existing and planned collector section of Annex Avenue, north of Robertson Avenue, since the upgrade of James Avenue and Robertson Avenue to collector streets fulfills the area's need for a collector street system.

**NOTE:** This amendment to the Major Street Plan and Collector Street Plan is not the same as an amendment to the Metropolitan Planning Organization's (MPO) Long Range Transportation Plan (LRTP). The LRTP's contents are determined by the MPO's Executive Board, which by its charge has a regional perspective and regional input into its decisions. The Metropolitan Planning Commission has final jurisdiction over the Major Street Plan and Collector Street Plan, but the MPO has final jurisdiction over the LRTP.

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

Mr. Tyler requested additional information on the downgrading of streets included in the plan and whether the level of service of these streets would remain after the downgrades were implemented.

Mr. Honeycutt offered that the Tennessee Department of Transportation as well as the Metropolitan Planning Organization have systems in place to monitor the levels of service on these roadways.

Mr. Tyler spoke on the importance of maintaining the level of service on these roadways to accommodate any future growth and development patterns.

Mr. McLean questioned the purpose of downgrading some of the roadways included in the plan.

Mr. Adams explained this concept to the Commission.

Mr. Ponder questioned if the Commission was required to approve street plan amendments prior to implementation of the

amendments at the state and federal levels.

Mr. Adams explained the amendment process to the Commission.

Ms. Hammond offered additional information on how amending the major and collector street plan would affect the long range transportation plan implemented by the MPO.

Mr. McLean questioned the origination of amending the major street plan.

Ms. Hammond briefly explained that the amendments were a result of the West Nashville Community Plan Update process.

Mr. Gotto acknowledged that there were six recommendations included in the amendment and questioned how many of the recommendations would be sent to the MPO.

Mr. Adams explained that only the major street plan amendments would be sent to the MPO.

Mr. Gotto acknowledged the work of the MPO and requested that any funding that would be made available as a result of downgrading these roads be dispersed to the eastern side of the city in an effort to assist with their ongoing problems associated with over abundant traffic coming from outlying counties.

Mr. Gee requested additional clarification be given on the process of amending the major and collector street plan and how it can and will affect land use and infrastructure improvements.

Ms. LeQuire moved and Mr. Gotto seconded the motion, which passed unanimously, to approve 2009CP-007-002, the Request to amend the Major Street Plan and Collector Street Plan. **(8-0)**

**Resolution No. RS2009-93**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009CP-007-002 is **APPROVED. (8-0)**”

**7. 2009CP-010-001**

Valerie Crossings at Green Hills  
Map: 117-14 Parcels: 069 - 073, 075, 078 – 089  
Green Hills/Midtown Community Plan  
Staff Reviewer: Bob Eadler

A request to amend land use policies on property within the *Green Hills – Midtown Community Plan: 2005 Update* located at Cross Creek Road and Abbot Martin Road from RAC (Regional Activity Center) and RLM (Residential Low Medium) to Community Character Policies CO (Conservation), T5 MU (T5 Center Mixed Use Neighborhood), and T4 NE (T4 Urban Neighborhood Evolving), requested by Fiveash Development.

**Staff Recommendation: Defer to the August 13, 2009, Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED Community Plan Amendment 2009CP-010-001 to August 13, 2009, at the request of the applicant. (7-0)**

**IX. PUBLIC HEARING: ZONING AMENDMENTS AND PLANNED UNIT DEVELOPMENTS**

**8. 2009Z-025PR-001**

Map: 117-02 Parcels: 060, 061  
Green Hills/Midtown Community Plan  
Council District 25 – Sean McGuire

Staff Reviewer: Brenda Bernards

A request to rezone from SP-R to RS10 zoning for properties located at 3017 A and 3019 A New Natchez Trace, approximately 290 feet north of Sterling Road (0.68 acres), requested by the Metro Planning Department, applicants, on behalf of New Natchez Trace One Partners, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to rezone from Specific Plan-Residential (SP-R) to Single-Family Residential District (RS10) zoning for properties located at 3017 A and 3019 A New Natchez Trace, approximately 290 feet north of Sterling Road (0.68 acres).

**Existing Zoning**

SP-R District - Specific Plan-Residential 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 only three single family residential units at a density of 4.34 dwelling units per acre.

**Proposed Zoning**

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

**GREEN HILLS/MIDTOWN COMMUNITY PLAN**

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

**Consistent with Policy?** Yes. The proposed density of 3.7 dwelling units per acre is consistent with the RLM policy density of two to four dwelling units per acre.

**HISTORY** In January 2005 the Council approved a Councilmember initiated down zoning from R10 to RS10 of properties along this portion of Natchez Trace. At that time, the owner of these properties was able to opt out of the zone change. In April 2007, the Planning Commission recommended disapproval of rezoning of these properties from R10 to SP-R. The SP plan permitted three single-family houses which exceeded the density of the RLM policy. The rezoning was approved by the Metro Council in July 2007. The owner is now requesting that the property be rezoned to the RS10 to permit two single-family residences. The rezoning brings these properties into alignment with the other properties along Natchez Trace and is consistent with the land use policy.

**PUBLIC WORKS RECOMMENDATION** No exception taken



Maximum Uses in Existing Zoning District: **SP-R**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-family detached()	.68	4.42	3	29	3	4

Maximum Uses in Proposed Zoning District: **RS10**

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family detached()	.68	3.7	2	20	2	3

Traffic changes between maximum: **SP-R** and proposed **RS10**

Land Use (ITE Code)	Acres	Density	Total Numbers of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	.68	n/a	-1	-9	-1	-1

**METRO SCHOOL BOARD REPORT**

**Projected Student Generation** As this request to rezone from SP to RS10 represents a down zoning, the number of expected students to be generated would be less than could be generated under current zoning.

**STAFF RECOMMENDATION** Staff recommends approval of the zone change request. The RS10 zoning district is consistent with RLM land use policy.

Approved, (7-0) *Consent Agenda*

**Resolution No. RS2009-94**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-025PR-001 is **APPROVED. (7-0)**

**The proposed RS10 district is consistent with the Green Hills Midtown Community Plan’s Residential Low Medium policy.”**

9. **2009Z-026PR-001**  
 Map: 096-14 Parcel: 291  
 Donelson/Hermitage/Old Hickory Community Plan  
 Council District 14 – James Bruce Stanley  
 Staff Reviewer: Brian Sexton

A request to rezone from RS10 to R10 zoning property located at Colfax Drive (unnumbered), approximately 250 feet south of Allen Road (0.3 acres), requested by John and Dawn Cunningham, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** - A request to rezone from Single-Family Residential (RS10) to One and Two-Family Residential (R10) zoning for properties located at Colfax Drive (unnumbered), approximately 250 feet south of Allen Road (0.3 acres).

**Existing District**

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

**Proposed 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.

**DONELSON/HERMITAGE COMMUNITY PLAN**

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

**Consistent with policy?** The proposed R10 zoning is consistent with the pattern of development and overall residential density of the neighborhood. The area proposed for this rezoning contains a mixture of single-family homes, duplexes to the north and south, as well as vacant land to the east. The property proposed for this rezoning is currently vacant and the applicant intends to build one duplex. The development of a duplex will be consistent with the development pattern in the area and will provide infill development opportunities along Colfax Drive, as well as add to the range of housing opportunities and choices within the community.

**METRO SCHOOL BOARD REPORT**

**Projected student generation**     0 Elementary     0 Middle     0 High

**Schools Over/Under Capacity** Students would attend Hickman Elementary School, Dolenson Middle School, or McGavock High School. There is no capacity at Dolenson Middle School or McGavock High School. However, no additional students will be generated by this rezoning request.

**STAFF RECOMMENDATION** Staff recommends approval as the proposed R10 rezoning is consistent with the pattern of development and overall residential density of the neighborhood.

Approved, (7-0) *Consent Agenda*

**Resolution No. RS2009-95**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-026PR-001 is **APPROVED. (7-0)**”

**The proposed R10 district is consistent with the Donelson Hermitage Community Plan’s Residential Low Medium policy.”**

**10. 2009Z-027PR-001**

Map: 174-00 Parcel: 192

Map: 174-00 Parcels: PART OF 002, PART OF 230

Southeast Community Plan

Council District     32 – Sam Coleman

Staff Reviewer:     Jason Swaggart

A request to amend a previously approved Council Bill (BL2002-1223) to remove all of the conditions in that ordinance for property located at 765 Preston Road and a portion of properties located at Preston Road (unnumbered), approximately 620 feet north of Old Franklin Road (13.89 acres), zoned RS10, requested by Dale & Associates, applicant for Rivendell LLC, owner (See also Proposal No. 2009P-003-001).

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST** - A request to amend a previously approved Council Bill (BL2002-1223) to remove all of the conditions in that ordinance for property located at 765 Preston Road and a portion of properties located at Preston Road (unnumbered), approximately 620 feet north of Old Franklin Road (13.89 acres), zoned Single-Family Residential (RS10).

**Zoning District**

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.

**REQUEST** This is a request to amend a previously approved Council Bill (BL2002-1223) to remove all of the conditions in the ordinance which were included in an amendment to the original bill. The conditions pertain to roadway improvements and a school site dedication, and are as follows:

- Prior to the recordation of any final plat that includes buildable lots with access to Cane Ridge Road, that road shall be widened to Major Street Plan Standards (currently U4) from the northern portion of parcel 168 on tax map 174 to the Cane Ridge Road/Preston Road intersection, or such road improvements shall be bonded;
- Prior to the recordation of any final plat that includes buildable lots with access to Cane Ridge Road or Preston Road, the Cane Ridge Road/Preston Road intersection shall be reconstructed to a 90-degree intersection, or such intersection improvements shall be bonded;
- Prior to the recordation of any final plat that includes buildable lots with access to Preston Road, that road shall be widened to metro standards for a local road (23 feet of pavement) from the intersection of Preston Road and Cane Ridge Road to the southern frontage of parcel 001 on tax map 174, or such road improvements shall be bonded;
- A school site in compliance with the standards of Section 17.16.040 for elementary schools with a capacity of 500 students shall be offered for dedication to the Metro Board of Education prior to final plat recordation.

**Analysis** BL2002-1223 rezoned approximately 145 acres from Agricultural/Residential (AR2a) to Single-Family Residential (RS10) and Multi-Family Residential (RM15), and was associated with the Preston Road Subdivision, now known as Rivendell Woods, which included 443 single-family cluster lots. A gas line easement bisects the development. The majority of the development is on the west side of the gas line and has access to Bell Road via Hickory Park Drive. The approved subdivision did not identify lots on the approximately 25 acres located on the east side of the gas line that is proposed to be developed with the associated PUD. It includes open space, and an area identified as a potential school site or site for future development.

The majority of the conditions within BL2002-1223 pertain to roadway improvements; however, the last condition requires that a school site be offered for dedication. While the ordinance requires a school site to be offered for dedication, the decision to accept a school site must be approved by Metro Schools. At this time Metro Schools has not accepted the proposed school site, and has indicated that it will not require the developer to dedicate property for a future school. Since Metro Schools is not requiring that a school site be dedicated, then it is appropriate to remove the condition, and staff recommends that this condition be removed.

The three remaining conditions pertaining to roadway improvements are directly related to future development along Preston Road. The ordinance requires specific roadway improvements along Preston Road and Cane Ridge Road when development on the property zoned from AR2a to RS10 and RM15 accesses Preston Road. This request is associated with Preston Hills Planned Unit Development (2009P-003-001). It proposes 42 lots with access to Preston Road, and would be required to make the required improvements.

A majority of the properties given additional development rights with the change from AR2a have been developed, which includes 104 single-family lots and 99 multi-family units, and has benefited the developer. Since a majority of the land granted additional development rights has been developed, then it would be inappropriate to allow the developer to now back out of their obligations. While there is currently a policy in place to address infrastructure deficiencies in this area, the IDA policy does not require the same amount of improvements and would require far less improvements than what is required by the ordinance, and, therefore, staff recommends that these conditions not be removed.

**PUBLIC WORKS RECOMMENDATION** - A TIS will be required at development to address any changes in access that have been previously conditioned.

**STAFF RECOMMENDATION** Staff recommends disapproval of the request to remove the right-of-way improvement conditions of BL2002-1223.

*[Note: Items #10 and #11 were discussed by The Metropolitan Planning Commission together. See Item #11 for actions and resolutions. ]*

**11. 2009P-003-001**

Preston Hills

Map: 174-00 Parcel: 192

Map: 174-00 Parcels: PART OF 002, 230

Southeast Community Plan

Council District 32 – Sam Coleman

Staff Reviewer: Jason Swaggart

A request for preliminary approval for the Preston Hills Residential Planned Unit Development for property located at 765 Preston Road and for a portion of properties located at Preston Road (unnumbered), approximately 620 feet north of Old Franklin Road (13.89 acres), zoned RS10, to permit 42 single-family lots, requested by Dale & Associates, applicant, for Rivendell LLC, owner (See also Proposal No. 2009Z-027-001).

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary PUD**

A request for preliminary approval for the Preston Hills Residential Planned Unit Development for property located at 765 Preston Road and for a portion of properties located at Preston Road (unnumbered), approximately 620 feet north of Old Franklin Road (13.89 acres), zoned Single-Family Residential (RS10), to permit 42 single-family lots.

**Zoning District**

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.

**PLAN DETAILS** This is a request for preliminary approval for a Planned Unit Development Overlay District (PUD). The property is located along the west side of Preston Road. The site is relatively flat, but does contain some steeper sloped areas. A significant amount of fill also sits on the site. The site has some wooded areas, but the majority of the site consists of open field.

The property is within the Rivendell Woods Subdivision. The approved preliminary plan for Rivendell identified a portion of the area as open space, and another portion as a potential school site or site for future development (see staff report for 2009Z-027PR-001 for more details). Most of the Rivendell Woods Subdivision has been developed and consists of approximately 144 lots and 99 multi-family units. Rivendell is a cluster lot subdivision and is required to have a minimum of 15 percent open space. While the proposed PUD will remove some of the open space out of Rivendell, more than 15 percent of open space will be maintained within Rivendell.

**Site Plan** The site plan identifies 42 single-family cluster lots on 13.89 acres with a density of approximately three units per acre. Access to the lots will be from new streets that access Preston Road. A majority of the lots are front loaded, but the five lots adjacent to Preston Road, and four additional lots will be accessed by alleys to the rear. A stub street is provided to the south and will allow for future connectivity when the property to the south develops.

Since this is proposed as a cluster lot development, then 15 percent of the land area must be used for open space. Additionally, the development must provide one recreational area. The development meets both requirements and provides approximately 24 percent open space including eight percent active, which includes a small play ground, and 17 percent passive.

**Infrastructure Deficiency Area** This request is located in the Infrastructure Deficiency Area (IDA), and requires that improvements be made to roadway within the IDA. For this request, the policy requires that 180 linear feet of roadway within the IDA be improved. The exact area of roadway to be improved will be determined by the Department of Public Works. This is in addition to any other off-site roadway improvements required by Public Works associated with the development of this PUD.

**Analysis** Overall there are no major issues with the proposed PUD. The plan meets the minimum requirements of the Zoning Code. The one concern with the request is that there is no street connection provided to Shire Drive to the west. This area lacks sufficient east/west connectivity, and the Community Plan calls for a street connection in this area. Due to steep slopes surrounding the site this would be the best location for the needed east/west connection.

A gas line easement runs along the western side of the site and the applicant has informed staff that the gas company will not permit a road to be constructed across the easement. According to Public Works the gas company does have the legal right to prohibit the crossing. Staff recommends that the developer continue to work with the gas company regarding the connection, and that the connection be provided unless the gas company provides in writing that the crossing will not be permitted. This written statement shall be submitted to the Planning Department prior to final site plan approval, or the connection shall be required with final site plan approval.

#### **PUBLIC WORKS COMMENTS**

1. The developer's construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Prior to the preparation of construction plans, conduct a field run survey to document that adequate sight distance can be achieved at the project access on Preston Road. Indicate the available and required sight distance at the project entrance per AASHTO standards.
3. Along Preston Road property frontage, construct roadway / sidewalk per ST-252 half section.
4. Along Preston Road, there shall be no on-street parking for lots 1-5.
5. Proposed subdivision appears to be located in Planning's IDA policy area.

#### **STORMWATER RECOMMENDATION** Preliminary PUD approved except as noted:

1. Eighty percent (80%) TSS removal will be required for the Water Quality treatment.

#### **STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions.

#### **CONDITIONS**

1. Access shall be required to Shire Drive with final site plan approval unless a written statement from the gas company prohibiting the crossing at this location is submitted to the Planning Department prior to final site plan.
2. If the associated zoning application (2009Z-027PR-001) is *disapproved* then the development shall not be required to meet the IDA Policy requirement. If the associated zoning application (2009Z-027PR-001) is *approved* then the applicant shall provide 180 linear feet of roadway improvements within the Infrastructure Deficiency Area as required by the Community Plan policy. The exact area of roadway to be improved will be determined by Public Works prior to the recording of the first final plat.
3. Eighty percent (80%) TSS removal will be required for the Water Quality treatment.
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 effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Mr. Swaggart presented and stated that staff is recommending disapproval of Zone Change 2009Z-027PR-001 and approval with conditions on 2009P-003-001.

Mr. Larry Tucker, 746 Preston Road, expressed opposition to the proposed development.

Mr. Jeff Vaughn, 3414 Old Franklin Road expressed opposition to the proposed development.

Mr. Gerhart Richter, 741 Preston Road, spoke in opposition to the proposed development.

Mr. Michael Garrigan, 516 Heather Place, spoke in favor of the proposed development.

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

Councilmember Coleman briefly explained that the conditions placed on this development were in place prior to his seat in Council. He then explained his communications with the constituents affected by this proposal and stated that they were not in favor of approving the condition that required the connector street, due to the additional traffic it would generate in their area. He expressed concerns with the condition that required approval from the gas company in order to develop the project. Councilmember Coleman suggested that the proposal be allowed to develop as submitted by the applicant without the east/west connection and explained that his constituents were in support of this suggestion. He announced that he would be holding another community meeting on August 11, at 6:30 p.m. at Cane Ridge Community Center to again review the project with his community. Councilmember Coleman offered additional explanation on this proposal and requested that it be approved without the condition requiring written approval from the gas company, nor the condition requiring the connector street.

Mr. Gotto suggested the bill be filed and to defer the project until after Councilmember Coleman was able to hold his next community meeting.

Ms. Hammond explained that a Planned Unit Development bill could not be filed until it was heard by the Planning Commission.

Mr. Gotto acknowledged the issues mentioned regarding the connector road and spoke of how connectivity is welcomed differently by various communities. He stated he would be in favor of approving the project without the connector street. Mr. Gotto then spoke to the issue mentioned during the public hearing that addressed the four conditions placed on the zone change request and asked for additional clarification on these conditions.

Mr. Swaggart explained that his staff report was generated from the original bill which contained the requirement of all four conditions.

Mr. Gotto then acknowledged that the proposal was only a portion of the larger PUD and questioned whether the connector street should be made a requirement.

Mr. Swaggart explained that the bill included the rezoning and conditions for the entire planned unit development and that the connector street condition was part of the ordinance for the PUD.

Mr. Gotto requested additional clarification on the first condition included in the proposal and the repercussions if it were removed.

Mr. Swaggart explained the conditions placed on the proposal to the Commission.

Mr. Gotto questioned whether staff was agreeable with removing the first and fourth condition from the proposal.

Mr. Swaggart explained that the first and fourth condition were not applicable to this portion of development.

Mr. Gotto suggested that the Commission redefine the conditions that would require connectivity and/or road improvements on any future developments within this planned unit development.

Mr. Roy Dale stated that the conditions requiring connectivity should not be removed from the entire PUD as they may be needed for future developments in the planned unit development.

Ms. LeQuire clarified that the applicants were not asking to remove the conditions from the PUD and further explained that conditions one and four did not apply to the requested proposal

Mr. Gee requested additional clarification on the connectivity component as recommended by staff.

Mr. Swaggart explained this concept to the Commission.

Mr. McLean questioned whether there was a history established between the Gas Company and development in the city.

Mr. Swaggart explained that the Gas Company would not repair roads that are placed above their gas lines. He further explained the staff's recommendation that referenced the gas line easement contained in the planned unit development.

Councilmember Coleman further explained the issues associated with the referenced gas easement and the proposed development.

Mr. McLean suggested a motion that would approve the lot and require road improvements and prohibit connection over the gas easement.

Mr. Swaggart mentioned that the Commission should also consider the IDA requirements as mentioned in the recommendation, which were not in place when this planned unit development was approved in the past.

Ms. Hammond briefly explained the two requests being made of the Commission regarding this proposal and offered her summary for a motion.

Mr. Gotto moved and Mr. Ponder seconded the motion to approve staff's recommendation to disapprove Zone Change 2009Z-027PR-001 with the understanding that Conditions #1 and #4 are not applicable to the zoning requests contained in Item #11, 2009P-003-001.

Mr. Gee suggested that Condition #4 be removed from the motion as the school site dedication was turned down by the School Board.

Councilmember Coleman offered explanation regarding the school site dedication.

#### **Motion for Item #10 – 2009Z-027PR-01**

Mr. Gotto moved and Mr. Ponder seconded the motion, to disapprove the request to remove all conditions of BL2002-1223 and clarify that the conditions requiring improvements to the intersection of Preston Road and Cane Ridge Road and the improvements to Preston Road apply to the Planned Unit Development proposed for this property. **(8-0)**

Mr. Ponder requested clarification on the number of lots that were less than 10,000 square feet.

Mr. Swaggart explained the various lot sizes contained in the subdivision and stated that 24% of the land was dedicated to open space.

Mr. Gotto requested clarification on Condition #1 contained in the staff report.

Mr. Clifton expressed issues with removing a condition that promotes their policy on connectivity.

Mr. McLean expressed issues with the condition that would require the applicant to obtain permission from the Gas Company.

Ms. LeQuire requested additional information on the gas line easement and where the responsibility would fall if a road were constructed over the easement and it were in need of repair.

Mr. Honeycutt explained he did not attend meetings regarding this issue however offered that utility companies have the right to protect their easements.

Mr. McLean clarified that the road in question was a dedicated road and Metro's responsibility to repair it needed.

Mr. Clifton reiterated his concern on the importance of maintaining the Commission's policy on connectivity.

Mr. Ponder moved to approve with conditions 2009P-003-001, Preston Hills.

Mr. Clifton questioned how the Council would recognize a bill deemed for approval by the Commission to include all conditions and if a condition were removed at Council, change the recommendation to a disapproval.

Ms. Hammond explained this concept to the Commission.

Mr. Clifton expressed issues with the motion on the floor.

Mr. Gotto suggested removing the condition that referenced the gas line easement and offered additional explanation, in particular, public safety issues.

Mr. Ponder explained he would not amend his motion to remove this condition as it could be removed at the Council level.

Mr. Gotto seconded the motion on the floor.

Mr. Gee questioned whether staff has communicated with the Gas Company.

Mr. Leeman explained that staff has communicated with the Gas Company, however, the response time with them is longer than the review cycle of the department.

Mr. Gotto briefly explained the motion and the recommendation being made by the Commission.

**Motion for Item #11 – 2009P-003-001**

Mr. Ponder moved and Mr. Gotto seconded the motion, to approve with conditions Planned Unit Development 2009P-003-001, Preston Hills.

**(7-1) Yes Votes - Gotto, Gee, Tyler, Cummings, McLean, Ponder, LeQuire, No Vote - Clifton**

**Resolution No. RS2009-96**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009z-027PR-001 is **DISAPPROVED** request to remove all conditions of BL2002-1223 and clarify that the conditions requiring improvements to the intersection of Preston Road and Cane Ridge Road and the improvements to Preston Road apply to the Planned Unit Development proposed for this property.**

**The proposed amendment to remove the all the conditions of the previous rezoning is not appropriate since a majority of the development rights granted by the previous rezoning have been utilized.”**

**Resolution No. RS2009-97**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2009P-003-001 is **APPROVED**. (7-1)**

**The proposed PUD which includes 42 single-family lots meets all zoning and subdivision requirements.”**



12. **94P-009-001**  
Shoppes Of Brentwood Hills (Amendment #1)  
Map: 160-14 Parcels: 024, 025, 027, 028  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer: Jason Swaggart

A request to amend the Planned Unit Development District for the Shoppes of Brentwood Hills, approved by Council Bill BL2003-77, located at 774, 780 and 782 Old Hickory Boulevard, at the northeast corner of Old Hickory Boulevard and Franklin Pike Circle, classified CL (14.42 acres), to modify the condition pertaining to the use of \$50,000 for improvements to Franklin Pike Circle, requested by Councilmember Parker Toler, applicant, for Brentwood Hills Associates, GP, and Target Corporation, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Amend Preliminary PUD**

A request to amend the Planned Unit Development District for the Shoppes of Brentwood Hills, approved by Council Bill BL2003-77, located at 774, 780 and 782 Old Hickory Boulevard, at the northeast corner of Old Hickory Boulevard and Franklin Pike Circle, classified Commercial Limited (CL) (14.42 acres), to modify the condition pertaining to the use of \$50,000 for improvements to Franklin Pike Circle.

**REQUEST DETAILS** Since this is a request to amend a condition of the last enacting ordinance for the Shoppes of Brentwood Hills Planned Unit Development Overlay (PUD), there is no associated site plan. The PUD was last amended in 2004. The enacting ordinance included an amendment (Amendment No. 2) that pertained to improvements to Franklin Pike Circle, and is as follows:

*GBT Realty and Development will make improvements to increase pedestrian safety for the benefit of Franklin Pike Circle at this retail site but not be limited to the following: sidewalks and bike paths, which improvements shall have a cost of at least fifty-thousand dollars (\$50,000). Improvements must be approved by Metro Government and the Councilmembers from the 26th and 31st Districts.*

The newly proposed amendment deletes the condition above and substitutes it with the following condition:

*GBT Realty and Development will make beautification improvements along Franklin Pike Circle consisting of landscape marquee, which improvements shall have a cost of at least fifty thousand dollars (\$50,000). Plans for said improvements shall be submitted to the Planning Department for approval, with a copy to the Councilmembers from the 26<sup>th</sup> and 31<sup>st</sup> Districts, prior to commencement of any work on the landscape marquee.*

Analysis Neither the previous amendment nor the proposed amendment is a Zoning Code requirement or Planning Commission requirement, but is a specific condition drafted by Council. The development meets the landscaping standards required by the Zoning Code, and there are no issues with the proposed amendments.

**STAFF RECOMMENDATION** Staff recommends that the request be approved.

Approved, (7-0) **Consent Agenda**

**Resolution No. RS2009-98**

“BE IT RESOLVED by The Metropolitan Planning Commission that 94P-009-001 is **APPROVED. (7-0)**

**Neither the proposed amendment nor the previous amendment being amended are zoning code requirements and is a special requirement included by the area Council members.”**

13. **94P-016-001**  
Williamsburg at Brentwood (Cancellation)  
Map: 171-00 Parcel: 088  
Southeast Community Plan  
Council District 31 – Parker Toler  
Staff Reviewer – Jason Swaggart

A request to cancel a portion of the Williamsburg at Brentwood Planned Unit Development District Overlay on property located at 5845 Cloverland Drive, approximately 545 feet west of Saddlewood Lane, approved for six single-family lots (2.99 acres), zoned R40, requested by Anderson, Delk, Epps & Associates Inc., applicant, for Eugene Rex Williams, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - PUD Cancellation**

A request to cancel a portion of the Williamsburg at Brentwood Planned Unit Development District Overlay on property located at 5845 Cloverland Drive, approximately 545 feet west of Saddlewood Lane, approved for six single-family lots (2.99 acres), zoned Single-Family Residential (RS40).

**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. This zoning would permit approximately three lots with three duplex lots on 2.99 acres.

**REQUEST DETAILS** This is a request to cancel a portion of the Williamsburg at Brentwood residential Planned Unit Development Overlay (PUD). The PUD was originally approved in 1994 for 33 single-family lots. The area proposed to be canceled from the PUD is approximately 2.9 acres in size and has preliminary approval for six individual lots (lots 13, 14, 15, 20, 21 and 22), and an area designated as open space. The area has not been developed and has never received final site plan approval, nor has it been platted.

If the cancellation is approved it will have no negative impact on the existing development. There are no stub streets, which would provide connectivity to adjacent property, nor are there any other vital development components approved in this section of the development. There is a single-family home on the property which will remain. With the R40 zoning the property could be subdivided into three lots with one duplex lot. The subdivision would have to be approved by the Planning Commission.

**PUBLIC WORKS COMMENTS** No Exceptions Taken

**STORMWATER RECOMMENDATION** Approved

**STAFF RECOMMENDATION** Staff recommends that the request be approved.

Approved, (7-0) *Consent Agenda*

**Resolution No. RS2009-99**

“BE IT RESOLVED by The Metropolitan Planning Commission that 94P-016-001 is **APPROVED. (7-0)**

**The proposed cancellation of an area which is approved for six single-family lots will not have a negative impact on the remaining development.”**

14. **2009P-002-001**  
Watanabe (Beer PUD)  
Map: 072-07 Parcel: 293  
East Nashville Community Plan  
Council District 7 – Erik Cole

Staff Reviewer: Brian Sexton

A request for preliminary and final site plan approval for a proposed Planned Unit Development located at 1400 McGavock Pike, at the southeast corner of McGavock Pike and Riverside Drive, zoned CN (0.18 acres), to permit an existing 3,419 square foot restaurant an exemption from beer regulations requiring a 100 foot minimum distance from a residential use, requested by Matthew D. Charette, applicant, for McGavock Pike Partners, LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST - Preliminary and PUD Final Site Plan**

A request for preliminary and final site plan approval for a proposed Planned Unit Development located at 1400 McGavock Pike, at the southeast corner of McGavock Pike and Riverside Drive, zoned Commercial Neighborhood (CN) (0.18 acres), to permit an existing 3,419 square foot restaurant an exemption from beer regulations requiring a 100 foot minimum distance from a residential use.

**Zoning District**

CN District Commercial Neighborhood is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

**PLAN DETAILS** In July 2003, the Metro Council passed an ordinance that allows some restaurants with a valid on-premises liquor license from the state alcoholic beverage commission to be exempt from the minimum distance requirements included in the beer permit provisions of the Metro Code. In order to qualify for the exemption, the restaurant must be on property that is subject to a commercial Planned Unit Development (PUD).

The proposed PUD plan is to allow an existing 3,419 square foot restaurant at the corner of McGavock Pike and Riverside Drive to serve beer. The property contains 11 on-site angled parking spaces on Riverside Drive and 10 on-site parking spaces on McGavock Pike, which meets the requirements of the zoning code for parking. The Public Works Department has approved the parking lot configuration.

**STAFF RECOMMENDATION** Staff recommends approval with conditions since the proposed PUD plan meets the requirements of the PUD provisions of the zoning code.

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

**Resolution No. RS2009-100**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009P-002-001 is **APPROVED WITH CONDITIONS. (7-0)**

**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.
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.

**The proposed PUD which will permit a 3,419 sq. ft. restaurant an exemption from beer regulations requiring a 100 ft. minimum distance from a residential use meets all the requirements of the PUD provisions of the Metro Zoning Code.”**

**X. PUBLIC HEARING: FINAL PLATS**

**15. 2004S-248G-04**

Canton Pass, Ph. 1 (Rescind Recorded Plat)  
Map: 053-05-B Parcels: 001-035  
Madison Community Plan  
Council District 9 – Jim Forkum  
Staff Reviewer: Carrie Logan

A request to rescind the recorded plat known as Canton Pass, Phase 1, containing 34 lots and open space located along Canton Pass, Cutter Court, and Arabian Court, (24.47 acres), but not including the portion labeled 'future development' on said plat, zoned RS15, requested by the Metro Planning Department, applicant, Diana Bachour, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST** A request to rescind the recorded plat known as Canton Pass, Phase 1, containing 34 lots and open space located along Canton Pass, Cutter Court, and Arabian Court, (24.47 acres), but not including the portion labeled 'future development' on said plat, zoned Single-Family Residential (RS15).

**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.

**PLAN DETAILS** The preliminary plat for Canton Pass was approved on October 11, 2001, and a preliminary plat extension was approved September 25, 2003. The staff report from October 11, 2001, is included at the end of this staff report as a reference.

When originally approved, Canton Pass required four variances from the Subdivision Regulations and a variance from the Stormwater Management Committee.

The final plat for Canton Pass, Phase 1 was recorded on October 8, 2004, and created 34 lots. Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by Public Works, Stormwater and Water Services (hereinafter "the reviewing departments"). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing departments will determine a bond amount based on the approved construction plans. The developer will then post a bond prior to recording the final plat.

The bond is comprised of two parts:

1) the performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and

2) the security in the form of a letter of credit, cashier's check or surety bond.

The bond insures that the Metro Government will be able to complete the infrastructure in the event that the developer is unwilling or unable.

In this case, a bond was posted prior to recording the final plat by the first owner of the property. The first owner subsequently sold the property, without obtaining a replacement bond.

The second property owner subsequently allowed the construction plan approvals, along with the variance from the Stormwater Management Committee, to expire. The second property owner has declared bankruptcy and the property has been sold as part of the Bankruptcy proceedings.

Staff discussed this application with the representative of the current property owner on July 8, 2009. The current property owner was also notified of this meeting via certified mail on July 9, 2009.

If the Planning Commission votes to rescind the plat, the resolution will be recorded at the Register of Deeds. Once it has been recorded, the Mapping Division of the Planning Department will be able to map the 34 lots into one parcel. Any proposed subdivision on this site will have to begin with a concept plan that meets all application Metro requirements.

**PUBLIC WORKSRECOMMENDATION** We do not have any issues with the rescinding of the plat.

The roadway and sidewalk construction plans approved on 8/27/2004 have expired, and would require resubmitted for review / approval prior to the commencement of construction. With the submittal of any new plans, all current Public Works' design standards shall be met prior to approval.

**STORMWATER RECOMMENDATION** Approved.

**STAFF RECOMMENDATION** Because all construction plan approvals have expired and performance agreement is not with the current owner of the property, staff recommends approval of rescinding the plat. Additionally, the current property owner supports this request.

**CONDITIONS** (if disapproved)

1. Construction plans shall be submitted to Public Works, Stormwater and Water Services.

2. A new performance agreement, along with a letter of credit in the amount as determined by the construction plans, shall be submitted to the Planning Department.

**Staff report for October 11, 2001** This request is for preliminary plat approval for a 130-lot residential subdivision located on approximately 95 acres at the terminus of Canton Pass, east of Cheyenne Boulevard in the RS15 district on the south bank

of the Cumberland River. The proposed density is 1.37 dwelling units per acre. A similar preliminary plat was approved on January 7, 1999 for 133 single-family lots, but that plat expired on January 7, 2001. A previous preliminary plat was approved in April 1996, but it also expired. A significant portion of this property is encumbered by the Cumberland River floodway and floodplain. A greenway trail along the river will be dedicated and constructed by the applicant.

This property's floodplain has been filled by the landowner over the years with various materials, resulting in concerns about soil conditions and compaction. When the plat was originally approved in 1996, it was conditioned with the requirement for a geotechnical study. That study shall be required in conjunction with the final plat to determine roadbed compaction, prior to Public Works approving any street construction plans. In addition, prior to final plat approval, an engineering report shall be required to verify the viability and integrity of all proposed lots to support residential structures. Finished floor elevations for all lots will also need to be shown on the final plat.

The applicant plans a future FEMA map amendment that would alter the existing location of the floodway based on the changes created by filling. The amendment would remove some of the floodway from the applicant's property and add floodway to properties across the Cumberland River from the site. The FEMA map amendment process requires notification of all affected property owners. The amendment will not take place prior to this Planning Commission meeting, which will mean that Lot 58 cannot be developed, as the applicant indicates on the plat. Lot 58 does not include enough of a building envelope outside of the existing floodway on which to build. The map amendment would create enough building envelope for Lot 58 as well as create room for the other lots backing up to the river to construct decks and out buildings. The applicant plans to seek the map amendment following the Planning Commission approval of the preliminary plat and before he submits the final plat to staff.

Staff recommends conditional approval of this plat subject to the following variances:

#### **Dead-End Cul-de-Sac**

In order to avoid an excessively long dead-end street, two connections to streets to the west were required. Even with these connections, there is still an 800-foot long cul-de-sac, which requires a variance from the 750-foot maximum length permitted by the Subdivision Regulations.

#### **Maximum Lot Size and Lot Depth to Width Ratio**

Variances from the maximum lot size (45,000 square feet) and the 4:1 lot depth-to-width ratio in the Subdivision Regulations are also required for 52 lots. Due to the floodplain in the area, the applicant's proposal is the best possible pattern for development of the property that also provides for private boat docks.

#### **Floodway Buffer**

The applicant received a variance from the Stormwater Management Board on April 19, 2001 to eliminate the required 50-foot floodway buffer along the Cumberland River. The buffer's elimination allowed the applicant to provide lots with a reasonable building envelope. The Board approved the variance with the following conditions:

1. Metro Greenways staff shall provide a letter to Public Works to verify that all of their requirements have been adequately addressed.
2. Only one boat dock shall be allowed for every six lots that back up to Hill Island. A common access pathway shall be provided for each six lots so that only one footpath shall cross the Greenway trail for each boat dock.
3. All filling of the property to prepare the lots for construction shall be completed by August 5, 2001. No filling shall take place after that date. All disturbed areas shall be covered with seed and straw for stabilization immediately at the conclusion of the filling.
4. The undisturbed buffer area along the river shall include the entire floodway and shall be platted as a conservation easement. Restrictions for the use of the easement shall be in writing and provided to Public Works and Metro greenways for review and approval.
5. No fences will be allowed on any portion of the lots within the floodway. The applicant violated condition No. 3 and continued to fill after August 5, 2001. Public Works issued a stop work order on August 24, 2001 and required the applicant to go back before the Stormwater Management Committee on September 21st to extend the August 5th deadline. That is why the applicant requested Planning Commission deferral at the August 30th MPC meeting.

At the September 21, 2001 Storm Water Management Committee meeting, the committee deferred the applicant's request to continue filling until final construction plans for the subdivision are approved by Public Works. The committee offered the

following statement to clarify their position:

1. *No additional filling or grading of any nature shall take place on the property until construction plans for the subdivision are approved by Public Works. This includes the dumping or spreading of any material including rock, dirt, or topsoil.* [emphasis added]
2. The disturbed areas shall be stabilized as best as possible. Some areas may not be able to sustain an adequate growth of vegetation because of a lack of adequate soil cover.
3. *The stop work order posted on August 24, 2001, remains in affect.* [emphasis added]
4. The recording of the preliminary plat through the Metro Planning Commission can occur. The site is in compliance with the requirements of the committee as long as items #1-3 above are followed.

### **Open Space Conservation Easement**

The Subdivision Regulations require an open space conservation easement in addition to the floodway buffer. The 50-foot floodway buffer coincides with the 75-foot open space buffer except for the remaining 25 feet. The Greenways Commission has agreed to not requiring the 75-foot buffer. Instead, the applicant will show the entire floodway as the open space conservation easement, as well as the pedestrian access trails that connect the greenway to the subdivision sidewalk system. The river's floodplain is so extensive on this site that if the trail were provided at the floodway fringe, as provided in the Subdivision Regulations, it would be far away from the actual riverbank. Therefore, the Greenways Commission agreed to altering the 75-foot buffer since the developer has agreed to construct the greenway trail at the river's edge. The greenway trail is a public access trail with a width of 14 feet.

The conditions of approval will include that the developer will finish his portion of the greenway in phase one. Construction drawings for Phase 1 must include the drawings for the entire greenway. The developer will be providing a 14-foot wide crusher with room for Metro to pave a 10-foot wide trail in the future. The trail will have two-foot wide shoulders.

The developer must complete the grading for the entire greenway before he can receive his first building permit. Signs indicating the presence of a public greenway trail must be located every 100' along the property at the edge of the conservation easement prior to the first building permit. The developer shall be responsible for the maintenance of all signs until all lots within the subdivision have been sold to the ultimate home purchaser. He must build the subsurface crusher layer prior to receiving building permits for homes that won't be used for models. We want the greenway to be visible to people buying the lots.

### **Sidewalks**

The applicant plans to construct the 14-foot wide crushed rock public access trail in the greenway easement. Due to the significant investment this represents, staff recommends a variance to the sidewalk requirement for Arabian Court and Morgan Court, two cul-de-sac streets. The applicant also plans to provide pedestrian access easements and build three pedestrian paths connecting the subdivision to the public access trail (greenway).

### **Resolution No. 2001-465**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that Subdivision No. 2000S-396G-04, is **APPROVED WITH CONDITIONS AND VARIANCES TO THE SUBDIVISION REGULATIONS FOR LENGTH OF A DEAD-END CUL-DE-SAC (SECTION 2-6.2.2E(2)), MAXIMUM LOT SIZE (SECTION 2-4.2D), LOT DEPTH TO WIDTH RATIO (SECTION 2-4.2E), 75 FOOT OPEN SPACE CONSERVATION EASEMENT (SECTION 2-7.5), AND SIDEWALKS ON ARABIAN COURT AND MORGAN COURT (SECTION 2-6.1A), (8-0)."**

Approved, (7-0) *Consent Agenda*

### **Resolution No. RS2009-101**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2004S-248G-04 is **APPROVED. (7-0)"**

### **16. 2009S-063-001**

Payne, Blakemore & Cummings, Resub. Lots 54 & 67  
Map: 094-01 Parcels: 025, 085  
East Nashville Community Plan

Council District 6 – Mike Jameson  
Staff Reviewer: Brenda Bernards

A request for final plat approval to create three lots on properties located at 520 and 600 South 13th Street, approximately 530 feet north of Sevier Street (0.55 acres), zoned RS5, requested by Kelley Properties LLC, and Kelley Construction II, LLC, owners, Anderson, Delk, Epps & Associates Inc., surveyor.

**Staff Recommendation: Approve**

**APPLICANT REQUEST - Final Plat**

A request for final plat approval to create three lots on properties located at 520 and 600 South 13th Street, approximately 530 feet north of Sevier Street (0.55 acres), zoned Single Family Residential (RS5)

**ZONING**

RS5 District -RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

**PLAN DETAILS Final Plat**

The applicant is requesting final plat approval for a three lot subdivision on South 13th Street. There is an alley that runs behind the properties and Lots 1 and 3 will be accessed from this alley. Lot 2 will be accessed from the existing driveway onto South 13th Street. Due to existing easements, the buildable area for Lot 2 will limit the width of a residence to approximately 21.6 feet.

All three lots meet the lot comparability requirements for both area and frontage. This request is an example of infill development, creating a new lot in an area with existing sidewalks and well served by transit. This subdivision takes advantage of existing infrastructure and adds to the walkability of this neighborhood.

**PUBLIC WORKS RECOMMENDATION** No exception taken

**WATER SERVICES RECOMMENDATION** Approve

**STORMWATER RECOMMENDATION** Approved

**FIRE MARSHAL RECOMMENDATION** Approved

**STAFF RECOMMENDATION** Staff recommends approval of this request.

Approved, (7-0) *Consent Agenda*

**Resolution No. RS2009-102**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-063-001 is **APPROVED. (7-0)**”

**XII. OTHER BUSINESS**

17. A request to determine if Item No. 7 (2008CP-007G-03 Alternate Development Area Policy of the Scottsboro/Bells Bend Detailed Design Plan) and Item No. 8 (2008SP-022G-03 May Town Center) of the June 25, 2009 Planning Commission meeting will be reheard at a future meeting.

**The Metropolitan Planning Commission WITHDREW the request to rehear 2008CP-007G-03 and 2008SP-022G-03, May Town Center, at the request of the applicant. (7-0)**

18. Request for a variance from Section 6-5.1 of the Subdivision Regulations for Lot 35 of Timber Ridge Subdivision.

Approved with conditions, (7-0) *Consent Agenda*



19. Employee contract renewal for Trish Brooks.

Approved, (7-0) *Consent Agenda*

18. Historical Commission Report

19. Board of Parks and Recreation Report

20. Executive Director Reports

21. Legislative Update

## **XII. ADJOURNMENT**

The meeting adjourned at 6:30 p.m.

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Chairman

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Secretary



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