



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

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

**Minutes
of the
Metropolitan Planning Commission**

3/12/09

4:00 PM

***Metro Southeast at Genesco Park
1417 Murfreesboro Road***

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Judy Cummings
Derrick Dalton
Tonya Jones
Hunter Gee
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ted Morrissey, Legal Counsel
Bob Leeman, Acting Planning Mgr. II
Carrie Logan, Planner II
Trish Brooks, Admin. Svcs Officer 3
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Brian Sexton, Planner I
Steve Mishu, Metro Water
Jonathan Honeycutt, Public Works

Commission Members Absent:

Stewart Clifton
Victor Tyler

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

III. APPROVAL OF FEBRUARY 26, 2009, MINUTES

Ms. LeQuire added an amendment to the February 26, 2009, minutes. She explained that under Item #5, 2002P-003U-03, Park Preserve (PUD Cancellation) on Page 11, she made a comment which was omitted from the minutes which should have been included as part of the record. Her comment to be included was "the location of the project should be sustainable, as well as the building materials."

Ms. LeQuire too acknowledged the difficulty of the request. She commended the applicant for utilizing sustainable

development and briefly pointed out each component included in the project that supported this type of development. She then spoke of the various issues relating to this development, as well as overall development taking place in the entire city. She also commented that the location of the project should be sustainable, as well as the building materials. In closing, she suggested to further communications between both groups, that the Commission cancel the PUD and not call out the rezoning for the parcel and defer it to allow additional time for much needed discussions between both parties.

Mr. Gotto moved and Dr. Cummings seconded the motion, which passed unanimously, to approve the February 26, 2009, minutes as presented and amended. **(8-0)**

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Toler acknowledged that the applicant for Item #1, 2009SP-002-001, Primrose School, requested that this item be deferred to the March 26, 2009 meeting. He gave a brief explanation for the requested deferral. He then stated that he would address the Commission on Item #2, 88-69P-001, Williams Home Place PUD, after the item was presented for discussion.

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

1. 2009SP-002-001 A request to change from R40 to SP-INS zoning for properties located at 524 and 532 Church Street East, approximately 600 feet east of Cloverland Drive (2.89 acres), to permit a Class IV Daycare center for up to 196 children -- deferred to March 26, 2009, at the request of the applicant
10. 2009Z-015PR-001 A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road – deferred to April 14, 2009, at the request of the applicant
11. 155-74P-001 A request to revise the preliminary plan for a portion of the Larchwood Commercial Planned Unit Development Overlay located at 6918 Stewarts Ferry Pike, at the southeast corner of Stewarts Ferry Pike and McCrory Creek Road (19.04 acres), zoned CL, to permit 183,000 square feet of office uses, 20,000 square feet of retail uses and 5,200 square feet of restaurant uses, replacing 221,350 square feet of office, hotel, and restaurant uses – deferred to March 26, 2009 at the request of the applicant

Mr. Gotto suggested that due to a recent letter submitted to the Commission from Stantec Consulting Services, Inc., that the Commission re-open the Public Hearing on Item #1, 2009SP-002-001, Primrose School that is scheduled to be heard on March 26, 2009.

Mr. Ponder moved and Mr. Dalton seconded the motion, which passed unanimously, to adopt the Deferred and Withdrawn items, and to re-open the Public Hearing for Item #1, 2009SP-002-001, Primrose School, that will be heard on March 26, 2009. **(8-0)**

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 SPECIFIC PLANS

3. 2009SP-004-001 A request to change from CF to SP-A zoning and for final site plan approval for property located at 809 5th Avenue South, to permit wrecker service, auto repair and all other uses permitted in the CF zoning district. -Approve w/conditions

ZONING MAP AMENDMENTS

- 5. 2009Z-009PR-001 A request to change from IR to MUN zoning properties located within the Phillips-Jackson Street Redevelopment District and Germantown Historic Preservation District at the northeast corner of Madison Street and 4th Avenue North. -Approve
- 7. 2009Z-011PR-001 A request to rezone from RS40 to AR2a zoning properties located at 7978 and 7984 Highway 100. -Approve
- 8. 2009Z-012PR-001 A request to rezone from R20 to AR2a zoning properties located at the southwest corner of Brick Church Pike and Jackson Road. -Approve
- 9. 2009Z-013PR-001 A request to change from MUL to MUI zoning properties located within the Hillsboro Village Urban Design Overlay at 1501, 1505, and 1507 21st Avenue South. -Approve

OTHER BUSINESS

- 12. Employee contract renewals for Brian Sexton and Tifinie Adams. -Approve

Dr. Cummings moved and Mr. Gotto seconded the motion, which passed unanimously, to adopt the Consent Agenda as presented. (8-0)

VII. PREVIOUSLY DEFERRED ITEMS

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

A request to change from R40 to SP-INS zoning for properties located at 524 and 532 Church Street East, approximately 600 feet east of Cloverland Drive (2.89 acres), to permit a Class IV Daycare center for up to 196 children, requested by Stantec Consulting Services Inc., applicant, for Chi Wai Lee, owner.

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Zone Change 2009SP-002-001 to March 26, 2009, at the request of the applicant, as well as moved to re-open the public hearing on that date. (8-0)

VIII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

- 2. **88-69P-001**
Williams Home Place PUD (Verizon Tower Revision)
Map: 161-00 Parcel: 084
Southeast Community Plan
Council District 31 – Parker Toler
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for the Williams Home Place Planned Unit Development Overlay located at 5714 Edmondson Pike, approximately 380 feet south of Old Hickory Boulevard (4.36 acres), zoned SCC, to permit a 180 foot monopole wireless communication tower, requested by Verizon Wireless Tennessee Partnership, applicant, for WM LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Revise Preliminary Plan and PUD Final Site Plan

A request to revise the preliminary plan and for final approval for the Williams Home Place Planned Unit Development

Overlay located at 5714 Edmondson Pike, approximately 380 feet south of Old Hickory Boulevard (4.36 acres), zoned Shopping Center Community (SCC), to permit a 180 foot monopole wireless communication tower.

PLAN DETAILS The Williams Home Place PUD was originally approved in 1989, for 45,000 square feet of retail and office space. The plan was last revised in 2000 for 35,410 square feet of retail, office and restaurant uses. Approximately 29,190 sq. ft. of the development has been constructed.

Site Plan The proposed tower and facilities are located at the rear corner (north east) of the site. The top height of the tower is 180 feet. The plan meets all zoning requirements, including setbacks, buffer yard requirements and specific requirements for cell towers (see below).

Zoning Ordinance requirements Section 17.16.080.C of the Metro Zoning Ordinance, below, details the requirements for a cell tower.

C. Telephone Service.

1. Telephone Service. An applicant for a new microwave or cellular tower shall demonstrate that existing towers, buildings or structures within the proposed service area cannot accommodate the equipment planned to be located on the proposed new tower. Factors to be considered in evaluating the practicality of siting the proposed equipment on existing or approved towers shall include, but are not necessarily limited to, structural capacity, radio interference and geographic service area requirements.

2. Lot Size. In residential zone districts, the minimum lot size shall comply with the zone district bulk provisions.

3. Setback. Telephone services, including accessory buildings and vehicle parking areas shall comply with the setback provisions of the applicable zone district. In nonresidential zone districts, no tower shall locate within twenty feet of a residential zone district or district permitting residential use.

4. Landscape Buffer Yard. Along all residential zone districts and districts permitting residential use, screening in the form of Landscape Buffer Yard Standard A shall be applied.

5. Height. The maximum height of telephone facilities shall be determined by the height control provisions of Chapter 17.12, except in the MUN, ON, CN and SCN zone districts a height control plane slope of 1.5:1 shall apply. Where a proposed tower cannot comply with the maximum height provisions, the applicant shall be required to submit for a special exception permit per Section 17.16.180(B)(1).

6. Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator or, if applicable, the executive director of the planning department shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, ORI, CF, CC and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.

The request complies with all of the criteria above. First, the applicant has submitted the required report demonstrating the need for the cellular tower. Second, the plan complies with minimum lot size and setback. Third, the tower is within the height control plane and the plan includes standard A buffer yards. Finally, the Councilmember was notified by the Planning Department.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved

STAFF RECOMMENDATION Because this request meets the requirements of the Metro Zoning Ordinance, staff recommends approval with conditions.

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. 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.
4. 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.
5. 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.
6. 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.
7. 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.

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

Mr. Steven Reid, 5605 Highland Way, spoke in opposition to the proposed development.

Ms. Dawn Matthies, 5721 Edmondson Pike, #315, spoke in opposition to the proposed development.

Mr. Anthony Locklayer, 5613 Highland Way, spoke in opposition to the proposed development.

Mr. Philip Head, 511 Union Street, spoke in favor of the proposed development.

Mr. Richard Williams spoke in favor of the proposed development.

Councilmember Toler briefly explained the issues associated with the placement of cell phone towers within the city, and then spoke of the issues associated with the current request. He asked that the Commission provide their insight on the proposed development as the proposal was currently not scheduled to be heard by Metro Council as it was considered a revision to the PUD.

Mr. Bernhardt offered clarification on the requested action of the Commission. He explained that it was the role of the Commission to determine if the proposed development alters the basic development concept of the Planned Unit Development. He then offered that if the Commission finds that the Planned Unit Development does in fact change the concept of the PUD, it would be considered an amendment and would have to go before Metro Council for approval.

Dr. Cummings requested clarification on the percentage of land use intended for the proposed cell tower.

Ms. Bernards explained the land use percentages to the Commission.

Dr. Cummings then questioned whether the applicant exhaustively searched for other possible locations for the cell phone

tower.

Ms. Bernards explained that the applicant submitted an affidavit explaining their search for other locations for the tower.

Mr. Gee questioned the regulations in place for cell phone tower usage.

Ms. Bernards explained this concept to the Commission.

Mr. Gee requested clarification from staff on whether they thought the placement of the cell tower would alter the development concept of the PUD.

Ms. Bernards explained that staff did not feel that the request would alter the development concept of the planned unit development and considered this request to be a revision.

Mr. Gotto questioned where the residents expressing opposition lived in relation to the placement of the cell phone tower and whether those residents were at the community meeting held regarding this development.

Councilmember Toler explained the locations of the residents opposing the cell phone tower.

Mr. Gotto then questioned the location of the other cell phone towers located within this area of the county. He then questioned whether the Commission could impose additional conditions that would improve the aesthetics of the tower, if it were to be approved.

Mr. Bernhardt offered that if the Commission were to find that the tower did not alter the development concept of the Planned Unit Development, they could impose reasonable conditions on the project.

Mr. Gotto then expressed his opposition on the requested development. He stated that it would alter the development concept of the planned unit development, and therefore, should go before Metro Council for approval. He further stated that if the Commission were to approve the request, that additional conditions should be added to the motion that would address the aesthetic issues of the tower.

Mr. Ponder asked that the applicant, Mr. Williams, provide additional information on their request, in particular, information as to why the proposed tower could not be built next to the existing tower.

Mr. Williams explained various reasons the tower could not be placed near an existing cell phone tower in this area.

Mr. McLean requested that the applicant address the question of improving aesthetics of cell phone towers.

Mr. Williams explained the appearance of cell phone towers to the Commission.

Mr. Gotto requested that the applicant offer additional information on their request to construct a new tower, as opposed to locating the second tower, near the existing cell phone tower.

Mr. Williams explained this information to the Commission.

Mr. Ponder then questioned whether cell phone tower uses could be sublet to other interested companies. He then suggested that the tower be constructed in a more creative manner and mentioned a tower built elsewhere that looked similar to a tree.

Mr. Williams acknowledged this suggestion and spoke to the issues that may arise if the tower were constructed to look like a tree.

Mr. McLean questioned whether the monopole towers included guide wires.

Mr. Williams briefly explained the engineering specifications for cell phone towers.

Mr. Dalton expressed his opposition on the requested development. He acknowledged the concerns expressed by those

residents affected by the proposal and stated that if it were to be approved, then additional conditions addressing the aesthetics of the tower should be placed on the project.

Ms. LeQuire questioned whether the applicant explored placing this tower elsewhere within the PUD.

Mr. Williams explained that due to setback issues and the lack of the required land, they were unable to relocate this tower elsewhere within the PUD.

Ms. LeQuire requested additional information on the landscape buffer plan included in the proposal.

Ms. Bernards explained the buffer to the Commission.

A question arose as to whether the Commission could place a minimum height on the trees and shrubbery that would be planted in the buffer.

Mr. Bernhardt offered that the role of the Commission was to determine whether the project was consistent with the development pattern of the planned unit development and that they could place reasonable conditions on the project in order to make it consistent with the PUD.

Mr. Gee questioned the process that would follow if the Commission were to disapprove the request.

Mr. Bernhardt explained the process to the Commission.

Mr. Gee expressed additional concerns with approving the proposal as a revision.

Mr. Gotto moved, and Mr. Ponder seconded the motion, which passed unanimously, to disapprove 88-69P-001, as a revision to the PUD, and approve with conditions, including the staff conditions, 88-69P-001, as an amendment to the PUD, with an additional condition that the Councilmember explore options for aesthetic improvements to the tower that can be reasonably accommodated. **(8-0)**

Resolution No. RS2009-26

“BE IT RESOLVED by The Metropolitan Planning Commission that 88-69P-001 is **DISAPPROVED AS A REVISION TO THE PUD, APPROVE WITH CONDITIONS AS AN AMENDMENT TO THE PUD, including a condition that the Councilmember explore options for aesthetic improvements to the tower that can be reasonably accommodated. (8-0)**

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. 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.
4. 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.
5. 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.

6. 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.
7. 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 Williams Home Place PUD was originally approved for retail, office and restaurant uses. The proposed wireless communication tower represents a significant change and requires an amendment to the PUD to permit this use.”

IX. PUBLIC HEARING: SPECIFIC PLANS

3. **2009SP-004-001**
 Horrell Properties SP
 Map: 093-14 Parcel: 499
 Downtown Community Plan
 Council District 19 – Erica S. Gilmore
 Staff Reviewer: Jason Swaggart

A request to change from CF to SP-A zoning and for final site plan approval for property located at 809 5th Avenue South, approximately 150 feet south of Ash Street (0.69 acres), to permit wrecker service, auto repair and all other uses permitted in the CF zoning district, requested by John and Gayle Horrell, owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST - Preliminary SP and Final Site Plan

A request to change from Core Frame (CF) to Specific Plan-Auto (SP-A) zoning and for final site plan approval for property located at 809 5th Avenue South, approximately 150 feet south of Ash Street (0.69 acres), to permit wrecker service, auto repair and all other uses permitted in the CF zoning district.

Existing Zoning

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

Proposed Zoning

SP-A District - Specific Plan-Automobile 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 wrecker service and automobile repair uses.

DOWNTOWN COMMUNITY PLAN

Structure Policy

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

Lafayette Detailed Neighborhood Design Plan

Downtown Neighborhood (DN) Downtown Neighborhood policy applies to those parts of Downtown where intense, mixed use development that includes a significant residential component is desired. The development should be created at a scale

less intense than the Downtown Core. Downtown Neighborhood policy is only used in the *Downtown Community Plan: 2007 Update* in many of the seventeen Downtown neighborhoods. Each neighborhood has its own unique character and intended development pattern, which are further defined in each neighborhoods' Building Regulating Plan, found in the *Downtown Community Plan: 2007 Update*.

Consistent with Policy? Yes. The proposed plan is consistent with the area's policies. While auto-oriented uses may not be conducive to creating a pedestrian-oriented streetscape, the applicant has designed a site plan that will bring the property closer to the goal of creating a pedestrian-oriented streetscape that is consistent with the intent of the policy. The plan proposes to new landscaping adjacent the sidewalk, as well as, the repair of the existing retaining wall adjacent to the sidewalk. The plan also calls for the chain link fence to be replaced with a solid wood fence which will restrict visibility into the back yard. These improvements will improve the appearance along 5th Avenue, and help to create a more pedestrian oriented environment.

PLAN DETAILS The site is currently developed and consists of a one story, 2,500 square foot building and large unpaved parking lot. According to the applicant, the wrecker service and auto repair shop has been operating out of this location for over ten years. Even though it has been operating for many years, it was recently discovered that it was never permitted and was operating illegally. As these type of uses now require SP zoning, the applicant is requesting SP approval to allow the use to continue.

The site plan calls for the existing building to remain but calls for several improvements to the property.

Fencing The front of the site is currently enclosed by a 5 foot chain link fence with barbed wire. The plan proposes a new solid 6' tall wooden fence to replace the chain link fence along 5th Avenue.

Landscaping Currently, there is no landscaping along 5th Avenue. The plan calls for new landscaping between the new wooden fence and the sidewalk. It will consist of hollies and a pin oak.

Parking and Access Currently the drive is constructed of gravel. There is no defined parking area in front of the building and automobiles typically park in the grass between the building and the sidewalk. The plan proposes to replace the gravel drive with asphalt and restrict parking from within the front yard. Parking will be allowed in the side and rear yard only.

Sidewalk There is an existing sidewalk along 5th. The property slopes up away from 5th and there is a short limestone block retaining wall. The block wall is currently in need of repair. The plan proposes to repair the wall as needed.

Signs Sign details were not included with this SP submittal. Staff is recommending that only one building mounted sign be permitted. Building signs are attached directly to, or supported by brackets attached directly to a principal building. The building sign must not exceed 40 square feet in size. The sign may not be lit.

STORMWATER RECOMMENDATIONS No grading permit required.

FIRE MARSHAL RECOMMENDATION Reviewed: Conditional Approval
Approved based on no construction being done this application. Any new construction will require additional information.

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.

Typical Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.69	2.578	77,485	1097	153	166

Typical Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Wrecker Service and Automobile Sales (Used)(942)	0.69	n/a	2,500	NA	8	9

Maximum Uses in Existing Zoning District: CF

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.69	5	150,282	1826	260	248

Maximum Uses in Proposed Zoning District: SP

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Wrecker Service and Automobile Sales (Used)(942)	0.69	n/a	2,500	NA	8	9

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed SP Plan is in keeping with the Downtown Community Plan.

CONDITIONS

1. This SP is limited to wrecker service, automobile repair, and all uses allowed in the CF zoning district.
2. For any future redevelopment of the site, an SP Final Site Plan shall be required. The Final Site Plan shall meet the requirements of the SP district for wrecker services and auto repair uses and for uses permitted under the CF zoning district, the CF standards of the Zoning Code shall apply.
3. Signage shall be limited to one building sign only. Building signs shall not exceed 40 square feet, and shall not be lit.
4. 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 CF zoning district as of the date of the applicable request or application.
5. 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. 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.
6. 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.
7. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Resolution No. RS2009-27

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-004-001 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. This SP is limited to wrecker service, automobile repair, and all uses allowed in the CF zoning district.
2. For any future redevelopment of the site, an SP Final Site Plan shall be required. The Final Site Plan shall meet the requirements of the SP district for wrecker services and auto repair uses and for uses permitted under the CF zoning district, the CF standards of the Zoning Code shall apply.
3. Signage shall be limited to one building sign only. Building signs shall not exceed 40 square feet, and shall not be lit.
4. 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 CF zoning district as of the date of the applicable request or application.
5. 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. 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.
6. 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.
7. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP-A district is consistent with the Downtown Community Plan’s policies, and the proposed site improvements will approve the properties appearance along 5th Ave. creating a better pedestrian environment.”

X. PUBLIC HEARING: ZONING MAP AMENDMENTS

4. **2008Z-093G-02**
Map: 033-00 Parcel: 116
Parkwood/Union Hill Community Park
Council District 10 – Rip Ryman
Staff Reviewer: Brian Sexton

A request to rezone from CS to IWD zoning property located at 1216 Dickerson Pike, approximately 830 feet east of W. Campbell Road (1.84 acres), requested by Timothy and Shelley Tinnin, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST - A request to rezone from Commercial Service (CS) to Industrial Warehousing/Distribution

(IWD) zoning property located at 1216 Dickerson Pike, approximately 830 feet east of W. Campbell Road (1.84 acres).

Existing Zoning

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

Proposed Zoning

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

PARKWOOD-UNION HILL COMMUNITY PLAN

Mixed Use (MU) MU policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy? No. The proposed IWD zoning district is not consistent with the Mixed Use land use policy. The MU policy encourages the horizontal and vertical integration of uses that are tailored to meet the housing, shopping and employment needs of the community. The MU policy also requires either a zoning district that includes a site plan, such as a Specific Plan (SP), or an overlay district that requires a design plan such as an Urban Design Overlay (UDO), Planned Unit Development (PUD). Each district requires a site plan to ensure harmonious and appropriate design. The IWD district does not support this mix of uses. The IWD district permits industrial uses that are not consistent with the MU policy for the area, which encourages community, convenience type uses at a neighborhood scale.

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

WATER SERVICES RECOMMENDATION No capacity study is required at this time for this proposed straight-out zone change. If the zone change occurs capacity issues will need to be addressed. The water for this site is provided by the Madison Suburban Utility District

FIRE MARSHAL RECOMMENDATION No comments at this time.

STAFF RECOMMENDATION Staff recommends disapproval of the request to rezone 1.84 acres from CS to IWD. The IWD district is not consistent with the Mixed Use land use policy designated by the Parkwood-Union Hill Community Plan and this request was not accompanied by a Planned Unit Development or Urban Design overlay.

Mr. Sexton presented and stated that staff is recommending disapproval.

Mr. Ray White, 2015 Baker Road, spoke in favor of the proposed rezoning.

Mr. Dalton questioned whether staff offered alternative zoning in an effort to accommodate the applicant's request.

Mr. Sexton offered that SP zoning could be considered as an alternative zoning with appropriate elements to make it consistent with the subarea plan.

Mr. Dalton requested that the applicant speak to the issue of SP zoning and whether he considered this zoning for his development.

The applicant explained the issues associated with SP zoning, in particular, the cost of an SP application as opposed to an IWD application.

Mr. Sexton explained the current costs for SP zoning as well as the issues associated with IWD zoning and its incompatibility with the subarea plan for this area.

Mr. Bernhardt explained that the requested zoning did not meet the policy intended for this area.

Ms. Jones moved and Mr. Ponder seconded the motion, which passed unanimously, to disapprove Zone Change 2008Z-093G-02, as requested by the applicant. **(8-0)**

Resolution No. RS2009-28

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008Z-093G-02 is **DISAPPROVED. (8-0)**

The proposed IWD district is not consistent with the Parkwood/Union Hill Community Plan’s Mixed-Use policy which calls for a mixture of residential, commercial and office uses and requires a site plan to ensure that any proposal meets the intent of the policy.”

5. 2009Z-009PR-001

Map: 082-09 Parcels:327, 328, 329, 330, 331, 332, 334
North Nashville Community Plan
Council District 19 – Erica S. Gilmore
Staff Reviewer: Brian Sexton

A request to change from IR to MUN zoning properties located within the Phillips-Jackson Street Redevelopment District and Germantown Historic Preservation District at 312 Madison Street, 1200, 1208, 1210, 1214, 1216, and 1218 4th Avenue North, at the northeast corner of 4th Avenue North and Madison Street (1.38 acres), requested by MRK Development, LLC, applicant, for The R & S Allen Family Limited Partnership, owner.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to change from Industrial Restrictive (IR) to Mixed Used Neighborhood (MUN) zoning properties located within the Phillips-Jackson Street Redevelopment District and Germantown Historic Preservation District at 312 Madison Street, 1200, 1208, 1210, 1214, 1216, and 1218 4th Avenue North, at the northeast corner of 4th Avenue North and Madison Street (1.38 acres).

Existing Zoning

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

Proposed Zoning

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

NORTH NASHVILLE COMMUNITY PLAN

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

Germantown Detailed Neighborhood Design Plan

Mixed Live/Work (MLW) MLW is intended for primarily residential uses, while providing opportunities for small commercial establishments, mostly home-run professional or retail services.

Consistent with Policy? Yes. The proposed MUN zoning is consistent with the NU policy of the North Nashville community plan. The NU policy encourages a variety of housing, public benefit uses, commercial activities and mixed-use development. As this property is within the Phillips-Jackson Street Redevelopment District and within the Germantown Historic Preservation District, which will require design review, no site plan was required to accompany the rezoning request.

Typical Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial(110)	1.38	0.39	23,444	164	22	23

Typical Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.38	0.45	27,051	488	66	110

Maximum Uses in Existing Zoning District: IR

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Light Industrial (110)	1.38	0.8	48,090	336	45	47

Maximum Uses in Proposed Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.38	1	60,113	902	125	147

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity - Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Hillsboro High School has been identified as being over capacity by the Metro School Board. There is capacity for high school students within an adjacent cluster.

STAFF RECOMMENDATION Staff recommends approval. The proposed MUN zoning is consistent with the NU policy of the North Nashville community plan. No site plan was required because this property is within the Phillips-Jackson Street Redevelopment District and within the Germantown Historic Preservation District.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2009-29

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-009PR-001 is **APPROVED. (8-0)**

The proposed MUN district is consistent with the North Nashville Community Plan’s policies which are intended to provide a mixture of residential and commercial uses.”

6. 2009Z-010PR-001

Map: 082-08 Parcel: 137
 East Nashville Community Plan
 Council District 5 – Pam Murray
 Staff Reviewer: Brian Sexton

A request to change from RS5 to RM15 zoning property located within the Greenwood Neighborhood Conservation Overlay at 837 Cleveland Street, approximately 115 feet west of McFerrin Avenue (0.28 acres), requested by C.R. and Sheridath

Blackwood, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to change from Single-Family Residential District (RS5) to Multi-Family Residential District (RM15) zoning property located within the Greenwood Neighborhood Conservation Overlay at 837 Cleveland Street, approximately 115 feet west of McFerrin Avenue (0.28 acres).

Existing Zoning

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

Proposed Zoning

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

EAST NASHVILLE COMMUNITY PLAN

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.

Maxwell/Parkway Detailed Neighborhood Design Plan

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

Consistent with Policy? Yes. The proposed RM15 zoning is consistent with the NC policy of the East Nashville Community Plan. The NC policy promotes uses such as multi-family residential dwellings. The property proposed for RM15 zoning contains one existing building with four units. The current RS5 zoning district only permits single-family residences. The applicant has requested RM15 zoning so that the existing four units on the property can be consistent with zoning. While the NC policy requires a site plan, the proposed RM15 zoning will match the current conditions on the site and a site plan will not be required.

Maximum Uses in Existing Zoning District: RS5

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.28	7.41	2	20	2	3

Maximum Uses in Proposed Zoning District: RM15

Land Use (ITE Code)	Acres	Density	Total Number of Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Residential Condo/Townhome (230)	0.28	15	4	34	3	4

METRO SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students would attend Hattie Cotton Elementary School, Gra-Mar Middle School, or Maplewood High School. Hattie Cotton Elementary School has been identified as being over capacity by the Metro School Board. There is no capacity for elementary school students within this cluster, however, no new students would be generated with this rezoning.

STAFF RECOMMENDATION Staff recommends approval. The proposed RM15 zoning is consistent with the NC policy of the East Nashville community plan.

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

Mr. Charles Blackwood, 304 Singer Drive, spoke in favor of the requested zone change.

Mr. Brian Huffine, 1022 Seymore Avenue, spoke in opposition to the requested zone change.

Mr. Benjamin Morton, 924 West Eastland Avenue, spoke in opposition to the requested zone change.

Mr. Jamie Holland, 724 McFarrin Avenue, spoke in opposition to the requested zone change.

Ms. Page Meriwether, 802 Stockell Street, spoke in favor of the requested zone change.

Ms. Megan Morton, 924 West Eastland Avenue, spoke in opposition to the requested zone change.

Mr. James E. Jenkins, 1012 Petway Avenue, spoke in favor of the requested zone change.

Councilmember Murray briefly explained the history in relation to zoning for this area of her district. She spoke of the blanket zoning she implemented and her efforts to improve certain elements of the neighborhood. She also explained that at the time of her blanket rezoning, residents were given the opportunity to opt out if they so desired. She further explained that she instructed the applicant to meet with area residents, as well as neighborhood associations, to see if they were in support of the rezoning. She stated she has held community meetings regarding the request and stated that she would hold an additional meeting prior to hearing this request at Council. She then submitted a petition that contained the names of those residents that were in favor of the requested zone change and asked that the Commission approve the request.

Mr. Gee questioned Councilmember Murray on the year that she implemented the blanket rezoning for this area.

Mr. Bernhardt offered that it took place approximately two to three years ago.

A brief discussion ensued as to when the quadraplex was built and whether Metro had received any permits for the development.

Mr. Daniel Hawks, 912 West Eastland, spoke in opposition to the requested zone change.

Ms. Mary Copeland addressed the Commission regarding the requested zone change.

Mr. Seth Conley, 1003 Seymore Avenue, spoke in opposition to the requested zone change.

Mr. Gotto acknowledged the differences expressed by the neighborhood during the public hearing. He questioned whether this request would constitute spot zoning.

Mr. Morrissey explained that the request would not be considered spot zoning as the existing zoning and the requested zoning are both supported by the plan for this area.

Mr. Gotto then questioned how the neighborhood plan for the area would affect the issue of spot zoning.

Mr. Morrissey explained that the neighborhood plan is the guideline to be used by the Commission to determine the appropriate uses for the area.

Mr. Gotto briefly explained that he could support the request as submitted, but also stated that the request would have to move through Council, and that some of the issues mentioned could be addressed further at that level.

Mr. Gee requested clarification on whether the requested zoning was compatible with the neighborhood plan. He then asked if the request was incompatible in any other way with both the subarea plan and the neighborhood plan.

Mr. Sexton explained the request was considered compatible for this area in both uses and the number of units contained in the proposed development.

Mr. Gee then questioned whether there were any zoning or code violations on file for this property.

Mr. Sexton explained that Metro Codes would have information on violations, and that they did note that the property was illegally nonconforming due to its uses.

Mr. Gee explained he agreed with staff's recommendation because of his support of higher density in nodes that surround neighborhood centers, however, expressed his concerns with the confusing history of uses on the parcel and the lack of permitting that tracks the various uses. He suggested that the Commission consider deferring the request to allow additional time for the property owner to meet with the concerned residents and address outstanding issues.

Dr. Cummings agreed with deferring the project. She expressed concerns with approving the request as submitted in relation to safety issues.

Mr. Bernhardt explained that the Commission could request a safety inspection of the existing building.

Dr. Cummings questioned the percentage of multi-use parcels that currently existing in this area.

Mr. Sexton explained he did not have that number.

Dr. Cummings then expressed her concern with setting a precedent in approving a multi-family use currently zoned for single family.

Mr. Bernhardt explained that the area in question would support both mixed-use and multi-family, and that it was consistent with the policy for this area. He explained that a site plan is normally required in this policy, but because of the existing multi-family development a site plan was not required by staff in this case.

Mr. Ponder agreed with the staff recommendation as the request would clarify the uses that currently exist on the parcel. He then spoke in favor of deferring the project to allow an inspection of the property, as well as allow additional time for the property owner to meet with the residents affected by the requested zoning to work out any issues.

Mr. Gotto questioned how a deferral would affect this project in relation to the next Council Public Hearing.

Mr. Bernhardt explained this process to the Commission.

Ms. Jones acknowledged the positive growth taking place in this area of Councilmember Murray's district and commended her for her work. She then spoke in favor of supporting the request as it would further enhance the growth that Councilmember Murray is trying to achieve in this particular area and node.

Mr. Dalton stated that he agreed to defer the request due to the issues mentioned and their need to be addressed prior to approving the project.

Ms. LeQuire expressed her concerns with the history of illegal uses on this property and suggested that the uses be corrected prior to approving a rezoning. She too agreed to a deferral that would allow additional time for the neighborhood to meet over the indecisiveness of the request.

Mr. Gotto asked if an abate notice was issued by the Codes Department on this violation.

Mr. Bernhardt offered that if there were any code violations on this property, they would be filed with the courts, and not the Board of Zoning Appeals.

Mr. Gotto then explained the process that would be followed if an abate notice was filed on this property.

Councilmember Murray explained that this particular incident has occurred on various parcels in this area of her district. She further explained her attempts to bring these parcels into compliance and that this request would accomplish this task. She requested that the applicant be allowed to address the Commission to explain the history of this parcel.

Mr. Gee agreed to allow the applicant to re-address the Commission to further explain the history of uses on this parcel.

Mr. Blackwood briefly explained the history of uses on this parcel since he purchased the land in 2000.

Dr. Cummings requested clarification on the process that would be followed by Metro Codes if the request were approved by the Commission

Mr. Bernhardt explained the process to the Commission.

A brief discussion ensued among the Commissioners on the process that would be followed by the various departments if the request were approved.

Mr. Ponder moved and Mr. Gotto seconded the motion, to approve Zone Change 2009Z-010PR-001, as requested by the applicant. **(7-0-1) Gee - Abstained**

Resolution No. RS2009-30

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-010PR-001 is **APPROVED. (7-0-1)**

The proposed RM15 district is consistent with the East Nashville Community Plan’s policies, which is intended to provide a mixture of residential and commercial uses. The RM15 will allow for the residential uses within the policy area.”

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7. **2009Z-011PR-001**
Map: 156-00 Parcels: 007, 008
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Brenda Bernards

A request to rezone from RS40 to AR2a zoning properties located at 7978 and 7984 Highway 100, approximately 700 feet east of Temple Road (6.97 acres), requested by Eric and Beth Lewis, owners.

Staff Recommendation: Approve

APPLICANT REQUEST A request to rezone from Single-Family Residential (RS40) to Agricultural/Residential (AR2a) zoning for properties located at 7978 and 7984 Highway 100, approximately 700 feet east of Temple Road (6.97 acres).

Existing Zoning

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

Proposed Zoning

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

BELLEVUE COMMUNITY PLAN

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

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

Consistent with Policy? The request is consistent with the NCO policy but not the RLM policy. The majority of the site is within the NCO policy. The applicant has indicated that this request is to permit a rural bed and breakfast homestay which is permitted as a Special Exception within the AR2 zoning district. This use requires a minimum lot size of five acres. The applicant will need to consolidate the two lots to meet this requirement and, as the lot will be less than seven acres in size, will not be able to subdivide the property while the use is in place.

ANALYSIS As noted above, the applicant is intending to use this property for a rural bed and breakfast homestay. The Zoning Code defines this as:

"Rural bed and breakfast homestay" means a rural bed and breakfast homestay shall contain six or fewer furnished rooms for pay within a private, owner-occupied structure which is on a single lot that exceeds five acres, and is located in an agriculturally zoned district, and authorized by the board of zoning appeals, according to Section 17.16.160.

While the requested zone change is not entirely consistent with the density called for by the RLM policy, which covers a portion of the site, it is consistent with the NCO policy on the majority of the site.

PUBLIC WORKS RECOMMENDATION No exception taken.

Maximum Uses in Existing Zoning District: RS40

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached	6.97	0.93	6	58	5	7

Maximum Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached (210)	6.97	0.5	3	29	3	4

METRO SCHOOL BOARD REPORT

Projected Student Generation As this request to change from a single-family district to an agricultural district 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 request as the AR2a zoning district is consistent with NCO policy on the majority of the property.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2009-31

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-011PR-001 is **APPROVED. (8-0)**”

The proposed AR2a district is consistent with the Bellevue Community Plan’s Natural Conservation policy, but is not consistent with the Residential Low Medium policy. While the AR2a district is not consistent with the Residential Low Medium policy, it does not allow for a density above what is called for in the policy.”

8. 2009Z-012PR-001

Map: 032-00 Parcels:009, 136, 146
 Parkwood/Union Hill Community Plan
 Council District 3 – Walter Hunt
 Staff Reviewer: Brenda Bernards

A request to rezone from R20 to AR2a zoning properties located at 4370 and 4412 Brick Church Pike and Brick Church Pike (unnumbered), at the southwest corner of Brick Church Pike and Jackson Road (84.51 acres), requested by Reinhold Holtkamp et ux, owners.

Staff Recommendation: Approve

APPLICANT REQUEST - A request to rezone from One and Two-Family (R20) to Agricultural/Residential (AR2a) zoning for properties located at 4370 and 4412 Brick Church Pike and Brick Church Pike (unnumbered), at the southwest corner of Brick Church Pike and Jackson Road (84.51 acres).

Existing Zoning

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots. The current zoning would permit 195 lots.

Proposed Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or interim nonurban land use policies of the general plan. The proposed zoning would permit 42 lots.

PARKWOOD/UNION HILL COMMUNITY PLAN

Rural (R) R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

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

Consistent with Policy? Yes. The request is consistent with the Rural and NCO policies and is more consistent with these policies than the current R20 zoning.

PUBLIC WORKS RECOMMENDATION No exception taken.

Maximum Uses in Existing Zoning District: R20

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	84.51	2.31	195	1923	147	196

Maximum Uses in Proposed Zoning District: AR2a

Land Use (ITE Code)	Acres	Density	Total Number of Lots	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family detached (210)	84.51	0.5	42	469	40	50

METRO SCHOOL BOARD REPORT

Projected Student Generation As this request to change from a single-family and two-family district to an agricultural district 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 recommend approval of the request as the AR2a zoning district is consistent with R and NCO policies.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2009-32

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-012PR-001 is **APPROVED. (8-0)**

The proposed AR2a district is consistent with the Parkwood/Union Hill Community Plan’s Rural and Natural Conservation policies.”

9. 2009Z-013PR-001

Map: 104-08 Parcels:064, 066, 067
 Green Hills/Midtown Community Plan
 Council District 18 – Megan Barry
 Staff Reviewer: Brenda Bernards

A request to change from MUL to MUI zoning properties located within the Hillsboro Village Urban Design Overlay at 1501, 1505, and 1507 21st Avenue South, at the southwest corner of 21st Avenue South and Pierce Avenue (1.27 acres), requested by Vanderbilt University, owner.

Staff Recommendation: Approve

APPLICANT REQUEST -A request to change from Mixed Use Limited (MUL) to Mixed Use Intensive (MUI) zoning for properties located within the Hillsboro Village Urban Design Overlay at 1501, 1505, and 1507 21st Avenue South, at the southwest corner of 21st Avenue South and Pierce Avenue (1.27 acres).

Existing Zoning

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

Proposed Zoning

MUI District -Mixed Use Intensive is intended for a high intensity mixture of residential, retail, and office uses.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? Yes. The applicant has requested this rezoning in order to expand the Monroe Carell Jr. Children’s Hospital. This non-profit hospital is considered a public benefit use and is allowed within this policy. As this property is within the Hillsboro Village UDO, the requirement for an enforceable site plan to accompany a zone change request has been met.

ANALYSIS As noted above, the applicant has indicated that the purpose of this request is to allow for the expansion of the Monroe Carell Jr. Children’s Hospital. As a hospital is not a permitted use within the MUL district the applicant has requested the MUI district, which is consistent with the zoning on the adjacent property and other Vanderbilt University properties. The properties are within in the Hillsboro Village UDO and the requirements of the UDO will govern building form, building orientation, and bulk standards. The rezoning has been requested solely to permit the use.

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

Typical Uses in Existing Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station With Convenience Market (945)	1.27	0.115	6,362	NA	505	618

Typical Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.27	0.894	49,457	776	107	135

Maximum Uses in Existing Zoning District: MUL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Gas Station with Convenience Market(945)	1.27	1	6,362*	NA	505	618

*Adjusted as per use.

Maximum Uses in Proposed Zoning District: MUI

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.27	5	276,606	2921	424	389

STAFF RECOMMENDATION Staff recommends approval of the request to rezone from MUL to MUI. The non-profit hospital is considered a public benefit use and is allowed within the NU policy, and as the property is within the Hillsboro Village UDO, the requirement for an enforceable site plan to accompany a zone change request has been met.

Approved, (8-0) *Consent Agenda*

Resolution No. RS2009-33

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-013PR-001 is **APPROVED. (8-0)**

The proposed MUI district is consistent with the Green Hills/Midtown Community Plan’s Neighborhood Urban policy.”

10. 2009Z-015PR-001

Map: 155-00 Parcel: 122
Bellevue Community Plan
Council District 35 – Bo Mitchell
Staff Reviewer: Jason Swaggart

A request to amend a previously approved Council Bill (BL2005-543) to modify a condition restricting access to Moss Road for property located at 5109 Moss Road, approximately 775 feet south of Collins Road (6.03 acres), zoned RM9, requested by Councilmember Bo Mitchell, applicant, Betty French and Mary and James Johnson, owners.

Staff Recommendation: Disapprove. If the Bill is amended to address staff concerns then staff recommends approval with conditions.

The Metropolitan Planning Commission DEFERRED Zone Change 2009Z-015PR-001 to April 14, 2009, at the request of the applicant. (8-0)

XI. PUBLIC HEARING: REVISED SITE PLANS

11. 155-74P-001

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

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

Staff Recommendation: Approve with conditions

The Metropolitan Planning Commission DEFERRED Planned Unit Development to March 26, 2009, at the request of the applicant. (8-0)

XII. OTHER BUSINESS

12. Employee contract renewals for Brian Sexton and Tifinie Adams.

Approved, (8-0) *Consent Agenda*

13. Executive Director Reports


14. Legislative Update

XIII. ADJOURNMENT

The meeting adjourned at 6:15 p.m.

Chairman

Secretary

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