



**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**

October 22, 2009

4:00 PM

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

PLANNING COMMISSION:

James McLean, Chairman
Phil Ponder, Vice Chairman
Judy Cummings
Tonya Jones
Hunter Gee
Victor Tyler
Councilmember Jim Gotto

Staff Present:

Rick Bernhardt, Executive Director
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
Jason Swaggart, Planner II
Brian Sexton, Planner I
Greg Johnson, Planner II
Steve Mishu, Metro Water
Charles Hasty, Public Works

Commission Members Absent:

Andrée LeQuire, representing Mayor Karl Dean
Derrick Dalton
Stewart Clifton

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 4:02

II. ADOPTION OF AGENDA

Mr. Gee announced that he would be recusing himself on Item #1, 2009SP-013-001, Universal Robotics and Item #14, Amendment #1 to Contract between MPC (on behalf of MPO) and PB Americas, Inc.

Dr. Cummings moved and Ms. Jones seconded the motion, which passed unanimously to adopt the agenda as presented. **(6-0)**

III. APPROVAL OF OCTOBER 8, 2009, MINUTES

Mr. Ponder moved and Mr. Tyler seconded the motion, which passed unanimously, to approve the October 8, 2009, minutes as presented. **(6-0)**

Mr. Gotto arrived at 4:04 p.m.

IV. RECOGNITION OF COUNCILMEMBERS

Councilmember Wilhoite spoke in favor of Item #1, 2009SP-013-001, Universal Robotics. She briefly explained each of the community meetings that were held between the applicant and the constituents and spoke of the various compromises that were reached by both parties. She spoke on the advantages of the requested SP zoning and how it contained many conditions that would protect the integrity of the neighborhood, as well as how the plan would further enhance the aesthetics of the community. She asked that the Commission approve the applicant’s request.

Councilman Dominy stated he would address the Commission after his item was presented for discussion.

Councilmember Hunt addressed the Commission on Item #1, 2009SP-022-001, Plowboy Mansion. He explained that the proposal was deferred in an effort to allow additional time for all interested parties to work on the various outstanding issues associated with the proposal. He further explained that as a result of the continued meetings, compromises were reached and that the proposal could move forward. He asked that the Commission approve the request.

Councilmember Hunt then spoke in favor of Item #5, 2009Z-033PR-001 which was on the Consent Agenda with the recommendation of approval, as well as Item #8, 166-79P-001, Hickory Ridge Apartments, which was also on the Consent Agenda with the recommendation of approval with conditions, including the condition that all stormwater requirements are met.

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

15. Contract between MPC (on behalf of MPO) and TDOT for additional planning funds – deferred to November 12, 2009, at the request of the applicant.

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

Ms. Hammond 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

URBAN SERVICES DISTRICT EXPANSION, ZONING MAP AMENDMENTS, AND SPs

4. 2009SP-021-001 A request to rezone from RM40 to SP-MU zoning property located at 2411 B Blakemore Avenue, to permit an existing religious institution to be converted to an events hall or used as multi-family residential.

- Approve with conditions. Disapprove if the Metro Facilities Use Agreements for parking are not in place prior to third reading at Council.

5. 2009Z-033PR-001 A request to rezone from CL to RS10 zoning a portion of properties located at 381 and 385 Oakview Drive. -Approve

FINAL PLAT

7. 2009S-093-001 A request for final plat approval to create three lots with a unified plat of subdivision on properties located at 1811 Charlotte Avenue and 330 19th Avenue North. -Approve w/condition

REVISED SITE PLANS

8. 166-79P-001 A request to revise the preliminary plan and for final approval for a portion of the Hickory Ridge Apartments Residential Planned Unit Development located at Brick Church Pike (unnumbered), approximately 2,230 feet north of Old Hickory Boulevard, to revise the preliminary plan to permit 114 apartment units, where 240 apartment units were previously approved, and to grant final approval for a portion of the site (Phase 1) to develop 54 apartment units. -Approve w/conditions

OTHER BUSINESS

- 9. Four year review process for Specific Plan Zoning Districts. -Approve
- 10. A resolution submitting to the Metropolitan Planning Commission a proposed plan of services for the extension of the boundaries of the Urban Services District to include certain property located on Whites Creek Pike. -Approve
- 11. Contract between MPC (on behalf of MPO) and RTA for Multi-modal Planning -Approve
- 12. Contract between MPC (on behalf of MPO) and GNRC for Multi-Modal Planning and Public Involvement -Approve
- 13. Contract between MPC (on behalf of MPO) and TMA GROUP for Congestion Mitigation/Air Quality and Multi-modal Planning -Approve
- 14. Amendment #1 to Contract between MPC (on behalf of MPO) and PB Americas, Inc. -Approve

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

It was again noted that Mr. Gee would be abstaining from Item #14, Amendment #1 to Contract between MPC (on behalf of MPO) and PB Americas, Inc.

VII. PUBLIC HEARING: PREVIOUSLY DEFERRED ITEMS

- 1. **2009SP-013-001**
 Universal Robotics
 Map: 135-00 Parcel: 334
 Antioch/Priest Lake Community Plan
 Council District 29 – Vivian Wilhoite
 Staff Reviewer: Jason Swaggart

A request to change from R10 to SP-MU zoning property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence with guest house, and detached garage, and a two story, 7,600 square foot office building, requested by Looney Ricks Kiss Architects, applicant, for Benno Von Hopffgarten, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST - Preliminary SP

A request to change from One and Two-Family Residential (R10) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 2518 Old Smith Springs Road, approximately 1,090 feet east of Ned Shelton Road (2.29 acres), to permit a single-family residence, guest house, detached garage and a two-story, 7,600 square foot office building.

Existing Zoning

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots. *Under the existing R10 zoning the 2.29 acres would permit a maximum 10 lots with 2 duplex lots for a total of 12 residential dwelling units.*

Proposed Zoning

SP-MU - Specific Plan-Mixed Use 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 and office uses.*

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Existing Policy

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.

Consistent with Policy? No. The Neighborhood General policy may allow office uses to serve as a "transitional" use - to create a transition between residential development and intense mixed-use centers and/or incompatible zoning districts. As a transitional use, the office development would then be created - through site design and building design - to provide a transition, considering the location and orientation of buildings, parking, access, etc. Subsequently areas requiring this type of transition are called out by a Detailed Neighborhood Design Plan (DNDDP) or special policy within the Neighborhood General policy. This property is not in a DNDDP or a special policy because at present a transition is not needed. There are no intense mixed-use centers or incompatible zoning districts present that need to be separated - by transitional office - from the existing residential.

PLAN DETAILS

Deferral Update This request has been deferred several times so that the council representative and the applicant could meet with the community. On October 6, 2009, the applicant submitted a letter to the Planning Commission. The letter included a list of conditions which the applicant and the community have agreed, and the applicant had committed to follow. Conditions pertain to use, design of the office, parking, buffering and lighting. These conditions are not part of staff's recommendation because the applicant and community are still working together and the exact wording of the conditions may be finalized at a later date. Once conditions have been finalized the Councilmember will amend the bill to include the conditions.

Plan Proposal The property, zoned for one and two-family residential and proposed for Specific Plan – Mixed Use, is approximately 2.29 acres in size. It is located on the north side of Smith Springs Road, west of Bell Road. The property is developed and consists of a single-family house, a guest house, a detached garage and pool. The house is set back approximately 180 feet from Smith Springs Road and the front yard contains a variety of mature trees, and an iron fence that runs the length of the front property line.

The intent of this SP is to allow for the residential property to also be used for office and research activities associated with Universal Robotics. The SP calls for the existing house, guest house, garage and pool to remain, and permits an additional office building. Residential would continue to be a permitted use, but office would also be permitted within all structures. The SP would also permit a Bed and Breakfast Inn or Homestay within any of the permitted structures.

The proposed Bed and Breakfast Inn or Homestay is not a listed use in the Metro Zoning Code. Since it is not a listed use, the SP should define the use and provide parameters for the use. The Zoning Code does permit Rural Bed and Breakfast Homestay uses as a Special Exception (SE), which could be similar to the proposed use. While most of the conditions of the SE for a Rural Bed and Breakfast Homestay would not be appropriate with this SP, the requirement that the property be owner occupied should be required as specified in Section 17.16.160.A.2.

The SP would permit office within any structure; however, it limits this use to a maximum of 7,600 square feet total within this SP. In addition to the existing structures, the SP proposes an additional structure at the rear of the property behind the main house to be used for office use.

Access would be provided from the existing drive and an additional drive closer to the eastern property line. Although a sidewalk would typically be required at this location if this type of development were proposed without an SP, there is no sidewalk shown along Smith Springs Road within the SP. The plan proposes that no sidewalk be required. If approved, staff is recommending a condition that a sidewalk be required, or that a contribution to the sidewalk fund be made in lieu of construction of a sidewalk along the property frontage.

Analysis The proposed SP is not consistent with the Antioch/Priest Lake Community plan's Neighborhood General land use policy. The policy is mostly intended for residential uses calling for a mixture of housing types, but it does also provide for office uses under certain circumstances. Those circumstances include a DNDDP or special policy specifically calling for office

uses to provide a transition between uses or zoning districts that are not compatible with residential development. This circumstance is not present at this site, and therefore a transitional use is not needed.

STORMWATER RECOMMENDATION Preliminary SP approved.

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.

Maximum Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Family Detached(210)	2.29	4.63 D	10 Lots	96	8	11

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family (210)	2.29	0.43 D	1 Unit	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office	2.29	0.076 F	7,600 Sq. Ft.	184	24	24

Traffic changes between maximum: **R10** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	2.29	n/a	n/a	+98	+17	+15

STAFF RECOMMENDATION Staff recommends that the request be disapproved. The circumstances for which the Neighborhood General policy would call for a transitional use are not present, and the proposed office use would not be compatible with the surrounding residential uses.

CONDITIONS

1. A sidewalk shall be required along the property frontage of Smith Springs Road, or a contribution to the pedestrian network may be made in lieu of construction as specified in Section 17.20.120 of the Metro Zoning Code. Any sidewalk shall meet all Public Works' design standards. The sidewalk shall be shown on the final site plan, or the fee must be paid prior to the issuance of any building permits.
2. Plans for solid waste disposal and recycling collection. Solid waste disposal and recycling collection to be approved by the Department of Public Works Solid Waste Division.
3. Construct minimum driveway ramp width not less than fifteen (15') feet.
4. Locate proposed driveway outside of the Smith Springs Road / Old Smith Springs Road curb return street corners, and clear of utility poles, drainage structures, signs, fire hydrants, etc.

5. The Planning Commission shall approve a final site plan for any Bed and Breakfast Inn or Homestay to determine the appropriate number of rooms, traffic impacts, and to determine if any additional conditions are necessary to address neighborhood compatibility. Prior to an final site plan approval for the Bed and Breakfast Inn or Homestay use, the use shall be defined in the SP, and any proposed Bed and Breakfast Inn or Homestay shall be owner occupied as specified in Section 17.16.160.A.2 of the Metro Zoning Code.
6. 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 MUN zoning district as of the date of the applicable request or application.
7. 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.
8. 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.
9. 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.
10. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

Mr. Gee stepped out of the meeting at 4:23 p.m.

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

Mr. Alan Peters, 1127 Winding Way, spoke in favor of the proposed development.

Mr. Tim Bewley, 119 Elnora Drive, spoke in favor of the proposed development.

Mr. Greg Tidwell, 3306 Long Blvd., spoke in favor of the proposed development.

Mr. Houston Hill, 6861 Burkitt Road, spoke in favor of the proposed development.

Ms. Stacy Yates, 2956 Harbor Lights Drive, spoke in favor of the proposed development.

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

Mr. Gotto acknowledged and commended Councilmember Wilhoite for her work in obtaining a favorable consensus for this development. He too acknowledged the compromises of both the applicant and the community. He agreed that the requested rezoning could be considered transitional and that it was a use compatible to this area. He explained that he would be supporting the request.

Dr. Cummings requested that staff further explain their definition of transitional uses in relation to the requested development and their recommendation to disapprove.

Mr. Swaggart explained staff's interpretation of transitional uses to the Commission.

Mr. Bernhardt added that both timing and policy interpretation play roles in determining whether a use is considered transitional. He further explained that staff based their recommendation on the issue that a neighborhood center was anticipated for this area, however did not currently exist.

Mr. Tyler expressed concerns with the size of the proposed office building and the number of employees that would be traveling to and from the location. He questioned whether a condition was included in the plan that would limit the number of employees.

Mr. Swaggart explained that the plan did not contain a limit on the number of employees however did contain a restriction on the total square footage allowed for the office building.

Mr. Tyler requested additional information on the parking component included in the plan.

Mr. Swaggart explained the parking component to the Commission.

Mr. Ponder explained he was favoring the proposal, however, expressed concerns with individually approving single parcels for an area that could potentially be rezoned to the requested use sometime in the future.

Mr. Gotto moved and Ms. Jones seconded the motion, to approve with conditions Zone Change 2009SP-013-001, including the conditions presented by the applicant at the meeting.

**(6-0-1) Yes – Gotto, Tyler, Cummings, McLean, Ponder, Jones
Abstain – Gee**

Resolution No. RS2009-138

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-013-001 is APPROVED WITH CONDITIONS, including the conditions presented by the applicant at the meeting. (6-0-1)

Conditions of Approval:

1. A sidewalk shall be required along the property frontage of Smith Springs Road, or a contribution to the pedestrian network may be made in lieu of construction as specified in Section 17.20.120 of the Metro Zoning Code. Any sidewalk shall meet all Public Works' design standards. The sidewalk shall be shown on the final site plan, or the fee must be paid prior to the issuance of any building permits.
2. Plans for solid waste disposal and recycling collection. Solid waste disposal and recycling collection to be approved by the Department of Public Works Solid Waste Division.
3. Construct minimum driveway ramp width not less than fifteen (15') feet.
4. Locate proposed driveway outside of the Smith Springs Road / Old Smith Springs Road curb return street corners, and clear of utility poles, drainage structures, signs, fire hydrants, etc.
5. The Planning Commission shall approve a final site plan for any Bed and Breakfast Inn or Homestay to determine the appropriate number of rooms, traffic impacts, and to determine if any additional conditions are necessary to address neighborhood compatibility. Prior to a final site plan approval for the Bed and Breakfast Inn or Homestay use, the use shall be defined in the SP, and any proposed Bed and Breakfast Inn or Homestay shall be owner occupied as specified in Section 17.16.160.A.2 of the Metro Zoning Code.
6. 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 MUN zoning district as of the date of the applicable request or application.

7. 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.
8. 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.
9. 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.

Conditions presented by applicant:

1. Office use for software company only (in effect limiting the business use to my company, Universal Robotics).
2. Office structure will appear to be a wooden barn-like building.
3. Change barn (office) maximum height from 45 ft. to 35 ft. measured from grade at the back of the building.
4. Parking area surface behind the barn (office) will be pavers.
5. North property line buffer will be densely planted evergreens to a depth of 50 ft.
6. Parking area lighting behind the barn (office) will be ground level.

The proposed SP-MU district is consistent with the Antioch/Priest Lake Community Plan's Neighborhood General policy as it will provide a transition between the more intense Community Center policy on the south side of Smith Springs Road and the single-family residential area immediately north of the proposed SP."

Mr. Gee returned to the meeting at 4:45 p.m.

2. **2009SP-016-001**
 1812 Pearl Street Office
 Map: 092-08 Parcel: 080
 North Nashville Community Plan
 Council District 19 – Erica Gilmore
 Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-MU zoning property located at 1812 Pearl Street, at the northeast corner of Pearl Street and 19th Avenue North (0.16 acres), to permit an office and one single-family dwelling unit within the existing structure containing 924 square feet, requested by George S. Morgan et ux, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST Preliminary SP -Rezone to allow for office and residential uses.

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Mixed Use (SP-MU) zoning property located at 1812 Pearl Street, at the northeast corner of Pearl Street and 19th Avenue North (0.16 acres), to permit an office and one single-family dwelling unit within the existing structure containing 924 square feet.

Update for October 22, 2009 Planning Commission meeting At its October 8, 2009 meeting, the Planning Commission voted to defer this item until the October 22, 2009, meeting in order to determine whether the Metro Codes Department and the District Councilmember would allow this decision to be postponed until the completion of the North Nashville Community Plan. The Community Plan update could change the land use policy for this property to one that is consistent with the proposed office use, thereby removing the primary obstacle for approval of the SP.

The Metro Codes Department has a policy that allows an illegal use to continue if it is in the process of a rezoning request to allow the illegal use. Unless complaints are received concerning the office use, Metro Codes will continue to identify this case as “pending” until the completion of the North Nashville Plan and an action has been taken on the rezoning request by Metro Council.

A council bill has been filed for this proposal. Staff contacted Councilmember Gilmore who indicated that she is considering whether to defer this rezoning request until completion of the North Nashville Community Plan Update. Staff will update the Planning Commission at the meeting if a decision has been made.

Update from community meeting of September 28, 2009 At the request of the Planning Commission, staff held a community meeting on September 28, 2009, to discuss the land use policy and this rezoning proposal. Although over twenty property owners were noticed by mail, the only attendees at the meeting were the applicant and the district Councilmember.

The neighborhood in which the applicant’s property is located has a detailed land use policy that encourages residential development in a single-family detached home form. This detailed land use policy reflects not only the existing zoning and existing uses in the neighborhood, it also reflects the designation of Worthy of Conservation placed by the Metro Historical Commission to reflect the historic, single-family housing in the neighborhood. This neighborhood and its single-family detached policy are surrounded by properties with a mix of uses and land use policies that encourage mixed-use. Land uses in these areas include two schools, light industrial and commercial development along the Charlotte Pike corridor. The surrounding areas provide options for mixed-use, while the neighborhood in which the zone change proposal is found, is envisioned to remain a neighborhood of single-family detached homes.

This fall, staff will begin the update of the North Nashville Community Plan, with community meetings beginning in January, 2010. Staff recommends that no plan amendment be undertaken at this time. Rather, during the Community Plan update, staff will discuss the community character policy for this area in the larger context of the community and gain additional input as to its future direction.

Existing Zoning

R6 District R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. Under the existing R6 zoning the 0.16 acres would permit a maximum of one single family or one two-family residence.

Proposed Zoning

SP-MU District Specific Plan-Mixed Use 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 and office uses.*

CRITICAL PLANNING GOALS N/A

NORTH NASHVILLE COMMUNITY PLAN

Existing Policy

Single Family Detached (SFD) in NU 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 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? No. The proposed SP is not consistent with the North Nashville Community plan’s SFD in NU land use policy. While the SP would not impact the exterior of the existing residence, this policy was adopted in the Watkins Park Detailed Neighborhood Design Plan and is intended to maintain the existing single-family residential character of development within the policy boundary from further encroachment of non-residential uses.

PLAN DETAILS The property, zoned for one and two-family residential and proposed for a Specific Plan – Mixed Use, is approximately 0.16 acres in size and is located at the northeast corner of 19th Avenue North and Pearl Street, one block north of Charlotte Avenue. The property is developed and consists of a single-family dwelling. Single-family dwellings surround the subject property on three sides, several of which are identified by the Metro Historical Commission as “Worthy of Conservation.” A commercial business with frontage on Charlotte Avenue, 19th Avenue, and Pearl Street is located to the southeast of the subject property. Two Metro public schools, Head Middle School to the west and Martin Luther King Jr. High School to the northeast, are located within a quarter-mile of the subject site.

The SP would permit office within the existing residential structure, but it does not propose any additional built square footage beyond the existing 924 square foot dwelling.

Vehicular access is available to the property along 19th Avenue. The Zoning Code requires one parking space for the residential use and does not require a space for the office use because the property is located within the Urban Zoning Overlay.

Analysis As noted above, while the SP will not impact the exterior of the existing residence, the proposed use is not consistent with land use policy. This policy was proposed through the Watkins Park Detailed Neighborhood Design Plan and is intended to maintain the existing single-family residential character of development within the policy boundary. This policy area is eligible to become a locally-designated historic overlay district because it is identified by the Metro Historical Commission as containing a collection of single-family properties that are labeled as “Worthy of Conservation.” Additionally, this policy area is located between two Metro public schools and would maintain a residential presence surrounding these schools.

If approved, staff is recommending conditions of approval addressing signage and landscape buffers that will allow better integration of this office use among surrounding single-family dwellings. These conditions require that no signage be allowed for the office use, and that a “B” buffer will be required along the interior property lines. This buffer type is consistent with the requirements of the Zoning Code for ON zoning where it abuts R6 zoning.

PUBLIC WORKS RECOMMENDATION

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Submit a dimensioned site plan. Label and dimension right of way along 19th Avenue North and Pearl Street. Dimension pavement widths. Identify existing driveway connections, utilities, etc.
3. Identify parking requirements.

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.16	7.71 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single Tenant Office Building (715)	0.16	-	924 Sq. Ft.	11	2	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	0.16	-	1	10	1	2

Traffic changes between maximum: **R6** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	0.16	-	-	+11	+2	+2

STAFF RECOMMENDATION Staff recommends disapproval because the request is not consistent with land use policy. Due to the pending update of the North Nashville Community Plan, staff does not recommend amending the community plan at this time.

CONDITIONS (if approved)

1. Signage shall not be allowed within this SP.
2. One off-street parking space shall be required for the residential land-use. Provide one off-street parking space within the property and show the location of this parking space on the revised preliminary plan. Parking shall meet the requirements of the Zoning Code for the proposed uses.
3. Provide a B-5 landscape buffer (as illustrated in section 17.24.240 of the Metro Zoning Code) along the east and north property lines. The buffer shall not be required next to the existing building along the east property line. A six foot tall opaque fence shall be provided in this location.
4. Uses permitted within this SP are general office and one single-family dwelling unit. No other uses shall be permitted.
5. 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.
6. Submit a dimensioned site plan. Label and dimension right-of-way along 19th Avenue North and Pearl Street. Dimension pavement widths. Identify existing driveway connections, utilities, etc.
7. Stormwater requirements shall be included on the corrected copy of the preliminary SP plan.
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 ON zoning district for all office uses and the R6 zoning district for all residential uses 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.
12. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

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

Mr. George Morgan spoke in favor of the proposed zone change request.

Mr. Gotto requested additional clarification on the requested use and its compatibility with the surrounding parcels located in the area.

Mr. Johnson explained the uses to the Commission.

Mr. Gotto acknowledged the applicant's need to rezone the parcel. He then acknowledged the fact that the parcel in question, as well as the surrounding parcels, would soon be restudied in the North Nashville Community Plan Update, which could possibly undergo changes. He spoke of the Councilmember's support and that there was no opposition voiced from the community. He stated he would support the request.

Mr. Gee agreed with the reasons to approve the request as mentioned by Mr. Gotto and added that the staff conditions placed on the proposal would mitigate any negative impacts that the use would have on the surrounding community.

Mr. Ponder questioned whether the plan should include a condition that would address any future uses on the parcel.

Mr. Bernhardt explained that any future uses that did not comply with the conditions and requirements of the proposed specific plan would need to follow the rezoning process.

Dr. Jones questioned whether a condition was included that would address any issues associated with outdoor lighting.

Mr. Johnson explained that there were no conditions related to outdoor lighting.

Dr. Jones explained she was in favor of approving the request and suggested including a condition that would address outdoor lighting.

Mr. Gee verified with both staff and the applicant that the property did not currently include any non-residential lighting.

Mr. Tyler moved and Mr. Gee seconded the motion, which passed unanimously, to approve with conditions, Zone Change 2009SP-016-001, including a condition that only standard residential lighting shall be permitted. **(7-0)**

Resolution No. RS2009-139

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-016-001 is APPROVED WITH CONDITIONS, including a condition that only standard residential lighting shall be permitted. (7-0)

Conditions of Approval:

1. Signage shall not be allowed within this SP.
2. One off-street parking space shall be required for the residential land-use. Provide one off-street parking space within the property and show the location of this parking space on the revised preliminary plan. Parking shall meet the requirements of the Zoning Code for the proposed uses.
3. Provide a B-5 landscape buffer (as illustrated in section 17.24.240 of the Metro Zoning Code) along the east and north property lines. The buffer shall not be required next to the existing building along the east property line. A six foot tall opaque fence shall be provided in this location.
4. Uses permitted within this SP are general office and one single-family dwelling unit. No other uses shall be permitted.
5. 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.
6. Submit a dimensioned site plan. Label and dimension right-of-way along 19th Avenue North and Pearl Street. Dimension pavement widths. Identify existing driveway connections, utilities, etc.
7. Stormwater requirements shall be included on the corrected copy of the preliminary SP plan.
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 ON zoning district for all office uses and the R6 zoning district for all residential uses 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.
12. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act.

While the existing business and proposed SP-MU district is not consistent with the North Nashville Community Plan's Single-Family Detached in Neighborhood Urban policies, the proposed SP-MU with staff and Commission conditions should not be intrusive to the existing residential community, and is similar to other uses in the area."

3. **2009SP-022-001**
Plowboy Mansion
Map: 049-00 Parcels: 140, 200.01, 319
Bordeaux/Whites Creek Community Plan
Council District 3 – Walter Hunt
Staff Reviewer: Brenda Bernards

A request to rezone from R15 and RS20 to SP-MU zoning for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to convert the existing residence into a regional tourist attraction known as "Plowboy Mansion" to permit special events, restaurant, tours of the residence, artisan distillery and micro-brewery, visitor center, specialty retail, seasonal performance entertainment venue, shuttle bus transportation around the facility, and memorabilia museum, requested by EDGE Planning/Landscape Architecture, applicant, for Fontanel Properties LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST Preliminary SP Rezone to allow for a mix of uses.

A request to rezone from One and Two-Family Residential (R15) and Single-Family Residential (RS20) to Specific Plan-Mixed Use (SP-MU) zoning for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres), to convert the existing residence into a regional tourist attraction known as "Plowboy Mansion" to permit special events, restaurant, tours of the residence, artisan distillery and micro-brewery, visitor center, specialty retail, seasonal performance entertainment venue, shuttle bus transportation around the facility, and memorabilia museum.

Deferral This item was deferred by the Planning Commission in order to allow the applicant to meet with the District Councilmember and community representatives to continue the discussion on the proposed seasonal performance venue. At the October 8, 2009, Planning Commission meeting issues concerning the frequency of events, the size of the venue, noise, and traffic were raised.

The applicant is working with the Councilmember to meet with the community members to discuss this issue further. The Councilmember has identified six issues regarding the outdoor entertainment venue that he would like the applicant to review and report back on including:

1. *Scale back the number of shows per month.*
2. *Create a sound barrier on three sides of the stage.*
3. *Face the stage to the East.*
4. *Locate the stage as far to the Northeast as possible.*
5. *Conduct sound levels to determine decibels from several locations.*
6. *Measure the distance from the stage to the point where the decibels are to be taken.*

A meeting, prior to the Planning Commission meeting, is being set up by the Councilmember and includes the applicant and community representatives to discuss the matter further. Staff may bring forward additional conditions of approval based on the outcome of this meeting.

At the October 8, 2009, meeting, the Planning Commission questioned the consistency of the proposed SP with the existing Natural Conservation (NCO) and Rural (R) land use policies. The staff recommended approval with conditions based upon the following factors:

- The proposed use, scale and location of buildings are consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- The proposed use, type of building and location of buildings supports the Whites Creek Historic District.
- The proposed SP will bring this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than would the current zoning districts in place. Twenty acres along Whites Creek Pike are zoned R15 and 116 acres to the rear are zoned RS20. While the site has constraints in terms of floodplain and steep slopes, it is still developable for one and two-family residences at a density higher than the one unit per two acres called for in the policy.

Currently, neither the NCO nor the R policy identifies commercial uses in the list of appropriate uses. At the time of the adoption of the Bordeaux/Whites Creek Community Plan in September 2003, however, both policies included low intensity

commercial uses. In both cases, non-residential activities were to be neighborhood scale and generally comparable in scale to the residential uses in the area. The plan shows that proposed uses along Whites Creek Pike will be comparable to the residential uses in the area with the two existing houses to be adapted to a restaurant and office and the two new buildings having a rural character as required to support the Historic District. The storage facilities along the driveway will also be rural in character, small scaled and designed to preserve existing trees and the slopes. The outdoor entertainment venue is proposed to be available for use by community groups. While the venue will not be solely for private commercial purposes and would have some community facility function, it is larger than the neighborhood scale described in the original Land Use Policy Application (LUPA) policy. The applicant has argued that this is a key component of the overall project and is continuing discussion with the District Councilmember and the community on this venue.

With the adoption of the *revised* LUPA document in May 2004, the references to commercial uses were removed from these policies. In the Standard Policies for Areas Without Detailed Neighborhood Plans section of LUPA, Standard Policy 2 deals with non conforming development and allows for proposals to be considered on their merit in cases where the current zoning would allow for development that would not be in conformance with the policy and the proposed development would move towards conformance with respect to the type and intensity of development.

In addition to consideration of the policies, there is an added layer on this property as it is within the Whites Creek Historic District, Metro Nashville's only National Register-listed rural historic district. The Community Plan notes that development is encroaching on the Whites Creek Historic District at a rapid pace and that such development should be limited to avoid continued erosion of this historically significant rural landscape.

The Community Plan goes on to note that preservation of the area's rural heritage is critical to understanding the history of this section of the county. The type of development encouraged for this area includes conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas in order to preserve the rural character of the Whites Creek Historic District. The Community Plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development is encouraged to blend into the natural landscape and protect the existing views from Whites Creek Pike.

The current R15 zoning would allow a continuation of the small lots fronting Whites Creek Pike. Approximately seven acres of land within the R15 zoning district would be considered buildable. The portion immediately fronting Whites Creek Pike can be developed in a manner similar to the development to the south, with 25 percent of the lots permitting duplexes. The potential development is 14 lots, with three duplex lots, for a total of 17 units. The R policy would support no more than 10 lots. The resulting lot pattern is contrary to the goal for the Whites Creek Historic District which is to "preserve this unique rural district through sensitive development and design" (page 16). In addition, Standard Policy 5 of LUPA calls for all development proposals in a historic district to promote preservation and/or infill development that is compatible with the character of the area.

Approximately 46 acres of the RS20 portion of the property is outside of the floodway and contains slopes of less than 25 percent. The cluster lot subdivision option would permit lots as small as 10,000 square feet in size. The 46 acres could yield up to 200 lots but, this number is unlikely to be achieved. Staff estimates that a reasonable lot yield is 106 which exceeds the 58 lots envisioned by the policy.

In conclusion, staff finds that while the proposed commercial uses are not consistent with the use provisions of the NCO and R policies as currently defined, at the time of adoption small scale commercial uses were considered appropriate in these policy areas. While the outdoor entertainment venue is larger than neighborhood scale and will include commercial activities, it will only be used intermittently and also be available as a community facility. In terms of built intensity and form, open space conservation, and preservation of rural character, the proposed SP brings this property more in line with the land use policy intent than does the current zoning, and better addresses the overarching vision of the Bordeaux-Whites Creek Plan to preserve rural lands. Further, with consideration of the Whites Creek Historic District and the desire to keep this area rural in character, the proposed SP supports this goal while the current zoning does not.

On balance, the proposed SP, in this particular circumstance, is found to be more consistent with the intent of the NCO and R policies and supportive of the Historic District, providing a development concept by which the environmentally sensitive features and the rural area can be preserved than the current zoning.

Existing Zoning

R15 District - R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots. *Under the existing R15 zoning the 19.86 acres would permit a maximum of 61 units.*

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *Under the existing RS20 zoning the 116.18 acres would permit a maximum of 215 units.*

Proposed Zoning

SP-MU District Specific Plan-Mixed Use is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *This Specific Plan includes a mix of uses.*

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Preserves Historic Resources

The majority of this property contains steep slopes and floodplain. Whites Creek crosses the property. Much of the proposed new development will be focused along Whites Creek Pike, minimizing the disturbance to the floodplain. A limited number of storage buildings will be placed in areas of the property with slopes but will avoid slopes of 25 percent or greater. Any building located on slopes between 20 and 25 percent will be required to follow a process similar to the Critical Lot process of the Subdivision Regulations in order to obtain a building permit. While none of the buildings on the property are historic in nature, the Whites Creek Pike frontage is within the Whites Creek Historic District which encourages new development to blend into the rural character of the area. The SP will reuse the existing buildings, two residences and a barn. New development within this SP will be rural in nature meeting the intent of the District to maintain its rural character.

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Existing Policy

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.

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.

Whites Creek Historic District This property is within Nashville's only National Register-listed rural historic district. Development is encroaching on the Whites Creek Historic District and should be limited to reduce negative impacts on this significant area.

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

Consistent with Policy? Yes with an explanation. The NCO and R policies are intended to preserve, in a natural and rural state respectively, the areas in Nashville/Davidson County to which they are applied. In the attempt to preserve environmentally sensitive lands and rural lands, the NCO and R policies do not allow commercial uses. As such, the proposed commercial uses of this SP are not, strictly speaking, consistent with the NCO and R policies.

Staff recognizes, however, that the proposed SP will support and implement the intent of the NCO policy because in the proposed SP, the majority of the 136 acres that are in NCO policy will be left undeveloped. Likewise, the form of the development – building types, locations, orientation, etc. – in the R policy, meets the intent of the R policy by providing an opportunity to create a rural hamlet form, in a way that could enhance the Whites Creek Historic District.

The proposed Plowboy Mansion SP, in this particular circumstance is, therefore, found to be consistent with the intent of the NCO and R policies, providing a manner by which the environmentally sensitive features and the rural area can be preserved.

PLAN DETAILS The SP proposes to create a regional tourist destination on a 136 acre property on Whites Creek Pike north of Briley Parkway. Whites Creek crosses the property. The western portion of the property is primarily floodplain and floodway and the eastern portion is heavily treed and steeply sloped. The proposed development focuses on Whites Creek Pike in a small portion of the floodplain and on the portion of the property with less than 25 percent slopes. Most the property will remain undeveloped.

The focal point of the SP is the Fontanel Mansion (hereinafter the mansion). The mansion will serve as a special events center and daily tours will be offered with the approval of this SP. Uses proposed to complement the mansion and complete the tourist destination include a full service restaurant, gift shop, museum, micro brewery, artisan distillery, tour bus display, a seasonal performance venue, trails, and associated parking.

In addition to the mansion there are existing buildings on the property which will be adaptively re-used as part of the overall SP. Proposed new buildings include a brewery/distillery, museum and storage buildings for the alcohol produced on site. A stable has been identified as a potential future use but no details on this have been included in the plan. New development is proposed to be located along Whites Creek Pike and storage buildings are proposed along the driveway to the mansion. The SP includes examples of the proposed building types and materials, all of which are designed to enhance the rural feel of the property. The storage buildings, which will be located in the rear of the property and required to be separated, are proposed for the portion of the property with slopes less than 25 percent.

The SP is proposed to be developed in three phases.

Phase I The uses proposed for Phase I will be incorporated into the existing structures. These include the two existing houses remaining for residential use, the mansion as a special events center, which will also be available as a Bed and Breakfast to special events patrons, and a helistop.

Special event parking is proposed adjacent to Whites Creek Pike. Parking is to be screened in order to support the Whites Creek Historic District. As the access to the mansion is by a narrow driveway, visitors will be transferred to the mansion via a shuttle bus.

Initially, Phase I parking will be accommodated on the grass. The plan proposes that permanent, pervious parking surface will be constructed with Phase II for the daily visitors and patrons of events at the mansion. No specific time within Phase II is proposed. Staff is recommending that this surface be constructed no later than one year after the Council approval of the SP or prior to the issuance of permits for any portion of Phase II, whichever comes first.

Phase II In Phase II the existing residences will be converted to a restaurant and office/storage spaces. An organic garden is proposed to supply the restaurant with seasonal produce. The garden, no greater than 5 acres in size, will be located in the field north of the existing barn along Whites Creek Pike.

Tours of the mansion will be offered. The existing barn will be used as the visitor center and shuttle bus stop. Visitors will purchase tickets at the visitor center and a small shuttle bus will transport visitors to the mansion for self-guided tours. Displays of tour buses will be located on an existing bus parking pad. New development includes a brewery/distillery. Tours of the brewery/distillery will be added as part of the daily tourist attraction.

Included in this phase is the seasonal performance venue with lawn seating for up to 2,500 people. Permanent improvements will be limited to a platform stage with overhead cover and minimal lighting and an approximately 3,000 square foot pavilion. There will be no permanent seating provided. All seating will be accommodated on the lawn. Temporary tents are proposed for the outdoor venue to accommodate food and beverage vendors. Parking for the outdoor venue will be accommodated on the grass area west of Whites Creek.

The applicant has proposed that events at this outdoor venue be limited to dates between May and October with a maximum of six events per month. This would allow for the outdoor venue to be used for 36 days maximum per year.

Phase III Phase III will include the addition of a memorabilia museum located near the visitor center and a trail system in the eastern portion of the property. Liquor storage facilities are also included in this phase. These will be up to ten in number at no greater than 5,000 square feet each. They are proposed to be located in areas that minimize the removal of any trees

greater than six inches DBH and avoid slopes greater than 25 percent. Any buildings located on slopes between 20 and 25 percent, will be reviewed and approved by staff using the process for any buildings proposed for critical lots as defined in the Subdivision Regulations. The long term vision includes a stable for horses in Phase III. The stable location, size and design have not been included in the plan. The stable will need to be reviewed and approved by Planning staff and may require Planning Commission or Council approval.

Building Materials and Design The SP includes examples of buildings and a listing of permitted and prohibited materials. As the examples are illustrative, the plan notes that all buildings will be reviewed and approved by Planning staff. The building examples provided are rural in nature and will contribute to the Whites Creek Historic District.

Access/Parking The property will be accessed from three driveways along Whites Creek Pike. Two of these driveways are currently in place, the third will be relocated in order to better facilitate the flow of the proposed daily visitor parking lot. All parking will be provided west of Whites Creek and visitors will be shuttled to the mansion. Whites Creek is crossed by a single lane bridge. Phase I parking will be accommodated on the grass. A permanent, pervious parking surface will be constructed with Phase II for daily visitors. This parking will be screened from Whites Creek Pike. Parking for the performance venue will be accommodated on the grass.

Signs In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs will include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Permitted signs will include building signs and freestanding ground signs. As noted on the plan, all signs shall be reviewed and approved by Planning staff.

Traffic Impacts The applicant prepared a Traffic Impact Study (TIS) to determine the impacts of the proposed uses on Whites Creek Pike. The TIS concluded that the traffic generated by the daily activities and the special events proposed to be held in the mansion would be minimal. The traffic generated by the outdoor venue events would have more impact, but the TIS concluded that these would be manageable. The TIS anticipated that most traffic leaving the site would turn right (north) to Old Hickory Boulevard and then to I-24. The TIS recommended that the intersection of Whites Creek Pike and Old Hickory Boulevard, as well as the two main site access points, be managed by an off-duty police officer for any events anticipated to have an attendance exceeding 750 people. A special permit is required when an off-duty police officer is needed to manage the traffic. Public Works has reviewed the TIS and has included additional requirements to manage the traffic generated by the proposed SP. These are described below

Community Outreach On September 29, 2009, the applicant held a meeting to present the proposed project to the community. The meeting was well attended. Generally, the response to the proposal was favorable. The greatest concerns raised involved the impact of the outdoor performance venue, particularly in terms of noise and traffic. There were also concerns regarding the number of events that could occur each season. The applicant indicated a willingness to work with the community on the scheduling of events. Staff is recommending that, prior to final site plan approval of the outdoor venue, the applicant work with the District Councilmember and the community to establish an appropriate frequency of outdoor events.

STORMWATER RECOMMENDATION Preliminary SP approved.

FIRE MARSHAL RECOMMENDATION

- Actual or projected fire hydrant flow data shall be provided showing compliance with the Fire Code before a building permit will be issued.
- More than one fire department access road shall be provided when it is determined by the AHJ that access by a single road could be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access.
- When a bridge is required to be used as part of a fire department access road, it shall be constructed and maintained in accordance with nationally recognized standards.
- The angle of approach and departure for any means of fire department access road shall not exceed 1 ft drop in 20 ft.
- Developer needs to provide more information to the Fire Marshal's Office.
- All applicable fire codes shall be adhered to.
- Actual or projected fire hydrant flow data shall be provided showing compliance with the Fire Code before a building permit will be issued.

- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B
- Provide Civil Plans which show water mains, fire hydrants, the proposed flow from the fire hydrant with the highest elevation and most remote in this project, street access and topographic elevations.

NES RECOMMENDATION

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles and the existing NES ugrd facilities on the property and/or r-o-w.
- 3) A 20' PUE along Whites Creek Pike is required.
- 4) A 20 foot easement is required to be centered over the existing/future underground conduits and equipment.
- 5) NES can meet with developer/engineer upon request to determine electrical service options. Schedule meeting with ESE and Customer engineering will attend.
- 6) NES needs any drawings that will cover any road improvements to Whites Creek Pike that Metro Public Works will require.
- 7) NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under "Builders and Contractors" tab @ www.nespower.com).

HISTORICAL COMMISSION RECOMMENDATION

The proposed SP rezoning is within the boundaries of the National Register-listed Whites Creek Rural Historic District. Although the rural historic district has been somewhat compromised by inappropriate suburban residential development in the area, additional new development and construction, especially that visible from Whites Creek Pike, should not further detract from the rural nature of the historic district. Any new construction should remain rural in design, and proposed parking expansions should be screened from the road as much as possible so as not to further detract from the rural nature of the historic district.

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.
- Submit a structural engineering report evaluating the use of the existing bridge.
- Phase 1:
 - Provide adequate intersection and stopping sight distance at all project access drives onto Whites Creek Pike per AASHTO standards for the posted speed limit.
 - The center access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 100 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
 - The southernmost access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 150 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
 - The main driveway to the existing "mansion" shall be modified to provide a minimum of three pull-off/pass-by areas with appropriate signage.
- Special Event Traffic Management:
 - Special events for Phase 1 of this development should be limited to a maximum capacity of 750 attendees.
 - Special events for Phase 2 of this development should be limited to a maximum capacity of 2500 attendees.
 - For special events that will exceed 400 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic.
 - For special events that will exceed 750 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic. Active traffic management shall also be provided at the signalized intersection of Whites Creek Pike and Old Hickory Boulevard before and after the event to ensure safe and efficient operation of the intersection. Signal modifications may be required to accommodate this.

- Prior to implementing Phase 2 of the proposed development, approval shall be required from Metro Public Works to ensure that existing traffic conditions have not significantly changed from what was identified in the original traffic study.
- The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase 1 and Phase 2. Based on the findings of the report, additional conditions may be required.
- Parking requirements:
 - For Phase 1 of this development, a minimum of 100 parking spaces shall be provided. Construct this parking area and the access drives from Whites Creek to this parking area with asphalt or concrete, or some other hard-surfaced dustless materials.
 - For Phase 2 of this development, space shall be provided to accommodate a minimum of 1,000 parked vehicles for the seasonal special events in addition to the 100 spaces provided in Phase 1.

STAFF RECOMMENDATION Staff recommends approval with conditions of the SP. Staff finds that the form of the proposed development and the magnitude of land that will not be used, but preserved in its existing state, results in a proposal that meets the intent of the NCO and R policies and enhances the Whites Creek Historic District.

CONDITIONS

2. The surface parking area for the daily visitors and patrons of the mansion shall be constructed no later than one year after the Council approval of the SP, or prior to the issuance of permits for any portion of Phase II, whichever comes first.
3. Any new buildings to be located on slopes between 20 and 25 percent, shall be reviewed and approved by Planning staff using the process for any buildings proposed for Critical Lots as defined in the Subdivision Regulations.
4. The location, size, and design of the stable building proposed for Phase III shall be reviewed and approved by staff and may require Planning Commission or Council approval.
5. Prior to final site plan approval for the Seasonal Performance Entertainment Venue in Phase II the applicant shall work with the District Councilmember and the community to establish an appropriate frequency of outdoor events in this venue.
5. 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.
6. Submit a structural engineering report evaluating the use of the existing bridge.
7. Phase I:
 - a. Provide adequate intersection and stopping sight distance at all project access drives onto Whites Creek Pike per AASHTO standards for the posted speed limit.
 - b. The center access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 100 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
 - c. The southernmost access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 150 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
 - d. The main driveway to the existing mansion shall be modified to provide a minimum of three pull-off/pass-by areas with appropriate signage.
8. Special Event Traffic Management:
 - a. Special events for Phase I of this development should be limited to a maximum capacity of 750 attendees.
 - b. Special events for Phase II of this development should be limited to a maximum capacity of 2500 attendees.
 - c. For special events that will exceed 400 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic.

- d. For special events that will exceed 750 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic. Active traffic management shall also be provided at the signalized intersection of Whites Creek Pike and Old Hickory Boulevard before and after the event to ensure safe and efficient operation of the intersection. Signal modifications may be required to accommodate this.
9. Prior to implementing Phase II of the proposed development, approval shall be required from Metro Public Works to ensure that existing traffic conditions have not significantly changed from what was identified in the original traffic study.
10. The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase I and Phase II. Based on the findings of the report, additional conditions may be required.
11. Parking requirements:
 - a. For Phase I of this development, a minimum of 100 parking spaces shall be provided. Construct this parking area and the access drives from Whites Creek to this parking area with asphalt or concrete, or some other hard-surfaced dustless materials.
 - b. For Phase II of this development, space shall be provided to accommodate a minimum of 1,000 parked vehicles for the seasonal special events in addition to the 100 spaces provided in Phase I.
12. The uses for this SP are limited to those uses as described on the plan.
13. 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 CN zoning district as of the date of the applicable request or application.
14. 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.
15. 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.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Mr. James Lawson, 3969 Lloyd Road, spoke in favor of the proposed development.

Mr. Larry Graham spoke in favor of the proposed development.

Mr. Bill Thompson, 3832 Dry Fork Road, expressed issues with the proposed development.

Mr. George Herring, 6109 Beals Lane, spoke in opposition to the proposed development.

Mr. Bill Reynolds, 3667 Knight Drive, spoke in favor of the proposed development.

Mr. Ray Jenkins, 4022 Whites Creek Pike, spoke in opposition to the proposed development.

Mr. Wes Parker, 4560 Dry Fork Road, spoke in opposition to the proposed development.

Ms. Jean Thompson, 3832 Dry Fork Road, expressed issues with the proposed development.

Mr. Richard Trest, 4420 Whites Creek Pike, spoke in favor of the proposed development.

Mr. Don Majors, 3937 Lloyd Road, spoke in favor of the proposed development.

Mr. Jim Graves spoke in favor of the proposed development.

Mr. Mark Oswald, 329 Harbor Drive, spoke in favor of the proposed development.

Mr. John Haas, 210 12th Avenue South, spoke in favor of the proposed development. He also submitted information to the Commission for the record.

Mr. Tom Morales, 6394 Temple Road, spoke in favor of the proposed development.

Mr. Ponder spoke in favor of the proposal and commended the Councilmember, the community and the developer for their ability to reach the various compromises that allowed the project to move forward. He requested clarification on the proposed name for the facility.

The owner offered that the facility would be called "The Mansion at Fontanel".

Mr. Jones stated she too was in favor of the proposal.

Ms. Cummings acknowledged the various compromises reached by all interested parties. She encouraged the owner to continue his meetings with the community as the project moved through its phases. She spoke of including the condition that limited the number of outdoor concerts that could be held at the facility, as well as a condition that would require that the final phases of the project be brought back before the Commission.

Ms. Bernards clarified the phases in which the proposal would be brought back before the Commission, as suggested by Dr. Cummings.

Mr. Gotto questioned whether the requested final site plan review was a normal procedure followed by the Commission.

Mr. Bernhardt offered explanation for final site plan reviews to the Commission.

Mr. Tyler requested clarification on the various building uses proposed within the development.

Ms. Bernards explained each of the proposed building uses contained in the development as well as which phase of the development the buildings would undergo changes.

Mr. Tyler questioned the type of liquor use that would be permitted in the full-service restaurant.

Ms. Bernards explained that the full-service restaurant would serve beer and wine. She also explained that liquor could be used at the mansion for special events. She briefly explained the types of events that could be held at the mansion.

Mr. Tyler questioned where the public parking would be located within the proposal.

Ms. Bernards explained the parking location as well as the shuttle service that would be used for special events. She explained that there was maximum limit of 150 persons allowed for each event as determined by the Fire Marshal.

Mr. Tyler requested additional clarification on the uses of the mansion.

Ms. Bernards explained the uses to the Commission.

Mr. Gee mentioned the Mayor's Green Ribbon Committee and one of their charges, which was to preserve open space, while at the same time incorporate economic development. He spoke on how the proposed development accomplished this task, and that he was in favor of its approval.

Mr. Gotto acknowledged and commended Councilmember Hunt for his work in bringing the neighborhood together for this development.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to approve with conditions, Zone Change, 2009SP-022-001, including conditions that limit the events at the seasonal performance entertainment venue to one per month between May and October with two additional floating dates with a maximum of two events per month during May to October, that shall only occur on Friday, Saturday or Sunday and end by 10:30 p.m., and that an event shall only last one day, and that Planning Commission approval, including a public hearing, shall be required for any Final Site Plan for Phases II and III. (7-0)

Resolution No. RS2009-140

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-001 is **APPROVED WITH CONDITIONS, including conditions that limit the events at the seasonal performance entertainment venue to one per month between May and October with two additional floating dates with a maximum of two events per month during May to October, that shall only occur on Friday, Saturday or Sunday and end by 10:30pm and that an event shall only last one day, and that Planning Commission approval, including a public hearing, shall be required for any Final Site Plan for Phases II and III. (7-0)**

Conditions of Approval:

1. The surface parking area for the daily visitors and patrons of the mansion shall be constructed no later than one year after the Council approval of the SP, or prior to the issuance of permits for any portion of Phase II, whichever comes first.
2. Any new buildings to be located on slopes between 20 and 25 percent, shall be reviewed and approved by Planning staff using the process for any buildings proposed for Critical Lots as defined in the Subdivision Regulations.
3. The location, size, and design of the stable building proposed for Phase III shall be reviewed and approved by staff and may require Planning Commission or Council approval.
4. Prior to final site plan approval for the Seasonal Performance Entertainment Venue in Phase II the applicant shall work with the District Councilmember and the community to establish an appropriate frequency of outdoor events in this venue.
5. 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.
6. Submit a structural engineering report evaluating the use of the existing bridge.
7. Phase I:
 - e. Provide adequate intersection and stopping sight distance at all project access drives onto Whites Creek Pike per AASHTO standards for the posted speed limit.
 - f. The center access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 100 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.
 - g. The southernmost access drive onto Whites Creek Pike as shown on the plan shall be constructed with one entering lane and two exiting lanes (LT and RT) with a minimum of 150 feet of storage between the east edge of Whites Creek Pike and the first internal parking space or drive aisle.

- h. The main driveway to the existing mansion shall be modified to provide a minimum of three pull-off/pass-by areas with appropriate signage.
- 8. Special Event Traffic Management:
 - e. Special events for Phase I of this development should be limited to a maximum capacity of 750 attendees.
 - f. Special events for Phase II of this development should be limited to a maximum capacity of 2500 attendees.
 - g. For special events that will exceed 400 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic.
 - h. For special events that will exceed 750 attendees, active traffic management shall be provided at the access drives onto Whites Creek Pike before and after the event to ensure safe and efficient movement of traffic. Active traffic management shall also be provided at the signalized intersection of Whites Creek Pike and Old Hickory Boulevard before and after the event to ensure safe and efficient operation of the intersection. Signal modifications may be required to accommodate this.
- 9. Prior to implementing Phase II of the proposed development, approval shall be required from Metro Public Works to ensure that existing traffic conditions have not significantly changed from what was identified in the original traffic study.
- 10. The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase I and Phase II. Based on the findings of the report, additional conditions may be required.
- 11. Parking requirements:
 - c. For Phase I of this development, a minimum of 100 parking spaces shall be provided. Construct this parking area and the access drives from Whites Creek to this parking area with asphalt or concrete, or some other hard-surfaced dustless materials.
 - d. For Phase II of this development, space shall be provided to accommodate a minimum of 1,000 parked vehicles for the seasonal special events in addition to the 100 spaces provided in Phase I.
- 12. The uses for this SP are limited to those uses as described on the plan.
- 13. 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 CN zoning district as of the date of the applicable request or application.
- 14. 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.
- 15. 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.
- 16. 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-MU district is consistent with the Bordeaux/Whites Creek Community Plan’s Natural Conservation and Rural policies because the SP will conserve a majority of the land, utilize and preserve existing structures, and maintain the rural appearance along Whites Creek Pike.”

VIII. PUBLIC HEARING: ZONING MAP AMENDMENTS AND SPs

4. 2009SP-021-001

Blakemore Primitive Baptist Church
Map: 104-07 Parcel: 391
Green Hills/Midtown Community Plan
Council District 18 – Kristine LaLonde
Staff Reviewer: Brian Sexton

A request to rezone from RM40 to SP-MU zoning property located at 2411 B Blakemore Avenue, approximately 330 feet west of 24th Avenue South (0.2 acres), to permit an existing religious institution to be converted to an events hall or used as multi-family residential at a maximum of RM40 density (as currently zoned) plus all other uses permitted in RM40, requested by Cook-Land LLC, and Polifio, applicants, for Blakemore Primitive Baptist Church, owner.

Staff Recommendation: Approve with conditions. Disapprove if the Metro Facilities Use Agreements for parking are not in place prior to third reading at Council.

APPLICANT REQUEST Preliminary SP Permit an event hall and other uses permitted by RM40.

A request to rezone from Multi-Family Residential (RM40) to Specific Plan-Mixed Use (SP-MU) zoning property located at 2411 B Blakemore Avenue, approximately 330 feet west of 24th Avenue South (0.2 acres), to permit an existing religious institution to be converted to an events hall or used as multi-family residential at a maximum of RM40 density (as currently zoned) plus all other uses permitted in RM40.

Existing Zoning

RM40 District - RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *Under the existing RM40 zoning the 0.2 acres would permit a maximum of 8 residential dwelling units.*

Proposed Zoning

SP-MU - Specific Plan-Mixed Use 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 an event hall and multi-family residential uses.*

CRITICAL PLANNING GOALS

- Preserves Historic Resources
- Creates Walkable Neighborhoods

This SP preserves an historic resource and adds to the creation of a walkable neighborhood. The site proposed for this SP is home to the Blakemore Primitive Baptist Church. The church is located south of Vanderbilt’s Blair School of Music and just east of Harris-Hillman Elementary School. While the property is not listed on Metro’s National Register of Historic Places, the property is considered to be worthy of conservation. The reuse of the existing structure will help to maintain and preserve the buildings historical context while adding to the neighborhoods cultural identity. The SP also adds to the creation of a walkable neighborhood environment by integrating community services into the existing neighborhood. The surrounding community will be able to enjoy the convenience of walking to events held in this building.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Existing Policy

Open Space (OS) OS policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities.

Consistent with Policy? Although the policy is OS, because the subject site is in private ownership, the applicable policy is deemed to be Major Institutional. Usually, though not in this case, sites under private ownership that are envisioned to become public open space are designated Potential Open Space (POS), (rather than OS) and the plan specifies an alternate

policy for the site to guide development as long as it remains in private ownership. In the absence of a specified alternate policy, an abutting policy, if deemed appropriate for the site in question, is used to guide development. In this case, the only abutting policy different than OS is the Major Institutional (MI) that abuts the site on the north side. MI policy is considered appropriate for the site.

Uses envisioned in the MI policy areas include mainly large institutions (i.e. colleges and universities) and hospitals; and ancillary activities such as housing, public benefit uses and convenience services. Major institutions commonly include facilities for hosting social events—the type of activity envisioned in the requested zone change proposal. Although an event center on the site would not be an integral element of the institution to the north, it is complementary to its neighbor and is an appropriate activity for the site.

PLAN DETAILS The intent of this SP is to allow for the residentially zoned property to also be used for an event hall for weddings, corporate, charitable, and similar events. The property zoned for multi-family residential and proposed for a Specific Plan – Mixed Use, is approximately 0.2 acres in size. It is located on the south side of Blakemore Avenue, and east of Natchez Trace Road. The property is developed and consists of a 2,000 square foot, one-story church that is vacant. The church is set back approximately 84 feet from Blakemore Avenue. The proposed SP plan is divided into two phases.

Phase I In Phase I the SP calls for the inside of the existing church to be converted into an event hall, permit the development of two restroom facilities, and a new patio area with permeable pavers in the front of the church. The height and building footprint of the existing church, with the exception of the two new restroom facilities, will not change. The proposed restroom facilities will be attached to the front of the church on the northeast and northwest corners of the building. Each restroom is approximately 209 square feet in size. A set of adequate elevations was not submitted for the restroom facilities and will be required prior to Final Site Plan approval for the first phase of this proposed development.

A list of building materials was submitted by the applicant for the restrooms which includes brick, stone, and metal railings. Building materials such as vinyl siding, exposed plywood and concrete blocks are prohibited by this SP plan. Primary access to the church is currently located on the north side of the building fronting Blakemore Avenue. The entry-way will be relocated from the north to the northeast and northwest sides of the building when the patio is completed. A five foot retaining wall is proposed below the north, and west sides of the new patio area. A public bench will also be provided in front of the retaining wall fronting Blakemore Avenue.

Phase II Phase II of this proposed SP calls for the future development of a 525 square foot service room in the rear of the church. It is the applicant's intention to use the service room for food and beverage preparation. A patio area outside of the service room containing permeable pavers is also proposed in the rear of the church. A set of adequate elevations and building materials was not submitted for the service room and will be required prior to Final Site Plan approval for Phase II of this proposed development.

Access / Parking Access to the site is provided from an existing drive along the eastern property line. The site contains existing sidewalks along Blakemore Avenue. The site currently contains seven on-site parking spaces which does not meet the zoning code requirements for event hall parking. The applicant has indicated that a Facilities Use Agreement for parking will be in place with three surrounding Metro Schools once the property is purchased by the applicant. The Facilities Use Agreement between Metro Schools and the applicant will allow event parking at Harris Hillman Elementary, Eakin Elementary and Martin Professional Development Center. Parking at Fannie Mae Dees Park is prohibited. No events shall be held when parking is not available at Harris Hillman Elementary, Eakin Elementary, or Martin Professional Development Center as specified in the Facilities Use Agreement. The Facilities Use Agreement for parking must be in place prior to third reading at Council. If the agreement is not in place at that time, staff recommends that the Planning Commission recommendation be disapproval.

Signs Sign details were included in this SP. The SP proposes one 24 square foot wall mounted sign that will replace an existing monument sign on the property. The sign will be placed on the proposed retaining wall fronting Blakemore Avenue. The sign will be externally illuminated with soft lighting. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

FIRE MARSHAL RECOMMENDATION

- All applicable fire codes shall be adhered to.

- The building is required to be sprinklered.
- A fire hydrant shall be provided within 100' of the fire department connection.
- This project is approved as a sprinklered project.

HISTORICAL COMMISSION RECOMMENDATION

The Historical Commission reviewed the plans and considers the building Worthy of Conservation. There were no additional comments on this proposal.

PUBLIC WORKS RECOMMENDATION

- No event parking including guest and service vehicles shall occur within the public right-of-way.
- Events should be supervised by the applicant or a designated management company to ensure that no parking occurs within the public right-of-way.
- All guest parking shall be off-site at the locations designated in the application submitted to the Metro Planning Department.
- Agreements between the applicant and the off-site parking providers shall be in writing and should be bound to this rezoning.
- Parking at all off-site locations shall be coordinated with the owners of those facilities for each event unless contractual agreements with a parking provider is in place and addresses the specific days and times the parking will be made available for use.
- Adequate off-site parking shall be provided for all events.
- No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
- No loading and unloading of guests shall occur within the public right-of-way.
- If shuttle service is provided for any event, the following conditions shall apply:
- Shuttles shall not park or idle within the public right-of-way.
- No loading and unloading of guests from shuttles shall occur within the public right-of-way.

No traffic table were generated for this case as this use is not listed in the ITE Manuals that Public Works and Planning use to determine possible traffic counts.

STAFF RECOMMENDATION Staff recommends approval with conditions of the zone change request. While the proposed use is not entirely consistent with the OS policy, the rezoning and site plan are consistent with the MI land use policy north of the property.

If the Facilities Use Agreement for parking is not in place prior to third reading at Council, the staff recommendation is be changed to disapproval.

CONDITIONS

1. Prior to final site plan approval, the SP plan shall include an adequate set of elevations for the first and second phases of this proposed development.
2. Prior to final site plan approval, the SP plan shall include a set of building materials for phase two.
3. Prior to third reading at Council, the applicant shall provide staff with an approved Metro Facilities Use Agreement for parking.
4. Parking at Fannie Mae Dees Park for events shall be prohibited. No events shall be held when parking is not available at Harris Hillman Elementary, Eakin Elementary, or Martin Professional Development Center as specified in the Facilities Use Agreement.
5. All Public Works requirements related to parking, loading and unloading, and shuttle services shall be met.
6. This SP is limited to events hall and residential at a maximum of RM40 density, and all other uses permitted in the RM40 zoning district.

7. 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 RM40 zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy 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.
9. 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.
10. 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.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.

Approved with conditions. Disapprove if the Metro Facilities Use Agreements for parking are not in place prior to third reading at Council, (7-0) **Consent Agenda**

Resolution No. RS2009-141

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-021-001 is **APPROVED WITH CONDITIONS. DISAPPROVE IF THE METRO FACILITIES USE AGREEMENTS FOR PARKING ARE NOT IN PLACE PRIOR TO THIRD READING AT COUNCIL. (7-0)**

Conditions of Approval:

1. Prior to final site plan approval, the SP plan shall include an adequate set of elevations for the first and second phases of this proposed development.
2. Prior to final site plan approval, the SP plan shall include a set of building materials for phase two.
3. Prior to third reading at Council, the applicant shall provide staff with an approved Metro Facilities Use Agreement for parking.
4. Parking at Fannie Mae Dees Park for events shall be prohibited. No events shall be held when parking is not available at Harris Hillman Elementary, Eakin Elementary, or Martin Professional Development Center as specified in the Facilities Use Agreement.
5. All Public Works requirements related to parking, loading and unloading, and shuttle services shall be met.
6. This SP is limited to events hall and residential at a maximum of RM40 density, and all other uses permitted in the RM40 zoning district.
7. 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 RM40 zoning district as of the date of the applicable request or application.
8. A corrected copy of the preliminary SP plan preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy 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.

9. 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.
10. 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.
11. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.

The proposed SP-MU is consistent with the Green Hills/Midtown Community Plan's Major Institutional policy. While the property is actually in an Open Space policy, since it is under private ownership then the adjacent Institutional policy is the alternate policy of reference."

5. **2009Z-033PR-001**
Map: 050-16 Parcels: Part of 009, 010
Parkwood/Union Hill Community Plan
Council District 3 – Walter Hunt
Staff Reviewer: Jason Swaggart

A request to rezone from CL to RS10 zoning for a portion of properties located at 381 and 385 Oakview Drive, on the western side of Dickerson Pike (1.49 acres), requested by Councilmember Walter Hunt, applicant, for Charles and Jo Evans, owners.

Staff Recommendation: Approve

APPLICANT REQUEST Rezoning Rezone from CL to RS10.

A request to rezone from Commercial Limited (CL) to Single-Family Residential District (RS10) zoning for a portion of properties located at 381 and 385 Oakview Drive, on the western side of Dickerson Pike(1.49 acres).

Existing Zoning

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

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.

CRITICAL PLANNING GOALS N/A

PARKWOOD/UNION HILL 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 single-family residential zoning district is consistent with the area's RLM policy.

PUBLIC WORKS RECOMMENDATION

No exception taken

Typical Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.49	0.152	9,865	225	30	30

Typical 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(210)	1.49	3.7	5	48	4	6

Maximum Uses in Existing Zoning District: CL

Land Use (ITE Code)	Acres	FAR	Total Floor Area	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.49	0.60	38,943	646	89	123

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(210)	1.49	3.7	5	48	4	6

METRO SCHOOL BOARD REPORT 1 Elementary 1 Middle 1 High

Projected Student Generation Students would attend Chadwell Elementary School, Gra-Mar Middle School, or Maplewood 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 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. RS2009-142

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-033PR-001 is **APPROVED. (7-0)**

The proposed RS10 district is consistent with the Parkwood/Union Hill Community Plan’s Residential Low Medium policy.”

- 6. **2009Z-034PR-001**
 Map: 134-04 Parcels: various
 Map: 134-08 Parcels: various
 Antioch/Priest Lake Community Plan
 Council District 28 – Duane A. Dominy
 Staff Reviewer: Jason Swaggart

A request to rezone various properties from R10 to RS10 located along Carillon Drive, Citation Drive, Citation Court, Honeyhill Court, Honeyhill Drive, Ladybird Court, Ladybird Drive, Melvin Jones Drive, Southwind Drive, Town Park

Drive, and D'Ville Drive (101.51 acres), requested by Councilmember Duane Dominy for various owners and the Metropolitan Airport Authority.

Staff Recommendation: Approve

APPLICANT REQUEST Rezoning Rezone from R10 to RS10.

A request to rezone from Single and Two-Family residential (R10) to Single-Family Residential District (RS10) zoning for property located along Carillon Drive, Citation Drive, Citation Court, Honeyhill Court, Honeyhill Drive, Ladybird Court, Ladybird Drive, Melvin Jones Drive, Southwind Drive, Town Park Drive and D'Ville Drive (101.51 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Industrial (IN) IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with Policy? No. While the proposed RS10 district is not consistent with the industrial policy, it is consistent with the residential character of the area that has been maintained despite the Industrial Land Use policy. The change from R10 to RS10 will prevent an increase in the overall density, and help maintain a holding pattern until the area begins to develop more towards the intended industrial use.

PUBLIC WORKS RECOMMENDATION No exception taken

A traffic table was not prepared for this application because there is no significant traffic changes associated with the request.

METRO SCHOOL BOARD REPORT

Projected Student Generation *This request is a down zoning, and 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 is consistent with the existing development pattern and will help maintain a holding pattern.

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

Councilmember Dominy gave a brief history on the requested rezoning. He spoke of the concerns his constituents expressed with regard to the increased duplexes in the area and asked that the Commission approve the request.

Mr. Toyo Brown, 309 Melvin Jones Drive, spoke in opposition to requested rezoning.

Mr. Larry Johnson, 313 Honeyhill Court, spoke in opposition to the requested rezoning.

Ms. Debra Hollins, 303 Honeyhill Drive, spoke in favor of the requested rezoning.

Mr. Todd Hargrove, 326 Ladybird Drive, spoke in favor of the requested rezoning.

Mr. Joe Corino, 317 Honeyhill Court spoke in favor of the requested rezoning.

Ms. Tracye Stephens, 1718 Southwinds Drive, spoke in favor of the requested rezoning.

Mr. Jay Pendergrast, 326 Ladybird Drive, spoke in favor of the requested rezoning.

Mr. Keith Vann, 315 Ladybird Drive, spoke in favor of the requested rezoning.

Mr. Ponder requested additional information on the status of those existing properties that contained duplexes and whether they would be grandfathered under the current zoning.

Mr. Swaggart explained this concept to the Commission

Mr. Ponder spoke in favor of approving the request.

Mr. Gotto moved and Mr. Ponder seconded the motion, which passed unanimously to approve Zone Change, 2009Z-034PR-001. **(7-0)**

Resolution No. RS2009-143

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009Z-034PR-001 is **APPROVED. (7-0)**

While the proposed RS10 district is not consistent with the Antioch/Priest Lake Community Plan’s Industrial policy the existing residential area is established and the proposed zoning moves closer towards the policy by prohibiting duplex units which limits additional densities, and creates a holding pattern.”

IX. PUBLIC HEARING: FINAL PLAT

7. 2009S-093-001

Boyd Home Place, Resub. Lots 272-280
Map: 092-12 Parcels: 033, 504
Green Hills/Midtown Community Plan
Council District 19 – Erica Gilmore
Staff Reviewer: Brian Sexton

A request for final plat approval to create three lots with a unified plat of subdivision on properties located at 1811 Charlotte Avenue and 330 19th Avenue North, at the southwest corner of Charlotte Avenue and 18th Avenue North (2.12 acres), zoned CS, requested by Hersch Realty LLC, and Baxter Enterprises LLC, owners, Blue Ridge Surveying, surveyor.

Staff Recommendation: Approve with condition

APPLICANT REQUEST - Final Plat . Create three lots.

A request for final plat approval to create three lots with a unified plat of subdivision on properties located at 1811 Charlotte Avenue and 330 19th Avenue North, at the southwest corner of Charlotte Avenue and 18th Avenue North (2.12 acres), zoned Commercial Service (CS).

ZONING

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

SUBDIVISION DETAILS The purpose of this subdivision is to create three lots with a unified plat of subdivision. The unified plat will allow parking to be shared between the lots. Lot 1 is approximately 28,566 square feet, Lot 2 is approximately 11,970 square feet, and Lot 3 is approximately 49,091 square feet in size.

Site Access Primary access to the site is located on Charlotte Avenue and a secondary access point is located on 18th Avenue North. An access point to Lot 3 is located along an existing alley on the southern property line. Staff is requiring the applicant to submit a revised Mylar with a note on the plat limiting Lot 1 to one access point on Charlotte Avenue and Lot 2 to one

access point on 18th Avenue North. While Lots 1 and 2 have street access, Lot 3 does not but a 20 foot cross-access easement has been included on the plat.

Sidewalks There are Sidewalks located along Charlotte Avenue and 18th Avenue North.

PUBLIC WORKS RECOMMENDATION No Exception Taken

STORMWATER RECOMMENDATION Approved

WATER SERVICES RECOMMENDATION Approved

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

STAFF RECOMMENDATION Staff recommends approval with a condition as the request meets the requirements of the Subdivision Regulations and Zoning Code for the unified plat of subdivision.

CONDITION

1. Prior to the recording of the final plat, the applicant shall add the following note on the plat:

Access is limited to one point on Charlotte Avenue and one access point on 18th Avenue North and shall be located as shown on the plat only at the cross-access easement locations.

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

Resolution No. RS2009-144

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-093-001 is **APPROVED WITH CONDITION. (7-0)**”

X. PUBLIC HEARING: REVISED SITE PLANS

- 8. 166-79P-001**
Hickory Ridge Apartments (formerly I-24/Brick Church Apts.)
Map: 031-00 Parcel: 153
Parkwood/Union Hill Community Plan
Council District 3 – Walter Hunt
Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final approval for a portion of the Hickory Ridge Apartments Residential Planned Unit Development located at Brick Church Pike (unnumbered), approximately 2,230 feet north of Old Hickory Boulevard, zoned R10 (31.63 acres), to revise the preliminary plan to permit 114 apartment units, where 240 apartment units were previously approved, and to grant final approval for a portion of the site (Phase 1) to develop 54 apartment units, requested by Bernard L. Weinstein & Associates, applicant, for L & R Properties, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST Preliminary and final PUD Permit 114 residential units

A request to revise the preliminary plan and for final approval for a portion of the Hickory Ridge Apartments Residential Planned Unit Development located at Brick Church Pike (unnumbered), approximately 2,230 feet north of Old Hickory Boulevard, zoned for one and two-family residential (R10) (31.63 acres), to revise the preliminary plan to permit 114 apartment units, where 240 apartment units were previously approved, and to grant final approval for a portion of the site (Phase 1) to develop 54 apartment units.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS This is a request for preliminary approval for a Planned Unit Development Overlay District (PUD) and final approval for Phase I of the proposal. The property is located a quarter mile north of Old Hickory Boulevard at the terminus of Hickory Hills Boulevard. Interstate 24 is located approximately 1000 feet west of the property. The property is hilly with slopes approaching grades of 15 percent for much of the site.

Preliminary PUD This property is currently approved for a preliminary PUD. The I-24 & Brick Church Apartments PUD (166-79-G) was approved in 1979 and included 240 residential units in the form of townhouses and stacked flats buildings.

The current proposal includes 114 residential units in attached townhouses and stacked flats buildings. In addition to the overall reduction of residential units proposed by this revision, the layout of units in Phase I has become more compact in order to reduce the amount of site grading by placing much of the development on a relatively flat portion of the site at the top of a hill. Hillsides with slopes approaching 15 percent cover much of the subject property. This PUD revision would reduce the footprint of the previously approved development and concentrate it on the relatively flat portions of the site, reducing the need for site grading. This will preserve much of the existing hillside.

This PUD will take access from a driveway connection to Hickory Hills Boulevard. The applicant proposes to terminate Hickory Hills Boulevard at the southeastern corner of the property and to allow access to development through a driveway connection at this termination. An 80 foot access easement along the eastern property boundary is proposed in order to provide similar driveway access to adjacent properties without street frontage as they develop. The Major Street and Collector Plan and the Community Plan do not call for major street connections in this area.

Final PUD Phase I of this proposal includes 54 residential units. These units are housed in seven buildings placed around a circular driveway that provides parking. Most buildings have frontage onto the circular driveway. Two townhouse buildings have frontage onto an interior open space located on the interior of the driveway. A community building is also proposed within this phase. All required parking is provided.

PUBLIC WORKS COMMENTS

1. All Public Works' design standards shall be met prior to any final approvals and permit issuance. Any approval is subject to Public Works' approval of the construction plans.
2. Identify plans for recycling collection and solid waste disposal. Solid waste plan must be approved by the Department of Public Works Solid Waste Division.
3. Dedicate right of way for circular turnaround at terminus of Hickory Hills Boulevard.

FIRE MARSHAL COMMENTS

1. This project approved as a sprinklered project.
2. A fire department access road shall extend to within 50 ft of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.
3. Fire Hydrants shall be in-service before any combustible material is brought on site.
4. All fire department access roads shall be 20 feet minimum width and shall have an unobstructed vertical clearance of 13.6 ft., unless approved for one way traffic which may not be less than 14 ft.

STORMWATER RECOMMENDATION

1. Road crossing of streams and water quality buffers must be with 15 degrees of being perpendicular to the stream. Only three-sided culvert or span are to be used. Reference Metro Stormwater Maintenance Manual Volume 1, Table 6-3. If the access roadway alignment is changed to parallel the stream, a Metro Stormwater Maintenance Committee variance will be required.
2. Metro GIS identifies a stream and water quality buffer on the site and under the proposed detention pond. Please delineate stream and water quality buffers. A Metro Stormwater Maintenance Committee variance may be required prior to completion of technical review. Or provide a Hydrological Determination Certification for the stream.
3. Add the appropriate vertical datum reference to the site benchmark callout.
4. Construction ready plans will be required prior to technical review approval.
5. Provide a separate Erosion Prevention and Sediment Control (EPSC) Plan sheet. The EPSC sheet must include only existing site contours and buildings along with the temporary erosion prevention and sediment control measures. Show the construction entrance/exit pad on the drawing sheet. The sheet should not show proposed contours or buildings.
6. Construction entrance/exits are to be a minimum of 100-feet.
7. Provide the MWS detail drawing for Erosion Control Fabric. Indicate placement on the plans.

8. Provide the MWS BMP details reference to the appropriate section of Metro Stormwater Management Manage Volume 4.
9. It appears part of the impervious structures to the east do not drain into the proposed stormwater system.
10. Provide the proposed percent capture capacity of the stormwater inlets.
11. Provide the stormwater sewer system HGL calculations; include the pipe friction and structure headlosses. The information can be in spreadsheet format.
12. Add the MWS BMP detail drawing of Outlet Protection. All rip-rap must be placed over filter fabric.
13. Provide the Ditch Calculations, indicate the 10-year storm elevation on the ditch cross section with at least a 6-inch freeboard.
14. Indicate the Water Quality/Detention Pond bottom to slope a minimum of 2%.
15. Provide the Pond Outlet Structure low flow orifice sizing calculations.
16. In the Hydraflow Hydrograph printouts, the weir coefficient for the 25 degree V-notch weir is listed as 0.56. The coefficient value of 0.306 is commonly used for this weir. Also, the rainfall volume for the 2-year storm is listed as 3.45 inches; 3.39 inches is the 2-year storm given in the Metro Stormwater management Manual.
17. Provide the Water Quality flowrate calculations for determining the Suntree Water Quality Device model.
18. Locate the roof downspouts on the proposed buildings.
19. Add the NOC note from Appendix A to the plans. A copy of the Tennessee General Construction Permit NOC letter is required before Technical Review is complete.
20. Add a note to the plans stating that buffer signs are required. Location to be determined during pre-con by NPDES.
21. Add a note that all erosion control measures are to be removed prior to as-built approvals.
22. A *Long Term Maintenance Plan* and an *Inspection and Maintenance Agreement* must be submitted for approval and issuance of the Grading Permit.
23. If the property will not be platted through Metro Planning Commission, a Dedication of Easement will be required.

STAFF RECOMMENDATION Staff recommends that the request be disapproved, but approved with conditions if all Stormwater requirements are met prior to the Planning Commission meeting.

CONDITIONS

1. Prior to the issuance of any grading or building permits, a final plat shall be recorded, including any bonds necessary for public infrastructure dedicating right-of-way for circular turnaround at terminus of Hickory Hills Boulevard.
2. The revised corrected copy of the plan shall identify plans for recycling collection and solid waste disposal. Solid waste plan shall be approved by the Department of Public Works Solid Waste Division.
3. Prior to the issuance of any building permits, any remaining requirements of Metro Stormwater shall be met.
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. All development within the boundaries of this plan shall meet the requirements of the Americans with Disabilities Act and the Fair Housing Act.
7. 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.
8. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

9. 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.
10. 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.
11. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
12. 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.

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

Resolution No. RS2009-145

“BE IT RESOLVED by The Metropolitan Planning Commission that 166-79P-001 is **APPROVED WITH CONDITIONS, including a condition that all Stormwater requirements shall be met. (7-0)**”

XI. OTHER BUSINESS

9. Four year review process for Specific Plan Zoning Districts.

Approved (7-0), *Consent Agenda*

10. A resolution submitting to the Metropolitan Planning Commission a proposed plan of services for the extension of the boundaries of the Urban Services District to include certain property located on Whites Creek Pike.

Approved (7-0), *Consent Agenda*

11. Contract between MPC (on behalf of MPO) and RTA for Multi-modal Planning

Approved (7-0), *Consent Agenda*

12. Contract between MPC (on behalf of MPO) and GNRC for Multi-Modal Planning and Public Involvement

Approved (7-0), *Consent Agenda*

13. Contract between MPC (on behalf of MPO) and TMA GROUP for Congestion Mitigation/Air Quality and Multi-modal Planning

Approved (7-0), *Consent Agenda*

14. Amendment #1 to Contract between MPC (on behalf of MPO) and PB Americas, Inc.

Approved (6-0-1), *Consent Agenda*

(6-0-1) Yes – Gotto, Tyler, Cummings, McLean, Ponder, Jones

Abstain – Gee

15. Contract between MPC (on behalf of MPO) and TDOT for additional planning funds

The Metropolitan Planning Commission DEFERRED to November 12, 2009, at the request of the applicant.

- 16. Historical Commission Report
- 17. Board of Parks and Recreation Report
- 18. Executive Director Reports
- 19. Legislative Update

XII. ADJOURNMENT

The meeting adjourned at 6:00 p.m.

Chairman

Secretary



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