



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, December 9, 2010

4:00 pm Regular Meeting

1417 Murfreesboro Road
Metro Southeast at Genesco Park
Green Hills Conference Room

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.

Commissioners Present:

Jim McLean, Chair
Hunter Gee, Vice Chair
Stewart Clifton
Judy Cummings
Ana Escobar
Tonya Jones
Phil Ponder
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Director
Kelly Armistead, Admin Services Officer III
Anita McCaig, Planner III
Bob Leeman, Planning Manager II
Dennis Corrieri, Planning Technician I
Craig Owensby, Public Information Officer
Jason Swaggart, Planner II
Greg Johnson, Planner II
Brian Sexton, Planner I
Cindy Wood, Planner III
Kathryn Withers, Planner III
Jennifer Carlat, Planning Manager II
Doug Sloan, Legal

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County

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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body appointed by the Metro Council. The Commission meets on the 2nd and 4th Thursday of each month at 4:00 p.m., unless otherwise noted. The Planning Commission makes the final decision on final site plan and subdivision applications. On all other applications, the Commission recommends an action to the Metro Council (e.g. zone changes, specific plans, overlay districts, and mandatory referrals). The Metro Council can accept or not accept the recommendation.

Agendas and staff reports can be viewed on-line at www.nashville.gov/mpc/agendas or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

Meetings on TV can be viewed live or shown at an alternative time on Channel 3. Visit www.nashville.gov/calendar for a broadcast schedule.

Writing to the Commission

You can mail, hand-deliver, fax, or e-mail comments on any agenda item to the Planning Department. For the Commission to receive your comments, prior to the meeting, you must submit them by **noon the day of the meeting**. Otherwise, you will need to bring 14 copies of your correspondence to the meeting and during your allotted time to speak, distribute your comments.

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300
Fax: (615) 862-7130
E-mail: planningstaff@nashville.gov

Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf and our summary regarding how Planning Commission public hearings are conducted at www.nashville.gov/mpc/pdfs/main/RulesSummary.pdf. Briefly, a councilmember may speak at the very beginning of the commission meeting, after the individual item is presented by staff, or after all persons have spoken in favor or in opposition to the request. Applicants speak after staff presents, then, those in favor speak followed by those in opposition. The Commission may grant the applicant additional time for a rebuttal after all persons have spoken. Maximum speaking time for an applicant is 10 minutes, individual speakers is 2 minutes, and a neighborhood group 5 minutes, provided written notice was received prior to the meeting from the neighborhood group.

- Day of meeting, get there at least 15 minutes ahead of the meeting start time to get a seat and to fill-out a 'Request to Speak' form (located on table outside the door into this meeting room).
- Give your completed 'Request to Speak' form to a staff member.
- For more information, view the Commissions Rules and Procedures, at www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf

Legal Notice

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.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:06 p.m.

B. ADOPTION OF AGENDA

Ms. Hammond added an Executive Committee Meeting update as Item 24 on the agenda.

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

C. APPROVAL OF MINUTES

1. Item #6 from the October 28, 2010 Planning Commission Meeting minutes

2. November 11, 2010 Planning Commission Meeting minutes

Mr. Gee moved and Dr. Cummings seconded the motion, which passed unanimously, to approve Item 6 from the October 28, 2010 MPC meeting and the minutes of the November 11, 2010 Planning Commission meeting. (8-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilman Coleman spoke in full support of Items 14 and 18 and requested that they be removed from the Consent Agenda in order to allow the community a chance to hear the discussion and be involved.

Councilman Crafton spoke in support of Item 3.

Councilman Hollin spoke regarding Item 21 and stated his support of the applicant's proposal, but also stated support of staff recommendation to put all parking in the rear of the building and provide appropriate landscaping/curbing in the front. He also noted that he would be in support of deferring this Item until the applicants show they can prove the conditions.

Mr. Clifton arrived at 4:19 p.m.

Councilman Claiborne stated his support of keeping Items 1 and 19 on the Consent Agenda.

Council Lady Langster spoke in support of Items 4 and 16.

Councilmember Tygard spoke in support of Item 21.

E. ITEMS FOR DEFERRAL/WITHDRAWAL

1. **2010Z-019TX-001**
BL2010-783 | COLE, CLAIBORNE, JAMESON
NONCONFORMING USES & STRUCTURES
2. **2010SP-012-001**
BL2010-779 | COLEMAN
OLD HICKORY CENTER (PRELIM. & FINAL)
5. **2010M-009PR-001**
BL2010-768 | STANLEY
HOGGETT FORD ROAD ACCEPTANCE
7. **2010CP-003-002**
BORDEAUX-WHITES CREEK COMMUNITY PLAN: 2003 UPDATE

- 10. **2010Z-021TX-001**
BL2010-786 | HOLLIN
CHECK CASHING, TITLE LOAN, CASH ADVANCE, PAWNSHOP
- 11. **2010Z-022TX-001**
COMMUNITY EDUCATION
- 20. **210-73P-001**
PERFORMANCE MARINE

Ms. Jones moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the Deferred and Withdrawn items. (9-0)

F. CONSENT AGENDA

- 8a. **2010CP-014-003**
DONELSON-HERMITAGE COMMUNITY PLAN AMENDMENT
- 8b. **2010SP-019-001**
ALLEN AND JONES PROPERTY
- 9a. **2010CP-014-004**
DONELSON-HERMITAGE COMMUNITY PLAN AMENDMENT
- 9b. **2010Z-029PR-001**
3954 DODSON CHAPEL ROAD
- 12. **2010Z-023TX-001**
BL2010-798 | EVANS
SIGNS: TRI-PANEL BILLBOARDS
- 13. **2006SP-114U-10**
1600 WEST END SUMMIT (4-YEAR REVIEW)
- 16. **2010SP-021-001**
2400 WEST END
- 17. **2010Z-027PR-001**
2300 CHARLOTTE AVENUE
- 19. **2009UD-001-002**
DOWNTOWN DONELSON (AMEND)
- 22. Resolution authorizing the expenditure of up to \$50,000 from the Advance Planning and Research Fund to fund transportation studies of the proposed Bosley Springs Connector in the Harding Town Center Urban Design Overlay.
- 23. Employee contract renewals for Brenda Bernards and Mary Beth Stephens

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to add Item 3 and remove Items 6, 8a, 8b, 14, and 18 from the Consent Agenda. (9-0)

Councilmember Gotto out at 4:46 p.m.

Mr. Gee moved and Mr. Clifton seconded the motion to defer Item 6 to the January 13, 2011 Planning Commission meeting. (8-0)

G. PREVIOUSLY DEFERRED ITEMS

Zoning Text Amendments

1. 2010Z-019TX-001

BL2010-783 I COLE, CLAIBORNE, JAMESON
NONCONFORMING USES & STRUCTURES
Staff Reviewer: Bob Leeman

A council bill to amend Title 17 of the Metro Zoning Code, to clarify the status and review of nonconforming uses and structures within Davidson County, sponsored by Councilmembers Eric Cole, Phil Claiborne, and Mike Jameson.

Staff Recommendation: DEFER TO FEBRUARY 24, 2011 PLANNING COMMISSION MEETING

The Metropolitan Planning Commission DEFERRED 2010Z-019TX-001 to the February 24, 2011 Planning Commission meeting. (9-0)

Specific Plans

2. 2010SP-012-001

BL2010-779 I COLEMAN
OLD HICKORY CENTER (PRELIM. & FINAL)
Map 175-00, Parcel(s) 036
Council District 32 (Sam Coleman)
Staff Reviewer: Greg Johnson

A council bill to rezone from IG to SP-MU zoning and for final site plan approval for property located at 12761 Old Hickory Boulevard, approximately 350 feet north of Logistics Way (3.28 acres), to permit daycare center, personal care instruction, retail and restaurant and bar uses as well as certain uses permitted in the IG zoning district, requested by Saeed Sassan, owner.

Staff Recommendation: DEFER INDEFINITELY

The Metropolitan Planning Commission DEFERRED INDEFINITELY Specific Plan 2010SP-012-001 at the request of the applicant. (9-0)

Zone Changes

3. 2010Z-025PR-001

BL2010-772 I CRAFTON
7739 CHARLOTTE PIKE, CHARLOTTE PIKE (UNNUMBERED) ZONE CHANGE
Map 114-00, Parcel(s) 251
Map 114-00, Parcel(s) 254-255, 265, 311 Map 128-00, Parcel(s) 121, 124
Council District 22 (Eric Crafton)
Staff Reviewer: Greg Johnson

A council bill to rezone from R40 to AR2a zoning various properties located at 7739 Charlotte Pike and at Charlotte Pike (unnumbered), approximately 4,700 feet west of Sawyer Brown Road (65.49 acres), requested by David Lowry, applicant, Charlie B. Mitchell Jr., owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Zone change from residential to agricultural

Zone Change A request to rezone from One and Two-Family Residential (R40) to Agricultural/Residential (AR2a) zoning various properties located at 7739 Charlotte Pike and at Charlotte Pike (unnumbered), approximately 4,700 feet west of Sawyer Brown Road (65.49 acres).

Existing Zoning

R40 District - R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25% duplex lots. This zoning district could permit approximately 76 dwelling units. The subject site has had R40 zoning since 1974.

Proposed Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. This zoning district could permit approximately 34 dwelling units.

CRITICAL PLANNING GOALS N/A

BELLEVUE COMMUNITY PLAN

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

Consistent with Policy? Yes, the proposed AR2a zoning district would allow for the development of up to 33 residential lots within the 65 acre boundary at a density of 0.5 units per acre. This residential density is the lowest allowed by any standard zoning classification, and is consistent with NCO policy according to the Land Use Policy Application of Nashville.

As shown in a grading permit from 2005, the site was approved for the storage of fill material consisting of soil, rock, concrete, stumps, and asphalt pavement.

Much of the site is identified with steep slopes and problem soils. Any development consistent with the Zoning Code requirements of AR2a zoning would have to follow additional standards for development on steep slopes and problem soils.

TRAFFIC INFORMATION Traffic Table not prepared. Request is a down zoning and will not generate additional traffic demands.

METRO SCHOOL BOARD REPORT As this is a down zoning, fewer school age children would be generated by this zoning district than the R40 now in place.

STAFF RECOMMENDATION Staff recommends approval of the proposed AR2a zoning district as it is consistent with the NCO policy.

Approved (9-0) Consent Agenda

Resolution No. RS2010-172

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-025PR-001 is **APPROVED. (9-0)**

The proposed AR2a zoning district is consistent with the Bellevue Community Plan’s Natural Conservation land use policy that applies to the properties.

4. 2010Z-026PR-001

1101 38TH AVENUE NORTH

Map 091-04, Parcel(s) 015

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Greg Johnson

A request to rezone from R6 to ON zoning property located at 1101 38th Avenue North, approximately 180 feet north of John L. Driver Avenue (0.17 acres), requested by Timothy Patton, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST -Zone change from residential to office.

Zone Change A request to rezone from One and Two-Family Residential (R6) to Office Neighborhood (ON) zoning property located at 1101 38th Avenue North, approximately 180 feet north of John L. Driver Avenue (0.17 acres).

Existing Zoning

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

Proposed Zoning

ON District - Office Neighborhood is intended for low intensity office uses.

CRITICAL PLANNING GOALS N/A

NORTH NASHVILLE COMMUNITY PLAN

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? The proposed office zone is appropriate in this location at the edge of a residential district because it is surrounded on three sides by non-residential zoning, with a vacant lot to the south and a parking lot across 38th Avenue North. The size limit of 2,500 square feet per tenant, with a maximum of 2,900 square feet total, for offices in the proposed ON zone allows for a small-scale transition use at the edge of the residential street.

Though it is not technically consistent with NG policy, the current draft of the North Nashville Community Plan Update identifies this residential area adjacent to the Tennessee State University campus as appropriate for a mixed-use neighborhood policy that would allow for small-scale commercial and office development in the form of live/work buildings or single-use buildings that are consistent with the scale of surrounding development. The proposed ON zoning is consistent with this draft policy both because of the uses that would be permitted and the size limit for these uses.

The North Nashville Community Plan Update is scheduled to be considered by the Planning Commission at its January 13, 2010, meeting. If the draft policy for this area is adopted at that time this zone change will be consistent with the policy. If this zone change request is approved and the Update is delayed by more than six months or the mixed use neighborhood policy is not included in the Update, staff recommends that the Planning Commission direct that a housekeeping amendment be made so that the ON zoning district on this parcel is consistent with land use policy.

PUBLIC WORKS RECOMMENDATION No exception taken

Typical 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)	0.17	7.71 D	1 L	10	1	2

Typical Uses in Proposed Zoning District: ON

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.165 F	1,221 SF	14	2	2

Traffic changes between typical: **R6** and proposed **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+4	+1	0

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)	0.17	7.71 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.17	0.4 F	2,500 SF*	33	5	5

*Office is permitted with conditions (PC) in ON and limits maximum floor area to 2,500 SF.

Traffic changes between maximum: **R6** and proposed **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+23	+4	+3

METRO SCHOOL BOARD REPORT The proposed ON zone would allow for the same number of residential units on the subject property as the existing R6 zone. Because there is no change in residential density, a school board report was not generated.

STAFF RECOMMENDATION Staff recommends approval of the proposed ON zoning district because it is surrounded by non-residential zoning and land uses and because it will provide an appropriate transition to adjacent residential development with a maximum size limit for office uses.

If this rezoning request is approved and the North Nashville Community Plan Update is delayed by more than six months or the mixed use neighborhood policy is not included in the Update, staff recommends that the Planning Commission direct that a housekeeping amendment be made so that the ON zoning district is consistent with land use policy.

Mr. Johnson presented the staff recommendation of approval.

Councilmember Gotto in at 4:48 p.m.

Lisa Brown, co-owner with Tim Patton, 126 Braxton Park Lane, spoke in favor of staff recommendation of approval in order to relocate the office out of her home.

Dr. Wells, 3961 Drakes Branch Road, spoke against staff recommendation of approval.

Councilmember Gotto out at 4:54 p.m.

Mr. Clifton moved and Dr. Cummings seconded the motion to close the Public Hearing. (8-0)

Ms. LeQuire spoke in support of staff recommendation.

Ms. Jones spoke in support of staff recommendation.

Mr. Gee inquired as to the extent of the policy change, asking if it was limited to this property or if it extended to other parcels as well.

Ms. Carlat clarified that both sides of 38th would be consistent.

Mr. Clifton spoke in support with the understanding that it is because there is an upcoming plan amendment on January 27.

Dr. Cummings spoke in support of staff recommendation.

Ms. Escobar spoke in support of staff recommendation.

Mr. Ponder spoke in support of staff recommendation.

Councilmember Gotto in at 4:59 p.m.

Mr. Ponder moved and Dr Cummings seconded the motion, which passed unanimously, to approve staff recommendation. (9-0)

Resolution No. RS2010-173

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-026PR-001 is **APPROVED. (9-0)**

The proposed ON zoning district is appropriate because it is located at the edge of a residential district and is surrounded on three sides by non-residential zoning, and will provide an appropriate transition. The land use policy will be updated in the future to be consistent with the ON district.

Councilmember Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to put Items 8a and 8b back on the Consent Agenda with the understanding that they will probably be re-referred to the January 13, 2011 MPC meeting.

Mandatory Referral: Properties

5. 2010M-009PR-001

BL2010-768 I STANLEY
HOGGETT FORD ROAD ACCEPTANCE
Map 085-00, Parcel(s) Various
Map 086-00, Parcel(s) Various
Map 086-14-0-B, Parcel(s) Various
Map 097-00, Parcel(s) Various
Council District 14 (James Bruce Stanley)
Staff Reviewer: Bob Leeman

A council bill to amend the Official Street and Alley Acceptance and Maintenance Map for the The Metropolitan Government of Nashville and Davidson County by accepting Hoggett Ford Road as a public road, requested by Councilmember James Bruce Stanley, on behalf of various property owners.

Staff Recommendation: WITHDRAW AT THE REQUEST OF THE APPLICANT

The Metropolitan Planning Commission WITHDREW Mandatory Referral 2010M-009PR-001 at the request of the applicant. (9-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

6. 2010CP-000-001

COMMUNITY CHARACTER MANUAL (AMENDMENT #1)
Staff Reviewer: Cynthia Wood

A request to update the Community Character Manual (CCM), adopted by the Metropolitan Planning Commission in 2008, to make necessary changes to the document and to apply the updated CCM to the Madison Community Plan: 2009 Update and the West Nashville Community Plan: 2009 Update, requested by Metro Planning Department, applicant.

Staff Recommendation: APPROVE

The Metropolitan Planning Commission DEFERRED 2010CP-000-001 to the January 13, 2011, Planning Commission meeting. (9-0)

7. 2010CP-003-002

BORDEAUX-WHITES CREEK COMMUNITY PLAN: 2003 UPDATE

Map 049-00, Parcel(s) Various
Map 059-00, Parcel(s) Various,
Council District 02 (Frank R. Harrison); 03 (Walter Hunt)
Staff Reviewer: Cynthia Wood

A request for a minor amendment to the Bordeaux-Whites Creek Community Plan : 2003 Update to change from RLM, RM, NC and CC policies to T3 CM, T3 CC, T3 NE, and D IN policies properties located along Whites Creek Pike, Green Lane, Knight Drive, Revels Drive, and Ewing Drive, requested by the Metro Planning Department on behalf of various property owners.

Staff Recommendation: DEFER INDEFINITELY

The Metropolitan Planning Commission DEFERRED INDEFINITELY 2010CP-003-002 at the request of the applicant.

8a. 2010CP-014-003

DONELSON-HERMITAGE COMMUNITY PLAN AMENDMENT

Map 086-00, Parcel(s) 355
Council District 12 (Jim Gotto)
Staff Reviewer: Anita McCaig

A request for a major amendment to the Donelson-Hermitage-Old Hickory Community Plan to change from Residential Medium (RM) density to T3 Suburban Community Center property located at Old Hickory Boulevard (unnumbered), approximately 420 feet north of Central Pike, requested by Chance Allen & Roy S. Jones, owners. (See also Specific Plan Proposal No. 2010SP-019-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST- Amend the land use policy from Residential to Community Center.

Amend the Community Plan A request to amend the *Donelson-Hermitage-Old Hickory Community Plan: 2004 Update* by changing the current Land Use Policy Residential Medium (RM) to Community Character Policy T3 Suburban Community Center (T3 CC) for property located along Old Hickory Boulevard, near the intersection with Hermitage Woods Drive.

CRITICAL PLANNING GOALS The proposed T3 Suburban Community Center policy is intended to meet the critical planning goal of supporting infill development. It meets this goal by:

- Developing in an existing community at a higher intensity than before
- Focusing development along a major corridor
- Adding development where existing infrastructure is available
- Providing a mixture of uses that complements surrounding land uses
- Minimizing vehicular access points

DONELSON-HERMITAGE COMMUNITY PLAN

Current Policy

Residential Medium (RM) RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A mix of housing types is appropriate. The most common types include compact, single family detached units, town homes, and walk-up apartments.

Proposed Land Use Policy

T3 Suburban Community Center (T3 CC) T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections and serve suburban communities within a 10 to 20 minute drive.

BACKGROUND This property is approximately 10.6 acres. In the early 1970s it was part of a larger residential Planned Unit Development comprised of 240 acres. However, the property has never been developed. Its current zoning is RM9.

During the Donelson-Hermitage-Old Hickory Community Plan update process in 2003 and 2004, stakeholders were concerned about developing any additional multi-family residential in this area due to it already having a large portion of condominiums and apartments. However, due to the property's existing RM9 zoning, RM policy was placed on the property.

COMMUNITY PARTICIPATION The applicant held a community meeting on August 30, 2010, with the district councilman and the adjacent homeowners. Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 1,300 feet of the subject site. Planning staff held another community meeting on November 18, 2010, to discuss the plan amendment request and rezoning proposal with the community; seven community members, the district councilmember, applicants and staff were in attendance. Attendees were supportive of the proposed plan amendment and rezoning with a recommendation to remain thoughtful in project design so as not to exacerbate existing traffic congestion along the Old Hickory Boulevard corridor and surrounding streets.

ANALYSIS

Physical Site Conditions The site does have some steep slopes which should be taken into account with any development of this property. Elevation along the property ranges from 580 feet on the southern end to around 500 feet on the northern end. When Old Hickory Boulevard, which runs in front of this property, was widened to four lanes the roadway was cut through the hillside, leaving this property standing higher than the roadway. Development will result in bringing the front portion of the property down closer to the level of the roadway and most likely, significant grading of the property to prepare it for development.

Land Use Currently, the site is vacant and is covered by vegetation, shrubs and trees. The applicant is requesting a mixed use rezoning which is supported in the requested T3 CC policy. This property provides an opportunity for a smooth transition from the adjacent commercial, medical and office uses to the adjacent residential uses.

Access At present the site is accessed by Hermitage Woods Drive. However, this development proposes only accessing the site from Old Hickory Boulevard, which is a major corridor, and aligning that access point with an existing cut in the median and access across the street. The property is also close to an interchange with Interstate 40.

Development Pattern The development pattern in the area is varied. Immediately surrounding the property are multi-family uses, including Burning Tree Apartments, Raintree Village, and Hickory Woods Condominiums. Across the street are medical office uses and a hospital. This property is also adjacent to a commercial node at the intersection of Old Hickory Boulevard and Central Pike to the south and a large shopping center area to the north.

Historic Features There are no recognized historic features associated with this site.

Conclusion The proposed rezoning conforms to the Design Principles of the proposed T3 Community Center policy so no special policy language is needed. The amendment also acknowledges the shift in residential development patterns and the need for additional consumer commercial and business opportunities to shift accordingly to support and complement the adjacent residential development pattern.

STAFF RECOMMENDATION Staff recommends approval.

Approved (9-0), Consent Agenda

Resolution No. RS2010-174

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010CP-014-003 is **APPROVED. (9-0)**”

8b. 2010SP-019-001

ALLEN AND JONES PROPERTY

Map 086-00, Parcel(s) 355

Council District 12 (Jim Gotto)

Staff Reviewer: Greg Johnson

A council bill to rezone from RM9 to SP-MU zoning property located at Old Hickory Boulevard (unnumbered), approximately 600 feet north of Central Pike (10.65 acres), to permit a mixture of commercial and/or medical uses along with a possible assisted-living facility and active senior living, requested by Anderson, Delk, Epps & Associates, Inc., applicant, Davco-O.H. Blvd Properties, owner; sponsored by Councilmember Jim Gotto. (See also Community Plan Amendment Proposal No.2010CP-014-003).

Staff Recommendation: APPROVE SP WITH CONDITIONS, AND/OR APPROVE MUL

APPLICANT REQUEST -Permit land uses consistent with MUL zoning

Preliminary SP A request to rezone from Multi-Family Residential (RM9) to Specific Plan - Mixed Use (SP-MU) zoning property located at Old Hickory Boulevard (unnumbered), approximately 600 feet north of Central Pike (10.65 acres), to permit a mixture of commercial and/or medical uses along with a possible assisted-living facility and active senior living.

Existing Zoning

RM9 District - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre. This zoning would allow for 96 lots on the subject property.

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 uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Existing Policy

Residential Medium (RM) - RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Proposed Policy

T3 Suburban Community Center (T3 CC) T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

Consistent with Policy? The applicant proposes to amend the current land use policy through a concurrent policy amendment application. The proposed uses and bulk standards within the SP generally follow the use and bulk standards of the MUL zoning district, which is consistent with the intent of the T3 CC policy. With the proposed conditions of approval by staff, the SP would be consistent with the T3 CC land use policy. As an alternative, MUL zoning would also be consistent with the T3 CC policy.

PLAN DETAILS The proposed SP consists primarily of permitted land uses, minimal development standards and a conceptual grading plan. The development standards include proposed bulk standards and architectural standards for future development within the project site. The grading plan illustrates anticipated grading of the site needed for proposed uses.

Land uses Permitted land uses and bulk standards within the SP generally follow the MUL zoning district. Several industrial, utility, and commercial uses permitted within the MUL zoning district have been excluded from the permitted uses list for this SP.

Bulk Standards Bulk standards proposed by the SP also generally follow MUL standards. Variations from MUL zoning requirements occur in several instances. Building height requirements include an overall building height of 5 or 6 stories depending upon the specific land use involved, as well as a height control plane consistent with the MUL zone. If approved, the SP should be required to tailor its building height requirements according to the specific location of a building within the site. A condition of approval related to building heights has been added.

Access and Parking The SP proposes one direct driveway access to connect the site directly to Old Hickory Boulevard. A private street called Heritage Woods Drive borders the project site to the west and provides access to a residential development to the north of the project site. Use of this driveway for access to the project site is prohibited by the SP.

Urban Zoning Overlay (UZO) parking standards are proposed through the SP. Because the project site does not have the characteristics of a typical commercial site within the UZO, including the lack of transit access and connectivity to surrounding residential development, the use of UZO parking standards is not appropriate. A condition of approval has been added to use non-UZO parking standards.

Parking location standards are not included in the SP. Nothing in the SP or in the MUL zoning classification will restrict the placement of significant amounts of parking along Old Hickory Boulevard, which would be inconsistent with the intent of the proposed T3 CC policy. The T3 CC policy recommends the placement of parking to the side or behind a building in relation to the public street. A maximum of one row of parking can be placed along the public street in front of a commercial building. Conditions of approval have been added to add site-specific requirements for the placement of buildings and structures with emphasis on the relationship between future development and the Old Hickory Boulevard frontage.

Architectural Standards The SP includes minimal architectural standards that describe the intent of appropriate building design and specify acceptable materials for exterior walls, roofs, and awnings. These architectural standards do not provide direction in

site-specific issues like pedestrian entrance locations or relationships between buildings and streets or public spaces.

Grading Plan The applicant submitted a conceptual grading plan as part of the SP application. The plan proposes significant alteration to the existing topography, which slopes distinctly up from Old Hickory Boulevard to a high point near the northeast corner of the site. The grading plan proposes a retaining wall that would reach a height of approximately 35 feet along the east property line near Old Hickory Boulevard. The grade of the project site would sit below the grade of the adjacent property to the east. In contrast, the grade at the north of the site would increase in height adjacent to the condo development to the north.

ANALYSIS According to the Zoning Code, an SP is *“intended to address the unique characteristics of an individual property through a site specific plan.”* As proposed, this SP lacks elements that address the unique characteristics of the project site. The primary element of the SP is the permitted uses, which generally follow the MUL zoning district. The minimal bulk and architectural standards are slightly modified from MUL zoning standards and do not adequately reflect the characteristics of the site and surrounding residential development. The conceptual grading plan illustrates the intent to consistently grade the entire site to allow for the many options allowed within the SP. Through SP zoning, the grading plan should be linked to a development plan and site-specific development standards that shows the integration of buildings, parking, landscaping, etc. within a specific project.

According to the Zoning Code, the SP district is

“not intended for speculative development projects, but represents the applicant’s firm intention to develop according to a master development plan in a single development operation, or a phased series of development operations.”

The SP standards submitted by the applicant lack a meaningful connection to the project site. Without a sufficient level of development assurances normally provided through a preliminary site plan and/or well-rounded development standards this SP does not provide the minimum level of elements necessary to guide a context sensitive final SP plan.

The proposed conditions of approval provide site-specific requirements that intend to address the unique characteristics of this SP and the intent of SP zoning. These conditions of approval focus on the relationship of future development to the Old Hickory Boulevard street frontage and building height throughout the project site.

STORMWATERRECOMMENDATION Preliminary SP Returned for Corrections:

- Proposed Site Layout (Scale no less than 1" = 100', Contours no greater than 5')
- Provide a Water Quality Concept.
- Provide Room for Detention.

FIRE MARSHAL RECOMMENDATION This approval is for the concept plans only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Project access drive shall align with the existing driveway on the opposite side of OHB and shall be constructed with a minimum of 3 exiting lanes and 1 entering lane.
- Developer shall construct NB right turn lane on OHB at access drive with 200 ft of storage and transition per AASHTO/MUTCD standards.
- Developer shall construct a SB left turn lane on OHB at access drive with a minimum of 200 ft of storage and taper per AASHTO/MUTCD standards.
- Provide adequate sight distance at access drive and any internal drives.
- Roadway construction plans shall require TDOT approval.
- Developer shall conduct signal warrant analysis at 25%, 50 % and 75% project completion or as directed by Metro traffic engineer. Developer shall submit signal plans and upon approval by the Traffic and Parking Commission shall install signal which may include pedestrian signals and facilities per ADA standards. Signal design shall include communication with adjacent signals on Old Hickory Blvd. and any necessary advanced signal warning signals.

- If a traffic signal is warranted, developer shall re-evaluate the intersection and determine the need to widen the existing driveway on the opposite side of OHB to improve traffic operations. The necessary improvements, if any, shall be based on the results of the analysis as approved by the Metro traffic engineer.
- Upon site plan development, a focused TIS may be required to determine adequate main driveway width and any required turn lanes and to locate internal cross driveways an appropriate distance from signal in order to provide adequate lane storage at signal.

Typical Uses in Existing Zoning District: **RM9**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential(220)	10.65	9 D	95 U	700	51	70

Typical Uses in Proposed Zoning District: **SP (MUL)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.65	0.245 F	113,658 SF	7381	167	694

Traffic changes between typical: **RM9** and proposed **SP (MUL)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6681	+116	+624

Maximum Uses in Existing Zoning District: **RM9**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential(220)	10.65	9 D	95 U	700	51	70

Maximum Uses in Proposed Zoning District: **SP (MUL)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	10.65	1 F	463,914 SF	18413	381	1779

Traffic changes between maximum: **RM9** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+17,713	+330	+1709

METRO SCHOOL BOARD REPORT

Projected student generation **40** Elementary **23** Middle **19** High

Schools Over/Under Capacity Students would attend Dodson Elementary School, Dupont-Tyler Middle School, or McGavock High School. Dodson Elementary School and Dupont-Tyler Middle School have been identified as being over capacity by the Metro School Board. There is no capacity for elementary and middle school students within the cluster.

The fiscal liability for 40 elementary students is \$800,000. The fiscal liability for 23 middle school students is \$540,500. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2010.

STAFF RECOMMENDATION If the associated Community Plan amendment related to this SP proposal is approved, staff recommends approval with conditions of the proposed SP. As proposed, the SP lacks a significant relationship between the

proposed standards and the characteristics of the project site. Proposed conditions of approval provide stronger connection between the SP and the project site.

As a separate option to SP zoning, staff supports the approval of MUL zoning if the associated Community Plan amendment related to this SP proposal is approved.

CONDITIONS

1. A build-to zone of 5 feet to 65 feet from the right-of-way line shall be established along Old Hickory Boulevard. A minimum of 40% of the build-to zone shall be occupied by building frontage, which is defined as building façade that fronts onto Old Hickory Boulevard where primary pedestrian access to the building is available.
2. Where parking is placed in front of a building façade within the build-to zone, it shall have a minimum setback of 5 feet from the right-of-way along Old Hickory Boulevard. All other parking shall have a minimum 20 foot setback from Old Hickory Boulevard.
3. Parking placed in front of building frontage along Old Hickory Boulevard shall be limited to one row in depth.
4. The parking standards shall be revised to require non-UZO parking standards of the Metro Zoning Code for allowed uses.
5. Building height standards shall be revised to allow a maximum height of 6 stories for hotel structures and 5 stories for other commercial and residential structures within 300 feet of the Old Hickory Boulevard right-of-way. Structures or portions of structures placed 300 feet or more from the Old Hickory Boulevard right-of-way shall have a maximum height of 3 stories.
6. A maximum density of 20 dwelling units per acre is permitted within this SP.
7. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy.
8. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code shall met with any final site plan within the SP.
9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district for residential buildings as of the date of the applicable request or application.
10. 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.
11. 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.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved SP with conditions and also approved MUL as an alternative to the SP. (9-0), Consent Agenda

Resolution No. RS2010-175

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-019-001 is **APPROVED SP WITH CONDITIONS AND ALSO APPROVE MUL as an alternative to the SP. (9-0)**

The proposed SP district with the recommended conditions, or MUL zoning district, is consistent with the Donelson/Hermitage Community Plan's Suburban Community Center land use policy that applies to the property.'

9a. 2010CP-014-004

DONELSON-HERMITAGE COMMUNITY PLAN AMENDMENT

Map 086-00, Parcel(s) 137

Council District 14 (James Bruce Stanley)

Staff Reviewer: Anita McCaig

A request for a minor amendment to the Donelson-Hermitage-Old Hickory Community Plan to change from Single-Family Detached in Neighborhood General policy to Mixed Use in Neighborhood Center policy property located at 3954 Dodson Chapel Road, approximately 230 feet south of Central Pike, requested by Faran Ferdowsi, applicant, Ralph and Dorothy Gleaves et al, owners. (See also Zone Change Proposal No. 2010Z-029PR-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST - Amend the land use policy from SFAD in NG to MxU in NC.

Amend the Community Plan A request to amend the *Donelson-Hermitage-Old Hickory Community Plan: 2004 Update* by changing the current Detailed Land Use Policy Single Family Attached and Detached in Neighborhood General (SFAD in NG) to Mixed Use in Neighborhood Center (MxU in NC) for property located at 3954 Dodson Chapel Road, south of Central Pike.

CRITICAL PLANNING GOALS The proposed Mixed Use in Neighborhood Center policy is intended to meet the critical planning goal of creating a walkable neighborhood. It meets this goal by:

- Creates Walkable Neighborhoods
- Focusing development as part of a center, at a higher intensity that currently exists
- Providing a mixture of uses that complements the existing uses
- Creating destinations that can be walked to from nearby residential and office uses
- Creating an environment that allows someone to drive to, but once there park and walk

DONELSON-HERMITAGE COMMUNITY PLAN

Current Policy

Single Family Attached and Detached (SFAD) -SFAD detailed policy accommodates both single family and multi-family housing that varies based on lot size and building placement on the lot.

Neighborhood General (NG) - NG policy is intended for areas that are primarily residential in character. NG areas contain a variety of housing that is carefully arranged, not randomly located.

Proposed Land Use Policy

Mixed Use (MxU) MxU detailed policy is intended for areas containing a mixture of uses, both horizontally and vertically. The category allows residential as well as commercial uses and focuses on creating a pedestrian-oriented streetscape.

Neighborhood Center (NC) NC policy is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, the neighborhood center is a walk-to area within a five minute walk of the surrounding neighborhood it serves.

BACKGROUND This property is approximately 1.43 acres, zoned RS10, and contains a single-family home. During the Donelson-Hermitage-Old Hickory Community Plan update process in 2003 and 2004, residential policy was continued on this property.

COMMUNITY PARTICIPATION Prior to the plan amendment application, the district councilmember held a community meeting to discuss the associated zone change. However, no one from the community attended the meeting. Notification of the plan amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 800 feet of the subject site. Since this is a minor plan amendment, a community meeting was not required.

ANALYSIS

Physical Site Conditions The site does have some small areas of steep slopes (greater than 20 percent) which should be taken into account with any development of this property.

Land Use Currently, the site contains a single-family house. The applicant is requesting a rezoning to Mixed Use Limited (MUL) to redevelop this property as part of the existing office and commercial building on the adjacent property to the north. This property provides an opportunity to provide a smooth transition from the adjacent commercial, medical and office uses to the adjacent residential uses.

Access At present the site is accessed by Dodson Chapel Road.

Development Pattern The development pattern in the area is varied. Immediately surrounding the property is the single-family Fleetwood subdivision and a strip medical/office center. The offices are part of the neighborhood center node at the intersection of Dodson Chapel Road and Central Pike which includes additional offices, small businesses, a grocery store, the Hermitage Branch Library and the Hermitage Police Precinct. Across the street from the property are additional residential uses which continue south on Dodson Chapel Road.

Historic Features There are no recognized historic features associated with this site.

Conclusion The requested MxU in NC policy is an extension of the neighborhood center node policy surrounding the Dodson Chapel Road / Central Pike intersection. No special policy language is needed.

STAFF RECOMMENDATION Staff recommends approval.

Approved (9-0), Consent Agenda

Resolution No. RS2010-176

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010CP-014-004 is **APPROVED. (9-0)**”

9b. 2010Z-029PR-001

3954 DODSON CHAPEL ROAD

Map 086-00, Parcel(s) 137

Council District 14 (James Bruce Stanley)

Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to MUN zoning property located at 3954 Dodson Chapel Road, approximately 230 feet south of Central Pike (1.43 acres), requested by Faran Ferdowski, applicant, Ralph and Dorothy Gleaves Fitzpatrick, owners. (See also Community Plan Amendment Proposal No. 2010CP-014-004).

Staff Recommendation: APPROVE

APPLICANT REQUEST - Rezone from single-family residential to mixed use.

Rezoning A request to rezone from Single Family Residential (RS10) to Mixed-Use Neighborhood (MUN) zoning for property located at 3954 Dodson Chapel Road, approximately 230 feet south of Central Pike (1.43 acres).

Existing 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. *A maximum of five lots would be permitted under the existing RS10 zoning district.*

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Existing Policies

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.

Single Family Detached (Detailed Policy) 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.

Proposed Policies

Neighborhood Center NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize.

Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

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

Consistent with Policy? The proposed mixed-use zoning district is not consistent with the property’s current residential land use policies; however, it is consistent with the proposed Mixed Use in Neighborhood Center land use policy.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

Typical Uses in Existing Zoning District: **RS10**

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)	1.43	3.7 D	5 L	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail(814)	1.43	0.057 F	3,550 SF	190	10	30

Traffic changes between typical: **RS10** and proposed **MUN**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+142	+6	+24

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

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)	1.43	3.7 D	5 L	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.43	0.6 F	37,374 SF	1637	37	112

Traffic changes between maximum: **RS10** and proposed **MUN**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1589	+33	+106

STAFF RECOMMENDATION If the associated Community Plan Amendment is approved, then staff recommends that the proposed MUN zoning district be approved. The MUN district is consistent with the proposed land use policies.

Approved (9-0), Consent Agenda

Resolution No. RS2010-177

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-029PR-001 is **APPROVED. (9-0)**

The proposed MUN zoning district is consistent with the Donelson/Hermitage Community Plan’s Mixed-Use in Neighborhood Center land use policy that applies to the property.’

I. RECOMMENDATIONS TO METRO COUNCIL

Zoning Text Amendments

10. 2010Z-021TX-001

BL2010-786 | HOLLIN

CHECK CASHING, TITLE LOAN, CASH ADVANCE, PAWNSHOP

Staff Reviewer: Jennifer Regen

A council bill to amend Section 17.04.060 (Definitions) of the Metro Zoning Code by modifying the definitions of "cash advance", "check cashing", "pawnshop", and "title loan", sponsored by Councilmember Jamie Hollin.

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED INDEFINITELY Zoning Text Amendment 2010Z-021TX-001 at the request of the applicant. (9-0)

11. 2010Z-022TX-001

COMMUNITY EDUCATION

Staff Reviewer: Jennifer Regen

A request to modify the Metro Zoning Code, Section 17.16.040 (Uses Permitted with Conditions: Educational Uses) by deleting the minimum campus size requirements for public or private community education uses (elementary, middle, and high school) in subsections 1 and 5, requested by the Metro Planning Department.

Staff Recommendation: DEFER INDEFINITELY AT THE REQUEST OF THE APPLICANT

The Metropolitan Planning Commission DEFERRED INDEFINITELY Zoning Text Amendment 2010Z-022TX-001 at the request of the applicant. (9-0)

12. 2010Z-023TX-001

BL2010-798 | EVANS

SIGNS: TRI-PANEL BILLBOARDS

Staff Reviewer: Brenda Bernards

A council bill to modify the Metro Zoning Code, Sections 17.04.060 (Definitions) and 17.32.050.G (Prohibited Signs) by adding a definition for "tri-panel billboard" and exempting a tri-panel billboard from the distance requirements applicable to electronic signs, sponsored by Councilmember Emily Evans.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Define Tri-Face Billboards and exempt from certain height restrictions

Text Amendment A council bill to modify the Metro Zoning Code, Sections 17.04.060 (Definitions) and 17.32.050.G (Prohibited Signs) by adding a definition for "tri-panel billboard" and exempting a tri-panel billboard from the distance requirements applicable to electronic signs.

CRITICAL PLANNING GOALS N/A

PURPOSE This text amendment is intended to treat tri-face billboards similar to standard billboards. Currently, the Zoning Code classifies this type of sign as a changeable message sign, similar to digital and electronic signs, and places additional restrictions on the height the sign can be in relation to agriculturally and residentially zoned properties.

ANALYSIS

Existing Law Section 17.32.050.G of the Zoning Code has height restrictions for signs with "any copy, graphics, or digital displays that change messages by electronic or mechanical means" in relation to agriculturally and residentially zoned land. As tri-face billboards change message by a mechanical means, they must meet the restricted height.

Proposed Bill The proposed bill adds a definition of tri-face billboards to the Zoning Code.

“Tri-face billboard” means a non-internally illuminated billboard consisting of a sign face comprised of a series of vertical triangular louvers that can be rotated to show up to three separate sign messages.

In section 17.32.050.G, tri-face billboards are specifically excluded from the height restrictions.

“Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, shall not be permitted in the CA, CS, CF, CC, SCR, IWD, IR and IG districts unless the following distance requirements are satisfied, based upon the overall height of the sign:”

STAFF RECOMMENDATION Staff recommends approval of this bill. This amendment will treat tri-face billboards similar to standard billboards.

ORDINANCE NO.

An Ordinance amending Sections 17.04.060 and 17.32.050 of Title 17 of the Metropolitan Code, Zoning Regulations, to add a definition for tri-face billboards and to exempt tri-face billboards from the distance requirements applicable to electronic signs (Proposal No. 2010Z-023TX-001).

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following new definition for “tri-face billboard”:

“Tri-face billboard” means a non-internally illuminated billboard consisting of a sign face comprised of a series of vertical triangular louvers that can be rotated to show up to three separate sign messages.

Section 2. That Section 17.32.050 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the first sentence of subsection G.2. in its entirety, and substituting with the following new sentence:

“Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, shall not be permitted in the CA, CS, CF, CC, SCR, IWD, IR and IG districts unless the following distance requirements are satisfied, based upon the overall height of the sign:”

Section 3. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY: Eric Crafton

Approved (9-0), Consent Agenda

Resolution No. RS2010-178

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-023TX-001 is **APPROVED. (9-0)**”

Specific Plans

13. 2006SP-114U-10

1600 WEST END SUMMIT (4-YEAR REVIEW)

Map 092-12, Parcel(s) 526

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as “West End Summit”, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at West End Avenue (unnumbered) (3.93 acres), approved for a maximum building height of 400 feet and build-to lines for a mixed-used building complying with all other provisions of the MUI zoning district via Council Bill BL2006-1154 effective on September 19, 2006, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity.

SP Review The periodic review of an approved Specific Plan – Mixed Use (SP-MU) district known as “West End Summit”, to

determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code, for property located at West End Avenue (unnumbered) (3.93 acres), approved for a maximum building height of 400 feet and build-to lines for a mixed-used building complying with all other provisions of the MUI zoning district via Council Bill BL2006-1154 effective on September 19, 2006.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP District be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP district is appropriate.

DETAILS OF THE SP DISTRICT The West End Summit SP established a maximum building height of 400 feet and set build-to lines for a mixed-use building. All other bulk standards of the MUI zoning district apply.

Staff visited the site on September 20, 2010. On site grading and rock excavation in preparation for a below-grade parking facility have occurred on the site. The project engineer provided details of infrastructure improvements that have been made related to the development of this SP.

These include:

- Extension of 409 L.F. of 8" public water line installation with associated valves and appurtenances in 16th Ave
- Extension of 182 L.F. of 12" public sanitary sewer line extension in 16th Ave.
- Extension of 470 L.F. of 12" public sanitary sewer line extension in 17th Ave.
- Extension of 459 L.F. of 24" and 30" storm drainage pipe installation with associated manholes in 17th Ave
- Repaving of 16th and 17th Avenues in construction areas

STAFF RECOMMENDATION Staff recommends that the West End Summit SP be found to be active and that it be placed back on the four-year review list.

Found the SP active. (9-0), Consent Agenda

Resolution No. RS2010-179

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-114U-10 is **APPROVED, FINDING THE SP ACTIVE. (9-0)**"

**14. 2008SP-002-002
STARWOOD COMMONS**

Map 164-00, Parcel 041
Council District 32 (Sam Coleman)
Staff Reviewer: Jason Swaggart

A council bill to amend the SP District (adopted with Council Bill BL2008-137) for the previously approved Starwood Commons Specific Plan District and for final site plan approval, for property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard (65.1 acres), to allow all previously approved uses associated with the Starwood Amphitheater to be temporarily permitted, requested by R. Chris Magill Consulting LLC, applicant, Vastland Starwood Development, LLC, owner; sponsored by Jerry Maynard.

Staff Recommendation: APPROVE WITH REVISED CONDITIONS

APPLICANT REQUEST -Amend SP to permit an interim use and final site plan.

Preliminary SP A request to amend the SP District (adopted with Council Bill BL2008-137) for the previously approved Starwood Commons Specific Plan District and for final site plan approval, for property located at 3839 Murfreesboro Pike, approximately 230 feet north of Old Hickory Boulevard (65.1 acres), to allow all previously approved uses associated with the Starwood Amphitheater to be temporarily permitted.

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 uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Community Center (CC) CC is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. 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? While the Community Center policy is not intended for a large scale stand alone outdoor amphitheater, the proposed amendment is only for an interim use. The interim use will not replace the previously approved mixed-use development which is consistent with the land use policy.

REQUEST DETAILS This is a request to amend the Starwood Commons Specific Plan to allow all the previously permitted uses associated with the Starwood Amphitheater as an *interim use*, and for final site plan approval for the interim use only. The site is currently vacant. Some of the improvements associated with the previous amphitheater, such as stormwater facilities, some utilities and paved areas, remain, but all the facilities, such as stage, restrooms and concession stands have been removed. While some improvements remain, a majority of the site has been damaged, including existing improvements, and will require repair.

The existing SP, Starwood Commons, was approved by Metro Council in 2008. The SP permits up to 250 multi-family units and up to 421,500 square feet of commercial uses. According to the applicant, the troubled economic times have made it impossible to market the approved mixed-use development, so they would like to temporarily use the site for outdoor entertainment as permitted prior to the SP.

As proposed the site would be used for an outdoor amphitheater (Commercial Amusement Outdoors). The use would be an interim use only, and all facilities needed for any event on the site would be temporary. No permanent structures associated with the interim use would be permitted. The amendment prohibits the proposed interim use from coexisting with the original Council approved plan for Starwood Commons and therefore, once any portion of the commercial and/or residential uses are under construction the interim use shall cease and no longer be permitted.

Staff Analysis There are no major issues with permitting the proposed interim use as this use was permitted prior to the SP zoning, and will be temporary. To ensure that traffic generated by the interim use is similar and does not exceed the traffic generated by the previous amphitheater, staff recommends that the interim Commercial Amusement Outdoors use operate under the original limitations of the 1985, order established by the Board of Zoning Appeals. The order which permitted the amphitheater within an AR2a zoning district limited the number of seats to 5,000.

STORMWATER RECOMMENDATION No construction activities requested. No permit required.

PUBLIC WORKS RECOMMENDATION Upon development of retail or commercial in place of or in addition to the outdoor commercial amusement land use, comply with previous traffic conditions of Starwood Commons SP or submit a revised Traffic and Parking study.

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. While the proposed amendment is not consistent with the site's Community Center land use policy, it is a temporary use, and does not replace the mixed-use plan that is consistent with the policy.

CONDITIONS

1. This amendment shall permit an interim Commercial Amusement Outdoor use only. The original plan (Application No. 2008SP-002U-13) and Council Bill (2008-137) shall establish the requirements/conditions for the primary use.
2. The interim use shall cease once construction has begun for the commercial shopping center and/or residential uses permitted by the original SP (BL2008-137).
3. All facilities and structures needed for the interim plan shall be portable.
4. Permanent structures for the interim plan are not permitted, and in no way shall the original council approved plan (BL2008-137) and this interim plan be integrated.
5. Events shall be limited to a maximum 12,000 people.

6. 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.

Mr. Swaggart presented the staff recommendation of approval with conditions.

Mr. Clifton out at 5:02 p.m.

Mr. Clifton in at 5:05 p.m.

Chris McGill, representing property owner, spoke in favor of staff recommendation and stated that this is for an interim use, not negating the previous SP. Addressed traffic concerns and stated that the immediate surrounding area has not changed much since Starwood was originally in operation therefore there should not be any additional traffic issues.

Donna Crawford, 1510 Villa Place, stated that the community has lots of concerns, noting applicant's proposal is not specific enough. Spoke against staff recommendation of approval with revised conditions and clarified that the community would like more specific direction, more detail in this plan.

Dimples, Murfreesboro Pike, stated that she is neither for nor against this proposal but wanted to clarify that the area has changed immensely since Starwood originally operated. Also noted that traffic concerns need to be addressed and that the proposal needs more detail.

Councilman Coleman stated that he will not be the sponsor of this bill at Council. Issues were addressed at a community meeting previously but promised another community meeting on January 3. Noted that the property is an eyesore. Traffic is an issue and will be addressed. He stated that Davidson County needs the economic impact and asked the commission to support this proposal.

Councilman Gotto moved and Mr. Ponder seconded the motion, which passed unanimously, to close the Public Hearing. (9-0)

Mr. Gee inquired if traffic improvements are required.

Mr. Swaggart clarified that Public Works has no major traffic concerns.

Mr. Gee inquired about interim use with no time limit along with temporary structures.

Mr. Swaggart clarified that all needed structures will have to be brought in and taken out with each event, noting that a temporary structure cannot be there over 60 days per the Code.

Mr. Gee suggested to the commission to recommend a time limit for the interim use and also stated concerns with lack of detail in the proposal.

Ms. Jones stated that Starwood has been closed for five years, which has allowed the development of Fontanel. She noted that the proposal needs more specifics/details and asked how the commission can justify "temporary" without a definition and go back into business without the same scrutiny that Fontanel was given.

Ms. LeQuire stated that she thinks it's an exciting prospect if well managed and would like to defer so the community can get more clarification.

Mr. Clifton inquired about implications of deferring, stating that he does not feel that it is quite ready for the commission to vote on it.

Dr. Cummings stated that she would like to see traffic issues addressed as well as other issues brought up by the commission.

Ms. Escobar inquired as to why Starwood wasn't under the same scrutiny that Fontanel was.

Mr. Bernhardt clarified that all issues discussed could be part of the commission's consideration.

Mr. Ponder stated that the Fontanel example is a very good point and feels this should be deferred and brought back after more conditions are known.

Councilmember Gotto stated that structures are not going to be constructed and that this truly is going to be temporary. Does not have a problem with this coming back before the Planning Commission but does not think a time limit should be defined for

“temporary”. Events will be held rather infrequently and feels that this is a really good way to try and help our economy. If deferred, a Public Hearing can not be held at Council without a suspension of the rules.

Councilmember Gotto moved approval.

Mr. Clifton asked for clarification on Council rules regarding Public Hearings.

Councilmember Gotto clarified and amended his motion to include that the Councilman will re-refer the bill back to the Planning Commission after the Public Hearing at Council.

Mr. Ponder seconded.

Mr. Gee stated concerns with approving at this time.

Councilmember Gotto noted that if the bill is disapproved or deferred at this time, then it will go on to Council and potentially the Planning Commission will no longer have any input into the additional conditions. If approved at this time, then the bill can be kept on track and it will come back before the Planning Commission for input on additional conditions.

Ms. Jones stated that Starwood needs the same scrutiny as Fontanel, noting inconsistency.

Mr. Clifton stated that the commission would like a chance to look at more conditions and the Councilman would like to keep the bill on track.

(8-1) Ms. Jones voted against.

Ms. Hammond asked if the commission’s intent was to reopen the Public Hearing. Commissioners stated yes, they would like for the Public Hearing to be reopened.

Resolution No. RS2010-180

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-002-002 is **APPROVED WITH REVISED CONDITIONS and recommend re-referral from Metro Council. (8-1)**

Conditions of Approval:

1. This amendment shall permit an interim Commercial Amusement Outdoor use only. The original plan (Application No. 2008SP-002U-13) and Council Bill (2008-137) shall establish the requirements/conditions for the primary use.
2. The interim use shall cease once construction has begun for the commercial shopping center and/or residential uses permitted by the original SP (BL2008-137).
3. All facilities and structures needed for the interim plan shall be portable.
4. Permanent structures for the interim plan are not permitted, and in no way shall the original council approved plan (BL2008-137) and this interim plan be integrated.
5. Events shall be limited to a maximum 12,000 people.
6. 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.

While the proposed amendment is not consistent with Antioch/Priest Community Plan’s Community Center land use policy that applies to the property, the request is for a temporary use only and does not affect the Council approved mixed-use plan that is consistent with the land use policy. The use is also consistent with a use previously on this property. The Commission also recommends re-referral from the Metro Council to discuss any necessary conditions that may help mitigate the impacts of the temporary use.’

15. 2010SP-020-001

LINCOLN APARTMENTS (PRELIM. & FINAL)

Map 105-04, Parcel(s) 009

Council District 17 (Sandra Moore) Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-R zoning and for final site plan approval for property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and Perkins Street (0.26 acres), to permit an existing one-story brick structure to be used as 5 apartment units, requested by Gary Wynn, applicant, on behalf of Bruce Carlock, Trustee, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST -Permit a multi-family use.

Preliminary and Final SP A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) zoning and for final site plan approval for property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and Perkins Street (0.26 acres), to permit an existing one-story brick structure to be used as five apartment units.

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. R6 zoning would allow a maximum of one duplex on the subject property.

Proposed Zoning

SP-R District - Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

CRITICAL PLANNING GOALS The proposed SP will allow for residential development within an existing building that will be improved and reused for the proposed use. The project is adjacent to compatible commercial land uses and to an existing transit line. The proximity of these related land uses combined with existing sidewalk infrastructure will help to promote a walkable neighborhood.

- Supports Infill Development
- Creates Walkable Neighborhoods

SOUTH NASHVILLE 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? Yes, the proposed number of dwellings is consistent with the density supported by the Neighborhood General policy. The form of development with relatively shallow setbacks from surrounding streets and building design that emphasizes the public street is consistent with the design principles of the NG policy.

PLAN DETAILS This SP is intended to reuse an existing building on the project site as a multi-family residential use housing five attached dwelling units. The existing building was constructed prior the existence of zoning requirements. It contained ten residential dwelling units when it was purchased ten years ago by the current owner, who has allowed it to remain vacant since. Because any rights related to nonconforming uses have expired, any use of the current building must follow current zoning requirements. The proposed multi-family residential use consisting of five residential uses falls within the upper end of density allowed by the NG policy.

Access and Parking Five parking spaces are proposed on the project site in addition to four additional spaces available on Lincoln Street adjacent to the site. Three angled parking spaces are provided along an alley located to the north of the project site. A curb cut along Perkins Street to the south of the site would provide access to two additional on-site parking spaces. This proposed curb cut would have two negative impacts on the project through 1) the placement of parking in a portion of the backyard space and 2) the placement of parking within the street-side setback along Perkins Street. A condition of approval has been added to remove proposed driveway access to Perkins Street. Removal of this driveway would result in 7 total parking spaces either on the site or adjacent to the site on Lincoln Street. The Zoning Code would require 7.5 total parking spaces for the five proposed dwellings under an RM zoning district, but also allows for permitted reductions to these parking requirements. A ten percent parking reduction can be used for this project because it is located within 600 feet of a bus line along Lafayette Street. An additional ten percent reduction can be included for this project because the residential building was constructed within ten feet of the front property line. The six spaces meet the Zoning Code requirements.

Site plan and building façade design The site plan and façade design drawings submitted with the SP application demonstrate the intent to improve the relationship between the existing building and the public street. The site plan shows new walkways connecting front doors to the Lincoln Street sidewalk. New trees are proposed for the front yard of each unit. A façade design drawing for the Lincoln Street façade was submitted with the application. The drawing shows the intent to replace redundant door

openings with window openings.

Because the SP intends to allow more intense development than allowed under the current zoning, landscaping buffers should be consistent with the Zoning Code. A "B" landscaping buffer shall be provided along the west property line that is shared with a property with R6 zoning.

Fall-back Zoning A condition of approval has been added to include a fall back zoning classification for any standards that are not addressed specifically by the SP. The RM20 zoning classification is recommended as the fall back zoning classification.

PUBLIC WORKS RECOMMENDATION

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Provide plan for solid waste management including recycling.

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)	0.26	7.71 D	2 L	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential(220)	0.26	-	5 U	34	3	4

Traffic changes between Maximum: **R6** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+14	+1	+1

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity Students would attend Whitsitt Elementary School, Cameron Middle School, and Glenclyff High School. None of the schools have been identified as being over capacity by the Metro School Board.

This information is based upon data from the school board last updated October 2010.

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed residential project is consistent with the land use policy in terms of density and design characteristics.

CONDITIONS

1. A type "B" landscape buffer, as defined by the Zoning Code, shall be provided along the west property line.
2. The proposed driveway connection to Perkins Street shall be removed from the site plan.
3. The uses of this SP shall be limited to multi-family residence.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for residential buildings as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. 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.

6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Johnson presented the staff recommendation of approval with conditions.

Bruce Carlock (applicant), 115 Bellevue Dr S, spoke in favor of staff recommendation.

Genora Flagg, 117 Lafayette Street, stated that the property has been an eyesore for a while now and would like to see it renovated.

Michelle Denning, 27 Perkins St, stated that she is not for or against but does want to insure that the applicant follows through with his intentions because the property is currently unattended.

Aaron Sparkman, 2707 Natchez Trace, spoke in support of reconditioning of the property but stated that the applicant currently does nothing to take care of this property. Stated that crime and trash are prevalent on this property.

Jeanetta Green, 13 Trimble Street, spoke in support if the applicant is going to follow through with reconditioning the property.

Councilmember Gotto moved and Dr. Cummings seconded the motion, which passed unanimously, to close the Public Hearing. (9-0)

Councilmember Gotto stated that the only opportunity to turn this property around is to do what the applicant is asking even if the intent is to sell it, noting that the applicant needs to have someone come out immediately and address the Codes violations.

Mr. Ponder stated that the owner has a responsibility to make the effort to show the neighbors that he is serious about making this area a good place to live by cleaning up the property.

Dr. Cummings spoke in support but requested the Codes violations be addressed immediately.

Mr. Clifton spoke in support, stating that approval is a step towards the right direction.

Ms. Jones spoke in support.

Ms. LeQuire inquired if there had been any Codes citations to date.

Mr. Johnson clarified that there was one from September 2010 for "Failure to Secure".

Ms. LeQuire stated her support of rezoning.

Dr. Cummings moved and Councilmember Gotto seconded the motion, which passed unanimously, to approve with conditions. (9-0)

Resolution No. RS2010-181

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-020-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A type "B" landscape buffer, as defined by the Zoning Code, shall be provided along the west property line.
2. The proposed driveway connection to Perkins Street shall be removed from the site plan.

3. The uses of this SP shall be limited to multi-family residence.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district for residential buildings as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. 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.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed SP zoning district is consistent with the North Nashville Community Plan's Neighborhood General land use policy that applies to the property.'

16. 2010SP-021-001

2400 WEST END

Map 092-15, Parcel(s) 135-137

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Greg Johnson

A council bill to rezone from CS to SP-MU zoning for properties located at 2400, 2402 and 2404 West End Avenue, at the northwest corner of West End Avenue and 24th Avenue North (1.37 acres), to permit the development of a structure containing hotel and restaurant uses with underground parking, requested by Ragan-Smith Associates, Inc. applicant, on behalf of RMR TN West End, LLC, owner; sponsored by Councilmember Edith Langster.

Staff Recommendation: APPROVE WITH REVISED CONDITIONS

APPLICANT REQUEST - Permit an 8-story mixed-use building with underground parking.

Preliminary SP A request to rezone from Commercial Service (CS) to Specific Plan-Mixed-Use (SP-MU) zoning for properties located at 2400, 2402 and 2404 West End Avenue, at the northwest corner of West End Avenue and 24th Avenue North (1.37 acres), to permit the development of a structure containing hotel and restaurant uses with underground parking.

Existing Zoning

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

Proposed Zoning

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 office and/or commercial uses.

CRITICAL PLANNING GOALS The SP supports several critical planning goals. The placement of building form and pedestrian entrances along street frontages combined with the increase in sidewalk width along adjacent streets will improve the pedestrian environment next to the site. Placement of multiple uses within a single structure of multiple floors promotes. These complementary land uses will help to support transit along the West End Avenue corridor. This development of this site includes the reuse and improvement of a site that is currently under-developed.

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices

- Supports Infill Development
- Promotes Compact Building Design compact building design.

GREEN HILLS/ MIDTOWN COMMUNITY PLAN

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

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? The proposed SP meets the land use and design intent of the existing policy with the exception of building height. The policy recommends a maximum of 6 stories in this location. The proposed 8 story building height is consistent with the project location along a wide significant corridor in West End Avenue and the presence of Vanderbilt dormitories of 10+ stories on the opposite side of West End Avenue. Further, reduced floor to floor height typical of hotel design will reduce the perceived height of the building.

PLAN DETAILS The SP proposes an 8-story building consisting of approximately 220 hotel rooms and a wine bar. These proposed land uses are permitted within the CS zoning classification. The proposed height of the project requires a zone change due to the three-story maximum height within the CS zoning district.

Building Form The project is organized around a circular driveway in the middle of the site, which provides access to the main lobby of the hotel in the northeast corner of the site. The presence of this interior driveway allows for the placement of building form primarily along the 24th Avenue and Elliston Place street frontages. A proposed wine bar is intended to hold a prominent position at one end of the building at the corner of West End Avenue and 24th Avenue.

Phased Development Development is proposed in two phases. Phase I would include construction of proposed underground parking, driveways, and most of the hotel. An 8-story hotel addition on the west side of the circular driveway is proposed as a possible Phase II portion of development. As proposed, this addition would consist of approximately 48 hotel rooms.

Access and Parking Three driveway access points are proposed on the SP site plan. Two driveways from West End Avenue will provide access to patrons of the proposed hotel. A driveway entrance near the middle of the property along West End Avenue will provide access to a circular driveway and a porte cochere entrance to the hotel. A second driveway entrance at the southwest corner of the site provides direct access to the underground parking garage. A third driveway is proposed along Elliston Place at the northwest corner of the site. This driveway is intended for the purpose of deliveries and trash collection.

Two levels of underground parking are proposed with Phase I of the SP. With the inclusion of applicable parking reductions provided within the Zoning Code, the proposed parking provides an acceptable amount of parking for the proposed uses. Additionally, the applicant intends to provide on-street parking along Elliston Place and a portion of 24th Avenue.

Street Frontage The proposed SP shows the intent to reserve additional right-of-way along Elliston Place and West End Avenue to meet the current minimum right-of-way standards of the Major and Collector Street Plan, which provides right-of-way dedication and reservation recommendations for arterial and collector streets. The current Major and Collector Street Plan has not been updated to reflect the Complete Street design elements consistent with Mayor Dean's Executive Order. The updated Major and Collector Street Plan, which is anticipated for early-2011, will likely recommend additional right-of-way along Elliston Place for the provision of bike lanes, as recommended by the Strategic Plan for Sidewalks and Bikeways. Additionally, the Elliston Place Detailed Neighborhood Design Plan includes goals for wide sidewalks and accommodations for bicyclists within the study area.

To reflect the anticipated recommendation of the future Major and Collector Street Plan, the Strategic Plan for Sidewalks and Bikeways, and the intent of the Mayor's Office to implement Complete Streets standards, Planning staff and Metro Public Works recommend an additional required building setback along Elliston Place in addition to the proposed right-of-way reservation. A minimum building setback of 48 feet from street center line along Elliston Place has been added as a condition of approval to provide additional space for the installation of street elements, such as wider sidewalks, tree planters, and bike lanes consistent with Complete Streets. This 48 foot setback would add approximately 6 additional feet to the proposed building setback along Elliston Place. Currently, the proposed plan includes a 42 foot building setback along Elliston Place from the street centerline.

Building Elevations Building elevations submitted with the application provide information on the character and materiality of exterior building facades. Ground floor walls will use a stone veneer. Upper floors will have a combination of EIFS and brick veneer.

Sidewalk entrances are shown on the building elevations. Several entrances are provided along the Elliston Place street frontage, which would provide access to first floor hotel functions or retail. The proposed wine bar facing West End Avenue would provide the only building entrance along the West End sidewalk. A second entrance on the south side of the building is shown adjacent to the circular drive adjacent to the hotel lobby on the interior of the site. As proposed, the hotel would not provide building entrances along 24th Avenue or at the hotel lobby at the corner of 24th Avenue and Elliston Place.

The Elliston Place Detailed Neighborhood Design Plan (DNDP) promotes mixed use development along Elliston Place, including ground floor commercial/retail land uses. Although ground floor commercial/retail land uses are not proposed within this SP along Elliston Place, the building elevations illustrate the intent to provide the semblance of storefront street frontage along Elliston Place. The first floor height along Elliston Place is taller than upper floors to resemble retail floor heights. Additionally, the amount of glazing along the Elliston Place frontage should be increased to reflect retail frontage.

Fall-back Zoning A condition of approval has been added to include a fall back zoning classification for any standards that are not addressed specifically by the SP. The MUI zoning classification is recommended as the fall back zoning classification.

STORMWATER RECOMMENDATION Preliminary SP approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Consistent with the Major Street Plan, Metro Strategic Plan for Sidewalks and Bikeways, and recently reviewed development project(s) along Elliston Place, it is recommended that the building setback be placed 44 feet from the centerline of the Elliston corridor.
- Provide dumpster and recycling access that does not require SU-30 trucks to back into the public ROW.
- Dedicate ROW radii at street corners and sufficient ROW to encompass other street improvements including the 6 foot furnishing zone and 8 foot public sidewalk.
- A TIS and Parking Study will be required prior to development to determine any roadway mitigations or on street parking modifications.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail center (814)	1.37	0.6 F	35,806 SF	1570	36	108

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel(310)	1.37	-	176,787 SF	1776*	126*	122*

*Trips based on # of rooms

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.37	-	3,168 SF	174	10	30

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	1.37	-	2,000 SF	255	24	23

Traffic changes between Maximum: **CS** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+635	+124	+67

STAFF RECOMMENDATION Staff recommends approval with conditions. The proposed project is consistent with the proposed land use policy in terms of proposed uses and design.

CONDITIONS

- The SP shall provide a minimum building setback of 44 feet from the corridor centerline along Elliston Place.
- A minimum of 60% of the length of the Elliston Place building elevation shall be comprised of storefront-type window glazing.
- The dumpster access along Elliston Place must be revised prior to final site plan approval to meet Public Works standards for access and minimal intrusion on the Elliston Place street frontage requested by Metro Planning.
- The uses of this SP shall be limited to hotel, retail, restaurant and bar uses.
- 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 MUI zoning district for residential buildings as of the date of the applicable request or application.
- 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.
- 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.
- The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with revised conditions. (9-0), Consent Agenda

Resolution No. RS2010-182

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-021-001 is **APPROVED WITH REVISED CONDITIONS. (9-0)**

Conditions of Approval:

- The SP shall provide a minimum building setback of 44 feet from the corridor centerline along Elliston Place.
- A minimum of 60% of the length of the Elliston Place building elevation shall be comprised of storefront-type window glazing.
- The dumpster access along Elliston Place must be revised prior to final site plan approval to meet Public Works

standards for access and minimal intrusion on the Elliston Place street frontage requested by Metro Planning.

4. The uses of this SP shall be limited to hotel, retail, restaurant and bar uses.
5. 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 MUI zoning district for residential buildings as of the date of the applicable request or application.
6. 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.
7. 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.
8. 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 zoning district is consistent with Green Hills/Midtown Community Plan's Mixed-Use in Neighborhood Urban land use policy that applies to the properties.'

Zone Changes

17. 2010Z-027PR-001

2300 CHARLOTTE AVENUE

Map 092-11, Parcel(s) 092

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Jason Swaggart

A request to rezone from IR to MUL zoning property located at 2300 Charlotte Avenue, at the northwest corner of Charlotte Avenue and 23rd Avenue North (1.1 acres), requested by Charlotte 2300 LLC, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST -Rezone from industrial to mixed-use.

Zone Change A request to rezone from Industrial Restrictive (IR) to Mixed Use Limited (MUL) zoning for property located at 2300 Charlotte Avenue, at the northwest corner of Charlotte Avenue and 23rd Avenue North (1.1 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

GREENHILLS/MIDTOWN COMMUNITY PLAN

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

Consistent with Policy? Yes. The uses permitted in the MUL zoning district are consistent with MU land use policy. While there was no site plan provided with this application, the intent of the rezoning is to allow an existing building to be utilized for uses permitted in the MUL zoning district.

PUBLIC WORKS RECOMMENDATION A TIS may be required at development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mini Warehouse(151)	1.1	0.574 F	27,503 SF	69	5	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	1.1	0.115 F	5,510 SF	NA	437	535

Traffic changes between typical: **IR** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	+432	+527

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Mini Warehouse (151)	1.1	0.6 F	28,749 SF	72	5	8

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.1	1.0 F	47,916 SF	NA	3800	4652

Traffic changes between maximum: **IR** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	+3795	+4644

STAFF RECOMMENDATION Staff recommends that the request be approved. The proposed MUL zoning district is consistent with the property's Mixed-Use land use policy.

Approved (9-0), Consent Agenda

Resolution No. RS2010-183

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-027PR-001 is **APPROVED. (9-0)**

The proposed MUL zoning district is consistent with the Green Hills/Midtown Community Plan's Mixed-Use land use policy that applies to the property.'

18. 2010Z-028PR-001

5700 CANE RIDGE ROAD

Map 174-00, Parcel(s) 185

Council District 32 (Sam Coleman)

Staff Reviewer: Greg Johnson

A request to rezone from AR2a to RS20 zoning property located at 5700 Cane Ridge Road, opposite Blairfield Drive (5.49 acres), requested by Dale & Associates, applicant, Richard Nelson, owner.

Staff Recommendation: APPROVE WITH CONDITION

APPLICANT REQUEST-Zone change from Agricultural to Single-Family Residential.

Zone Change A request to rezone from Agricultural/Residential (AR2a) to Single-Family Residential (RS20) zoning property

located at 5700 Cane Ridge Road, opposite Blairfield Drive (5.49 acres).

Existing Zoning

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

Proposed Zoning

RS20 District - RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

CRITICAL PLANNING GOALS N/A

SOUTHEAST COMMUNITY PLAN

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? The proposed RS20 zoning is identified as an appropriate zoning classification within NG policy for development that does not intend to incorporate a design overlay or SP zone. RS20 zoning would allow for residential development with densities well below the maximum of 20 dwelling units per acre established by NG policy.

Infrastructure Deficiency This property is located within the Infrastructure Deficiency Area. Approval of any development proposal within the identified Infrastructure Deficiency Area shall be required to improve major roadways (or construct an equivalent transportation improvement) to accommodate additional traffic volumes. The required length of roadway improvements required with development on this property is 159 feet.

PUBLIC WORKS RECOMMENDATION

Traffic Comment An access study may be required at development to ensure adequate sight distance at driveway and intersection spacing along Cane Ridge.

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

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)	5.49	0.5 D	2 L	20	2	3

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

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)	5.49	1.85 F	10 L	96	8	11

Traffic changes between typical: **AR2a** and proposed **RS20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	8 L	+76	+6	+8

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

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)	5.49	0.5 D	2 L	20	2	3

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

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)	5.49	1.85 F	10 L	96	8	11

Traffic changes between maximum: **AR2a** and proposed **RS20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	8 L	+76	+6	+8

METRO SCHOOL BOARD REPORT

Projected student generation 2 Elementary 2 Middle 2 High

Schools Over/Under Capacity Students would attend A.Z. Kelley Elementary School, Marshall Middle School, or Cane Ridge High School. All three schools have been identified as being over capacity by the Metro School Board. There is no capacity for elementary school students within the cluster, but there is capacity for middle school students within the cluster. There is capacity within an adjacent cluster for high school students.

The fiscal liability for two elementary students is \$40,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2010.

STAFF RECOMMENDATION Staff recommends approval with a condition of the proposed RS20 zoning district because it consistent with the Neighborhood General land use policy.

CONDITION

1. Prior to recording of a final plat within the boundary of this zone change, the 159 feet of IDA requirements shall be satisfied, completed or bonded.

Mr. Johnson presented the staff recommendation of approval with conditions.

Ms. Escobar out at 6:03 p.m.

Roy Dale, representing applicant, spoke in favor of staff recommendation of approval with conditions.

Councilmember Coleman spoke in favor of staff recommendation of approval with conditions.

Dr. Cummings moved and Mr. Gee seconded the motion to close the Public Hearing. (8-0)

Dr. Cummings moved and Mr. Ponder seconded the motion to approve with conditions. (8-0)

Resolution No. RS2010-184

“BE IT RESOLVED by The Metropolitan Planning Commission that 2010Z-028PR-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. Prior to recording of a final plat within the boundary of this zone change, the 159 feet of IDA requirements shall be satisfied, completed or bonded.

The proposed RS20 zoning district is consistent with the Southeast Community Plan’s Neighborhood General land use policy that applies to the property.’

Urban Design Overlays

19. 2009UD-001-002

DOWNTOWN DONELSON

- Map 084-15, Parcel(s) Various
- Map 084-16, Parcel(s) Various
- Map 085-13, Parcel(s) Various
- Map 095-03, Parcel(s) Various
- Map 095-03-0-A, Parcel(s) Various
- Map 095-04, Parcel(s) Various
- Map 096-01, Parcel(s) Various
- Map 096-02, Parcel(s) Various
- Council District 14 (James Bruce Stanley); 15 (Phil Claiborne)
- Staff Reviewer: Kathryn Withers

A council bill to amend the Downtown Donelson Urban Design Overlay District for properties located on Lebanon Pike from Briley Parkway to Stewarts Ferry Pike, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Graylynn Drive, Cliffdale Drive, and Benson Road (229.35 acres), to revise signage standards, requested by the Metro Planning Department, sponsored by Councilmembers Phil Claiborne and James Bruce Stanley.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST -Amend UDO to revise signage standards.

Amend UDO A request to amend the Downtown Donelson Urban Design Overlay District for properties located on Lebanon Pike from Briley Parkway to Stewarts Ferry Pike, and on Old Lebanon Pike, J.B. Estille Drive, Donelson Pike, Fairway Drive, McGavock Pike, Crump Drive, Park Drive, Graylynn Drive, Cliffdale Drive, and Benson Road (229.35 acres), to revise signage standards.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS This request is to revise several of the signage standards of the Downtown Donelson Urban Design Overlay District. The UDO has been in place for a year, and this is a housekeeping amendment to deal with observations that have been made about the signage standards during that time.

UDO BACKGROUND

The Downtown Donelson Urban Design Overlay District is a regulatory implementation tool for creating a mixed use, transit oriented downtown for the Donelson community. The UDO established alternative development standards that vary from the base zoning districts for the properties within the UDO. The only standard that the UDO does not vary is land use, which is controlled by the underlying base zoning district. The Regulating Plan is divided into seven different subdistricts, each with varying development standards designed to enhance the unique character of each area. The districts range from an intense transit oriented development district, to a suburban mixed-use corridor to a transitional residential district. The UDO is voluntary for current property owners, except for signage standards. Compliance with the building standards is triggered when the property ownership changes AND property is redeveloped or vacant property is developed, the total building square footage of any expansion(s) is greater than 25 percent of the total building square footage of all improvements on the lot prior to expansion, or when a new structure is built on a lot with multiple structures, the new structure shall be in compliance with all the Development Standards.

Signage Compliance Triggers The Signage Standards of the UDO apply when a sign permit is required, including the replacement of a sign panel, according to the following provisions.

- New signs shall comply with all Signage Standards.
- Existing single tenant signs shall be brought into compliance when a change to the sign requires a sign permit.
- Existing multi-tenant signs of a type permitted in the subdistrict (monument, pillar, projecting, wall-mounted) may be permitted for individual tenant-sign change without achieving full compliance as to size, location, and illumination.
- Existing multi-tenant signs of a type prohibited in the subdistrict (pole-mounted, etc.) shall be permitted to install new sign panels until 50 percent of the total signage area has been replaced, including multiple changes to the same area of the sign. Once the 50 percent threshold has been reached, no further signage changes will be allowed unless the sign is changed to a type complying with all provisions of the Signage Standards. Panels that have not been changed may remain until such time as the property owner replaces the nonconforming sign with a permitted sign type.

Notwithstanding the above, a non-conforming sign damaged by any involuntary means may be reconstructed to its pre-damage condition.

Modifications The UDO allows for modifications when a standard of the UDO can not be met, because of site-specific issues. Any standard within the UDO may be modified, insofar as the intent of the standard is being met; the modification results in better urban design for the neighborhood as a whole; and the modification does not impede or burden existing or future development of adjacent properties.

Minor modifications – deviations of 20 percent or less – may be approved by the Planning Commission's designee. Major modifications – deviations of 21 percent or more – shall be approved by the Planning Commission.

PROPOSED AMENDMENT Below is the list of items proposed for amendment. The page numbers in parentheses refer to the page of the UDO that is being amended.

- Add language to allow portions of signs with manual changeable copy messages to illuminate the sign background (p.22). *Currently, the UDO allows internal lighting to illuminate letters and logotype only. This would require that a manually*

changeable message sign be externally lit, which is not practical for this type of sign. A typical manually changeable message sign consists of an internally lit background box with solid movable letters placed over top.

- Add a definition of manually changeable copy sign, “Manual Changeable Copy Signs: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.” (p.23) “*Manual changeable copy sign*” required a definition in order to permit the change above.
- Amend language to allow wall signs to be mounted on exposed raceways but require the exposed raceway to be painted to match the sign or the building wall that the sign is attached to (p.22). *The UDO currently specifies that wall signs can not be mounted on exposed raceways but staff finds that as long as the raceway is painted to match either the sign or the building wall, this requirement is unnecessary. A raceway is the box that letters or graphics are mounted on that contains the electrical components of the sign, such as wiring and transformers. The raceway is then mounted to the building wall.*
- Amend the definition of monument sign, “Monument Signs: a low profile sign with a base that is at least 3' wide or 50% of the maximum width of the sign (whichever is greater).” (p.23). *The purpose of the signage standards is to incentivize and require the use of lower profile signs, and the current requirement for the base to be the width of the sign is not necessary. The base standard of 3' or 50% of the width of the sign will ensure that sign is placed on a substantial base.*
- Increase the area of monument signs from 28 to 48 square feet and increase the maximum height from 5 feet to 7 feet. (p.25) *Staff has found that the original size is small for the context of Lebanon Road.*
- Increase the area of pillar signs from 28 to 42 square feet and to increase the maximum height from 12 feet to 15 feet. (p.25) *Staff has found that the original size is small for the context of Lebanon Road.*
- Allow the pillar sign in Subdistrict 1 (the area around the train station) and Subdistrict 1A (Old Lebanon Pike around the railroad crossing). (p.25) *Staff finds that the pillar sign is also appropriate for use in these commercial and mixed use districts.*
- Allow properties with greater than 400 feet of frontage two ground signs. Multiple signs on a single property shall be spaced a minimum of 100 feet apart. (p.25) *Currently, only the monument sign is allowed to be used when a property is allowed multiple signs. These amendments allow the use of the pillar sign in more areas and staff finds that the use of pillar or monument sign, where permitted, should be at the discretion of the property owner. Additionally, the UDO currently requires that the signs be spaced 400 feet apart, and staff finds that 100 feet is an adequate separation distance.*

PUBLIC WORKS RECOMMENDATION Sign design and location near intersections shall allow adequate sight distance.

STORMWATER RECOMMENDATION N/A

STAFF RECOMMENDATION Staff recommends that the request be approved.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2010-185

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009UD-001-002 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

- Add language to allow portions of signs with manual changeable copy messages to illuminate the sign background (p.22). *Currently, the UDO allows internal lighting to illuminate letters and logotype only. This would require that a manually changeable message sign be externally lit, which is not practical for this type of sign. A typical manually changeable message sign consists of an internally lit background box with solid movable letters placed over top.*
- Add a definition of manually changeable copy sign, “Manual Changeable Copy Signs: Signs on which alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.” (p.23) “*Manual changeable copy sign*” required a definition in order to permit the change above.
- Amend language to allow wall signs to be mounted on exposed raceways but require the exposed raceway to be painted to match the sign or the building wall that the sign is attached to (p.22). *The UDO currently specifies that wall signs can not be mounted on exposed raceways but staff finds that as long as the raceway is painted to match either the sign or the building wall, this requirement is unnecessary. A raceway is the box that letters or graphics are mounted on that contains the electrical components of the sign, such as wiring and transformers. The raceway is then mounted to the building wall.*

- Amend the definition of monument sign, “Monument Signs: a low profile sign with a base that is at least 3’ wide or 50% of the maximum width of the sign (whichever is greater).” (p.23). *The purpose of the signage standards is to incentivize and require the use of lower profile signs, and the current requirement for the base to be the width of the sign is not necessary. The base standard of 3’ or 50% of the width of the sign will ensure that sign is placed on a substantial base.*
- Increase the area of monument signs from 28 to 48 square feet and increase the maximum height from 5 feet to 7 feet. (p.25) *Staff has found that the original size is small for the context of Lebanon Road.*
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- Allow the pillar sign in Subdistrict 1 (the area around the train station) and Subdistrict 1A (Old Lebanon Pike around the railroad crossing). (p.25) *Staff finds that the pillar sign is also appropriate for use in these commercial and mixed use districts.*
- Allow properties with greater than 400 feet of frontage two ground signs. Multiple signs on a single property shall be spaced a minimum of 100 feet apart. (p.25) *Currently, only the monument sign is allowed to be used when a property is allowed multiple signs. These amendments allow the use of the pillar sign in more areas and staff finds that the use of pillar or monument sign, where permitted, should be at the discretion of the property owner. Additionally, the UDO currently requires that the signs be spaced 400 feet apart, and staff finds that 100 feet is an adequate separation distance.*

The proposed amendment is a housekeeping amendment to deal with issues with signage standards that have occurred since the original approval and is consistent with the goals and objectives of the UDO and the Community Plan for the area.’

Planned Unit Developments

20. 210-73P-001

PERFORMANCE MARINE

Map 097-00, Parcel(s) 124

Council District 12 (Jim Gotto)

Staff Reviewer: Brenda Bernards

A request to amend a portion of the Performance Marine Commercial Planned Unit Development Overlay located at 4010 Sells Drive, approximately 360 feet east of Old Hickory Boulevard, classified CS, (1.44 acres), to permit certain additional uses allowed by CS zoning, but which are currently prohibited due to a condition in Council Bill BL2002-1003 that permitted only vehicular sales, limited (boat sales only), Wells Fargo Bank N.A., owner, requested by the Metro Planning Department, applicant.

Staff Recommendation: DEFERRED INDEFINITELY AT THE REQUEST OF THE APPLICANT

The Metropolitan Planning Commission DEFERRED INDEFINITELY Planned Unit Development 210-73P-001 at the request of the applicant. (9-0)

J. PLANNING COMMISSION ACTIONS

Specific Plan: final site plans

21. 2007SP-122-006

GALLATIN SPECIFIC PLAN (FINAL: THE DOG SPOT)

Map 083-01, Parcel(s) 158

Council District 05 (Jamie Hollin)

Staff Reviewer: Jason Swaggart

A request for final site plan approval for property located at 1004 Gallatin Avenue, approximately 150 feet north of Granada Avenue (0.21 acres), to permit an animal boarding facility within an existing structure, and to permit a modification from the required setback between the animal boarding facility use and residential uses, requested by Lukens Engineering Consultants, applicant, for Gary C. Baker, owner.

Staff Recommendation: APPROVE WITH REVISED CONDITIONS

APPLICANT REQUEST -Final site plan approval.

Final Site Plan Approval A request for final site plan approval for property located at 1004 Gallatin Avenue, approximately 150

feet north of Granada Avenue (0.21 acres), to permit an animal boarding facility within an existing structure, and to permit a modification from the required setback between the animal boarding facility use and residential uses.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS This is a request for final site plan approval for an animal boarding facility. The property is approximately 9,147 square feet in size (0.21 acres), and is located on the west side of Gallatin Avenue between Granada Avenue and Sharpe Avenue. The property is developed and contains a 2,400 square foot building.

The Gallatin Pike Improvement District was recently amended by Council to permit animal boarding facilities with conditions within portions of the Mixed Use land use category in Subdistrict 1 and 2 (BL2010-736). The conditions are as follows:

1. **Setback.** No part of any building or structure in which animals are housed shall be closer than two hundred feet, and no kennel run shall be located within one hundred feet, from any existing residence.
2. **Building Temperature.** Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. **Cages.** Each animal boarded at the facility shall have sufficient space to stand up, lie down and turn around without touching the sides or top of cages. Cages are to be of material and construction that permits cleaning and sanitizing. Cage floors of concrete, unless radiantly heated, shall have a resting board or some type of bedding.
4. **Runs.** Each run must have at least a six-foot high fence completely surrounding it. Fences must be maintained in escape-proof condition. Runs shall provide an adequate exercise area and protection from the weather. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
5. **Watering of Animals.** All animals shall have fresh water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be of the removable type.
6. **On-Site Waste Collection.** All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.
7. **Modifications to the Conditions.** The Planning Commission may modify the conditions above if the proposed modification is consistent with the principles and further the objectives of the Gallatin Pike SP.

The subject property is located within Subdistrict 1. The land use category is Mixed Use and permits the animal boarding facility use, **if** it meets the conditions listed above. *The building on the property which will house the animals is located within 200 feet from four homes and does not meet the setback requirement (# 1 above).*

As specified by condition number seven, the Planning Commission **may** modify any of the required conditions if the Planning Commission finds that the applicant has provided an acceptable alternative and that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP.

Site Plan The site plan identifies the existing building and proposed alterations/improvements. The plan identifies two outdoor dog areas – one for small dogs and one for large dogs – at the rear of the building. In lieu of providing the required distance separation proposed to reduce the noise impact of animal barking, the applicant proposes that the dog areas be enclosed by a nine foot tall solid fence. In addition, a solid row of evergreen shrubs is shown along the outside (west) of the fence. Additional landscaping is shown along the northern and southern property line, and one canopy tree is shown near the rear property line.

To address other zoning requirements, the plan shows a total of six parking spaces. The required five parking spaces are located at the rear of the building and are accessed from a rear alley, in addition, one handicap space is located in front of the building.

Staff Analysis The proposed animal boarding facility use is permitted with conditions. The conditions are intended to ensure the use will not negatively impact any nearby residential properties, and the safety and well being of any animals being boarded. Because the request does not meet all the required conditions for the use, then the final site plan must be approved by the Planning Commission. *If the request met all the required conditions then it would not require approval from the Planning Commission, but could be reviewed and approved at an administrative level.*

As proposed, the request does not meet the condition which requires any building or structure housing animals to be a minimum 200 feet away from a residence. The building proposed to house animals is within 200 feet of four residences. The addresses for properties located within 200 feet are as follows:

- 1044 SHARPE AVE
- 1044 SHARPE AVE
- 1040 SHARPE AVE
- 1041 GRANADA AVE

For staff to recommend approval of a modification to the setback requirement, the applicant must provide adequate alternatives to achieve the same purposes as the required setback requirement, and must demonstrate that the overall site plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP. Offsets which are intended to buffer the animal boarding use from nearby residents could include a variety of improvements designed to buffer the sight and sounds from the proposed facility. Site improvements that would meet the goals of the Gallatin Pike SP could include a variety of improvements, including closing off the parking along Gallatin, providing landscaping along Gallatin or a combination of the two.

As proposed, the plan offers landscaping and a solid fence between the building and the homes within 200 feet. It is also important to note that a building on the adjacent property to the north sits between the building to house animals and three homes to the northwest. Given the existing site conditions, *staff believes that a nine foot tall solid fence combined with a solid row of evergreen plants could provide adequate buffering to compensate for the lack of separation provided the impacted property owners believe that the visual and noise impacts of the facility would be mitigated.*

While staff finds that the plan proposes an alternative to mitigate the impacts caused by reducing the required setback, *the applicant has not demonstrated how the final site plan could be consistent with the principles and further the objectives of the Gallatin Pike SP.* This is an existing developed site so it would be difficult to meet all the goals; however, site improvements that meet the intent and goals of the plan could be provided. Improvements that reduce automobile and pedestrian conflict, by placing all required parking at the back of the building and limiting or restricting automobile access along Gallatin Pike are available. *This would allow the removal of extremely dangerous backing onto Gallatin Pike and would be consistent with the recommendations of the Department of Public Works.*

The proposed use only requires five parking spaces, and five are provided at the rear of the building. Since adequate parking, including handicap parking, can be provided at the rear of the building, then staff recommends that the front parking area be closed to direct vehicular access. Staff recommends that the specific method to eliminate front parking be proposed by the applicant and designed to allow pedestrian access to the facility, clearly prevent vehicular access to the paved area, and consider removal of the asphalt and/or replacing the excess asphalt with appropriate landscaping. This would be consistent with the principles and furthers the objectives of the Gallatin Pike SP and meet the Council requirement for approval of the modification. This would also address Public Works' concern with parking at the front of the building.

STORMWATER RECOMMENDATION No grading permit required.

PUBLIC WORKS RECOMMENDATION The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

- **At sites where adequate parking can be provided in accordance with the requirements of the Gallatin Road SP and all other applicable codes, it is recommended that any existing non-compliant parking should be removed.**

STAFF RECOMMENDATION Staff recommends approval of the modification as proposed and a finding that the plan is consistent with the principles and furthers the objectives of the Gallatin Pike SP if:

1. following the public hearing, the Planning Commission determines that the proposed fence and landscaping alternative proposed by the applicant adequately mitigates the impacts that reducing the required setback creates; and
2. the applicant submits a revised final site plan acceptable to the Departments of Planning and Public Works designed to allow pedestrian access to the facility and clearly prevent vehicular access to the paved area, through removal of the asphalt and instillation of appropriate landscaping and curbing and/or installation of properly designed landscape planters. If the previous conditions are not met, staff recommends disapproval as the request will not meet the conditions for the animal boarding facility and is not consistent with the principles or further the objectives of the Gallatin Pike SP

CONDITIONS

1. A revised final site plan acceptable to the Departments of Planning and Public Works designed to allow pedestrian access to the facility and clearly prevent vehicular access to the paved area, through removal of the asphalt and instillation of appropriate landscaping and curbing and/or installation of properly designed landscape planters, be presented within 120 days.
2. All signage shall meet the sign standards established by the Gallatin Pike SP.
3. If the handicap parking in the front of the project is approved, a revised site plan must be submitted to Public Works for approval with curb and gutter and ADA compliant sidewalk along the entire property frontage and the installation of a driveway ramp 24 feet wide meeting the requirement of standard detail drawing ST-324. All work in the right-of-ways requires a permit from Public Works.

Mr. Swaggart presented the staff recommendation of approval with revised conditions.

Councilmember Gotto out at 6:12 p.m.

Councilmember Gotto in at 6:16 p.m.

Chad Baker (applicant), 1114 Sharp Ave, spoke against staff recommendation and clarified that he never wanted the handicapped parking in the rear of the building.

Mr. Ponder out at 6:22 p.m.

Andy Baker, 1114 Sharp Ave, spoke in support of applicant's proposal and stated that this would be a great business for the neighborhood and that it furthers the goals and objectives of the SP.

Rich Harris, 1019 Woodvale Drive, spoke in support of applicant's proposal.

Gary Baker, 2024 Kingsbury Drive, spoke in support of applicant's proposal.

Dr. Cummings moved and Councilmember Gotto seconded the motion to close the Public Hearing. (7-0)

Mr. Clifton stated that he did not recall past applicants coming forward with as much obvious distaste for the Planning Commission and its staff. Expressed mixed emotions regarding this proposal, stating that part of the intent of the SP was to get rid of front parking, however he did understand applicant's point regarding handicapped parking. He inquired if there was any other way for the handicapped to get from the rear parking to the front without going through the dog run.

Mr. Swaggart clarified that it would be the same route as everyone else that parks in the rear.

Mr. Clifton inquired if walking 70' from the rear parking was an ADA violation.

Mr. Sloan stated that he did not know the ADA rules but could look into it further.

Mr. Clifton stated that an ADA violation would be the only thing that would sway him from staff recommendation,

Councilmember Gotto moved and Ms. Jones seconded the motion to defer to the January 13, 2011 Planning Commission meeting.

Dr. Cummings noted that the applicant went through a lot of being bounced back and forth and stated that the difficulties they went through with Planning Staff is very unusual. Also noted that in deferring, she hoped that the applicant and the staff would be able to work more closely and congenially with each other.

Mr. Gee stated that he would like to see more detail in the landscaping plan and requested clarification from staff on what is and is not required in regard to rear parking.

Mr. Bernhardt clarified the requirements of the commission and stated that it was up to them to decide how far they want to take it.

Mr. Gee stated that the SP in general was written with new development in mind. He also expressed that as the SP continues to evolve, maybe the commission should either relax the parking, especially with rehab projects like this where there is already parking in the front of the building, or perhaps the commission should work hard with Public Works and the Department of Transportation to implement some of these critical elements that are also consistent with the SP.

Ms. Jones spoke in agreement with Mr. Gee and noted that this particular business could benefit from a front handicapped parking space. Would also like to see more landscape detail.

Ms. LeQuire stated that normally when you have rear parking, the parking is actually near the building. This case is different because parking is not available near the building due to the dog runs. Inquired if the commission needs to figure out how to make an exception for this particular business without setting precedence for the rest of the Gallatin Pike SP and future ones.

Mr. Gee noted that there have been a number of projects redeveloped along Main Street and Gallatin Pike where the parking has been reconfigured in front of an existing building.

Mr. Bernhardt stated that the applicants are asking the commission to deviate from the standards.

Mr. Clifton stated that he would like to see more detail on the "sliding scale" as far as flexibility goes as there does not seem to be a fine line. Inquired how this has been handled in the past.

Ms. LeQuire expressed hope that the heat and volatility of this will ease and get better.

Councilmember Gotto amended his motion to continue the Public Hearing and defer to the January 13, 2011 Planning Commission meeting. (7-0)

Resolution No. RS2010-186

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-122-006 is **DEFERRED to the January 13, 2011, Planning Commission meeting. (7-0)**

K. OTHER BUSINESS

22. Resolution authorizing the expenditure of up to \$50,000 from the Advance Planning and Research Fund to fund transportation studies of the proposed Bosley Springs Connector in the Harding Town Center Urban Design Overlay.

Approved (9-0), Consent Agenda

Resolution No. RS2010-187

"BE IT RESOLVED by The Metropolitan Planning Commission that the expenditure of up to \$50,000 from the Advance Planning and Research Fund to fund transportations studies is **APPROVED. (9-0)**"

23. Employee contract renewals for Brenda Bernards and Mary Beth Stephens

Approved (9-0), Consent Agenda

24. Historical Commission Report
25. Board of Parks and Recreation Report
26. Executive Director Report
27. Legislative Update

L. ADJOURNMENT

The meeting adjourned at 7:09p.m.

Chairman

Secretary