



# METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, August 27, 2015**

**4:00 pm Regular Meeting**

**2601 Bransford Avenue**

Metropolitan Public Schools Administration Building

## **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  
Greg Adkins, Vice Chair  
Stewart Clifton  
Lillian Blackshear  
Jessica Farr  
Jeff Haynes  
Andree LeQuire  
Councilman Walter Hunt

Staff Present:  
Doug Sloan, Executive Director  
Bob Leeman, Deputy Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Carrie Logan, Planning Manager II  
Cindy Woods, Planner III  
Brandon Burnette, Planner III  
Brett Thomas, Planner III  
Jason Swaggart, Planner II  
Latisha Birkeland, Planner II  
Melissa Sajid, Planner II  
Lisa Milligan, Planner II  
Alex Deus, Planner I  
Karimeh Moukaddem, Planner I  
Emily Lamb, Legal

Commissioners Absent: Hunter Gee, Derrick Dalton

**J. Douglas Sloan III**

Secretary and Executive Director, Metro Planning Commission  
**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300

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## Notice to Public

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**Please remember to turn off your cell phones.**

The Commission is a 10-member body, nine of whom are appointed by the Metro Council and one of whom serves as the mayor's representative. 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](http://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](http://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](mailto: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](http://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/docs/meetings/Rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/docs/meetings/Rules_and_procedures.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 Commission's Rules and Procedures, at [www.nashville.gov/mpc/pdfs/main/rules\\_and\\_procedures.pdf](http://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.**



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or [josie.bass@nashville.gov](mailto:josie.bass@nashville.gov). For Title VI inquiries, contact Tom Negri, interim executive director of Human Relations at (615) 880-3374. For all employment-related inquiries, call 862-6640.

# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:09 p.m.

## B. ADOPTION OF AGENDA

Mr. Haynes moved and Councilman Hunt seconded the motion to adopt the agenda. (8-0)

## C. APPROVAL OF JUNE 15, 2015, SPECIAL MEETING MINUTES AND JULY 23, 2015, AND AUGUST 13, 2015, MINUTES

Ms. LeQuire moved and Mr. Adkins seconded the motion to approve the amended June 15, 2015 minutes. (8-0)

Mr. Clifton moved and Councilman Hunt seconded the motion to approve the July 23, 2015 minutes. (8-0)

Councilman Hunt moved and Ms. LeQuire seconded the motion to approve the August 13, 2015 minutes. (8-0)

## D. RECOGNITION OF COUNCILMEMBERS

There were no councilmembers in attendance.

## E. DISCUSSION OF CAYCE REDEVELOPMENT DISTRICT PLAN

Jim Harbison, MDHA, presented the Cayce Redevelopment District Plan.

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## F. ITEMS FOR DEFERRAL / WITHDRAWAL

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3. **2015S-066-001**  
RIVERSIDE DRIVE, SECTION 2

4. **2015S-083-001**  
JOHN HILL PROPERTY

7. **2015SP-084-001**  
BURKITT PLACE COMMONS

16. **2015S-117-001**  
WELCH PROPERTY

Ms. Blackshear recused herself from Item 7 and Item 16.

Mr. Clifton moved and Ms. Farr seconded the motion to approve the deferred items. (7-0-1)

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## G. CONSENT AGENDA

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**NOTICE TO THE PUBLIC:** Items on the Consent Agenda will be voted on at a single time. No individual public hearing will be held, nor will the Commission debate these items unless a member of the audience or the Commission requests that the item be removed from the Consent Agenda.

2. **85-85P-002**  
BRENTWOOD COMMONS, LOT 1, PHASE 1

6. **2015SP-083-001**  
369 EWING DRIVE

8. **2015Z-070PR-001**

9. **2015Z-071PR-001**
10. **2015Z-072PR-001**
12. **2005P-003-001**  
DELVIN DOWNS, PHASE 2
13. **88P-068-002**  
NASHBORO SQUARE
14. **94-71P-004**  
BELLEVUE CENTER (MEDICAL OFFICE BUILDING)
15. **2015S-115-001**  
VILLAGE AT HARBOUR TOWN, SECTION 1
17. **2015S-001HM-001**  
314 LARKIN SPRINGS ROAD (HOUSE MOVE)
18. **Grant Contract between the State of Tennessee, Department of Transportation and the Metropolitan Planning Commission of Metropolitan Government of Nashville-Davidson County on behalf of the Nashville Area MPO. This is the Nashville MPO's FY 2016 – FY 2018 PL Contract for Transportation Planning and Coordination**
19. **Contract between the Regional Transit Authority and the Metropolitan Planning Commission of Metropolitan Nashville-Davidson County on behalf of the Nashville Area MPO for Pass-Through Grant to Assist the MPO in meeting federal regulations.**
20. **Revised 2015 Planning Commission filing deadlines & meeting schedule**
24. **Accept the Director's Report and Approve Administrative Items**

Ms. Blackshear recused herself from Item 13 and Item 14.

Chairman McLean opened the Public Hearing to discuss the Consent Agenda.

Margo Chambers, 3803 Princeton Ave, asked to remove Items 5a, 5b, 18, and 19.

Mr. Adkins moved and Ms. Blackshear seconded the motion to keep Items 18 and 19 on consent but pull Items 5a and 5b. (7-0-1)

Mr. Haynes recused himself from Item 2.

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## H. PREVIOUSLY DEFERRED ITEMS

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The items below were deferred from a previous Planning Commission meeting at the request of the applicant or by the commissioners. For Community Plan Policy items, see I. Community Plan Policy Changes and Associated Cases.

### Zone Changes

#### 1. 2015Z-068PR-001

##### 677 VERNON AVENUE

Map 091-05, Parcel(s) 255

Council District 20 (Buddy Baker)

Staff Reviewer: Lisa Milligan

A request to rezone from CS to IWD for property located at 677 Vernon Avenue, approximately 480 feet south of James Avenue (1.96 acres) requested by Prewett Enterprises, Inc., applicant; Prewett Holdings, LLC, owner.

**Staff Recommendation: Disapprove.**

##### APPLICANT REQUEST

**Zone change from CS to IWD.**

##### Zone Change

A request to rezone from Commercial Service (CS) to Industrial Warehousing/Distribution (IWD) for property located at 677 Vernon Avenue, approximately 480 feet south of James Avenue (1.96 acres).

##### Existing Zoning

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

##### Proposed Zoning

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

##### CRITICAL PLANNING GOALS

N/A

##### WEST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed "greenfield" areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

##### Consistent with Policy?

No. The rezoning request to IWD is inconsistent with the T4 Urban Neighborhood Evolving Policy. The T4 NE policy is a residential only policy intended to create a diverse mix of housing types in existing urban residential neighborhoods. The existing zoning of CS is inconsistent with the policy as well. Rezoning to a more intense zoning district that allows for industrial uses is moving further away from the goals of the policy.

##### ANALYSIS

The property at 677 Vernon Avenue is currently zoned CS, which allows for a wide range of uses. IWD zoning would allow for more intense uses, including industrial uses, such as light manufacturing and heavy equipment sales and service. The current CS zoning is inconsistent with the T4 Neighborhood Evolving policy, which encourages a mixture of different types of residential uses. The NE policy does not allow for non-residential uses. The goal of the policy is to transition this area away from the current commercial zoning to residential uses that would be more compatible with the surrounding residential neighborhood. A rezoning to IWD would move the zoning of the property further away from the goals of the Neighborhood Evolving policy. There is a residential development directly across the street from the proposed rezoning which could be negatively impacted by the introduction of an industrial use in the area.

**FIRE MARSHAL RECOMMENDATION**  
N/A

**PUBLIC WORKS RECOMMENDATION**  
N/A

**TRAFFIC AND PARKING RECOMMENDATION**  
**Conditions if approved**  
 • Traffic study may be required at time of development

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
Retail (820)	1.96	0.6 F	51,226 SF	4397	104	407

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	1.96	0.8 F	68,302 SF	244	21	22

Traffic changes between maximum: **CS** and **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-4,153	-83	-385

**STAFF RECOMMENDATION**

Staff recommends disapproval as the rezoning is inconsistent with the land use policy for the area.

Ms. Milligan presented the staff recommendation of disapproval.

Brett Anderson, 677 Vernon Ave, stated they have met with the community and the developer and are in the process of looking for relocation.

Ricky Miller, 6202 Laramie Ave, spoke in opposition to the application because it will not benefit the neighborhood.

(Name unclear), 750 Vernon Ave, spoke in opposition to the application because industrial zoning goes against what the neighborhood is looking for.

Lynn Stephens, Vernon Ave, spoke in opposition to the application.

**Chairman McLean closed the Public Hearing.**

Mr. Adkins spoke in favor of staff recommendation.

**Mr. Clifton moved and Ms. Blackshear seconded the motion to disapprove. (8-0)**

**Resolution No. RS2015-303**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-068PR-001 is **Disapproved. (8-0)**”

## **Planned Unit Developments**

### **2. 85-85P-002**

#### **BRENTWOOD COMMONS, LOT 1, PHASE 1**

Map 160, Parcel(s) 209

Council District 04 (Brady Banks)

Staff Reviewer: Brett Thomas

A request to revise the preliminary plan and for final site plan approval for a portion of the Brentwood Commons Planned Unit Development Overlay District on property located at 750 Old Hickory Boulevard, at the corner of Old Hickory Boulevard and Brentwood Commons Way, zoned OL (14.18 acres), to permit the development of one, five-story office building totaling 133,115 square feet, requested by Kimley-Horn & Associates, applicant; Gateway Polar, Inc., owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

**Revise a portion of a Planned Unit Development to permit the addition of one office building.**

#### Revise PUD & Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Brentwood Commons Planned Unit Development Overlay District on property located at 750 Old Hickory Boulevard, at the corner of Old Hickory Boulevard and Brentwood Commons Way, zoned Office Limited (OL) (14.18 acres), to permit the development of one, five-story office building totaling 133,115 square feet.

#### **Existing Zoning**

Office Limited (OL) is intended for moderate intensity office uses.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

#### **CRITICAL PLANNING GOALS**

**N/A**

#### **PLAN DETAILS**

The site is developed and contains two office buildings totaling 185,400 square feet. The site is located in the Brentwood Commons PUD, which was approved in 1985 for a variety of office and associated uses.

#### Site Plan

The plan calls for one five-story office building along American General Way, east of the existing office buildings. The building is proposed to have 133,115 square feet of space. The plan also includes one four-story parking deck, immediately north of the proposed building, that includes 778 parking spaces.

#### **ANALYSIS**

The request is consistent with the overall concept of the Council approved plan. The Council approved plan was approved in 1985 for 1,307,553 square feet of office and associated uses. The PUD consists of two phases. Phase 1, which includes this site, was approved for 510,553 square feet of floor area. Phase 2 was approved for 797,000 square feet of floor area.

A revision to the preliminary plan for a portion of the Brentwood Commons PUD was approved in 2014 for two office buildings in Phase 1 totaling 250,000 square feet, which brought the overall floor area in Phase 1 to 562,400. The difference of 51,847 square feet approved with the preliminary plan did not increase the total floor area over 10% of what was originally approved by Council. The Zoning Code permits the Planning Commission to approve changes that do not increase the floor area over 10% of what was approved by Council.

This request increases the square footage of the five-story building by 8,115 square feet; however, the remaining available floor area in the PUD will be 582,793 square feet. This includes the remaining 511,000 square feet reserved for Phase 2, as well as the remaining 71,793 square feet of additional floor area permitted without requiring Council approval. The remaining 71,793 square feet is available to either Phase 1 or Phase 2.

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, which is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
  - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
  - b. The boundary of the planned unit development overlay district is not expanded;
  - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
  - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
  - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
  - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
  - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
  - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
  - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
  - m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

#### **FIRE MARSHAL'S OFFICE**

##### **Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.
- Fire hydrants to be located within 100' of the Fire Department Connections.

#### **PUBLIC WORKS RECOMMENDATION**

##### **Approve with conditions**

- 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.
- Comply with MPW Traffic Engineer

#### **TRAFFIC & PARKING RECOMMENDATION**

##### **Conditions if approved**

- Construction documents for final PUD plan shall include off site road construction plans and signal plans.
- In accordance with the recommendations of the TIS to off-set the additional traffic generated from the proposed Lot 1 development, the following traffic improvements are required:
  - A. Developer of phase 1 building D and garage 2 shall construct and install the following roadway improvements:
    1. At Old Hickory Boulevard (SR-254) at Oakes Drive / American General Way
      - a. Provide an additional eastbound through lane along Old Hickory Boulevard, resulting in three (3) eastbound through lanes at this intersection. Construct this additional travel lane between Driveway / Brentwood Commons Way and Oakes Drive / American General Way.



- b. Modify the existing EB Rt turn lane on Old Hickory Blvd. at the driveway opposite Brentwood Commons Way pavement markings to convert the existing right-turn lane into a through lane.
  - c. Provide pedestrian accommodations that are compliant with American with Disabilities Act (ADA) regulations on all four (4) approaches of this intersection. Install crosswalk pavement markings, curb ramps, truncated dome surfaces, pedestrian signal heads, and push buttons.
- B. Developer of phase 2 building C and garage 1 shall construct and install the following roadway improvements:
- 1. At Brentwood Commons Way
    - a. Install a sidewalk along the east side of Brentwood Commons Way between Old Hickory Boulevard and existing cul-de-sac.
  - 2. At Old Hickory Boulevard (SR-254) at Driveway / Brentwood Commons Way
    - a. Provide pedestrian accommodations that are compliant with Americans with Disabilities Act (ADA) regulations on all four (4) approaches of this intersection. Install crosswalk pavement markings, curb ramps, truncated dome surfaces, pedestrian signal heads, and push buttons.
    - b. Provide a westbound right-turn lane along Old Hickory Boulevard at Brentwood Commons Way with a minimum storage length of 150 feet and transitions per AASHTO standards.

**STORMWATER RECOMMENDATION**

**Conditions if approved**

- Only minor technical comments remain.

**WATER SERVICES RECOMMENDATION**

**Approve with conditions**

As all our previous issues have been addressed on the latest SP plan revision (stamped received August 14, 2015), including payment of the required capacity fees, we recommend approval, on the following conditions:

- Approval does not apply to private water and sewer line design. Plans for these must be submitted through a separate review process with Metro Water' Permit Division. Construction of these may not begin until these plans are approved.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions.

**CONDITIONS**

- 1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
- 2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
- 3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
- 4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
- 5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
- 6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
- 7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.

Approve with conditions. (7-0-1), Consent Agenda

**Resolution No. RS2015-304**

“BE IT RESOLVED by The Metropolitan Planning Commission that 85-85P-002 is **Approved with conditions. (7-0-1)**”

**CONDITIONS**

- 1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
- 2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
- 3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
- 4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.

## **Subdivision: Concept Plans**

### **3. 2015S-066-001**

#### **RIVERSIDE DRIVE, SECTION 2**

Map 083-11, Parcel(s) 080

Council District 06 (Peter Westerholm)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 18 lots on property located at Riverside Drive (unnumbered), approximately 335 feet north of Paden Drive, zoned R10 (4.44 acres), requested by Chandler Surveying, applicant, Riverside Development, LLC, owner.

**Staff Recommendation: Defer to the September 24, 2015, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015S-066-001 to the September 24, 2015, Planning Commission meeting. (8-0)**

## **Subdivision: Final Plats**

### **4. 2015S-083-001**

#### **JOHN HILL PROPERTY**

Map 128, Parcel(s) 056

Council District 22 (Sheri Weiner)

Staff Reviewer: Lisa Milligan

A request for final plat approval to create four lots on property located at 7650 Sawyer Brown Road, approximately 225 feet south of Williamsport Court, zoned R20 (13.9 acres), requested by K & A Land Surveying, applicant; John Robert Hill, owner.

**Staff Recommendation: Defer to the September 10, 2015, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015S-083-001 to the September 10, 2015, Planning Commission meeting. (8-0)**

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## **I. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES**

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The Planning Commission will make the final decision on a Community Plan Amendment. The Commission will make a recommendation to the Metro Council on any associated cases(s). The Metro Council will make the final decision to approve or disapprove the associated case(s).

### **Community Plan Amendments**

#### **5a. 2015CP-010-005**

##### **GREEN HILLS MIDTOWN PLAN AMENDMENT**

Various Maps, Various Parcel(s)

Council District 18 (Burkley Allen)

Staff Reviewer: Cynthia Wood

A request to amend the Green Hills - Midtown Community Plan by amending the Community Character policy to allow 12 stories in height for the portion of T5 Center Mixed Use Neighborhood Special Policy Area 10-MT-T5-MU-03 that is generally between 31st Avenue South and 28th Avenue South (12 acres), requested by Eakin Partners, LLC, applicant; Vanderbilt Place Partners and Cherokee Equity Corp, owners. (See also 2015SP-085-001.)

**Staff Recommendation: Approve a reduced amendment area, establish a new Special Policy Area 10-MT-T5-MU-04 that would support buildings of up to 12 stories, and reclassify streets in the amendment area that are now Tertiary Streets as Secondary Streets.**

## **APPLICANT REQUEST**

### **Amend the Community Character policy to allow 12 stories in height for the portion of T5 Center Mixed Use Neighborhood Special Policy Area 10-MT-T5-MU-03.**

#### Major Plan Amendment

A request to amend the Green Hills - Midtown Community Plan by amending the Community Character policy to allow 12 stories in height for the portion of T5 Center Mixed Use Neighborhood Special Policy Area 10-MT-T5-MU-03 that is generally between 31st Avenue South and 28th Avenue South (12 acres).

## **GREEN HILLS-MIDTOWN COMMUNITY PLAN – AMENDMENT**

### **Current Policy**

T5 Center Mixed Use Neighborhood (T5 MU) is intended to preserve, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

The T5 MU Community Character policy was applied to parts of the Midtown Area through the Midtown Study that was adopted by the Metro Planning Commission on March 22, 2012. The Midtown Study was carried forward as part of the updated Green Hills-Midtown Community Plan that was adopted on June 22, 2015 as part of the NashvilleNext General Plan.

The Midtown Study divides the T5 MU areas into three sections: Areas 10-MT-T5-MU-01, 10-MT-T5-MU-02, and 10-MT-T5-MU-03. Each of the three areas has different policy guidance regarding appropriate building heights and other design characteristics.

The proposed amendment area is part of Area 10-MT-T5-MU-03. The Special Policy text for Area 10-MT-T5-MU-03 is as follows:

### **10-MT-T5-MU-03**

T5 Center Mixed Use Neighborhood Area 3 is referenced as 10-MT-T5-MU-03 on the accompanying map. It applies to properties in three areas: surrounding West End Avenue between I-440 and 31<sup>st</sup> Avenue North, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18<sup>th</sup> Avenue South area. In this area, the following Special Policies apply. Where the Special Policy is silent, the guidance of the T5 Center Mixed Use Neighborhood policy applies.

#### **Appropriate Land Uses**

- Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits.
- Office and Residential uses are preferred over other uses in this area because of the smaller lots, frequent diagonal streets, and tight block structure. These uses can exist in forms that can accommodate themselves to this restrictive environment.

#### **Building Form (Mass, Orientation, Placement)**

- Where properties face Centennial Park, special attention is paid to the building orientation and placement as it relates to the park with the intent of enhancing the urban design surrounding the park to contribute to its significance as a civic feature.

#### **Connectivity (Pedestrian/Bicycle)**

- Where properties face Centennial Park, sidewalks are especially wide and pedestrian crossings are enhanced near the park to maximize the access of area park visitors.

#### **Density/Intensity**

- Lower building heights and masses are intended in this area than in Areas 10-MT-T5-MU-01 and -02 because of the area's numerous residential size lots. Maximum building heights of about eight stories are generally most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meeting the policy.

#### **Parking**

- Where properties face Centennial Park, parking structures facing the park are located behind liner buildings that are of sufficient depth to accommodate active uses on the ground floor. Upper level habitable liners are also encouraged. The liners are needed because of the park's civic significance.

The Midtown Study contains other relevant policy text to supplement the Community Character Special Policy text for Area 10-MT-T5-MU-03. Pages 38-41 of the Midtown Study establish a street hierarchy and associated policies within the study area. The streets in the part of Area 10-MT-T5-MU-03 proposed for amendment are classified as Tertiary Streets or Alleys, except for 31<sup>st</sup> Avenue South, which is classified as a Primary Street, and Vanderbilt Place, which is classified as a Secondary Street. The policies for these street classifications are as follows:

### *Primary Streets*

Primary Streets provide more intense, urban development including shallow build-to zones accommodate high levels of pedestrian, vehicular, and transit activity. Pedestrian comfort on these streets is of the highest importance.

Active uses – residential, retail, restaurant, or office – on the ground floor of buildings enhance pedestrian safety and interaction. Primary Streets in mixed use areas also have the highest level of urban activity such as outdoor dining, retail displays, and community activities like markets, parades and festivals. Vehicular access to parking lots and parking structures, and “back of house” functions are strongly discouraged.

Primary Streets in mixed use areas have a continuous street wall and sidewalks that are generally 16 feet wide. The sidewalk should provide room for features such as street trees, benches, trash and recycling receptacles, and bicycle parking as well as a clear travel path for pedestrians. Street trees protect people and infrastructure from the sun and rain, reduce stormwater runoff and air pollution, and provide aesthetic value to the city. On Primary Streets in mixed use areas, the use of tree wells and grates is typically more appropriate than landscape planters.

On Primary Streets in residential areas, the street wall is more intermittent allowing more space between buildings and sidewalks may be narrower than in mixed use areas. Buildings may be set back farther from the street than in mixed use areas, allowing for small front yards and transitions into buildings. Tree wells, landscape planters, and grass strips are appropriate on these streets.

### *Secondary Streets*

Secondary Streets have moderate levels of pedestrian, vehicular and transit activity. Secondary Streets may be mixed-use, commercial, or residential in character. The build-to zone is generally shallow and building heights are limited. Vehicular access to parking lots and parking structures is allowed. When “back of house” functions are located on Secondary Streets, significant efforts should be made to reduce the impact on adjacent properties and the sidewalk. In mixed-use areas, a continuous street wall should be maintained and sidewalks are generally 14 feet wide. Tree wells and landscape planters are appropriate on mixed use Secondary Streets.

On Secondary Streets in residential areas, the street wall is more intermittent allowing more space between buildings and sidewalks may be narrower than in mixed use areas. Buildings may be set back farther from the street than in mixed use areas, allowing for small front yards and transitions into buildings. Tree wells, landscape planters, and grass strips are appropriate on these streets.

### *Tertiary Streets*

Tertiary Streets are less important than Primary and Secondary Streets. Tertiary Streets are the appropriate location for “back of house” functions. Sidewalks are typically 5 feet with a 4 foot planting area against the curb or 9 feet with street trees in tree wells. Care should be taken to make these streets as pedestrian-friendly as possible while accommodating loading and access needs.

### *Alleys*

Alleys are service roads that provide shared access to properties. Where alleys exist and are in working condition, or where new alleys can be created, alleys are the preferred area for “back of house” functions and vehicular access. Public utilities and access to mechanical equipment, trash and recycling should be located on alleys whenever possible. Dilapidated or insufficient alleys are improved to current standards in association with new development.

### **Proposed Policy**

The proposal is to change the maximum building heights that would generally be supported by the policy from 8 to 12 stories.

### **BACKGROUND**

The community plan amendment was requested in conjunction with Zone Change application 2015SP-085-001 to change the zoning from ORI-A to Specific Plan – Mixed Use for properties at the corner of 30<sup>th</sup> Avenue South and Vanderbilt Place. The boundaries for the proposed amendment area were established based on similarities in the characteristics of properties within its boundaries, such as the heights supported by the policies, the street and alley network, existing zoning, and interfaces with adjacent policy areas.

The Midtown Study was amended on October 9, 2014, to remove a portion of Special Policy Area 10-T5-MT-MU-03 located in the 19<sup>th</sup> Avenue South / Chet Atkins Place area and add it to the adjacent Special Policy Area 10-MT-T5-MU-02, which generally supports building heights of up to 20 stories. This earlier amendment also included associated changes to various text and maps within the Midtown Study to reflect the changed area and to help ensure that high standards of urban design would continue to be met.

The NashvilleNext General Plan was adopted on June 22, 2015, after an extensive three-year public participation process. All 14 community plans and the Community Character Manual were updated and re-adopted as part of NashvilleNext. The Midtown Study was carried forward as part of the updated Green Hills-Midtown Community Plan and is Appendix B to that document.

NashvilleNext recommends that most of Nashville's growth be concentrated in several Tier One Centers and along High Capacity Transit Corridors. Midtown is not only a Tier One Center, but it also contains portions of the Broadway / West End and Charlotte Avenue High Capacity Transit Corridors, which are classified as Immediate Need corridor segments. Infrastructure investments in the Tier One Centers and the Immediate Need segments of High Capacity Transit Corridors will be prioritized over other areas and are planned to be made within the next 1 to 5 years.

The Midtown area is expected to receive a significant share of Nashville's growth in both employment and housing. This, along with rapidly increasing land and construction costs in areas close to the Downtown core, is resulting in demand for taller buildings than was expected in 2012. These trends are being demonstrated through numerous recent high-rise developments that have been approved since the Midtown Study was adopted in March 2012.

### **COMMUNITY PARTICIPATION**

Community meeting notices were mailed out to property owners within 1,300 feet of the amendment area on July 24, 2015. Local neighborhood associations were also notified. The community meeting was held on August 11, 2015, at the Metro Nashville Public Schools Martin Professional Development Center on Fairfax Avenue. It was attended by 16 people in addition to Councilwoman Burkley Allen, the development team, and Metro Planning staff. The major topics of discussion were:

- Impacts of increased development intensity on:
- 31<sup>st</sup> Avenue North and West End Avenue, where traffic already backs up several blocks south of the 31<sup>st</sup> / West End intersection during rush hour, frequently blocking the Vanderbilt Place / 31<sup>st</sup> intersection;
- The narrow streets within the study area;
- Parking

Councilwoman Burkley Allen later approached staff about removing the Carleen Batson Waller Manor property, owned by the Metropolitan Development and Housing Agency (MDHA) from the amendment area in order to keep both sides of 31<sup>st</sup> Avenue South in the same Special Policy Area and provide a more sensitive transition in height to the historic Hillsboro-West End neighborhood on the west side of 31<sup>st</sup> Avenue South. She discussed this with James Harbison, MDHA's Executive Director, who was amenable to removing the property from the amendment area.

Public hearing notices were mailed out to property owners within the same area on August 14, 2015. Local neighborhood associations were again notified and a copy of the notice was placed on the Planning Department website.

### **ANALYSIS**

The concerns expressed by local stakeholders are well-founded but need to be balanced with the larger trends affecting Midtown and its role as a designated Tier One Center in the NashvilleNext General Plan. The classification of Midtown as a Tier One Center and West End Avenue as an Immediate Need High Capacity Transit Corridor will support focused infrastructure investment that can alleviate the concerns.

There are several factors that support amending the community plan to support taller building heights in this particular portion of Special Policy Area 10-MT-T5-MU-03. Area 10-MT-T5-MU-03 consists of five geographically separate areas that have been included in the Low-Rise building height area for a variety of reasons but that have certain common characteristics. All are identified in the Midtown Study as being most appropriate for a mix of primarily office and residential development because of the smaller lots, frequent diagonal streets, and tight block structure throughout Area 10-MT-T5-MU-03. The building form and site design of office and residential developments are better suited to this restrictive environment than the taller mixed use buildings or light industrial uses that may be suitable in other parts of Midtown. The Special Policies for Area 10-MT-T5-MU-03 do make some allowances for building heights that exceed 8 stories, especially at prominent locations, provided that building and site design are otherwise consistent with the policies.

The amendment area is located near the intersection of 31<sup>st</sup> Avenue South and West End Avenue, which is one of the most significant intersections in the Midtown area. It is wedged between West End Avenue and Vanderbilt University. Vanderbilt is a major regional employer with large undergraduate and graduate student populations and a major medical school with an associated hospital. New buildings near the amendment area that would be associated with Vanderbilt would be within the ORI zoning district. Unlike the ORI-A district common in the Midtown Study area, ORI uses a height control plane that enables large parcels such as the parking lots across Vanderbilt Place from the amendment area to achieve mid-rise heights as defined in the Midtown Study. The amendment area is also separated from the lower intensity Hillsboro-West End neighborhood by 31<sup>st</sup> Avenue South, which is a wide street that helps provide a transition. In addition, staff agrees with removing the MDHA property from the amendment area for the reasons cited by Councilwoman Allen. Removing the MDHA property from the amendment area helps to provide an even more substantial transition between the proposed taller height area and the nearby Hillsboro-West End neighborhood than would be provided by 31<sup>st</sup> Avenue South alone. It also provides a transition between the reduced amendment area and the Westboro Apartments, which are listed in the National Register of Historic Places and are within the Hillsboro-West End National Register Historic District.

The increase in building heights that would generally be supported by the policies is not as major as it would be if the amendment area were reclassified into the existing Mid-Rise building height area, which supports building heights of up to 20 stories. Staff is recommending instead adding a new Special Policy Area to the Midtown Study that would limit building heights in the amendment area to 12 stories. The ability to attain building heights up to but not exceeding 12 stories will require the use of Specific Plan zoning since no other zoning district corresponds to that height. Specific Plan zoning can also address a wide

range of design considerations, including parking, access, sidewalk width, landscaping, and transitions in scale and massing. The small size of blocks and properties within the amendment area will make it unlikely that 12 story buildings will be constructed throughout the entire area.

### **STAFF RECOMMENDATION**

Staff recommends approval of the reduced amendment area, establishing a new Special Policy Area 10-MT-T5-MU-04 that would support buildings of up to 12 stories, and reclassifying streets in the amendment area that are now Tertiary Streets as Secondary Streets.

The proposed Special Policy text for Area 10-MT-T5-MU-04 would read as follows:

#### **10-MT-T5-MU-04**

T5 Center Mixed Use Neighborhood Area 4 is referenced as 10-MT-T5-MU-04 on the accompanying map. It applies to properties that are south of properties that front on West End Avenue and are between the Carleen Batson Waller Apartments that front on 31<sup>st</sup> Avenue South on the west and Vanderbilt Place on the south. It extends to the east side of 28<sup>th</sup> Avenue South. In this area, the following Special Policies apply. Where the Special Policy is silent, the guidance of the T5 Center Mixed Use Neighborhood policy applies.

#### **Building Form and Site Design**

- Low-Rise building heights are generally most appropriate in this area because of its small blocks and narrow streets, but buildings of up to 12 stories may also be appropriate provided that sufficient attention is paid to high quality urban design, including not only building design but also the pedestrian realm. This includes avoiding the effects of taller buildings overshadowing the smaller streets within the area. Providing safe and comfortable walking and biking facilities and managing potential impacts such as increased traffic and demand for parking are also important factors in considering whether taller building heights would be appropriate.

#### **Connectivity (Pedestrian/Bicycle)**

- Achieving high quality urban design within this area includes paying particular attention to creating a comfortable environment for pedestrians and bicyclists. The smaller north-south streets in the area have narrow rights-of-way and sidewalks that need to be widened as new development takes place so that they can support the increased development intensity. Pedestrian and bicycle traffic is especially high along 31<sup>st</sup> Avenue North and Vanderbilt Place, particularly on Vanderbilt game days.

#### **Connectivity (Vehicular)**

- In some cases, pavement width may need to increase or some on-street parking may need to be removed to accommodate additional traffic accessing parking structures.

#### **Parking**

- Parking structures along area streets are located behind liner buildings of sufficient depth to accommodate active uses on the ground floor. Upper level habitable liners are also encouraged.
- Access to parking and parking structures should be primarily from the alley. Where alley access is not possible, care must be taken to locate the entrance in a way that minimizes impact on the pedestrian realm.
- Shared parking arrangements may be necessary to mitigate the impacts of additional parking demand and the loss of some of the area's on-street parking.

#### **Other changes that would be made to the Midtown Study as part of the proposed amendment:**

1. Community Character Policy Map – change to reflect the change in Special Policy designation from part of Area 10-MT-T5-MU-03 to Area 10-MT-T5-MU-04
2. Building Height Map – Change the map to reflect the addition of a new height category.

Ms. Woods presented the staff recommendation of approval of the revised amendment area.

Items 5a and 5b were heard and discussed together.

Tom Harwell, applicant, spoke in favor of the application.

William Hastings spoke in favor of the application and noted there is large community support and excitement regarding this project and the traffic improvements it will bring.

Beth Scott Clayton Amos spoke in favor of the application and noted the community welcomes this top quality development.

Pat McGuigan, 74 Wyn Oak, spoke in favor of the application.

Margo Chambers, 3803 Princeton Ave, spoke in opposition to the application because the current infrastructure won't support it.

**Chairman McLean closed the Public Hearing.**

Mr. Clifton spoke in favor of the application and noted the issues of scale have been very carefully weighed by the councilmember and the neighborhood association.

Ms. Blackshear spoke in favor of the application.

Ms. Farr spoke in favor of the application.

Ms. LeQuire spoke in favor of the application.

**Mr. Adkins moved and Mr. Haynes seconded the motion to approve a reduced amendment area, establish a new Special Policy Area 10-MT-T5-MU-04 that would support buildings of up to 12 stories, and reclassify streets in the amendment area that are now Tertiary Streets as Secondary Streets. (8-0)**

#### **Resolution No. RS2015-305**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2015CP-010-005 is Approved a reduced amendment area, established a new Special Policy Area 10-MT-T5-MU-04 that would support buildings of up to 12 stories, and reclassified streets in the amendment area that are now Tertiary Streets as Secondary Streets. (8-0)”**

### **5b. 2015SP-085-001**

#### **30TH & VANDERBILT PLACE**

Map 104-02-4-D, Parcel(s) 001-003, 900

Map 104-06, Parcel(s) 246-248

Council District 18 (Burkley Allen)

Staff Reviewer: Brett Thomas

A request to rezone from ORI-A to SP-O zoning for properties located at 121 A, 121 B, 121 C, 123 and 125 30th Ave South and 3022 Vanderbilt Place, at the northwest corner of 30th Avenue South and Vanderbilt Place (0.92 acres), to permit a 12 story office building, requested by Eakin Partners, LLC, applicant; Vanderbilt Place Partners and Cherokee Equity Corp, owners. (See also 2015CP-010-005.)

**Staff Recommendation: Approve with conditions and disapprove without all conditions, subject to approval of the associated community plan amendment. Disapprove if proposed community plan amendment is not approved.**

#### **APPLICANT REQUEST**

**Preliminary SP to permit a 12 story office building.**

#### Preliminary SP

A request to rezone from Office/Residential Intensive-A (ORI-A) to Specific Plan-Mixed Non-Residential (SP-MNR) zoning for properties located at 121 A, 121 B, 121 C, 123 and 125 30th Avenue South and 3022 Vanderbilt Place, at the northwest corner of 30th Avenue South and Vanderbilt Place (0.92 acres), to permit a 12 story office building.

#### **Existing Zoning**

Office/Residential Intensive-A (ORI-A) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

#### **Proposed Zoning**

Specific Plan-Mixed Non-Residential (SP-MNR) 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 commercial uses.

#### **CRITICAL PLANNING GOALS**

- Promotes Compact Building Design
- Supports Infill Development
- Creates Walkable Neighborhoods

This proposal meets three critical planning goals. The development proposes a vertical mix of uses with structured parking, resulting in a small physical footprint. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. Improved sidewalks to meet the requirements of the Major and Collector Street Plan are being provided along 30<sup>th</sup> Avenue South and Vanderbilt Place to create a more pedestrian friendly and walkable area.

## **GREEN HILLS - MIDTOWN COMMUNITY PLAN**

### **Current Policy**

T5 Center Mixed Use Neighborhood (T5 MU) is intended to preserve, enhance, and create high-intensity urban mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include some of Nashville's major employment centers such as Midtown that represent several sectors of the economy including health care, finance, retail, the music industry, and lodging. T5 MU areas also include locations that are planned to evolve to a similar form and function.

### Special Policy

A special policy also applies to this area. The special policy applies to a larger area and specifies appropriate heights depending on location. The special policy supports a maximum of eight stories at the subject location.

### **Proposed Policy**

The proposed amendment to the special policy changes the maximum building heights that would generally be supported by the policy from 8 to 12 stories.

### Consistent with Policy?

The proposed SP is consistent with the T5 Center Mixed Use Neighborhood policy. The proposed SP exceeds the height supported by the current special policy; however, is consistent with the height supported by the proposed special policy. The plan proposes a vertical mixed use development with active ground floor uses and office above. Structured parking is accessed by alleys and improvements to the sidewalks along 30<sup>th</sup> Avenue South and Vanderbilt Place will improve the pedestrian environment.

## **PLAN DETAILS**

The site is located at the northwest corner of 30<sup>th</sup> Avenue South and Vanderbilt Place. The site is approximately 0.92 acres in size and includes an existing office building and residential lots.

### Site Plan

The plan proposes a 12 story office building with a maximum 200,000 square feet. The ground floor proposes active uses along the entire street frontage of Vanderbilt Place, and will extend a minimum of 30 feet from the corner of the building along 30<sup>th</sup> Avenue South. Ground floor uses are limited to the nonresidential uses permitted according to ORI-A zoning district.

The following development standards are proposed:

Max. Gross Floor Area:	200,000 square feet
Maximum FAR:	6.0
Maximum ISR:	1.0
Maximum Height at Street:	7 stories and 80 feet
Maximum Overall Height:	12 stories and 180 feet
Build-to Zone:	0 to 25 feet
Minimum Side/Rear Setback:	None required

The SP also proposes to re-route the existing north-south alley to intersect with 30<sup>th</sup> Avenue South to the east. Structured parking is provided above and below the ground floor, with vehicular access provided from ramps along the alley. Loading, trash, and additional back of house functions are proposed internal to the site along the alley. The portion of structured parking above ground is wrapped with architectural cladding to enhance the architectural design of the building.

Sidewalk improvements are being provided to meet the intent of the proposed special policy within the Green Hills-Midtown Community Plan. Bicycle parking is to be provided in accordance with the Zoning Code.

## **ANALYSIS**

The plan is not consistent with the existing special policy; however, is consistent with the T5 Center Mixed Use Neighborhood policy. If the proposed community plan amendment is approved, then staff recommends that the SP be approved with conditions and disapproved without all conditions. If the proposed community plan amendment is not approved, then staff recommends disapproval. The proposal promotes compact building design, supports infill development, and will improve pedestrian connectivity.

## **FIRE DEPARTMENT RECOMMENDATION**

### **Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.

## **STORMWATER RECOMMENDATION**

### **Approved**



## **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

### **Approved**

- No exceptions taken

## **WATER SERVICES RECOMMENDATION**

### **Approve with conditions**

- Approved as a Preliminary SP only.
- Public sewer construction plans must be submitted and approved prior to Final SP approval.
- The required capacity fees must be paid prior to Final SP approval.
- FYI - Public sewer abandonment will require a Mandatory Referral.

## **PUBLIC WORKS RECOMMENDATION**

### **Approve with conditions**

- 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.
- Comply with MPW Traffic Engineer
- Preliminary SP approval is contingent on the Mandatory Referral approval by Metro Council. If MR is not approved this preliminary is null and would require a new preliminary SP
- On Vanderbilt and 30th, dedicate ROW to the back of the proposed sidewalks.
- Coordinate with MPW to install a concrete band along the alley ROW to delineate public vs. private property.

## **TRAFFIC AND PARKING RECOMMENDATION**

### **Approve with conditions**

- In accordance with TIS findings, developer shall extend alley #892 at Vanderbilt Place to 30th Ave with a minimum of 20 ft of width or greater if feasible and provide adequate truck turning radius for trucks to access the project's loading docks.
- The intersection of alley #893 with the extension of #892 shall have adequate turning radius with the alley extension.

Developer shall construct and install the following TIS Conclusions and Recommendations:

#### **31st Avenue and Vanderbilt Place**

- A signal is warranted at the intersection of 31st Avenue and Vanderbilt Place based on existing and projected traffic volumes. The signal phasing should include protected/permitted left turn signal phasing for the northbound, southbound, and westbound approaches to the intersection.
- Developer shall prepare signal plan for metro traffic engineer approval and install signal and pavement markings and apply to T&P to restrict parking on 31st Ave when directed by metro traffic engineer.
- Pedestrian crosswalks, curb ramps, and signals should be provided for all four legs of the intersection of 31st Avenue and Vanderbilt Place. Pedestrian pushbuttons shall be provided for the north and south legs crossing 31st Avenue.
- Stop lines should be provided for all four approaches to the intersection.
- A northbound left turn lane should be provided on 31st Avenue with 75 feet of dedicated storage within the center two-way left-turn lane and 50 feet of open taper.
- A southbound left turn lane should be provided on 31st Avenue with 75 feet of dedicated storage within the center two-way left-turn lane and 50 feet of open taper.
- A westbound left turn lane should be provided on Vanderbilt Place with 85 feet of storage and 100 feet of taper.
- A double solid yellow line should be provided on the eastbound approach of Vanderbilt Place.
- On-street parking on Vanderbilt Place should be restricted for 50 feet west of 31st Avenue on the north and south side of the street.
- On-street parking on Vanderbilt Place should be restricted for 145 feet east of 31st Avenue on the south side of the street.

#### **30th Avenue and Vanderbilt Place**

- Developer shall submit pavement marking plan and install the following markings.
- Pedestrian crosswalks should be provided for each of the four legs of the intersection of Vanderbilt Place and 30th Avenue.
- Pedestrian curb ramps should be provided for the northwest, southwest, and southeast corners of the intersection of Vanderbilt Place and 30th Avenue.
- A stop line should be provided 4 feet in advance of the recommended crosswalk on the north leg of 30th Avenue.
- A stop line should be provided 4 feet in advance of the recommended crosswalk on the south leg of 30th Avenue.

#### **Natchez Trace and Jess Neely Drive**

- The existing crosswalks and stop lines for the four legs of the intersection of Natchez Trace and Jess Neely Drive should be refurbished by developer.

#### **Alley and Site Access**

- The two ingress/egress points to the parking garage should each be designed to include sufficient width for one entering travel lane and a minimum of one exiting travel lane. Turning movements at garage access shall be adequate and verified with turning template diagrams.
- If garage access points are gated, gates shall be located a minimum of 40 ft from public ROW.

30th Avenue

- If on-street parking is to remain on the west side of 30th Avenue along the project site frontage, the on-street parking shall be bulbed-in to the site in order to provide a minimum of 22 feet of pavement for two-way travel.

Vanderbilt Place and Alley 892 Access

- Alley 892 should include sufficient width for two-way traffic. A minimum unencumbered 20-foot width is required.

30th Avenue South and New Alley 893

- New Alley 893 should include sufficient width for two-way traffic. A minimum 20-foot right-of-way is recommended.

Vanderbilt Place between 31st Avenue South and 30th Avenue South

- The existing double solid yellow centerline pavement marking should be maintained.
- The existing curb-to-curb width of Vanderbilt Place is approximately 42 feet, which is sufficient to allow on-street parking on the north and south sides and one 13-foot travel lane in each direction.
- Developer shall apply to T&P for an on street loading zone for short term parcel and postal deliveries.
- If bulb-outs are provided along the Vanderbilt Place property frontage, the design should mirror the existing block to the east.

Maximum Uses in Existing Zoning District: **ORI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.92	3 F	120,225 SF	1538	218	214

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.92	-	187,763 SF	2167	311	290

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.92	-	12,237 SF	562	17	51

Traffic changes between maximum: **ORI-A** and **SP-MNR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,191	+110	+127

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions, if the associated community plan amendment is approved; disapproval if the associated community plan amendment is not approved.

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of 200,000 square feet of office and other nonresidential uses permitted in the ORI-A district.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the ORI-A zoning district as of the date of the application request or application.
3. The ceiling height for uses on the first floor shall be a minimum 14 feet.

4. The applicant shall provide revised plans for the sidewalk along 30<sup>th</sup> Avenue South to include a minimum 4 foot planting strip and 8 foot sidewalk with 3 feet in a pedestrian easement.
5. Comply with all Public Works conditions.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Thomas presented the staff recommendation of approval with conditions and disapproval without all conditions, subject to approval of the associated community plan amendment and disapproval if proposed community plan amendment is not approved.

Items 5a and 5b were heard and discussed together.

Tom Harwell, applicant, spoke in favor of the application.

William Hastings spoke in favor of the application and noted there is large community support and excitement regarding this project and the traffic improvements it will bring.

Beth Scott Clayton Amos spoke in favor of the application and noted the community welcomes this top quality development.

Pat McGuigan, 74 Wyn Oak, spoke in favor of the application.

Margo Chambers, 3803 Princeton Ave, spoke in opposition to the application because the current infrastructure won't support it.

**Chairman McLean closed the Public Hearing.**

Mr. Clifton spoke in favor of the application and noted the issues of scale have been very carefully weighed by the councilmember and the neighborhood association.

Ms. Blackshear spoke in favor of the application.

Ms. Farr spoke in favor of the application.

Ms. LeQuire spoke in favor of the application.

**Councilman Hunt moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions. (8-0)**

**Resolution No. RS2015-306**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-085-001 is **Approved with conditions and disapproved without all conditions. (8-0)**”

**CONDITIONS**

1. Permitted land uses shall be limited to a maximum of 200,000 square feet of office and other nonresidential uses permitted in the ORI-A district.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the ORI-A zoning district as of the date of the application request or application.
3. The ceiling height for uses on the first floor shall be a minimum 14 feet.
4. The applicant shall provide revised plans for the sidewalk along 30<sup>th</sup> Avenue South to include a minimum 4 foot planting strip and 8 foot sidewalk with 3 feet in a pedestrian easement.
5. Comply with all Public Works conditions.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.

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

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## J. RECOMMENDATIONS TO METRO COUNCIL

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The Planning Commission will make a recommendation to the Metro Council on the requests below. The Metro Council will make the final decision to approve or disapprove the request.

### 6. 2015SP-083-001

#### 369 EWING DRIVE

Map 060-02, Parcel(s) 258

Council District 02 (Frank R. Harrison)

Staff Reviewer: Melissa Sajid

A request to rezone from RS7.5 to SP-R zoning for property located at 369 Ewing Drive, approximately 570 feet east of Brick Church Pike (2.91 acres), to permit up to 21 residential units, requested by Dale & Associates, applicant and James A. Garvin, owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

#### APPLICANT REQUEST

**Preliminary SP to permit up to 21 residential units.**

#### Preliminary SP

A request to rezone from Single Family Residential (RS7.5) to Specific Plan-Residential (SP-R) zoning for property located at 369 Ewing Drive, approximately 570 feet east of Brick Church Pike (2.91 acres), to permit up to 21 residential units.

#### Existing Zoning

Single Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 16 units.*

#### Proposed Zoning

Specific Plan-Residential (SP-R) 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

- Supports a Variety of Transportation Choices
- Supports Infill Development

The proposed SP creates an opportunity for infill housing in an area that is served by existing infrastructure. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. In addition, the site is served by an existing transit route that runs along Ewing Drive which will be supported by the additional density proposed by the SP.

#### PARKWOOD – UNION HILL COMMUNITY PLAN

Suburban Neighborhood Evolving (T3 NE) policy is intended to create and enhance suburban residential neighborhoods with more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate density development patterns with moderate setbacks and spacing between buildings. T3 NE policy may be applied either to undeveloped or substantially under-developed "greenfield" areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network, block structure, and proximity to centers and corridors. T3 NE areas are developed with creative thinking in

environmentally sensitive building and site development techniques to balance the increased growth and density with its impact on area streams and rivers.

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

Consistent with Policy?

Yes. The proposed SP is consistent with the Suburban Neighborhood Evolving policy which encourages a mixture of housing types. The request is also consistent with Conservation policy as the site is designed so as not to encroach on the stream and stream buffer located on the west of the site and minimally encroaches into the floodplain to the north of the site. In addition, the rezoning request is a site plan based district that encourages flexibility in design so that the result is well suited to the subject property and the neighborhood.

**PLAN DETAILS**

The site is located east of the intersection of Dickerson Pike and Ewing Drive and includes an existing residential unit that is to remain. The area is characterized by a mixture of housing types and some commercial uses.

Site Plan

The plan proposes 21 residential units with three units fronting Ewing Drive, including the existing residence that is to remain. All other units front open space. The site includes a stream that is located on the western part of the site and floodplain along the northern boundary. No structures are proposed to be located within the required stream buffer, but Units 17-21 are partially located within the existing 100 year floodplain. Per the Stormwater Management Regulations, residential structures in the floodplain must be elevated at least 4 feet above the base flood elevation. However, the plan indicates that the applicant proposes to use cut and fill techniques to relocate the floodplain boundary and locate the units outside of the floodplain. Rain gardens are proposed throughout the site to address stormwater management.

Architectural images have not been included with the preliminary SP. The SP, however, includes notes that address design considerations for the SP. The design conditions address doorway placement, glazing, window orientation and porches. Also, EIFS, vinyl siding and untreated wood siding are prohibited as building materials. The maximum height for all units is 3 stories in 35' to the roof ridge line. The SP provides a 10' landscape buffer between the site and the one and two family residences to the east.

Parking for the units is provided via a mixture of surface and garage parking spaces and includes additional spaces for guest parking. Parking is located interior to the site and is accessed from a driveway off Ewing Drive. The plan includes a note that indicates that permeable pavers will be considered with the final design for use on the parking stalls. The SP proposes to dedicate right-of-way along both Ewing Drive and Ewing Lane. The site is not served by existing sidewalks; the SP proposes sidewalks along Ewing Lane per the Major and Collector Street Plan and along Ewing Lane. Interior sidewalks are also included throughout the site and connect the units to the proposed public sidewalks.

**ANALYSIS**

The proposed SP is consistent with Suburban Neighborhood Evolving and Conservation land use policies and supports two critical planning goals. Although the plan includes five units located partially within the floodplain, there are tools available in the Stormwater Management Regulations that will help to mitigate the impacts. Therefore, staff recommends approval with conditions and disapproval without all conditions.

**FIRE MARSHAL RECOMMENDATION**

**Approve with conditions**

- Fire Code issues for the structures will be addressed at permit application review.

**STORMWATER RECOMMENDATION**

**Approve**

**TRAFFIC & PARKING RECOMMENDATION**

**Conditional if approved**

- Provide adequate sight distance at driveways with final SP. It appears the neighbor's fence on Ewing may also impact S.D.

**WATER SERVICES RECOMMENDATION**

**Approved with conditions**

- Approved as a Preliminary SP only. Public water and sewer construction plans must be submitted and approved prior to Final SP approval. The required capacity fees must also be paid prior to Final SP approval.

**PUBLIC WORKS RECOMMENDATION**

**Approve with conditions**

- 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.
- Comply with MPW Traffic Engineer
- Widen Ewing Creek lane to a minimum of 24' of pavement along the entire property frontage and then install curb and gutter/ sidewalk.

Maximum Uses in Existing Zoning District: **RS7.5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	2.91	5.80 D	16 U	154	12	17

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	2.91	-	21 U	166	15	17

Traffic changes between maximum: **RS7.5** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 5 U	+12	+3	-

**METRO SCHOOL BOARD REPORT**

Projected student generation existing RS7.5 district: 2 Elementary 2 Middle 2 High

Projected student generation proposed SP-R district: 3 Elementary 2 Middle 2 High

The proposed SP-R zoning district would generate one more student than what is typically generated under the existing RS7.5 zoning district. Students would attend Chadwell Elementary School, Gra-mar Middle School, and Maplewood High School. Chadwell Elementary School has been identified as over capacity. There is capacity within the cluster for additional elementary school students. This information is based upon data from the school board last updated October 2014.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses within the SP shall be limited to up to 21 residential units.
2. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
3. The final site plan shall include architectural elevations showing raised foundations of 18-36" for residential buildings.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. 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.
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.

**Resolution No. RS2015-307**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-083-001 is **Approved with conditions and disapproved without all conditions. (8-0)**”

**CONDITIONS**

1. Uses within the SP shall be limited to up to 21 residential units.
2. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
3. The final site plan shall include architectural elevations showing raised foundations of 18-36” for residential buildings.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. 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.
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.

**7. 2015SP-084-001**

**BURKITT PLACE COMMONS**

Map 186, Parcel(s) 014, 021, 026  
Council District 31 (Fabian Bedne)  
Staff Reviewer: Brett Thomas

A request to rezone from SP to SP-MU zoning for properties located at 7022 Nolensville Pike and Nolensville Pike (unnumbered) and 7105 Burkitt Road, approximately 350 feet south of Burkitt Road (17.98 acres), to permit a mixed use development with up to 200 multi-family residential units, requested by Smith Gee Studio, applicant; James and Ruth McFarlin and Newco-Burkitt, LLC, owners.

**Staff Recommendation: Defer to the September 10, 2015, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2015SP-084-001 to the September 10, 2015, Planning Commission meeting. (7-0-1)**

**Zone Changes**

**8. 2015Z-070PR-001**

Map 071-15, Parcel(s) 501  
Council District 05 (Scott Davis)  
Staff Reviewer: Melissa Sajid

A request to rezone from CL to MUL-A for property located at 1333 Dickerson Pike, at the corner of Marie Street and Dickerson Pike (2.52 acres) requested by Pravenkumar Patel, applicant; Krushna, LLC, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from CL to MUL-A.**

Zone Change

A request to rezone from Commercial Limited (CL) to Mixed Use Limited-A (MUL-A) for property located at 1333 Dickerson Pike, at the corner of Marie Street and Dickerson Pike (2.52 acres).

**Existing Zoning**

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

**Proposed Zoning**

Mixed Use Limited-A (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Supports a Range of Housing Choices
- Promotes Compact Building Design
- Supports a Variety of Transportation Choices

The proposed MUL-A promotes walkable neighborhoods by incorporating building placement and design elements to create a streetscape that enhances the pedestrian experience. MUL-A also would expand the range of housing choices in the area by permitting mixed use and encourage compact building design by allowing more flexibility to build up rather than out. In addition, existing infrastructure is available at the subject property, which supports infill development.

**EAST NASHVILLE COMMUNITY PLAN**

Urban Mixed Use Corridor (T4 CM) policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes, the proposed MUL-A zoning district is consistent with the Urban Mixed Use Corridor policy which encourages a mix of higher density residential and mixed uses and locating commercial uses at intersections with residential uses between intersections. Dickerson Pike is classified as an arterial street on the Major and Collector Street Plan. It is appropriate to locate intensity along the corridor as it is more accessible and supports existing public transit that runs along Dickerson Pike. In addition, the property abutting the site to the east is zoned SP and permits up to 18 residential units. The proposed MUL-A zoning will provide a good transition from the corridor into the neighborhood.

**PUBLIC WORKS RECOMMENDATION**

**Conditional if approved**

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel/Motel (310)	2.52	0.6 F	31 rooms	277	21	22

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.52	1.0 F	109,771 SF	7216	163	678

Traffic changes between maximum: **CL** and **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6,939	+142	+656

**METRO SCHOOL BOARD REPORT**

Projected student generation existing CL district: 0 Elementary 0 Middle 0 High

Projected student generation proposed MUL-A district: 2 Elementary 1 Middle 1 High

This property would not qualify for adaptive residential as the majority of its frontage is on Lucile St, not Dickerson Pike.

The proposed MUL-A district would generate four more students than what is typically generated under the existing CL zoning district. Students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. Shwab



Elementary School has been identified as over capacity. There is capacity within the cluster for additional elementary school students. This information is based upon data from the school board last updated October 2014.

**STAFF RECOMMENDATION**

Staff recommends approval of the zone change as the request is consistent with the Urban Mixed Use Corridor policy.

Approve. (8-0), Consent Agenda

**Resolution No. RS2015-308**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-070PR-001 is **Approved. (8-0)**”

**9. 2015Z-071PR-001**

Map 060, Parcel(s) 026  
Council District 02 (Frank R. Harrison)  
Staff Reviewer: Jason Swaggart

A request to rezone from R8 to IWD for property located at 2909 Brick Church Pike, approximately 565 feet south of Brick Church Park Drive (11.54 acres) requested by Sandy Mendrick, applicant; Mike and Karen Rippetoe, owners.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from R8 to IWD.**

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Industrial Warehousing and Distribution (IWD) for property located at 2909 Brick Church Pike, approximately 565 feet south of Brick Church Park Drive (11.54 acres).

**Existing Zoning**

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 62 lots with 15 duplex lots for a total of 77 units.*

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

N/A

**BORDEAUX WHITES CREEK COMMUNITY PLAN**

District Industrial (D IN) policy is intended to preserve, enhance, and create Industrial Districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

Conservation (CO) policy is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed.

Consistent with Policy?

Yes. The proposed IWD district is supported by the D IN policy. While the property does contain a small pocket of CO policy, CO does not prohibit development. The proposed IWD zoning is also consistent with a majority of the surrounding zoning pattern.

**FIRE MARSHAL RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

**TRAFFIC AND PARKING RECOMMENDATION**

Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	11.54	5.44 D	77 U*	818	64	85

\*Based on 15 two-family lots.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	11.54	0.8 F	402,145 SF	1432	121	129

Traffic changes between maximum: **R8** and **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+614	+57	+44

**STORMWATER RECOMMENDATION**

Ignore

**WATER SERVICES RECOMMENDATION**

N/A

**STAFF RECOMMENDATION**

Staff recommends approval of the proposed IWD district because it is consistent with policy.

Approve. (8-0), Consent Agenda

**Resolution No. RS2015-309**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-071PR-001 is **Approved. (8-0)**”

**10. 2015Z-072PR-001**

Map 071-15, Parcel(s) 042  
 Council District 05 (Scott Davis)  
 Staff Reviewer: Melissa Sajid

A request to rezone from RS5 to RM20-A for property located at 104 Lucile Street, approximately 190 feet east of Dickerson Pike (0.28 acres) requested by Pravenkumar Patel, applicant; Aarika Patel, owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from RS5 to RM20-A.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to Multi-Family Residential (RM20-A) for property located at 104 Lucile Street, approximately 190 feet east of Dickerson Pike (0.28 acres).

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 2 single-family lots.*

**Proposed Zoning**

Multi-Family Residential (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 5 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development
- Supports a Range of Housing Choices
- Promotes Compact Building Design
- Supports a Variety of Transportation Choices

The proposed RM20-A promotes walkable neighborhoods by incorporating building placement and design elements to create a streetscape that enhances the pedestrian experience. RM20-A also would expand the range of housing choices in the area by permitting multi-family residential and encourage compact building design by allowing more flexibility to build up rather than out. In addition, existing infrastructure is available at the subject property which supports infill development.

**EAST NASHVILLE COMMUNITY PLAN**

Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

Consistent with Policy?

Yes. The proposed RM20-A is consistent with the Urban Neighborhood Evolving policy which supports a variety of housing types including multi-family. The property abutting the site to the west is zoned CS, and the property across the street is zoned CL and proposed for MUL-A. The proposed RM20-A is appropriate at this location and will provide a transition from the more intense uses along the Dickerson Pike corridor into the neighborhood to the west. Furthermore, the A district includes standards that achieves many of the design objectives of the policy.

**PUBLIC WORKS RECOMMENDATION**

**Conditional if approved**

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **RS5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.28	8.71 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: **RM20-A**

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)	0.28	20 D	5 U	34	3	4

Traffic changes between maximum: **RS5 and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 3 U	+14	+1	+1

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing RS5 district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed RM20-A district: 0 Elementary 0 Middle 0 High**

The proposed RM20-A district would not generate any more students than what is typically generated under the existing CL zoning district. Students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. This information is based upon data from the school board last updated October 2014.

**STAFF RECOMMENDATION**

Staff recommends approval of the zone change as the request is consistent with the Urban Neighborhood Evolving policy.

Approve. (8-0), Consent Agenda

**Resolution No. RS2015-310**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-072PR-001 is **Approved. (8-0)**”

**11. 2015Z-073PR-001**

Map 081-16, Parcel(s) 207

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Lisa Milligan

A request to rezone from R6 to RM20-A for property located at 915 Monroe Street, approximately 200 feet east of 10th Avenue N (0.83 acres) requested by Cottage Partners, LLC., applicant and owner.

**Staff Recommendation: Approve.**

**APPLICANT REQUEST**

**Zone change from R6 to RM20-A.**

Zone Change

A request to rezone from One and Two-Family Residential (R6) to Multi-Family Residential-A (RM20-A) for property located at 915 Monroe Street within the Phillips-Jackson Street Redevelopment District, approximately 200 feet east of 10th Avenue N (0.83 acres).

**Existing Zoning**

One and Two-Family Residential (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 percent duplex lots. *R6 would permit a maximum of 6 lots with 1 duplex lot for a total of 7 units.*

**Proposed Zoning**

Multi-Family Residential-A (RM20-A) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM20-A would permit a maximum of 16 units.*

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

**CCM Policy**

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban residential neighborhoods that provide more housing choices, improved pedestrian, bicycle and vehicular connectivity, and moderate to high density development patterns with shallow setbacks and minimal spacing between buildings. T4 NE areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. T4 NE policy may be applied either to undeveloped or substantially under-developed “greenfield” areas or to developed areas where redevelopment and infill produce a different character that includes increased housing diversity and connectivity. Successful infill and redevelopment in existing neighborhoods needs to take into account considerations such as timing and some elements of the existing developed character, such as the street network and block structure and proximity to centers and corridors.

Consistent with Policy?

Yes. The rezoning to RM20-A is consistent with the T4 Neighborhood Evolving policy. The rezoning would allow for a more intense development type within an existing urban neighborhood. This would provide the opportunity for a different housing type than exists currently and provide for housing choice. The property is immediately adjacent to an area of T4 Community Center policy. Additional housing near a community center can help to support the businesses that locate within the center and provide for opportunities for residents to walk to nearby services.

**ANALYSIS**

The requested rezoning to RM20-A is consistent with the policy for the area and is an appropriate zoning given the location of the property in an existing urban area. This allows for redevelopment of a lot that has existing infrastructure in a way that enhances the street frontage and meets the goals of the policy. The RM20-A zoning district includes design standards related to building location and parking location that help to ensure that the development is done in an appropriate manner given the context of the urban neighborhood. Additionally, the property is located within the Phillips-Jackson Street Redevelopment District which requires approval of the building design by the MDHA Design Review Committee. The property is within the Buena Vista National Register District and would be reviewed under the Design Guidelines for Historic Properties which requires new construction be constructed to a height that is compatible with the height of adjacent buildings.

**MDHA RECOMMENDATION**

**Approve**

Final design to be approved by MDHA based on the Phillips-Jackson Street Redevelopment District Design Guidelines.

**PUBLIC WORKS RECOMMENDATION**

**No exception taken.**

**TRAFFIC AND PARKING RECOMMENDATION**

**Approve with conditions**

- A traffic study may be required at the time of development.

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
Two-Family Residential (210)	0.83	7.26 D	7 U*	67	6	8

\*Based on one two-family lot.

Maximum Uses in Proposed Zoning District: **RM20-A**

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)	0.83	20 D	16 U	107	9	10

Traffic changes between maximum: **R6 and RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 9 U	+40	+3	+2

**METRO SCHOOL BOARD REPORT**

**Projected student generation existing R6 district: 1 Elementary 1 Middle 1 High**

**Projected student generation proposed RM20-A district: 1 Elementary 0 Middle 0 High**

The proposed RM20-A is expected to generate fewer students than the existing R6 zoning. Students would attend Buena Vista Elementary School, John Early Middle School and Pearl-Cohn High School. All three schools are over capacity. There is capacity for additional elementary and middle school students within the cluster and there is capacity for additional high school students within an adjacent cluster.

**STAFF RECOMMENDATION**

Staff recommends approval.

Ms. Milligan presented the staff recommendation of approval.

Mr. Clifton left the meeting at 5:44 p.m.

Roy Dale, 516 Heather Place, requested a deferral to the September 24, 2015, Planning Commission meeting.

**Ms. LeQuire moved and Ms. Blackshear seconded the motion to defer to the September 24, 2015, Planning Commission meeting and keep the public hearing open. (7-0)**

**The Metropolitan Planning Commission deferred 2015Z-073PR-001 to the September 24, 2015, Planning Commission meeting and keep the public hearing open. (7-0)**

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## **K. PLANNING COMMISSION ACTIONS**

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The Planning Commission will make the final decision on the items below.

### **Planned Unit Developments: final site plans**

#### **12. 2005P-003-001**

##### **DELVIN DOWNS, PHASE 2**

Map 173, Part of Parcel(s) 184  
Council District 31 (Fabian Bedne)  
Staff Reviewer: Alex Deus

A request to revise the preliminary plan and final site plan approval for a portion of the Delvin Downs Planned Unit Development Overlay on part of property located at Barnes Road (unnumbered), at the current terminus of Blackpool Drive (9.33 acres), zoned RS10, to permit 27 single-family lots, requested by Anderson, Delk, Epps & Associates, Inc., applicant; Blackstone Development, Inc., owner.

**Staff Recommendation: Approve with conditions.**

##### **APPLICANT REQUEST**

**Revise preliminary plan and for final site plan approval to permit 27 single-family lots.**

##### Revise PUD and Final Site Plan

A request to revise the preliminary plan and final site plan approval for a portion of the Delvin Downs Planned Unit Development Overlay on part of property located at Barnes Road (unnumbered), at the current terminus of Blackpool Drive (9.33 acres), zoned Single Family Residential (RS10), to permit 27 single-family lots.

##### **Existing Zoning**

Single Family Residential (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. *RS10 would permit a maximum of 40 single-family lots.*

Planned Unit Development Overlay District (PUD) – is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating development of land with the provision of an adequate roadway system or essential utilities and services. This PUD plan in return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

##### **CRITICAL PLANNING GOALS**

- Preserves Sensitive Environmental Features

The proposed PUD revision reduces the amount of single family lots and by association the overall building footprint, providing less disturbance to the steep slopes. This proposal would also increase the total amount of open space.

##### **REQUEST DETAILS**

The property is located at Barnes Road (unnumbered) at the current terminus of Blackpool Drive. The proposal is for a revision to the preliminary plan and for final site plan approval to permit 27 single-family lots on 9.33 acres.

##### **ANALYSIS**

The Delvin Downs PUD was originally approved by Metro Council in 2005 for 154 single-family lots. In 2006, the Planning Commission granted final site plan approval for 145 single-family lots. The portion currently being revised was approved for 30 single family lots during that time. The current request would reduce the number of lots to 27. In addition, the proposed lay-out shifts the orientation of certain lots that would have been on a cul-de-sac and focuses them towards Brockman Lane. This proposal would also increase the total amount of open space from 1.87 acres to 2.71 acres, preserving additional steep slopes.

Staff finds that these revisions do not deviate significantly from the Council approved plan. The proposed site plan is consistent with the overall concept of the PUD and does not alter the land area or modify any conditions of the enacting ordinance. Staff finds that the proposal is a minor modification.

Section 17.40.120.F permits the Planning Commission establishes types of changes that require Metro Council concurrence. Staff finds that the request does not meet the threshold for Metro Council concurrence and may be approved by the Planning Commission as a revision to the PUD. Section 17.40.120.F is provided below for review.

**F. Changes to a Planned Unit Development District.**

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:

- a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);
- b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;
- c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
- d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
- e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.
- e.[f.] Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

**FIRE MARSHAL RECOMMENDATION**

**Approve with Conditions**

- Water flow requirements for single-family homes that do not exceed 3600 sq. ft. is a minimum of 1000 gpm @ 20 psi. Provide this data to pre-approve the future homes.

**STORMWATER RECOMMENDATION**

**Approve**

**PUBLIC WORKS RECOMMENDATION**

**No Exception Taken**

**TRAFFIC & PARKING RECOMMENDATION**

**No Exception Taken**

**WATER SERVICES RECOMMENDATION**

**Approve with Conditions**

Approved as a Final SP, on the following conditions:

- 1) Approval does not apply to private water and sewer line design. Plan for these must be submitted and approved through a separate review process with Metro Water's Permits Division.
- 2) After Phase 2 is built as shown, only 15 more lots are covered under the active capacity fee agreement. The 16th lot will require a new availability study and additional capacity fees.

**STAFF RECOMMENDATION**

Staff recommendation is to approve with conditions.

**CONDITIONS**

1. Label lots 84, 85, & 88 as critical lots on the corrected final copy.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.

Approve with conditions. (8-0), Consent Agenda

**Resolution No. RS2015-311**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-003-001 is **Approved with conditions. (8-0)**”

**CONDITIONS**

1. Label lots 84, 85, & 88 as critical lots on the corrected final copy.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to or with the final plat application or, when no final plat application is required, prior to the issuance of any permit for this property.

**Planned Unit Developments**

**13. 88P-068-002**

**NASHBORO SQUARE**

Map 135, Parcel(s) 253  
 Council District 29 (Karen Y. Johnson)  
 Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of the Commercial Planned Unit Development Overlay District for property located at 2338 Murfreesboro Pike, approximately 400 feet north of Brooksboro Place, zoned R10, (5.1 acres), to permit 29,000 square feet of general office, medical office and/or retail uses, requested by Civil Site Design Group, PLLC, applicant; Robert Trent, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise PUD to permit general office, medical office and/or retail uses.**

Revise PUD

A request to revise the preliminary plan for a portion of the Commercial Planned Unit Development Overlay District for property located at 2338 Murfreesboro Pike, approximately 400 feet north of Brooksboro Place, zoned One and Two-Family Residential (R10), (5.1 acres), to permit 29,000 square feet of general office, medical office and/or retail uses.

**Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *While the base zoning is residential, the PUD sets the permitted uses which includes a variety of commercial uses.*

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. This PUD plan In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.



## CRITICAL PLANNING GOALS

N/A

## PLAN DETAILS

The subject PUD is located on the east side of Murfreesboro Pike between Nashboro Boulevard and Brooksboro Place. The PUD was originally approved in 1988 for a variety of commercial uses. A portion of the PUD is developed and contains retail and restaurant uses. The subject site is currently approved for 44,000 square feet of retail space.

### Site Plan

The plan identifies two separate buildings on separate lots. The building shown on Lot 1A is 25,000 square feet and the building shown on Lot 2A is 4,000 square feet. The plan would permit general office, medical office and/or retail in both buildings. Access into the site is from an existing private drive from Murfreesboro Pike.

## ANALYSIS

Staff finds that the proposed revision is consistent with the Council approved PUD plan. The proposal is consistent with uses permitted today. The plan does not increase the floor area over what is permitted or make changes to the layout that significantly deviate from the Council approved PUD plan. Since the request does not propose any major changes to the Council approved PUD plan, then staff finds the request can be approved as a minor modification not requiring Council approval.

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, which is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
  - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
  - b. The boundary of the planned unit development overlay district is not expanded;
  - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
  - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
  - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
  - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
  - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
  - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
  - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
  - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.

m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

**FIRE MARSHAL RECOMMENDATION**

**Approve with Conditions**

Fire Code issues for the structures will be addressed at permit application review.

**PUBLIC WORKS RECOMMENDATION**

**Approved with conditions**

- 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.
- Indicate the location of the solid waste and recycling container(s)

**TRAFFIC & PARKING RECOMMENDATION**

**Approved with conditions**

- An updated TIS will be required prior to final PUD plan.

**STORMWATER RECOMMENDATION**

**Approved**

**WATER SERVICES**

**Approved**

**STAFF RECOMMENDATION**

Staff recommends that the request be approved with conditions as it is consistent with the Council approved plan and zoning requirements.

**CONDITIONS**

1. This approval does not include any signs with the exception that digital signs are not permitted. Signs in planned unit developments must be approved by the Metro Department of Codes Administration (based on CS zoning district) except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions. (7-0-1), Consent Agenda

**Resolution No. RS2015-312**

"BE IT RESOLVED by The Metropolitan Planning Commission that 88P-068-002 is **Approved with conditions. (7-0-1)**"

**CONDITIONS**

1. This approval does not include any signs with the exception that digital signs are not permitted. Signs in planned unit developments must be approved by the Metro Department of Codes Administration (based on CS zoning district) except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

**14. 94-71P-004**

**BELLEVUE CENTER (MEDICAL OFFICE BUILDING)**

Map 142, Part of Parcel(s) 363  
Council District 22 (Sheri Weiner)  
Staff Reviewer: Melissa Sajid

A request to revise the preliminary plan for a portion of the Commercial Planned Unit Development Overlay District for a portion of property located at 7640 Highway 70 South, west of Sawyer Brown Road, zoned SCR (1.51 acres), to permit a 16,150 square feet medical office building, requested by Civil Design Consultants, LLC, applicant; Prime Kurtell Properties LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Revise preliminary plan for a portion of the Bellevue Center PUD.**

### Revise Preliminary PUD

A request to revise the preliminary plan for a portion of the Commercial Planned Unit Development Overlay District for a portion of property located at 7640 Highway 70 South, west of Sawyer Brown Road, zoned Shopping Center Regional (SCR) (1.51 acres), to permit a 16,150 square foot medical office building.

### **Existing Zoning**

Shopping Center Regional (SCR) is intended for high intensity retail, office, and consumer service uses for a regional market area.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. This PUD plan In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

### **CRITICAL PLANNING GOALS**

- Supports Infill Development

The area is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure, such as substandard roads, water and sewer, because it does not burden Metro with the cost of upgrading or building new infrastructure.

### **REQUEST DETAILS**

The subject property is located on Highway 70 South, west of Sawyer Brown Road. The zoning of the subject property is SCR and PUD overlay.

### **ANALYSIS**

The Bellevue Center PUD is located on Highway 70 South, east of the I-40 interchange. The original PUD was approved by Council in 1971 and permitted various commercial uses. The PUD was amended in January 2015 to permit 753,170 square feet of non-residential uses including but not limited to retail, restaurant, theater, bank and hotel. It also includes 500 multi-family residential units. The PUD would also permit any use that is permitted by the MUL and/or the SCR base zoning districts. This site is zoned SCR, which permits medical office uses.

The Zoning Code permits the Planning Commission to approve increases in floor area from what was approved by Council, as long as any increase does not exceed ten percent of the last Council approval. The requested revision proposes an additional 16,150 square feet of building area which does not exceed ten percent of the floor area approved by Council earlier this year.

No changes are being proposed that conflict with the concept of the Council approved plan. The revised site layout which includes a one-story medical office building is consistent with the concept of the PUD. Consequently, staff finds that the proposed revision is a minor modification.

Section 17.40.120.F permits the Planning Commission establishes types of changes that require Metro Council concurrence. Staff finds that the request does not meet the threshold for Metro Council concurrence and may be approved by the Planning Commission as a revision to the PUD. Section 17.40.120.F is provided below for review.

#### F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:
  - a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);
  - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;
  - c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
  - d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
  - e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.

e.[f.] Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

The proposal is for a revision to the preliminary plan to permit 16,150 square feet of medical office space. The parcel includes an existing 46,269 square feet medical office building that is situated approximately 275 feet from Highway 70 South. The proposed building is located closer to the street and does not include any parking between the street and the building. The proposed building also meets the setbacks for SCR per the Zoning Code. Sidewalks are proposed along the Highway 70 South frontage and meet the standards of the Major and Collector Street Plan. Staff recommends that sidewalks be continued along the eastern property line which is adjacent to an interior driveway that serves the PUD and that the interior sidewalk proposed along the north side of the building tie into this sidewalk.

The site is part of a larger property that already includes an existing, 46,269 SF medical office building. Currently, the site provides more parking than required by the Zoning Code for the existing use. As a result, only 13 additional spaces are required for the site to meet the parking requirement for both structures. The plan proposes 11 new parking spaces; two additional spaces are added by restriping the row of parking north of the proposed building.

As the proposed revision keeps with the overall intent of the PUD and the final site plan is consistent with the Zoning Code, planning staff recommends approval of the request.

#### **FIRE MARSHAL RECOMMENDATION**

##### **Approve with conditions**

- AWC revised plan 6-18-15. Fire Code issues for the structures will be addressed at permit application review.

#### **STORMWATER RECOMMENDATION**

##### **Approve with conditions**

- 80% TSS water quality will be required.

#### **PUBLIC WORKS RECOMMENDATION**

##### **Approved with conditions**

- 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.
- Comply with MPW Traffic Engineer
- Prior to final PUD, indicate location of the solid waste and recycling container on site.
- If sidewalks are required by Planning Dept, then they are to be shown on the site plan, per the MCSP and are to be completely with dedicated ROW.
- Prior to final PUD, label and dimension the cross access agreement on the drive labeled One Bellevue Place.

#### **TRAFFIC & PARKING RECOMMENDATION**

##### **Conditional if approved**

- A parking and access study may be required prior to final site plan approval.

#### **HARPETH VALLEY UTILITIES DISTRICT RECOMMENDATION**

##### **Approve with conditions**

- Construction plans for water and sewer will need to be submitted to Harpeth Valley Utilities at the appropriate time by the Developer.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

#### **CONDITIONS**

1. The sidewalk along the Highway 70 South frontage shall be straightened out and located within right-of-way.
2. Sidewalks shall be continued along the eastern property line which is adjacent to an interior driveway, and the interior sidewalk proposed along the north side of the building shall tie into this sidewalk.
3. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**Resolution No. RS2015-313**

“BE IT RESOLVED by The Metropolitan Planning Commission that 94-71P-004 is **Approved with conditions. (7-0-1)**”

**CONDITIONS**

1. The sidewalk along the Highway 70 South frontage shall be straightened out and located within right-of-way.
2. Sidewalks shall be continued along the eastern property line which is adjacent to an interior driveway, and the interior sidewalk proposed along the north side of the building shall tie into this sidewalk.
3. This approval does not include any signs. Signs in Planned Unit Developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

**Subdivision: Final Plats**

**15. 2015S-115-001**

**VILLAGE AT HARBOUR TOWN, SECTION 1**

Map 150, Parcel(s) 010  
Council District 29 (Karen Y. Johnson)  
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create six lots on properties located at 3316 Anderson Road and Anderson Road (unnumbered), approximately 245 feet north of Country Hill Road, zoned RS10 (2.38 acres), requested by O’Leary and Associates, LLC, applicant; Stevens Homes, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

**Create six lots.**

Final Plat

A request for final plat approval to create six lots on properties located at 3316 Anderson Road and Anderson Road (unnumbered), approximately 245 feet north of Country Hill Road, zoned Single-Family Residential (RS10) (2.38 acres).

**Existing Zoning**

Single-Family Residential (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. *RS10 would permit a maximum of 9 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

The proposed subdivision creates an infill housing opportunity in an area that served by existing infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The subdivision requires a minimum building setback line along Anderson Road and a height limitation that will ensure infill development compatible with the surrounding character of the community.

**PLAN DETAILS**

The proposed subdivision does meet the infill compatibility analysis that is outlined in Section 3-5.2 of the Subdivision Regulations.

Proposed Lots –

- Lot 1: 54,271 Sq. Ft., (1.25 Acres), and 79.80 Ft of frontage
- Lot 2: 10,304 Sq. Ft., (0.24 Acres), and 50.01 Ft of frontage
- Lot 3: 10,304 Sq. Ft., (0.24 Acres), and 50.01 Ft of frontage
- Lot 4: 10,304 Sq. Ft., (0.24 Acres), and 50.01 Ft of frontage
- Lot 5: 10,304 Sq. Ft., (0.24 Acres), and 50.01 Ft of frontage
- Lot 6: 10,304 Sq. Ft., (0.24 Acres), and 50.01 Ft of frontage

The plat proposes six lots fronting Anderson Road. The existing residence on Lot 1 will remain. Anderson Road is a collector street, which requires combined driveways. A joint access easement is proposed for Lots 2 and 3 and a joint access easement is proposed for Lots 4 and 5.

The intent of the shared accesses is to limit driveway entrances and potential traffic hazards. The proposed shared access easement is 40 feet wide which encourages front loaded garages and parking pads in the front setback, because the access easement does not extend beyond the front setback line. The proposed shared access easement does not provide enough depth for vehicles to turnaround onsite in order to avoid reversing onto Anderson Road. Reducing the width of the shared access easement and extending the easement beyond the front setback line would encourage parking on the side or the rear of the house, which would be consistent with the development pattern along the street.

Sidewalks are required with the subdivision; however, the site is not served by existing sidewalks. The applicant has chosen to pay the contribution in-lieu of sidewalk construction fee.

**ANALYSIS**

Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Urban Neighborhood Maintenance policy area. Lots 1-6 are compared to surrounding lots along Anderson Road. All proposed lots meet the required frontage and area.

Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

Proposed lots meet the minimum standards of the RS10 zoning district.

Street Frontage

Proposed lots have frontage on a public street.

Density

The T4 Urban Neighborhood Maintenance policy no longer includes density limitations.

Community Character

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater.

<b>Lot 1 Frontage Analysis</b>	
Minimum Proposed	79.80'
70% of Average	47.04
<b>Smallest Surrounding Parcel</b>	<b>50'</b>

<b>Lot 2-6 Frontage Analysis</b>	
Minimum Proposed	50.01
70% of Average	47.04
<b>Smallest Surrounding Parcel</b>	<b>50'</b>

2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater.

<b>Lot 1 Size Analysis</b>	
Minimum Proposed	54,271 SF
70% of Average	7,405.20 SF
<b>Smallest Surrounding Parcel</b>	<b>10,303 SF</b>

<b>Lot 2-6 Size Analysis</b>	
Minimum Proposed	10,304 SF
70% of Average	9,452.52 SF
<b>Smallest Surrounding Parcel</b>	<b>10,303 SF</b>

3. Street Setback: Lots 1-6 shall have a minimum building setback of 40 feet, consistent with the neighboring houses. No parking shall be permitted within the street setback along Anderson Road.

4. Lot Orientation: Lots 1-6 will be orientated to Anderson Road.

Harmony of Development

The proposed subdivision does meet the Community Character criteria. The applicant has proposed several conditions ensure that the proposed plat is harmonious with the neighborhood: prohibiting parking in the front setback and limiting the building height to a maximum height of two stories within 35 feet in height, to the roofline.

**FIRE MARSHAL RECOMMENDATION**

**N/A**

**PUBLIC WORKS RECOMMENDATION**

**No exception taken**

## STORMWATER RECOMMENDATION

### Returned

- Add note stating that lots 2 - 6 shall comply with the Metro Stormwater Infill Policy.

## WATER SERVICES RECOMMENDATION

### Approved with conditions

As all our previous issues have been addressed on the latest re-plat (stamped received August 17, 2015), we recommend approval, on the following conditions:

- Approval is contingent on construction and completion of MWS Project # 15-SL-64. Should the applicant choose to record the plat before completion of this construction, than bond must be posted prior to recording of the plat.

## STAFF RECOMMENDATION

Staff recommends approval with conditions.

## CONDITIONS

1. Lots 1-6 shall have a minimum front setback of 40 feet.
2. The maximum of all structures shall not exceed two stories within 35 feet in height, to the roofline.
3. The shared access easement between Lots 2 and 3 and Lots 4 and 5 shall be a maximum of 18 feet in width at the public street.
4. Add Note No. 28 "Platted joint access easements shall be the only locations where access shall be permitted." Add "See Note 28" to Lots 2-5.
5. Sidewalks are required. The total payment for this proposal is \$31,666.00 (\$ 96 per linear foot x 329.85 feet) and would apply to Pedestrian Benefit Zone 2-A. Prior to the plat being recorded one of the following must take place:
  - a. Submit bond application for the sidewalk and post bond with the Planning Department.
  - b. Submit payment in-lieu of construction to the Planning Department (please see above for details on required fee).
  - c. Construct sidewalk and have it accepted by Public Works.
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (5-C), in a location to be determined in consultation with the Public Works Department.

Approve with conditions. (8-0), Consent Agenda

### **Resolution No. RS2015-314**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015S-115-001 is **Approved with conditions. (8-0)**"

### **CONDITIONS**

- 1. Lots 1-6 shall have a minimum front setback of 40 feet.**
- 2. The maximum of all structures shall not exceed two stories within 35 feet in height, to the roofline.**
- 3. The shared access easement between Lots 2 and 3 and Lots 4 and 5 shall be a maximum of 18 feet in width at the public street.**
- 4. Add Note No. 28 "Platted joint access easements shall be the only locations where access shall be permitted." Add "See Note 28" to Lots 2-5.**
- 5. Sidewalks are required. The total payment for this proposal is \$31,666.00 (\$ 96 per linear foot x 329.85 feet) and would apply to Pedestrian Benefit Zone 2-A. Prior to the plat being recorded one of the following must take place:**
  - a. Submit bond application for the sidewalk and post bond with the Planning Department.**
  - b. Submit payment in-lieu of construction to the Planning Department (please see above for details on required fee).**
  - c. Construct sidewalk and have it accepted by Public Works.**
  - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (5-C), in a location to be determined in consultation with the Public Works Department.**

## **16. 2015S-117-001**

### **WELCH PROPERTY**

Map 104-09, Parcel(s) 283-284  
Council District 24 (Jason Holleman)  
Staff Reviewer: Melissa Sajid

A request for final plat approval to create three lots on properties located at Richland Avenue (unnumbered), at the southeast corner of Richland Avenue and Craighead Avenue, zoned RS7.5 and located in the Richland-West End Neighborhood Conservation Overlay (0.93 acres), requested by Ragan Smith & Associates, applicant; Mike Ford Custom Builders, LLC, owner.  
**Staff Recommendation: Defer to the September 10, 2015, Planning Commission meeting, unless a recommendation of approval is received from Water Services If a recommendation of approval is received, approve with conditions.**

**The Metropolitan Planning Commission deferred 2015S-117-001 to the September 10, 2015, Planning Commission meeting. (7-0-1)**

## **Subdivision: House Moves**

### **17. 2015S-001HM-001**

#### **314 LARKIN SPRINGS ROAD (HOUSE MOVE)**

Map 052-03, Parcel(s) 069

Council District 09 (Bill Pridemore)

Staff Reviewer: Jason Swaggart

A request to move a house from 546 Fatherland Street to 314 Larking Springs Road, on the west side of Larkin Springs Road, approximately 200 feet of Manzano Road, zoned RS10 (0.75 acres), requested by Melissa Bond, owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

Move a house from 546 Fatherland Street to 314 Larking Springs Road.

#### House Move

A request to move a house from 546 Fatherland Street to 314 Larking Springs Road, on the west side of Larkin Springs Road, approximately 200 feet of Manzano Road, zoned Single-Family Residential (RS10) (0.75 acres).

#### Zoning

Single-Family Residential (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. *RS10 would permit a maximum of three residential units.*

#### **STATE LAW**

Tennessee State Code (Title 13, Chapter 3, Part 5) regulates the relocation of a residence from one location to another location (house move).

#### **13-3-502. Requirements for moving single family residence from one foundation to another.**

(a) No single family residence shall be moved from an existing foundation to another foundation located within a developed area of single family residences unless:

(1) The residence to be moved is consistent with the age, value, size and appearance of existing residences within the developed area of single family residences to which the single family residence is to be moved; provided, that the value of the house may be greater than that of the existing residences and the size of the house may be larger than that of the existing residences; and

(2) Approval for the movement of the single family residence to a foundation within a developed area of single family residences has been given by:

- (A) The home owners' association of the development where the residence is to be moved, if a home owners' association is in existence;
- (B) A neighborhood association where the residence is to be moved that has been in existence for more than one (1) year prior to the date the residence is to be moved, if a neighborhood association is in existence in the area;
- (C) The regional planning commission, if a regional planning commission is in existence in the area where the residence is to be moved, and subdivision (a)(2)(A) or (B) does not apply;
- (D) The municipal planning commission, if a municipal planning commission is in existence in the municipality where the residence is to be moved and subdivision (a)(2)(A), (B) or (C) does not apply; or
- (E) The municipal or county legislative body in the jurisdiction where the residence is to be moved, and subdivision (a)(2)(A), (B), (C) or (D) does not apply.

(b) As used in this section, single family residence does not include manufactured or modular homes as manufactured or modular homes are defined in § 47-9-102, § 55-1-105, or title 68, chapter 1, parts 1-4.

The residence is consistent with:

- (1) The age of existing residences within the developed area of single family residences, if the residence to be moved is within ten (10) years of the average age of the existing structures within the developed area;
- (2) (A) The value of existing residences within the developed area of single family residences, if the valuation of the residence being moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided, that nothing in this subdivision (2) shall be construed to prevent the residence from exceeding the value of the existing structures. In establishing the value of existing structures, the value of modular homes located in the developed area shall not be used in arriving at the average appraisal of the existing structures;
- (B) If the value of the residence, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it shall be presumed that the residence shall appraise at least at the same or greater value once it is moved;



(C) In obtaining approval from a governing body identified in § 13-3-502, as proof that the value of the residence or appearance of the residence is consistent with the value or appearance of the existing residences, evidence may be presented that includes photographs of the inside and outside of the residence to be moved as well as the appraised value of the residence as determined by the assessor of property, or the fair market value of the residence as determined by an independent appraiser. The proof shall be a rebuttable presumption that the value and appearance of the residence is at least equal to the value and appearance of the existing structures within the developed area. Additional documents showing intended improvements may also be presented;

(3) The size of existing residences within the developed area of single family residences, if the size of the residence being moved is at least within one hundred square feet (100 sq. ft.) of the average size of the existing structures within the developed area; provided, that nothing in this subdivision (3) shall be construed to prevent the residence from exceeding the average square footage. In establishing the average size of existing structures, the square footage of modular homes shall not be used in making the calculations; and

(4) The appearance of existing residences within the developed area of single family residences as determined by the body giving its approval for the single family residence to be moved to the developed area.

#### **ANALYSIS**

The location for which the house is proposed to be moved is 314 Larkin Street. There is not a Home Owner's Association (HOA) nor is there a Neighborhood Association. Since there is neither a HOA nor a Neighborhood Association, then the law requires that the house move be approved by a governmental body, in this case the municipal planning commission.

Staff is recommending that the Commission approve the request. The law requires that the residence being moved to be consistent with the age, value, size and appearance of surrounding residence within the "developed area". The lot for which the residence is proposed to be moved is Lot 3 of a three lot subdivision that was approved in 1996. This subdivision constitutes the "developed area" specified by the law. Lot 1, which contains a church, abuts the western property line of the subject lot and fronts onto Provident Pass Road. Lot 2 abuts the subject lot along the northern property line and is vacant. Because a residence is not located on either of the two lots, then there is no residence to which to compare with the residence being moved. Furthermore, the surrounding area (outside of the defined developed area) contains a variety of housing types which vary in age, value and size. Due to this variety staff would also recommend approval of the house move even if more properties were part of the comparison.

#### **FIRE MARSHAL RECOMMENDATION**

N/A

#### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

##### **Approve with conditions**

- Obtains a demolition permit from the MHZC for 546 Fatherland.

#### **TRAFFIC & PARKING**

No Exceptions Taken

#### **STORMWATER RECOMMENDATION**

Approved

#### **WATER SERVICES**

##### **Approve with conditions**

- Capacity fees must be paid with building permit.

#### **STAFF RECOMMENDATION**

Staff recommends that the request be approved with conditions.

#### **CONDITIONS**

1. Capacity fees shall be paid for sewer and water prior to the issuance of any permits.

Approve with conditions. (8-0), Consent Agenda

#### **Resolution No. RS2015-315**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015S-001HM-001 is **Approved with conditions. (8-0)**"

#### **CONDITIONS**

1. **Capacity fees shall be paid for sewer and water prior to the issuance of any permits.**

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## L. OTHER BUSINESS

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18. Grant Contract between the State of Tennessee, Department of Transportation and the Metropolitan Planning Commission of Metropolitan Government of Nashville-Davidson County on behalf of the Nashville Area MPO. This is the Nashville MPO's FY 2016 - FY 2018 PL Contract for Transportation Planning and Coordination

Approve (8-0), Consent Agenda

**Resolution No. RS2015-316**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Grant Contract between the State of Tennessee, Department of Transportation and the Metropolitan Planning Commission of Metropolitan Government of Nashville-Davidson County on behalf of the Nashville Area MPO is **Approved. (8-0)**"

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19. Contract between the Regional Transit Authority and the Metropolitan Planning Commission of Metropolitan Nashville-Davidson County on behalf of the Nashville Area MPO for Pass-Through Grant to Assist the MPO in meeting federal regulations.

Approve (8-0), Consent Agenda

**Resolution No. RS2015-317**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract between the Regional Transit Authority and the Metropolitan Planning Commission of Metropolitan Nashville-Davidson County on behalf of the Nashville Area MPO for Pass-Through Grant to Assist the MPO in meeting federal regulations is **Approved. (8-0)**"

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20. Revised 2015 Planning Commission filing deadlines & meeting schedule

Approve (8-0), Consent Agenda

**Resolution No. RS2015-318**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Revised 2015 Planning Commission filing deadlines & meeting schedule is **Approved. (8-0)**"

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21. Historic Zoning Commission Report

22. Board of Parks and Recreation Report

23. Executive Committee Report

24. Accept the Director's Report and Approve Administrative Items

Approve (8-0), Consent Agenda

**Resolution No. RS2015-319**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved. (8-0)**"

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25. Legislative Update
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## M. MPC CALENDAR OF UPCOMING MATTERS

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**Location change for the following MPC meeting:**

**August 27, 2015**

4 pm, 2601 Bransford Avenue, Metropolitan Public Schools Administration Building

**August 29, 2015, 2015 MPC Retreat**

9 am – 1 pm, 800 Second Ave. South, Metro Office Building, 1<sup>st</sup> Floor, Development Services Conference Room

**Location change for the following MPC meeting:**

**September 10, 2015**

4 pm, 2601 Bransford Avenue, Metropolitan Public Schools Administration Building

**September 24, 2015**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

**October 8, 2015**

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

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## **N. ADJOURNMENT**

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The meeting adjourned at 5:49 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor  
800 Second Avenue South  
Nashville, Tennessee 37219

Date: August 27, 2015  
To: Metropolitan Nashville-Davidson County Planning Commissioners  
From: J. Douglas Sloan III  
Re: Executive Director's Report

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The following items are provided for your information.

**A. Planning Commission Meeting Projected Attendance (6 members are required for a quorum)**

1. Planning Commission Meeting:
  - a. Attending: Blackshear; Haynes; McLean; Adkins; Farr; LeQuire
  - b. Leaving Early: Clifton (5:45pm)
  - c. No Response as of distribution time: Hunt
  - d. Absent: Dalton, Gee
2. Legal Representation – Emily Lamb will be attending

**B. Executive**

1. The Annual Planning Commission retreat is scheduled for 9:00am on Saturday, August 29<sup>th</sup>, at the Downtown Library, Civil Rights room.

**C. Communications**

1. Working on Council guidebooks, references for new and current Councilmembers outlining planning and development related services and activities.

**D. Community Planning**

1. Cindy Woods completed 25 years of service to the department in July.
2. Brenda Diaz's last day is September 18<sup>th</sup>. There is an opening in the Design Studio for a Planner I; we are currently accepting applications.

**E. Land Development**

1. Melissa Sajid's last day is September 11. Land Development will advertise the open Planner II position this week.

**F. Planning Commission Workshops (all include 1.5 hours Planning Commissioners Training credits)**

1. MPC Retreat, August 29 from 9:00 a.m. – 1:00 p.m., Downtown Library, Civil Rights Room

**Administrative Approved Items and Staff Reviewed Items Recommended for approval by the Metropolitan Planning Commission**

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff for conformance with applicable codes and regulations. Applications have been approved on behalf of the Planning Commission or are ready to be approved by the Planning Commission through acceptance and approval of this report. Items presented are items reviewed **through 8/20/2015**.

APPROVALS	# of Applications	Total # of Applications 2015
Specific Plans	3	21
PUDs	1	3
UDOs	0	6
Subdivisions	0	45
Mandatory Referrals	3	103
<b>Total</b>	<b>7</b>	<b>178</b>

SPECIFIC PLANS (finals only): MPC Approval						
Finding: Final site plan conforms to the approved development plan.						
Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
4/16/2015 12:03	8/17/2015	RECOM APPR	2014SP-035-002	BANC CARD CENTER (FINAL)	A request for final site plan approval for property located at 7347 Charlotte Pike, approximately 395 feet east of Old Hickory Boulevard, (1.75 acres), to permit an office and retail development, requested by Dale & Associates, applicant; Charles Gray, owner.	22 (Sheri Weiner)
5/14/2015 10:37	8/18/2015	RECOM APPR	2014SP-070-002	GENE SMITH PROPERTY (FINAL)	A request for final site plan approval for property located at Burkitt Road (unnumbered), approximately 845 feet south of Burkitt Road, (4.15 acres), to permit up to 14 single-family lots, requested by Anderson, Delk, Epps & Associates, Inc., applicant; Y & H, G.P., owner.	31 (Fabian Bedne)
4/15/2015 14:52	8/19/2015	APADMIN	2015SP-002-002	4TH & GARFIELD (FINAL)	A request for final site plan approval for property located at 1618 4th Avenue North, at the southeast corner of 4th Avenue North and Garfield Street, (0.40 acres), to permit eight residential dwelling units, requested by Dale & Associates, applicant; Mark and Donya Waynick, owners.	19 (Erica S. Gilmore)

**URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval**

**Finding: all design standards of the overlay district and other applicable requirements of the code have been satisfied.**

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

**PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval**

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
4/30/2015	7/27/2015 RECOM APPR	208-67P-004	HERMITAGE HILLS RETAIL CENTER	A request for final site plan approval for a portion of the Juarez Drive Commercial Planned Unit Development Overlay District property located at 3905 Lebanon Pike, 680 feet north of Juarez Drive (2.74 acres), zoned SCR, to permit the construction of two 10,000 square foot buildings with associated parking and utilities, requested by Barge Cauthen & Associates, Inc., applicant; WVF Properties, LLC, owner.	14 (James Bruce Stanley)

**MANDATORY REFERRALS: MPC Approval**

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
8/3/2015 13:45	8/13/2015 RECOM APPR	2015M-030PR-001	Madison Civitan Club Donation	A request to authorize the Director of Public Property Administration to accept the donation of three parcels of property for use in the Metropolitan Government's public park and greenway system, requested by the Metro Legal Department, applicant; Madison Civic Club, Inc., owner.	09 (Bill Pridemore)
8/11/2015 10:43	8/20/2015 RECOM APPR	2015M-041ES-001	LIV EAST EASEMENT	A request to abandon approximately 475 linear feet of an existing 8" sanitary sewer main, and 385 linear feet of an existing 6" water main and for the acceptance of 839 linear feet of an 8" D.I.P. sanitary sewer line with 5 manhole units, and the acceptance of 971 linear feet of 6" water main on property located at 1034 W. Eastland Avenue (Project No. 15-SL-27 and 15-WL-29), requested by Metro Water Services, applicant; Cleo Residences, LLC, owner.	05 (Scott Davis)
8/12/2015 8:25	8/20/2015 RECOM APPR	2015M-019EN-001	HUNTER MARINE TRANSPORT ENCROACHMENT	A request to allow an underground encroachment comprised of an 8-inch steel liquid fertilizer pipe and a 1-inch waterline on properties located at 525 Basswood Avenue and 6614 Robertson Avenue, requested by Barge, Waggoner, Sumner & Cannon, Inc. applicant; James Hunter and AFC South, Inc., owners.	20 (Buddy Baker)

**INSTITUTIONAL OVERLAYS (finals and variances only) : MPC Approval**

**Finding: Final site plan conforms to the approved campus master development plan and all other applicable provisions of the code.**

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
<b>NONE</b>					

**SUBDIVISIONS: Administrative Approval**

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District # (CM Name)
<b>NONE</b>						

**DTC MPC Approval**

**Finding: Final site plan conforms to the provisions of the DTC as conditioned.**

Project Name	Location	Project Summary	Planning Staff	MDHA/DRC/By right	Staff Recommended Conditions
<b>NONE</b>					

**Performance Bonds: Administrative Approvals**

Date Approved	Administrative Action	Bond #	Project Name
8/7/2015	Approved Extension/Reduction	2014B-025-002	VOCE, PHASE 1A
8/11/2015	Approved Extension	2012B-007-005	VILLAGES OF RIVERWOOD, PHASE 3B, SECTION 1
8/12/2015	Approved Release	2012B-024-004	BURCH HOMESTEAD TRACT, CONSOLIDATION LOTS 1, 2, 3 & 28, REVISION 1
8/13/2015	Approved Release	2007B-051-008	HERMITAGE COMMONS
8/20/2015	Approved Extension/Reduction	2013B-025-003	BRADLEY POINTE
8/20/2015	Approved Extension	2014B-030-002	LPC CHARLOTTE

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## Schedule

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- A. **Thursday, August 27, 2015** - [MPC Meeting](#); 4 pm, Metropolitan Nashville Public Schools, Board Room, 2601 Bransford Avenue, Nashville, TN 37204
- B. **Saturday, August 29, 2015** – [MPC Retreat](#): 9 am, Downtown Library, Civil Rights Room
- C. **Thursday, September 10, 2015** - [MPC Meeting](#); 4 pm, Metropolitan Nashville Public Schools, Board Room, 2601 Bransford Avenue, Nashville, TN 37204
- D. **Thursday, September 24, 2015** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. **Thursday, October 8, 2015** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- F. **Thursday, October 22, 2015** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- G. **Thursday, November 12, 2015** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- H. **Thursday, December 10, 2015** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- I. **Thursday, January 14, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center