



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, October 22, 2015

4:00 pm Regular Meeting

700 Second Avenue South
(between Lindsley Avenue and Middleton Street)
Howard Office Building, Sonny West Conference Center (1st Floor)

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
Stewart Clifton
Jeff Haynes
Lillian Blackshear
Jessica Farr
Phil Ponder, representing Mayor Barry

Staff Present:

Doug Sloan, Executive Director
Bob Leeman, Deputy Director
Kelly Adams, Administrative Services Officer III
Carrie Logan, Planning Manager II
Kathryn Withers, Planning Manager II
Brandon Burnette, Planner III
Brett Thomas, Planner III
Jason Swaggart, Planner II
Latisha Birkeland, Planner II
Stephanie McCullough, Planner II
Lisa Milligan, Planner II
Alex Deus, Planner I
Karimeh Moukaddem, Planner I
Susan Jones, Legal
Craig Owensby, Public Information Officer

Commissioners Absent: Greg Adkins, Hunter Gee, Derrick Dalton

J. Douglas Sloan III

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

The Commission is a 10-member body, 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 or weekdays from 7:30 a.m. to 4:00 p.m. at the Planning Department office located at 800 2nd Avenue South, downtown Nashville. Also, at the entrance to this meeting room, a binder of all staff reports has been placed on the table for your convenience.

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

Writing to the Commission

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

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

Speaking to the Commission

If you want to appear in-person before the Commission, view our tips on presentations on-line at www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf and our summary regarding how Planning Commission public hearings are conducted at www.nashville.gov/mpc/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

Legal Notice

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



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MEETING AGENDA

A. CALL TO ORDER

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

B. ADOPTION OF AGENDA

Mr. Haynes moved and Ms. Farr seconded the motion to adopt the agenda. (6-0)

C. APPROVAL OF OCTOBER 8, 2015, MINUTES

Mr. Clifton moved and Mr. Ponder seconded the motion to approve the October 8, 2015 minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilman Sledge spoke in favor of Item 12.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. **2015SP-088-001**

101 FERN AVENUE

3. **2015Z-076PR-001**

5a. **2015CP-011-003**

SOUTH NASHVILLE PLAN AMENDMENT

5b. **2015SP-092-001**

OUTPOST NASHVILLE

6a. **2015CP-014-002**

DONELSON HERMITAGE COMMUNITY PLAN

6b. **2015Z-079PR-001**

9. **2015SP-090-001**

OCEOLA PLACE SP

14. **2005UD-009-004**

HILLSBORO VILLAGE UDO

15. **2015SP-043-002**

HIGHWAY 70 RETAIL CENTER

17. **2015S-147-001**

HOBSON PIKE & HAMILTON CHURCH ROAD CLUSTER LOT SUBDIVISION

18. **Defer the Bordeaux-Whites Creek Community Plan Amendment that was previously deferred at the August 13, 2015, Metro Planning Commission hearing from the November 12, 2015, Planning Commission meeting to the December 10, 2015, Planning Commission meeting and defer and set a Public Hearing for the Subdivision Regulation Amendments for December 10, 2015.**

Ms. Farr moved and Mr. Clifton seconded the motion to approve the Deferred and Withdrawn Items. (6-0)

Ms. Blackshear recused herself from item 3.

F. CONSENT AGENDA

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.

2a. 75-83P-003

ELYSIAN FIELDS

2b. 2015Z-064PR-001

10. 2015SP-094-001

THE DEL

13. 2015Z-084PR-001

16. 144-66P-004

OVERLOOK AT NASHVILLE WEST

19. New employee contract for Michelle Hollingsworth and employee contract renewal for Alex Deus

20. Clarification of Action for 2013UD-002-005, UDO Major Modification, Murfreesboro Pike UDO Thorton's at Mt. View Rd. and Murfreesboro Pike, September 10, 2015

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

Mr. Clifton moved and Ms. Farr seconded the motion to approve the Consent Agenda. (6-0)

Ms. Blackshear recused herself from Item 16.

G. PREVIOUSLY DEFERRED ITEMS

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 H. Community Plan Policy Changes and Associated Cases.

Specific Plans

1. 2015SP-088-001

101 FERN AVENUE

Map 071-14, Parcel(s) 386

Council District 02 (DeCosta Hastings)

Staff Reviewer: Jason Swaggart

A request to rezone from RS5 and CS to SP-R zoning for property located at 101 Fern Ave, approximately 350 feet west of Brick Church Pike (0.68 acres), to permit up to nine residential units, requested by Dale & Associates, applicant; Capital Homes, L.P., owner.

Staff Recommendation: Defer to the November 12, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015SP-088-001 to the November 12, 2015, Planning Commission meeting. (6-0)

Zone Changes

2a. 75-83P-003

ELYSIAN FIELDS

Map 133-14, Parcel(s) 077

Council District 26 (Jeremy Elrod)

Staff Reviewer: Lisa Milligan

A request to amend a portion of the Commercial Planned Unit Development Overlay District for property located at 451 Elysian Fields Road, approximately 720 feet west of Nolensville Pike, zoned OR20 and RS10, (1.63 acres), to permit a parking lot, requested by Dean Design Group, applicant; JMM, LLC, owner. (See also Associated Case # 2015Z-064PR-001).

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

APPLICANT REQUEST

Amend PUD to permit a parking lot.

PUD Amendment

A request to amend a portion of the Commercial Planned Unit Development Overlay District for property located at 451 Elysian Fields Road, approximately 720 feet west of Nolensville Pike, zoned Office/Residential (OR20) and Single-Family Residential (RS10), (1.63 acres), to permit a parking lot.

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. *Permitted uses on this site are controlled by the approved PUD.*

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *Permitted uses on this site are controlled by the approved PUD.*

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

SOUTHEAST COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that are intense mixed use areas. T3 Suburban Community Center areas fit in with the general character of suburban neighborhoods. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections.

Conservation (CO) is intended to preserve and enhance environmentally sensitive land 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 area in and whether or not they have already been disturbed.

Consistent with Policy?

Yes, the proposed PUD amendment is consistent with the Suburban Community Center policy. The requested parking will serve as employee parking for an existing use within the Community Center, improving the functionality of the Center. A sidewalk is being added to connect the proposed parking area to the existing principal building, improving the pedestrian environment. The Conservation policy located on the property is the result of the installation of the entrance drive and is not a naturally occurring feature.

PLAN DETAILS

The site is located on the west side of Nolensville Pike, south of Elysian Fields Road. The original Council approved Planned Unit Development was approved in 1983 for 110,265 square feet of various commercial uses and was revised in January 2015 to permit a 5,050 square foot expansion. No new uses were proposed at that time, and the plan met the parking requirements of the Zoning Code. The requested amendment is to provide 99 parking spaces on the parcel that fronts Elysian Fields Road to provide additional employee parking for the Plaza Mariachi. This parcel currently serves only as an access drive for the shopping center and has not been previously approved for parking or any other uses. The plan provides landscaping that meets the standards of the Zoning Code.

ANALYSIS

Although the currently approved PUD meets the parking requirements of the Zoning Code, the area proposed will provide additional employee parking for the Plaza Mariachi center leaving the main parking area for the use of customers. A sidewalk connection is being provided from Elysian Fields Road through the new parking area, enhancing the pedestrian environment of the center.

Landscaping is proposed to screen the proposed parking area from Elysian Fields Road and from the adjacent property. The property immediately adjacent to the west is zoned OR20 and currently serves as an office. While the building is residential in character, the site features a large surface parking area that takes up most of the front yard. The proposed parking area will include a retaining wall along the western property line.

As the PUD amendment will provide for increased functionality for Plaza Mariachi, provide for enhanced pedestrian connectivity, and because landscaping is being provided to screen the parking from the street, staff recommends approval of the request.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approved

TRAFFIC & PARKING RECOMMENDATION

No exception taken

WATER SERVICES RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No exception taken

No traffic table was prepared for this case, as it is not expected to generate additional traffic.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Proposed sidewalk shall extend to Elysian Fields Road and sidewalk shall be a minimum of 5 feet in width.
2. Provide striped pedestrian walkway to connect from new sidewalk to building.
3. Provide additional landscaping to screen the parking area from adjacent properties and from Elysian Fields Road. Additional landscaping to be consistent with proposed landscaping to screen proposed parking spaces from Elysian Fields Road.
4. On Elysian Fields Road, there shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan

Approve with conditions and disapprove without all conditions. (6-0), Consent Agenda

Resolution No. RS2015-346

"BE IT RESOLVED by The Metropolitan Planning Commission that 75-83P-003 is **Approved with conditions and disapproved without all conditions. (6-0)**"

CONDITIONS

1. Proposed sidewalk shall extend to Elysian Fields Road and sidewalk shall be a minimum of 5 feet in width.
2. Provide striped pedestrian walkway to connect from new sidewalk to building.
3. Provide additional landscaping to screen the parking area from adjacent properties and from Elysian Fields Road. Additional landscaping to be consistent with proposed landscaping to screen proposed parking spaces from Elysian Fields Road.
4. On Elysian Fields Road, there shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed five feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
7. Prior to any additional development applications for this property, and prior to or with final PUD plan application, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan

2b. 2015Z-064PR-001

Map 133-14, Part of Parcel(s) 077
Council District 26 (Jeremy Elrod)
Staff Reviewer: Lisa Milligan

A request to rezone from RS10 to OR20 zoning for a portion of property located at 451 Elysian Fields Road, approximately 735 feet west of Nolensville Pike (0.14 acres), requested by Dean Design Group, applicant; J.M.M., LLC, owner. (See also Associated Case # 75-83P-003).

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS10 to OR20.

Zone Change

A request to rezone from Single-Family Residential (RS10) to Office/Residential (OR20) zoning for a portion of property located at 451 Elysian Fields Road, approximately 735 feet west of Nolensville Pike (0.14 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. *Permitted uses on this site are controlled by the approved PUD.*

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.

Proposed Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *Permitted uses on this site are controlled by the approved PUD.*

CRITICAL PLANNING GOALS

N/A

SOUTHEAST COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that are intense mixed use areas. T3 Suburban Community Center areas fit in with the general character of suburban neighborhoods. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections.

Consistent with Policy?

Yes. The uses permitted within OR20 are consistent with the Suburban Community Center policy. Additionally, the majority of the parcel is currently zoned OR20.

ANALYSIS

The rezoning request is for a 0.143 acre portion of a 1.63 acre site. The remaining 1.49 acres are currently zoned OR20. The uses permitted within OR20 zoning are consistent with the T3 Suburban Community Center policy. Additionally, there is a Planned Unit Development Overlay on the property. There is an associated application to amend the PUD with a site plan for the property.

PUBLIC WORKS RECOMMENDATION

No exception taken

No traffic table was prepared for this case, as it is not expected to generate additional traffic.

STAFF RECOMMENDATION

Staff recommends approval of the request.

Approve. (6-0), Consent Agenda

Resolution No. RS2015-347

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-064PR-001 is Approved. (6-0)”

3. 2015Z-076PR-001

Map 068, Parcel(s) 046
Council District 01 (Loniel Greene, Jr.)
Staff Reviewer: Latisha Birkeland

A request to rezone from IR to IG zoning for property located at Amy Lynn Drive (unnumbered), approximately 1,100 feet west of Jennie Brown Lane (14.61 acres), requested by SEC, Inc., applicant; Smyrna Ready Mix, LLC, owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission indefinitely deferred 2015Z-076PR-001. (5-0-1)

Subdivision: Concept Plans

4. 2015S-066-001

RIVERSIDE DRIVE, SECTION 2

Map 083-11, Parcel(s) 080

Council District 06 (Brett Withers)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 17 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: Approve with conditions.

APPLICANT REQUEST

Create 17 single-family lots.

Concept Plan

A request for concept plan approval to create 17 lots on property located at Riverside Drive (unnumbered), approximately 335 feet north of Paden Drive, zoned One and Two-Family Residential (R10) (4.44 acres).

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. *R10 would permit a maximum of 19 lots with four duplex lots for a total of 23 units.*

CRITICAL PLANNING GOALS

- Supports Infill development

The proposed subdivision is located within a developed area and will provide additional housing opportunities where a majority of needed infrastructure is in place.

PLAN DETAILS

The property is located on the west side of Riverside Drive, just north of the entrance into Shelby Bottoms Park. The property is currently vacant. While there are no natural constraints on the property, manmade constraints include a high voltage power line that runs parallel to Riverside Drive and bisects the property and a CSX rail line that runs along the back of the property.

History

The Planning Commission previously approved a subdivision on this site, which also included another parcel to the south. The previous concept plan was approved on July 24, 2008, for 18 single-family lots. The Commission then approved two concept plan extensions for the previous plan with the last extension being approved on January 26, 2012. The applicant later submitted a new concept plan for the area south of this site. That plan included four single-family lots and was approved by the Planning Commission on October 25, 2012. A final plat for those four lots has been recorded, and homes have been constructed on three of the four lots.

Site Plan

The plan calls for 17 single-family lots. Lots range in size from 10,458 square feet to 12,553 square feet. Building envelopes are shown. The building envelopes are approximately fifty feet in depth and range in width from 55 feet to 84 feet. All lots will be accessed from Riverside Drive with nine shared access driveways provided between lots with the exception of lot 16, which is not adjacent to another lot. The plan currently shows a five foot wide sidewalk along Riverside Drive and a five foot wide planting strip. The required sidewalk width is six feet and also requires a six foot wide planting strip.

Variance Request (Section 3-4.2.f.1)

Section 3-4.2.f.1 of the Subdivision Regulations requires a setback of at least 25 feet in depth *in addition to* the setback required by the Zoning Code for lots adjacent to a railroad. This would require the rear setback to be 45 feet. This requirement coupled with the 100 foot wide easement associated with the high-voltage power line would reduce the building envelope depths to approximately 30 feet. The applicant has stated that homes could be built within the small envelopes; however, staff recommends a variance from Section 3-4.2.f.1 in order to create a larger building envelope which would permit the construction of homes that are more in keeping with the character of the area. The applicant has requested the variance from Section 3-4.2.f., and is proposing a 25 foot rear setback in lieu of the required 45 foot setback (20' zoning setback + 25' rail road setback).

If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:

- a) The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d) The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

ANALYSIS

Staff recommends approval with conditions, including that a variance from Section 3-4.2.f.1 of the Subdivision Regulations be granted. Staff finds that the request meets all requirements for the Commission to grant the variance and recommends that the granting of the variance will not be detrimental to surrounding properties. In fact, the variance would permit larger building envelopes that are more consistent with the surrounding development pattern. With the variance the building envelopes are approximately 50 feet deep. Without the variance the building envelopes would be about 25 feet deep. While the site constraints necessitating this variance request can likely be found elsewhere in Davidson County, it is likely that this is not a prevalent condition. A similar variance was granted in 2012 when the Commission approved the four-lot concept plan south of this site. Due to the 100-foot wide easement associated with the high-voltage power line, staff finds that the combined Zoning Code rear setback and the additional railroad setback effectively limits development in a manner that is consistent with the overall area creating a hardship. Furthermore, staff finds that the variance would not vary from the General Plan or the Metro Zoning Code.

The policy is Suburban Neighborhood Maintenance (T3 NM). Since the policy is T3 NM, then lots must meet the infill requirements of the Subdivision Regulations in regards to lot size and width at street. All 17 lots are consistent with the infill requirements.

Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Residential Maintenance policy area. Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

All lots meet the minimum standards of the R10 zoning district.

Street Frontage

All lots have frontage on a public street.

Density

Suburban Neighborhood Maintenance land use policy supports density up to 20 dwelling units per acre. The proposed infill subdivision provides a density of 3.8 dwelling units per acres which falls well within the range supported by policy.

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. In this case, the lots must be equal to or greater than 57' which is 70% of the average lot frontage of the surrounding lots. All lots have at least 70' of frontage; therefore, all lots meet the community character for lot frontage.

Lot Frontage Analysis	
Minimum Proposed	70'
70% of Average	57'
Smallest Surrounding Parcel	34'

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. In this case, the minimum lot area must be at least 9,147 square feet, which is 70% of the average for the surrounding lots. However, in order to meet

minimum lot size requirements of the Zoning Code, all lots must be at least 10,000 square feet. The smallest lot proposed is 10,458 square feet; therefore, all lots meet the community character for lot area.

Lot Size Analysis	
Minimum Proposed	10,458 SF
70% of Average	9,147 SF
Smallest Surrounding Parcel	5,227 SF

3. Street setback: Due to a 100 foot wide TVA easement homes will be setback approximately 75' from Riverside. This is consistent with other lots on the same side of Riverside that are encumbered with the TVA easement.

4. Lot orientation: All lots are oriented toward Riverside Drive which is consistent with the existing lot pattern on the street.

Agency Review

All review agencies recommend approval.

Sidewalks are required with this subdivision. Because there is no sidewalk network adjacent to the site the applicant has the option to construct the required sidewalks or make a payment to the sidewalk fund in-lieu of construction. This requirement must be satisfied prior to the final plat being recorded.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMENDATION

Approved with conditions

If sidewalks are required by Planning and the applicant chooses to construct rather than pay the in-lieu fee, they should be shown and labeled on the plan per Public Works standards. This includes curb and gutter, grass strip, sidewalk, and a minimum of 20 feet of street pavement width. Final construction plans must be submitted that address any related drainage improvements, grading, utility relocation(s), and tree removal, prior to commencing work.

TRAFFIC & PARKING RECOMMENDATION

No Exceptions Taken

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved with conditions

Approved as a Concept Plan only. Public sewer construction plans must be submitted and approved before the Final Site Plan can be approved. The required capacity fees must be paid before the Final Plat can be approved.

STAFF RECOMMENDATION

Staff recommends that the concept plan be approved with conditions including approval of a variance from Section 3-4.2.f.1 of the Subdivision Regulations.

CONDITIONS

1. Driveways shall be limited to the locations shown on the plan. Additional driveways are not permitted.
2. No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16' driveway, and access points shall be located as shown on the concept plan.
3. While sidewalks are shown on the plan, the Subdivision Regulations allow for a contribution to be made to Pedestrian Benefit Zone 2-A. The sidewalk requirements of the Subdivision Regulations shall be met prior to the final plat being recorded. If sidewalks are to be constructed or bonded, then the sidewalk shall be six feet in width and include a six foot planting strip.

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

Alan (last name unclear) with Riverside Development spoke in favor of the application.

Chairman McLean closed the Public Hearing.

Mr. Ponder noted that he was on the commission for the first vote seven years ago and he voted against due to concerns regarding the high tension wires nearby. He stated that he will vote against it again due to the same concerns.

Mr. Clifton asked if there have been discussions among staff regarding the high tension wire concerns.

Mr. Swaggart explained there was a lot of discussion in 2008 and it was deferred several times. Staff did research and found nothing that proves these power lines cause any type of trouble.

Ms. Farr expressed concerns with building something that close to high tension wires.

Mr. Clifton moved and Mr. Haynes seconded the motion to approve with conditions including a variance to Section 3-4.2.f.1. (4-2) Mr. Ponder and Ms. Farr voted against.

Resolution No. RS2015-348

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015S-066-001 is **Approved with conditions including a variance to Section 3-4.2.f.1. (4-2)**"

CONDITIONS

- 1. Driveways shall be limited to the locations shown on the plan. Additional driveways are not permitted.**
- 2. No parking is permitted between the primary structure and street. Hard surfaces for vehicular access shall be limited to a 16' driveway, and access points shall be located as shown on the concept plan.**
- 3. While sidewalks are shown on the plan, the Subdivision Regulations allow for a contribution to be made to Pedestrian Benefit Zone 2-A. The sidewalk requirements of the Subdivision Regulations shall be met prior to the final plat being recorded. If sidewalks are to be constructed or bonded, then the sidewalk shall be six feet in width and include a six foot planting strip.**

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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-011-003

SOUTH NASHVILLE PLAN AMENDMENT

Map 105-03, Parcel(s) 331, 349
Council District 17 (Colby Sledge)
Staff Reviewer: Stephanie McCullough

A request to amend the South Nashville Community Plan by amending the Community Character policy to allow 10 stories in height for a portion of the T4 Urban Mixed Use Neighborhood Policy Area for properties located at 1131 and 1137 4th Avenue South, at the northwest corner of 4th Avenue South and Chestnut Street (5.2 acres), requested by Outpost Nashville, applicant; William and Sara Bass, owners. (See also Associated Case # 2015SP-092-001).

Staff Recommendation: Defer to the November 19, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015CP-011-003 to the November 19, 2015, Planning Commission meeting. (6-0)

5b. 2015SP-092-001

OUTPOST NASHVILLE

Map 105-03, Parcel(s) 331, 349
Council District 17 (Colby Sledge)
Staff Reviewer: Jason Swaggart

A request to rezone from IR to SP-MU zoning for properties located at 1131 and 1137 4th Avenue South, at the northwest corner of Chestnut Street and 4th Avenue South (5.2 acres), to permit a mixed use development, requested by Hastings Architecture Associates, LLC, applicant; William and Sara Bass, owners. (See also Associated Case # 2015CP-011-003).

Staff Recommendation: Defer to the November 19, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015SP-092-001 to the November 19, 2015, Planning Commission meeting. (6-0)

6a. 2015CP-014-002

DONELSON HERMITAGE COMMUNITY PLAN

Map 044-13, Parcel(s) 043

Council District 11 (Larry Hagar)

Staff Reviewer: Anita McCaig

A request to amend the Donelson-Hermitage-Old Hickory Community Plan by amending the Community Character policy from T4 Urban Neighborhood Maintenance to a Transition Policy, to permit a mixture of offices and residential uses for an area along Robinson Road in Old Hickory (5.53 acres), requested by Lisa Grimes, applicant and owner. (See also Associated Case # 2015Z-079PR-001).

Staff Recommendation: Defer to the November 12, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015CP-014-002 to the November 12, 2015, Planning Commission meeting. (6-0)

6b. 2015Z-079PR-001

Map 044-13, Parcel(s) 043

Council District 11 (Larry Hagar)

Staff Reviewer: Brett Thomas

A request to rezone from R10 to OR20-A zoning for property located at 912 Robinson Road, approximately 300 feet east of Bennett Drive (0.32 acres), requested by Lisa Grimes, applicant and owner. (See also Associated Case # 2015CP-014-002).

Staff Recommendation: Defer to the November 12, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015Z-079PR-001 to the November 12, 2015, Planning Commission meeting. (6-0)

I. RECOMMENDATIONS TO METRO COUNCIL

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.

Zoning Text Amendments

7. 2015Z-016TX-001

BL2015-13\Hagar

Staff Reviewer: Jason Swaggart

A request to amend Chapters 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, designating "mineral extraction" as a use permitted with conditions in the IG zoning district and adding conditions applicable to this use, requested by Councilmember Larry Hagar, applicant.

Staff Recommendation: Approve with amendments.

APPLICANT REQUEST

Amend Chapters 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, pertaining to mineral extraction.

ZONING TEXT AMENDMENT

A request to amend Chapters 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, designating "mineral extraction" as a use permitted with conditions in the IG zoning district and adding conditions applicable to this use.

CRITICAL PLANNING GOALS

N/A

HISTORY

The similar text amendment was proposed during the previous Council term. The bill passed first reading on July 7, 2015. The bill was later withdrawn prior to being referred to the Commission for review and recommendation to Council.

PROPOSED AMENDMENT

As proposed the amendment would make changes to Section 17.08 and 17.16. The changes pertain to mineral extraction which is a use specified in the Zoning Code. Mineral extraction is defined as "The extraction of metallic and nonmetallic minerals or materials, including rock crushing, screening and the accessory storage of explosives."

Currently Mineral extraction is permitted (P) in the IG (industrial general) zoning district and as a special exception (SE) in the Agricultural (AG), Agricultural and Residential (AR2a) and Industrial Restrictive (IR) Districts.

Districts requiring a Special Exception must be approved by the Board of Zoning Appeals (BZA). Requirements that must be met under the SE pertain to the following:

- Lot size;
- Street standards;
- Location;
- Separation;
- Setbacks;
- Residential encroachment;
- Landscape buffer yards;
- Performance standards;
- Blasting; and
- Reclamation.

The proposed amendment would permit with conditions (PC) mineral extraction uses in the IG district where the use is currently permitted (P) by right. As proposed some conditions are similar to the existing Special Exception conditions required for mineral extraction uses in the AR, AR2a and IR districts. Unlike the Special Exception designation, uses permitted with conditions do not require review by the BZA. As proposed the conditions with which mineral extraction is to be permitted in the IG Zoning District are as follows:

1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street.
2. Setback. No mineral extraction activity, including the transport of material extracted, shall occur within 500 feet of any property line, within 1,250 feet of a residential structure, or within 2,000 feet of the property line of a park or community education facility.
3. Landscape Buffer Yard. Where the site abuts a residential zone district, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area required in subdivision 2 of this subsection placed either on the property boundary or along the perimeter of the operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment and quarry pits shall be completely enclosed by fencing.
4. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the Metropolitan Code. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws."

ANALYSIS

Staff recommends that the proposed bill be approved with amendments. The subject use is a high impact use and can have detrimental impacts on surrounding properties. Currently, the use is permitted by right in IG districts; therefore, the Zoning Code provides minimal measures to protect neighboring residential properties or public parks areas. The proposed amendment would reduce the negative impacts this use may have on surrounding properties. The amendment recommended by staff is to exclude residential structures, parks and community education facilities on the opposite side of a significant natural feature such as the Cumberland River from being included in the setback calculation. Staff finds that the impact of the subject use would have less of an impact on properties on the opposite sides of significant natural features such as the Cumberland River because the natural feature itself can provide the appropriate buffer. Staff is also recommending one other minor amendment to the requirement regarding access (Street Standard). Staff is recommending that the requirement reference the Major and Collector Street Plan in regards to street type.

CODES RECOMMENDATION

Approve as amended.

STAFF RECOMMENDATION

Staff recommends that the proposed bill be approved with amendments.

STAFF RECOMMENDED AMENDMENTS

1. Residential structures, parks and community education facilities on the opposite side of significant natural feature such as the Cumberland River from any proposed mineral extraction use should not be included in the calculation for setbacks.
2. The condition regarding access should reference the Major and Collector Street Plan in regards to street type. It should read "1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street".

ORDINANCE NO. BL2015-13

An Ordinance amending Chapters 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, designating “mineral extraction” as a use permitted with conditions in the IG zoning district and adding conditions applicable to this use, all of which is more particularly described herein (Proposal No. 2015Z-016TX-001).

WHEREAS, mineral extraction can pose environmental and health concerns to the community, including the release of particulate matter into the air, removal of vegetation, physical disturbances to the landscape that can contribute to the decline of wildlife and plant species in an area, and water pollution; and

WHEREAS, the Metropolitan Council deems it necessary for the protection of the public health, safety, and welfare that there be certain restrictions on the location and operation of mineral extraction sites in the IG zoning district, especially near residences, parks, schools, and recreation areas.

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

Section 1. That Section 17.08.030, District Land Use Tables, is hereby amended by designating “mineral extraction” as a use permitted with conditions (PC) in the IG zoning district.

Section 2. That Section 17.16.130, Other Uses, is hereby amended by adding the following new subsection C.:
C. Mineral Extraction.

1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street.

2. Setback. No mineral extraction activity, including the transport of material extracted, shall occur within 500 feet of any property line, within 1,250 feet of a residential structure, or within 2,000 feet of the property line of a park or community education facility.

3. Landscape Buffer Yard. Where the site abuts a residential zone district, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area required in subdivision 2 of this subsection placed either on the property boundary or along the perimeter of the operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment and quarry pits shall be completely enclosed by fencing.

4. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the Metropolitan Code. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws.”

Section 3. Be it further enacted that this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Larry Hagar, DeCosta Hastings, Karen Johnson, Kevin Rhoten, Jeff Syracuse

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

Items 7 and 8 were heard and discussed together.

Councilman Hagar spoke in favor and asked for approval for the sake of the people of Nashville and their quality of life.

State Representative Bill Beck, 808 Broadmore, spoke in favor and noted that it is a great bill for Davidson County as it will allow for controlled, quality growth.

Councilman Withers, 1113 Granada Ave, spoke in favor in order to protect quality of life.

Susan Meece, 348 Rayon Drive, spoke in favor and noted these are inappropriate for the neighborhood.

Jeanie Alexander, 1004 Fowler Street, spoke in favor due to quality of life concerns and the fact that it is inappropriate for the area.

Tim Jester, 1005 Jones Street, spoke in favor as they will decrease property values and displace wildlife.

Amy Pragnell, 1408 Donelson, spoke in favor and expressed concerns about the possibility of significant damage to an aging dam.

Buff Butler, 137 Rio Vista Dr, spoke in favor as it would displace wildlife and it not safe or healthy for the area.

Carolyn McLaughlin, 106 Ensley Ave, spoke in favor of the application.

Lillian Trexlor, 507 Swinging Bridge Rd, spoke in favor and stated that some of the houses of the lower income families may not be able to withstand some of the possible damages.

Chuck Sonn, 1053 Donelson Ave, spoke in favor and noted that they aren't practical for a variety of reasons.

Tom White, 315 Deaderick Street, spoke in opposition and asked for disapproval or a clarification that this would not apply to the 155 acres on Burnett Road due to the vested right on that site.

Chairman McLean closed the Public Hearing.

Councilman Hagar noted that based on his research the property is not vested.

Susan Jones, Legal, stated that while the vesting issue may be relevant to the discussion, it isn't the only thing to be considered.

Mr. Haynes spoke in favor and noted that as a matter of policy, this is good.

Ms. Farr spoke in favor and noted that this is a good policy.

Mr. Clifton spoke in favor and noted this is a good policy for the future of the city.

Ms. Blackshear spoke in favor and clarified that this isn't just for one business, it is for the entire county.

Mr. Clifton moved and Ms. Blackshear seconded the motion to approve with amendments including the following Condition 1, "Residential structures, parks, and community education facilities on the opposite side of navigable water ways from any proposed mineral extraction use shall not be included in the calculation for setbacks." (6-0)

Resolution No. RS2015-349

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-016TX-001 is **Approved with amendments including the following Condition 1, 'Residential structures, parks, and community education facilities on the opposite side of navigable water ways from any proposed mineral extraction use shall not be included in the calculation for setbacks.' (6-0)**"

AMENDMENTS

- 1. Residential structures, parks and community education facilities on the opposite side of significant natural feature such as the Cumberland River from any proposed mineral extraction use shall not be included in the calculation for setbacks.**
- 2. The condition regarding access should reference the Major and Collector Street Plan in regards to street type. It should read "1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street".**

8. 2015Z-017TX-001

BL2015-14\Hagar

Staff Reviewer: Jason Swaggart

A request to amend Chapters 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, establishing "asphalt plant" and "concrete plant" as uses permitted with conditions in the IG zoning district and adding conditions applicable to these uses, requested by Councilmember Larry Hagar, applicant.

Staff Recommendation: Approve with amendments.

APPLICANT REQUEST

Amend Chapters 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, pertaining to asphalt and concrete plants.

ZONING TEXT AMENDMENT

A request to amend Chapters 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, establishing "asphalt plant" and "concrete plant" as uses permitted with conditions in the IG zoning district and adding conditions applicable to these uses.

CRITICAL PLANNING GOALS

N/A

PROPOSED AMENDMENT

Currently, the Zoning Code does not include concrete or asphalt plants as a specific use, nor does it include a definition for either use. Under the current code, both of these uses would fall under "manufacturing heavy". The amendment proposes to establish concrete plant and asphalt plant as specific uses in the Zoning Code. The amendment would further establish which zoning districts a concrete or asphalt plant would be permitted and under which conditions the uses would be permitted.

Chapter 17.04 – General Provisions and Definitions

Section 17.04.060 of the Metropolitan Zoning Code specifies the following definition for heavy manufacturing uses which include asphalt plants and concrete plants:

"Heavy manufacturing" means the manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; and wood or lumber processing.

The amendment proposes that the definition for heavy manufacturing be amended by deleting "concrete batch plants" and "concrete" from the current definition, and adding a definition in the code for "asphalt plant" and "concrete plant". The proposed definition for each use is as follows:

"Asphalt plant" means the manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures, paving block made of asphalt and various compositions of asphalt or tar with other materials, and the recycling of old asphalt into asphalt-type material. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

"Concrete plant" means the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement, and/or other components. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

Chapter 17.08 – Zoning Districts and Land Uses

Section 17.08.030, District bulk table, contains the Land Use Table. This table specifies which uses are permitted in each zoning district found within Davidson County.

The amendment proposes that "asphalt plant" and "concrete plant" be added to the list of uses in the table. The amendment further proposes that the table show that both uses are permitted with conditions (PC) within the IG (Industrial General) zoning district. Neither use is proposed to be permitted in any other zoning district.

Chapter 17.16 – Land Use Development Standards

Chapter 17.16.130 – Other uses, specifies conditions for certain uses that are permitted with conditions.

The amendment proposes to add the following conditions for "asphalt plant" and "concrete plant":

Asphalt Plant.

1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street.
2. Setback. No asphalt plant activity shall occur within 1,250 feet of a residential structure or within 2,000 feet of the property line of a park or community education facility.
3. Landscape Buffer Yard. Where the site abuts a residential zone district, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area required in subdivision 2 of this subsection placed either on the property boundary or along the perimeter of the operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment shall be completely enclosed by fencing.
4. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the Metropolitan Code. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws.

Concrete Plant.

1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street.
2. Setback. No concrete plant activity shall occur within 1,000 feet of a residential structure or within 2,000 feet of the property line of a park.

3. Landscape Buffer Yard. Where the site abuts a residential zone district, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area required in subdivision 2 of this subsection placed either on the property boundary or along the perimeter of the operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment shall be completely enclosed by fencing.

4. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the Metropolitan Code. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws.

ANALYSIS

Staff recommends that the proposed bill be approved with amendments. The subject uses are high impact uses and can have detrimental impacts on surrounding properties. The proposed amendment would reduce the negative impacts these uses may have on surrounding properties. The amendment recommended by staff is to exclude residential structures, parks and community education facilities on the opposite side of a significant natural feature such as the Cumberland River from being included in the setback calculation. Staff finds that the impact of the subject uses would have less of an impact on properties on the opposite sides of significant natural features such as the Cumberland River because the natural feature itself can provide the appropriate buffer. Staff is also recommending one other minor amendment to the requirement regarding access (Street Standard). Staff is recommending that the requirement reference the Major and Collector Street Plan in regards to street type.

CODES RECOMMENDATION

Approve as amended.

STAFF RECOMMENDATION

Staff recommends that the proposed bill be approved with amendments.

STAFF RECOMMENDED AMENDMENTS

1. Residential structures, parks and community education facilities on the opposite side of significant natural feature such as the Cumberland River from any proposed asphalt or concrete plant use should not be included in the calculation for setbacks.
2. The condition regarding access should reference the Major and Collector Street Plan in regards to street type. It should read "1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street as specified on the Major and Collector Street Plan".

ORDINANCE NO. BL2015-14

An Ordinance amending Chapters 17.08 and 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, establishing "asphalt plant" and "concrete plant" as uses permitted with conditions in the IG zoning district and adding conditions applicable to these uses, all of which is more particularly described herein (Proposal No. 2015Z-017TX-001).

WHEREAS, asphalt plants and concrete plants can pose environmental and health concerns to the community, including the release of fumes and particulate matter that can cause respiratory problems when such facilities are located in close proximity to residential and recreation areas; and

WHEREAS, the Metropolitan Council deems it necessary for the protection of the public health, safety, and welfare that there be certain restrictions on the location and operation of asphalt and concrete plants in the IG zoning district.

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

Section 1. That Section 17.04.060, Definitions of General Terms, is hereby amended as follows:

1. By amending the definition of "manufacturing, heavy" by deleting the phrase "concrete batch plants; concrete, tile, or brick manufacturing" and substituting with the phrase "tile or brick manufacturing".

2. By adding the following new definitions for "asphalt plant" and "concrete plant":

"Asphalt plant" means the manufacturing asphalt-type roofing materials, asphalt and tar paving mixtures, paving block made of asphalt and various compositions of asphalt or tar with other materials, and the recycling of old asphalt into asphalt-type material. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

"Concrete plant" means the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement, and/or other components. This use also includes the stockpiling of bulk materials required for the process and the storage of the required equipment use in the operation.

Section 2. That Section 17.08.030, District Land Use Tables, is hereby amended by designating "asphalt plant" and "concrete plant" as uses permitted with conditions (PC) in the IG zoning district.

Section 3. That Section 17.16.130, Other Uses, is hereby amended by adding the following new subsections D and E.:

D. Asphalt Plant.

1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street.
2. Setback. No asphalt plant activity shall occur within 1,250 feet of a residential structure or within 2,000 feet of the property line of a park or community education facility.
3. Landscape Buffer Yard. Where the site abuts a residential zone district, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area required in subdivision 2 of this subsection placed either on the property boundary or along the perimeter of the operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment shall be completely enclosed by fencing.
4. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the Metropolitan Code. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws.

E. Concrete Plant.

1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street.
2. Setback. No concrete plant activity shall occur within 1,000 feet of a residential structure or within 2,000 feet of the property line of a park.
3. Landscape Buffer Yard. Where the site abuts a residential zone district, screening in the form of landscape buffer yard Standard D shall be applied continuously within the setback area required in subdivision 2 of this subsection placed either on the property boundary or along the perimeter of the operation, or both. This screening shall consist of six feet in height densely planted shrubs and/or trees which are of an evergreen type that provide year-round screening, or an opaque wall or barrier of six feet in height. An earthen berm may supplement this screening. All screening shall be maintained in good condition at all times. Areas of hazardous equipment shall be completely enclosed by fencing.
4. Performance Standards. The operation shall minimize disturbances and adverse impacts on surrounding lands using best available current technology. The operation shall comply with the performance standards of the industrial zone district regulations and measures shall be taken to control windborne materials in accordance with Section 10.56.190 of the Metropolitan Code. The application shall demonstrate the methodology necessary to ensure that the operation complies with all applicable federal, state and local laws.

Section 4. Be it further enacted that this Ordinance shall take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Larry Hagar, DeCosta Hastings, Karen Johnson, Kevin Rhoten, Jeff Syracuse

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

Items 7 and 8 were heard and discussed together.

Councilman Hagar spoke in favor and asked for approval for the sake of the people of Nashville and their quality of life.

State Representative Bill Beck, 808 Broadmore, spoke in favor and noted that it is a great bill for Davidson County as it will allow for controlled, quality growth.

Councilman Withers, 1113 Granada Ave, spoke in favor in order to protect quality of life.

Susan Meece, 348 Rayon Drive, spoke in favor and noted these are inappropriate for the neighborhood.

Jeanie Alexander, 1004 Fowler Street, spoke in favor due to quality of life concerns and the fact that it is inappropriate for the area.

Tim Jester, 1005 Jones Street, spoke in favor as they will decrease property values and displace wildlife.

Amy Pragnell, 1408 Donelson, spoke in favor and expressed concerns about the possibility of significant damage to an aging dam.

Buff Butler, 137 Rio Vista Dr, spoke in favor as it would displace wildlife and it not safe or healthy for the area.

Carolyn McLaughlin, 106 Ensley Ave, spoke in favor of the application.

Lillian Trexlor, 507 Swinging Bridge Rd, spoke in favor and stated that some of the houses of the lower income families may not be able to withstand some of the possible damages.

Chuck Sonn, 1053 Donelson Ave, spoke in favor and noted that they aren't practical for a variety of reasons.

Tom White, 315 Deaderick Street, spoke in opposition and asked for disapproval or a clarification that this would not apply to the 155 acres on Burnett Road due to the vested right on that site.

Chairman McLean closed the Public Hearing.

Councilman Hagar noted that based on his research the property is not vested.

Susan Jones, Legal, stated that while the vesting issue may be relevant to the discussion, but it isn't the only thing to be considered.

Mr. Haynes spoke in favor and noted that as a matter of policy, this is good.

Ms. Farr spoke in favor and noted that this is a good policy.

Mr. Clifton spoke in favor and noted this is a good policy for the future of the city.

Ms. Blackshear spoke in favor and clarified that this isn't just for one business, it is for the entire county.

Ms. Farr moved and Mr. Ponder seconded the motion to approve with amendments including the following Condition 1, "Residential structures, parks, and community education facilities on the opposite side of navigable water ways from any proposed asphalt or concrete plant use shall not be included in the calculations for setbacks." (6-0)

Resolution No. RS2015-350

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-17TX-001 is **Approved with amendments including the following Condition 1, 'Residential structures, parks, and community education facilities on the opposite side of navigable water ways from any proposed asphalt or concrete plant use shall not be included in the calculations for setbacks.'** (6-0)"

AMENDMENTS

- 1. Residential structures, parks and community education facilities on the opposite side of significant natural feature such as the Cumberland River from any proposed asphalt or concrete plant use shall not be included in the calculation for setbacks.**
- 2. The condition regarding access should reference the Major and Collector Street Plan in regards to street type. It should read "1. Street Standard. At a minimum, this use shall have driveway access on a nonresidential collector street as specified on the Major and Collector Street Plan".**

Specific Plans

9. 2015SP-090-001

OCEOLA PLACE SP

Map 103-02, Parcel(s) 102-103
Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Brett Thomas

A request to rezone from R6 to SP-R zoning for properties located at 107 and 109 Oceola Avenue, approximately 100 feet north of Demoss Road, (0.9 acres), to permit up to eight residential units, requested by Dale & Associates, applicant; High Definition Homes, LLC, owner.

Staff Recommendation: Defer to the November 12, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015SP-090-001 to the November 12, 2015, Planning Commission meeting. (6-0)

10. 2015SP-094-001

THE DEL

Map 092-10, Parcel(s) 187-188
Council District 21 (Ed Kindall)
Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to SP-R zoning for properties located at 3005 Delaware Avenue and 508 31st Avenue North, at the southeast corner of 31st Avenue North and Delaware Avenue (0.69 acres), to permit up to 17 residential units, requested by Dale & Associates, applicant; The Del Partners, owner.

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

APPLICANT REQUEST

Rezone to permit up to 17 residential units.

Zone Change

A request to rezone from Single-Family Residential (RS5) to Specific Plan-Residential (SP-R) zoning for properties located at 3005 Delaware Avenue and 508 31st Avenue North, at the southeast corner of 31st Avenue North and Delaware Avenue (0.69 acres), to permit up to 17 residential units.

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 six 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 Infill Development
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices

This area is served by adequate infrastructure including roads, water and sewer. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure because it does not burden Metro with the cost of maintaining new infrastructure. The request provides for an additional housing option in the area with a higher density than what is permitted under the existing single-family zoning. Additional housing options are important to serve a wide range of people with different housing needs. Higher densities foster walkability and better public transportation. A bus line runs along 28th Avenue east of the site and along Charlotte Pike south of the site. Additional density near the Charlotte corridor would also provide additional population to support the existing and planned commercial uses along Charlotte Pike.

NORTH NASHVILLE COMMUNITY PLAN

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 plan calls for a layout that is urban in form with shallow setbacks consistent with the T4 NE policy. The urban form would enhance the streetscape along Delaware Avenue and 31st Avenue North. The plan provides a mixture of housing types which is consistent with the policy's goal of providing more housing options. Unit types include stacked flats, townhomes and detached units. The policy on the south side of the alley which runs along the south side of this site and all the lots which front onto Delaware Avenue between 28th Avenue North and 31st Avenue North is Urban Mixed Use (T5 MU). T5 MU supports high intensity development with heights upward of 20 stories. While homes in the immediate area are much lower in height than the proposed SP, the site's location is appropriate for additional height as it can serve as a transition from the neighboring T5 MU policy area. Also, due to the surrounding zoning pattern, including industrial, office and high intensity mixed-use zoning districts, and the site's close proximity to Charlotte Avenue, it could be appropriate for this T4 NE policy area to develop at a much higher density with taller building heights than what is being proposed with this SP.

PLAN DETAILS

The approximately 0.69 acre site is located at the southeast corner of Delaware Avenue and 31st Avenue North. The site is currently vacant. There are no streams on the site or any slopes the Metro Zoning Code identifies as sensitive. While there are no slopes on the site that the code identifies as sensitive, the site does fall from north to south. Sidewalks are located along the property boundaries abutting Delaware Avenue and 31st Avenue North. A constructed alley is located at the rear of the site and an additional 2.5 feet of right-of-way will be dedicated as part of this proposal. A majority of the zoning in the immediate area is RS5; however, there are also some nonresidential zoning districts in the area including industrial as well as an office (OL) zoning that is located on the south side of the alley.

Site Plan

The plan calls for a total of 17 residential units. The plan proposes three different unit types, which include stacked flats, townhomes and detached units. Six flats are shown at the corner of Delaware Avenue and 31st Avenue North. Nine townhomes are shown along both Delaware Avenue and 31st Avenue North. Six units address Delaware Avenue while three address 31st Avenue North. Two detached units are proposed at the rear of the site adjacent to the alley.

The plan provides some architectural guidelines relating to building orientation, building entry, glazing, finished floor elevations and porches. The plan also prohibits vinyl siding, EFIS and untreated wood finishes. The maximum building height for the corner flats is four stories in 65 feet. The maximum height for all other units is three stories in forty five feet.

Vehicular access is permitted only from the alley. All parking is located at the rear of the site and is screened from both public streets. As proposed all townhomes and the detached units include a garage. Nine surface parking spaces are provided with 20 garage spaces provided. The plan calls for five foot wide sidewalks with a four foot planting strip on all street frontages.

ANALYSIS

Staff recommends approval of this request as the proposed plan is consistent with the T4 NE land use policy. The proposal also meets several critical planning goals.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Provide flow data and sq. footages for the units. Inadequate flow would require the living units to be sprinklered and the locations of the hydrants may not be adequate.

STORMWATER RECOMMENDATION

Approve

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.
- Recorded ROW dedications are to be submitted to MPW prior to building permit approval.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

Apply to T&P to restrict parking along Delaware Ave frontage.

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)	0.69	8.71 D	6 U	58	5	7

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)	0.69	-	17 U	138	13	15

Traffic changes between maximum: **RS5** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 11 U	+80	+8	+8

WATER SERVICES RECOMMENDATION

Approved with conditions

Approved as a Preliminary SP only. Public sewer construction plans must be submitted and approved prior to Final SP approval. These approved construction plans must match the Final Site Plan/SP plans. The required capacity fees must also be paid prior to Final Site Plan/SP approval.

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-R district: 0 Elementary 0 Middle 0 High

The proposed SP-R zoning district would not generate any additional students than what is typically generated under the existing RS5 zoning district. Students would attend Park Avenue Elementary, McKissack Middle School, and Pearl-Cohn High School. There is additional capacity for elementary and middle school students, but there is no additional capacity for high 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 of the proposed SP as it is consistent with the North Nashville Community Plan and meets several critical planning goals.

CONDITIONS

1. Uses are limited to a maximum of 17 residential units.
2. Porches shall not encroach any further into the front setback than what is shown on the preliminary plan.
3. 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 RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. 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.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (6-0), Consent Agenda

Resolution No. RS2015-351

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-094-001 is **Approved with conditions and disapproved without all conditions. (6-0)**"

CONDITIONS

1. **Uses are limited to a maximum of 17 residential units.**
2. **Porches shall not encroach any further into the front setback than what is shown on the preliminary plan.**
3. **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 RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.**
4. **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.**
5. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

11. 2015SP-095-001

CARTER-PRESTON CONDOMINIUM

Map 083-04, Parcel(s) 120.01, 120
 Council District 07 (Anthony Davis)
 Staff Reviewer: Latisha Birkeland

A request to rezone from R10 to SP-R zoning for properties located at 1210 Preston Drive and 2329 Carter Avenue, at the northwest corner of Carter Avenue and Preston Drive (0.84 acres), to permit up to five residential units in an existing structure, requested by Mims Architecture PLC, applicant; John S. Blackwell, owner.

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

APPLICANT REQUEST

Rezone to permit up to 5 attached residential units.

Preliminary SP

A request to rezone from One and Two-Family Residential District (R10) to Specific Plan-Residential (SP-R) zoning for properties located at 1210 Preston Drive and 2329 Carter Avenue, at the northwest corner of Carter Avenue and Preston Drive (0.84 acres), to permit up to five residential units in an existing structure.

Existing Zoning

One and Two-Family Residential District (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 3 lots with 3 duplex lots for a total of 6 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 attached residential units.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports infill development

This area is served by adequate infrastructure including roads, water and sewer. Development in areas with adequate infrastructure is more appropriate than development in areas not served with adequate infrastructure because it does not burden Metro with the cost of maintain new infrastructure. The request provides for additional housing options in an area that is predominately single-family. A sidewalk will be extended along Preston Drive to Carter Avenue providing a safe pedestrian environment and beginning a sidewalk network for the wider area. Bus service is present along Preston Drive adjacent to this SP. Increased density through infill development makes bus service and similar transit services more feasible because it generates more riders.

EAST NASHVILLE COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban neighborhoods. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The policy supports residential uses, including multifamily residential while preserving the general character of the neighborhood. The SP will provide a mixture of housing types in a strategic location within East Nashville while preserving the general character of the neighborhood. The project will also provide sidewalk improvements to enhance the pedestrian connectivity of the area.

PLAN DETAILS

This site is comprised of two parcels located at the northwest corner of Carter Avenue and Preston Drive. The site contains one existing two-story masonry building that was previously used as a religious institution. The plan proposes to preserve the existing building while providing five new attached residential dwellings units generally located within the existing structure. By using the existing building to create five residential units, the development is able to maintain the character of the neighborhood.

The existing building will generally remain in its current form in order to accommodate the new residential units. The plan proposes the enclosure and enlargement of the existing porch to accommodate a larger unit to face Carter Avenue. The five units will have individual entrances and patios facing Preston Drive. Each residential unit will have two parking stalls, under the shelter of a carport, adjacent to the front patio. Carport elevations shall be provided with the final SP and shall contain similar materials as the existing building. Vehicular access will be from Preston Drive only; the plan proposes to eliminate the existing vehicular access onto Carter Avenue.

Additional guest parking will be provided along Preston Drive, at the southeastern corner of the site. The proposed plan reduces the existing surface parking on-site to a maximum of 17 parking stalls. In order to reduce the impact of parking at the corner of Carter Avenue and Preston Drive, Staff recommends that with the submittal of the Final SP, three parking spaces nearest the intersection be eliminated. The proposed plan reduces the amount of existing impervious surface on this site by approximately 65 %, creating more green space than what currently exists. The retaining wall that runs along the parking area is proposed to be approximately two feet in height. With the submittal of the final SP, the applicant will evaluate if the retaining wall can be reduced in height or eliminated.

The proposed plan includes a six foot sidewalk and six foot planting strip along Carter Avenue. A six foot sidewalk and six foot planting strip will be able to be installed on the majority of Preston Drive. The new sidewalk on Preston Drive will connect to an existing 4 foot sidewalk located along a portion of Preston Drive. This was done so as not to disturb the 50 foot stormwater buffer, on the northern portion of the property, and the existing AT&T fiber optics utility box, to the west of the sidewalk. Landscaping will be provided, including to screen the parking area at the southeast corner.

ANALYSIS

The plan is consistent with the T4 Neighborhood Maintenance policy as it preserves the existing structure and attempts to maintain the character of the neighborhood. The five multifamily residential units will provide a unique infill development and provide additional housing options within East Nashville.

The SP is consistent with the T4 Neighborhood Maintenance policy and meets three critical planning goals. While the policy calls for the existing character to remain, some change is expected over time in this policy area. The change should be respectful of the existing form of the neighborhood. By reducing the existing parking area and eliminating the access onto Carter Avenue, the development is increasing the greenspace on the property making it more consistent with the form and character of the existing residential neighborhood. The development is able to maintain the character of the neighborhood while also allowing for a mix of housing types not currently present in the immediate area.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Reviewed revised plans. Provide flow data and sq. footages for the units. Inadequate flow would require the living units to be sprinklered and the locations of the hydrants may not be adequate.

STORMWATER RECOMMENDATION

Approved with comments

- Reword Standard Preliminary Note

WATER SERVICES RECOMMENDATION

Approved with conditions

- Approved as a Preliminary SP only. The required capacity fees must be paid prior to Final Site Plan/SP approval.

TRAFFIC AND PARKING RECOMMENDATION

Conditions if approved

- Comply with road comments and apply to T&P to restrict parking along Preston Frontage and Carter frontage.

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.
- During Final SP review, revisions may be required to install the proposed lip of gutter on the existing edge of pavement and thus adjusting all of the roadside elements accordingly
- Indicate on the plans the solid waste and recycling plan for the site. MPW standard policy is that a dumpster is to be utilized on developments of 4 units or more. If proposal goes forward as shown a private hauler and a copy of the Master Deed will be required with the building permit approval.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.84	4.35 D	6 U*	58	5	7

*Based on three two-family lots.

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)	0.84	-	5 U	39	4	5

Traffic changes between maximum: R10 and SP-R

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 1 U	-19	-1	-2

METRO SCHOOL BOARD REPORT

Projected student generation existing R10 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-R district: 1 Elementary 0 Middle 0 High

The proposed SP would generate one more student than what is typically generated under the existing R10 zoning district. Students would attend Rosebank Elementary School, Bailey Middle School, and Stratford High School. None of these schools are over capacity. 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. The proposed SP is consistent with the T4 Urban Neighborhood Maintenance policy of the East Nashville Community Plan.

CONDITIONS

1. Uses within this SP shall be limited to a maximum of 5 multifamily residential units within the existing structure.
2. With the Final SP submittal, the applicant shall eliminate the 2 foot retaining wall along the parking area or provide evidence why the retaining wall is necessary.
3. With the Final SP submittal the parking area along Preston Avenue shall be reduced to a total of four parking stalls. The applicant shall remove the three parking stalls closest to the corner of Carter Avenue and Preston Lane.
4. With the final SP submittal, the applicant shall determine if carpools will be incorporated for all units or none of the units.
5. 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 R10-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The proposed building conversion for 5 multifamily units shall not increase the existing height. Building elevations for all facades shall be provided with the final site plan. Carport elevations shall be provided with the final SP (if proposed) and shall have similar materials as the existing building. The following standards shall be met:
 - a. EIFS, vinyl siding and untreated wood shall be prohibited.
 - b. Unit A shall have a minimum of 25% glazing on the Carter Avenue facade.
7. 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.
8. 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.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Birkeland presented the staff recommendation of approval with conditions and disapproval without all conditions.

William Mimms, 4208 Bayside Lane, spoke in favor of the application.

Councilman Withers, 1113 Granada Ave, spoke in favor of the application, noted there is a high level of community support, and explained that this will actually reduce density.

Henry Mortimer, 1109 Preston Dr, spoke in opposition to the application and noted that it seems the density will be increasing rather than decreasing.

Chairman McLean closed the Public Hearing.

Ms. Blackshear spoke in favor of the application.

Mr. Clifton spoke in favor of the application.

Ms. Farr spoke in favor of the application and stated it's an exciting project.

Mr. Haynes moved and Ms. Blackshear seconded the motion to approve with conditions and disapprove without all conditions. (6-0)

Resolution No. RS2015-352

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-095-001 is **Approved with conditions and disapproved without all conditions. (6-0)**”

CONDITIONS

1. Uses within this SP shall be limited to a maximum of 5 multifamily residential units within the existing structure.
2. With the Final SP submittal, the applicant shall eliminate the 2 foot retaining wall along the parking area or provide evidence why the retaining wall is necessary.
3. With the Final SP submittal the parking area along Preston Avenue shall be reduced to a total of four parking stalls. The applicant shall remove the three parking stalls closest to the corner of Carter Avenue and Preston Lane.
4. With the final SP submittal, the applicant shall determine if carports will be incorporated for all units or none of the units.
5. 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 R10-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
6. The proposed building conversion for 5 multifamily units shall not increase the existing height. Building elevations for all facades shall be provided with the final site plan. Carport elevations shall be provided with the final SP (if proposed) and shall have similar materials as the existing building. The following standards shall be met:
 - a. EIFS, vinyl siding and untreated wood shall be prohibited.
 - b. Unit A shall have a minimum of 25% glazing on the Carter Avenue facade.
7. 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.
8. 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.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

12. 2015SP-096-001

HAMILTON AND MARTIN RESIDENTIAL

Map 105-07, Parcel(s) 246-248
Council District 17 (Colby Sledge)
Staff Reviewer: Brett Thomas

A request to rezone from R6 to SP-R zoning for properties located at 607 and 609 Hamilton Avenue, at the southwest corner of Hamilton Avenue and Martin Street (0.93 acres) to permit up to 27 residential units, requested by Civil Site Design Group, applicant; June Lavender, owner.

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

APPLICANT REQUEST

Rezone to permit up to 27 residential units.

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) for properties located at 607 and 609 Hamilton Avenue, at the southwest corner of Hamilton Avenue and Martin Street (0.93 acres), to permit up to 27 residential units.

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

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 Infill Development
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices

This proposal meets several critical planning goals. 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 project will intensify development on an infill site and provide for a variety of building types. Sidewalks are being provided along Hamilton Avenue and Martin Street and will create a more walkable neighborhood. In addition, the development is on a bus route and will provide bicycle parking facilities for residents and their guests.

SOUTH 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?

Yes. The proposed SP is consistent with the T4 Neighborhood Evolving policy. The proposed development intensifies underutilized urban infill lots and will create a stronger streetscape than currently exists. The request provides two housing types which will allow for additional housing choice within the neighborhood. In addition, the proposed development is located along existing transit lines and will improve pedestrian connectivity by providing sidewalks along Hamilton Avenue and Martin Street.

PLAN DETAILS

The site is located at 607 and 609 Hamilton Avenue, at the southwest corner of Hamilton Avenue and Martin Street. The site is approximately 0.93 acres in size. The site currently contains three single-family detached units.

Site Plan

The plan proposes a multi-family residential development with up to 27 residential dwelling units. There are two residential dwelling types included in the proposed plan: seven single-family attached townhomes; and 20 stacked flats. The single-family attached townhomes are proposed to address Hamilton Avenue and each includes an attached two-car garage. There are six stacked flats proposed at the intersection of Hamilton Avenue and Martin Street, with another six stacked flats proposed to the south along Martin Street. An additional eight stacked flats are proposed in the rear of the development along the alley; two of which will include attached garages.

Vehicular access will be limited to a public alley that is to be improved. A surface parking lot is located interior to the site, with pedestrian connections to both Hamilton Avenue and Martin Street. Sidewalks are being provided along Hamilton Avenue and Martin Street. Internal sidewalks are also provided throughout the development. The plan will be required to meet the standards of the Bicycle Parking Ordinance and provide 7 bicycle parking spaces.

The developer has proposed architectural guidelines for the project. All buildings must address either the street or green space with architectural treatments that may include windows, stoops and entrances, balconies, and porches. Street facing fronts of stacked flat buildings are proposed to have a minimum of 15% glazing. Raised foundations are proposed to be a minimum of 18" and a maximum of 36", with minor reductions possible due to topography and ADA requirements. The maximum for single-family attached townhome units is 3 stories in 48 feet and 3.5 stories in 48 feet for the stacked flats along Hamilton Avenue and Martin Street. The stacked flats interior to the site are proposed to be a maximum of 2.5 stories in 30 feet.

ANALYSIS

The plan is consistent with the T4 Neighborhood Evolving policy as it provides for additional housing options on an underutilized urban site while improving pedestrian connectivity. The townhome units provide a transition between the existing single-family detached residences along Hamilton Avenue and the more intense stacked flats to be located at the intersection. By locating the surface parking interior to the site, the proposed development will maintain the pattern of the neighborhood while providing an appropriate mix of building types.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Provide flow data and sq. footages for the units. Inadequate flow would require the living units to be sprinklered and the locations of the hydrants may not be adequate.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES

Approved with conditions

- Approved as a Preliminary SP only. The required capacity fees must be paid prior to Final Site Plan/SP approval. This approval only applies if all of these 27 units remain rentals. If any units are to be sold off to different owners, than an approved public sewer extension and revised availability study will be needed 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.
- Submit ROW dedication(s) prior to building permit approval, alley and radius return

TRAFFIC AND PARKING RECOMMENDATION

Conditions if approved

- Locate curb and gutter to allow a smooth travel transition through intersection and provide a 24ft minimum width for adequate turning movements at Martin and Hamilton intersection.

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)	0.93	7.26 D	7 U*	67	6	8

*Based on one two-family lot.

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 (220)	0.93	-	27 U	288	17	33

Traffic changes between maximum: **R6** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 20 U	+221	+11	+25

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-R district: 5 Elementary 3 Middle 3 High

The proposed SP-R zoning could generate 8 more students than what is typically generated under the existing R6 zoning district. Students would attend Fall-Hamilton Elementary School, Cameron Middle School, and Glenclyff High School. Glenclyff High has been identified as over capacity; however, there is capacity for additional high school students within an adjacent cluster. 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 as the plan is consistent with the T4 Neighborhood Evolving policy in the South Nashville Community Plan.

CONDITIONS

1. Permitted land uses shall be limited to up to 27 residential units.
2. Provide detailed landscaping plans with the submittal of the Final SP.

3. With the submittal of the Final SP, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.
4. 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 RM40-A zoning district as of the date of the application request or application.
5. 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.
6. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
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.

William Smallman, applicant, spoke in favor of the application and requested approval.

Josh with Civil Site Design Group spoke in favor of the application and expressed agreement with all staff conditions.

Donald Jenkins, 540 Hamilton Ave, spoke in favor of the application.

Heather Dunaggan, 544 Hamilton Ave, spoke in opposition to the application because of the low quality of the development and that it doesn't fit with the character of the neighborhood.

DJ Phillips, 617 Hamilton Ave, spoke in opposition to the application because it does not fit with the character of the neighborhood.

Chairman McLean closed the Public Hearing.

Ms. Farr noted that the benefits outweigh the potential negative impact.

Mr. Clifton spoke in favor of the application.

Mr. Ponder moved and Mr. Clifton seconded the motion to approve with conditions and disapprove without all conditions. (6-0)

Resolution No. RS2015-353

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-096-001 is **Approved with conditions and disapproved without all conditions. (6-0)**"

CONDITIONS

1. Permitted land uses shall be limited to up to 27 residential units.
2. Provide detailed landscaping plans with the submittal of the Final SP.
3. With the submittal of the Final SP, provide architectural elevations complying with all architectural standards outlined on the Preliminary SP for review and approval.
4. 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 RM40-A zoning district as of the date of the application request or application.
5. 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.
6. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
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.

Zone Changes

13. 2015Z-084PR-001

Map 092-10, Parcel(s) 280
Council District 21 (Ed Kindall)
Staff Reviewer: Karimeh Moukaddem

A request to rezone from IR to MUL-A zoning for property located at 2611 Clifton Avenue, at the southeast corner of Clifton Avenue and 27th Avenue North (0.21 acres), requested by Dewey-Estes Engineering, applicant; 2611 Clifton Ave. Partners, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from IR to MUL-A

Zone Change

A request to rezone from Industrial Restrictive (IR) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 2611 Clifton Avenue, at the southeast corner of Clifton Avenue and 27th Avenue North (0.21 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Limited-Alternative (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

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Supports Infill Development

This request creates an opportunity for a mixed-use development in an area served by existing infrastructure. The proposed mixed-use zoning would complement the variety of uses present along this corridor and create a walkable destination for the area. The complete sidewalk network along Clifton Avenue also connects the site to an existing transit route along 28th Avenue North, providing access for residents and visitors to a new destination on this currently vacant site. Locating development in areas served by existing, adequate infrastructure does not burden Metro with the cost of upgrading or building new infrastructure.

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Corridor (T4 CM) 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 is consistent with the T4 Urban Mixed Use Corridor (T4 CM) policy. The existing IR zoning is inconsistent with the goals of the policy as it does not permit the mixture of uses envisioned by the T4 Urban Mixed Use Corridor policy. A rezoning to MUL-A would encourage mixed use development promoted by this policy and hold redevelopment of the site to alternative zoning design standards that favor a pedestrian-oriented streetscape.

ANALYSIS

Staff recommends approval of this request as the proposed rezoning is consistent with T4 Urban Mixed Use Corridor policy and the vacant site will redevelop in compliance with the MUL-A guidelines. This rezoning request offers potential for infill

development to occur in a way that would enhance the pedestrian streetscape and meet the goals of the policy. MUL-A zoning design standards would create prominent connections between building entrances and a sidewalk network in this neighborhood, contributing to an urban, pedestrian-friendly streetscape conducive to the goals of this policy.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

- Traffic study may be required at time of development.

STAFF RECOMMENDATION

Staff recommends approval.

Resolution No. RS2015-354

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015Z-084PR-001 is **Approved. (6-0)**”

Urban Design Overlays

14. 2005UD-009-004

BL2015-25\Allen, Sledge

HILLSBORO VILLAGE UDO

Various Maps, Various Parcels

Council District 17 (Colby Sledge); 18 (Burkley Allen)

Staff Reviewer: Justin Wallace

A request to amend the Hillsboro Village UDO to add text to the Building Façade standard, for all subdistricts, to reflect appropriate window and door opening orientation and alignment, and to add a definition of a mezzanine and a requirement that mezzanines are to be counted as an individual story (26.91 acres), requested by the Metro Planning Department and Councilmember Burkley Allen, applicants, for various property owners.

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

The Metropolitan Planning Commission deferred 2005UD-009-004 to the December 10, 2015, Planning Commission meeting. (6-0)

J. PLANNING COMMISSION ACTIONS

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

Specific Plan: final site plans

15. 2015SP-043-002

HIGHWAY 70 RETAIL CENTER

Map 142, Parcel(s) 106, 369-370

Council District 34 (Angie Henderson)

Staff Reviewer: Lisa Milligan

A request for final site plan approval for property located at Highway 70 South (unnumbered) and a portion of property located at 7037 Highway 70 South, approximately 1,065 feet east of Old Hickory Boulevard (3.17 acres), to permit up to 23,500 square feet of commercial/office uses in two structures, requested by Civil Design Consultants, LLC, applicant; Hicks Family Bellevue, LLC, owner.

Staff Recommendation: Defer to the November 12, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015SP-043-002 to the November 12, 2015, Planning Commission meeting. (6-0)

Planned Unit Developments: final site plans

16. 144-66P-004

OVERLOOK AT NASHVILLE WEST

Map 102, Part of Parcel(s) 050, Part of Parcel (s) 110

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Alex Deus

A request to revise the preliminary plan and for final site plan approval for a portion of the Overlook at Nashville West Commercial Planned Unit Development Overlay District for a portion of property located at 6834 Charlotte Pike and a portion of property located at Charlotte Pike (unnumbered), approximately 525 feet west of Templeton Drive, zoned CL, (5.31 acres), to permit 11,902 square feet of restaurant uses where 9,800 square feet of restaurant uses were previously approved, requested by Littlejohn, applicant; Nashville West Shopping Center, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise preliminary plan and for final site plan approval to revise the layout of restaurants two and three and to increase the size of restaurant three by 450 square feet.

Revise PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Overlook at Nashville West Commercial Planned Unit Development Overlay District for a portion of property located at 6834 Charlotte Pike and a portion of property located at Charlotte Pike (unnumbered), approximately 525 feet west of Templeton Drive, zoned Commercial Limited (CL), (5.31 acres), to permit up to 10,250 square feet of restaurant uses where 9,800 square feet of restaurant uses were previously approved.

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and 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 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. *This PUD is approved for commercial uses.*

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This property is located at 6834 Charlotte Pike and a portion of Charlotte Pike (unnumbered); the PUD covers 5.31 acres. This request is for a revision to the preliminary and for final site plan approval for a portion of the PUD to allow for an additional 450 square feet for restaurant three and to revise the orientation of buildings.

ANALYSIS

This PUD was originally approved by Metro Council in 1966. It subsequently has been revised a number of times. In 2008, BL2008-193 was approved by Council as an amendment to the PUD to permit the development of two hotels totaling 133,500 square feet. In 2009, there was a request to revise the preliminary and for final site plan approval to alter the approved layout and to permit the construction of a 10,101 square foot restaurant where a hotel had previously been approved. In 2014, an additional revision to the preliminary PUD was submitted and final site plan approval was granted to permit the development of 9,800 square feet of restaurant uses.

This request would revise the orientation of two of the restaurants and increase the square footage of restaurant three by 450. The total floor area of this request does not increase more than ten percent beyond the total floor area last approved by Council. These revisions do not deviate significantly from the Council approved plan and the proposed site plan is consistent with the overall concept of the PUD. Staff finds the revisions to be a minor modification.

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, and 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

Approved with Conditions

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

STORMWATER RECOMMENDATION

Approved

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

TRAFFIC & PARKING RECOMMENDATION

Conditions if Approved

- Provide commercial loading zone per metro code.

WATER SERVICES RECOMMENDATION

Approve with Conditions

• We recommend approval, on the following condition:

- 1) Approval does not apply to private water and sewer line design. Plans for these must be submitted and approved through a separate review process with Metro Water Permits, before their construction may begin. (Please make sure Permits receives and approves the new restaurant service line layout before their construction begins).

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 with the exception that digital signs are not permitted. 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. 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. (5-0-1), Consent Agenda

Resolution No. RS2015-355

"BE IT RESOLVED by The Metropolitan Planning Commission that 144-66P-004 is **Approved with conditions. (6-0)**"

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 with the exception that digital signs are not permitted. 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. 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.

Subdivision: Concept Plans

17. 2015S-147-001

HOBSON PIKE & HAMILTON CHURCH ROAD CLUSTER LOT SUBDIVISION

Map 164, Parcel(s) 058

Council District 33 (Sam Coleman)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create 132 cluster lots on a portion of property located at Hamilton Church Road (unnumbered), at the southeast corner of Hobson Pike and Hamilton Church Road, zoned RS10 (36.2 acres), requested by Dale and Associates, applicant; Craighead Development, owner.

Staff Recommendation: Defer to the November 12, 2015, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015S-147-001 to the November 12, 2015, Planning Commission meeting. (6-0)

K. OTHER BUSINESS

18. Defer the Bordeaux-Whites Creek Community Plan Amendment that was previously deferred at the August 13, 2015, Metro Planning Commission hearing from the November 12, 2015, Planning Commission meeting to the December 10, 2015, Planning Commission meeting and defer and set a Public Hearing for the Subdivision Regulation Amendments for December 10, 2015.

The Metropolitan Planning Commission deferred the Bordeaux-Whites Creek Community Plan Amendment that was previously deferred at the August 13, 2015, Metro Planning Commission hearing from the November 12, 2015, Planning Commission meeting to the December 10, 2015, Planning Commission meeting and defer and set a Public Hearing for the Subdivision Regulation Amendments for December 10, 2015. (6-0)

19. New employee contract for Michelle Hollingsworth and employee contract renewal for Alex Deus

Approve. (6-0), Consent Agenda

Resolution No. RS2015-356

“BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Michelle Hollingsworth and the employee contract renewal for Alex Deus are **Approved. (6-0)**”

20. Clarification of Action for 2013UD-002-005, UDO Major Modification, Murfreesboro Pike UDO Thorton’s at Mt. View Rd. and Murfreesboro Pike, September 10, 2015

Approve. (6-0), Consent Agenda

Resolution No. RS2015-357

“BE IT RESOLVED by The Metropolitan Planning Commission that the Clarification of Action for 2013UD-002-005, UDO Major Modification, Murfreesboro Pike UDO Thorton’s at Mt. View Rd. and Murfreesboro Pike, September 10, 2015, is **Approved. (6-0)**”

21. Election to Fill the Vacant Executive Committee position

Item will be addressed at a future Planning Commission meeting.

22. Historic Zoning Commission Report

23. Board of Parks and Recreation Report

24. Executive Committee Report

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

Approve (6-0), Consent Agenda

Resolution No. RS2015-358

“BE IT RESOLVED by The Metropolitan Planning Commission that the Director’s Report and Administrative Items are **Approved. (6-0)**”

26. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

October 22, 2015

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

November 12, 2015

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

November 19, 2015

4pm, Metro Southeast, 1417 Murfreesboro Pike, Green Hills Auditorium

December 10, 2015

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

M. ADJOURNMENT

The meeting adjourned at 6:01 p.m.

Chairman

Secretary



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

Date: October 22, 2015
To: Metropolitan Nashville-Davidson County Planning Commissioners
From: J. Douglas Sloan III
Re: Executive Director's Report

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: Haynes; Clifton; McLean; Farr; Blackshear
 - b. Absent: Dalton; Gee; Adkins
2. Legal Representation – Emily Lamb will be attending

B. Executive

1. The Council guidebooks have been distributed to Council members and the Mayor's office. They are also being posted on our webpage.
2. The Inclusionary Housing Policy and Feasibility Study consultants, Economic & Planning Systems, made their first trip to Nashville on October 12th and 13th. The Stakeholder Group met and small group sessions were held.
3. Metro Council is scheduled to vote on selecting the Planning & Zoning Committee Chair on Tuesday, October 20. This council member will serve as the MPC Representative.

C. Land Development

1. Land Development continues to advertise an open Planner II position to replace Melissa Sajid who transferred to the Historic Zoning Commission effective September 11.
2. David Edwards left his position at Planning effective October 9 and will be going to the Office of Management and Budget. Michelle Hollingsworth has accepted the Development Finance Officer position. Once her contract is approved by the Commission, Land Development will advertise the Planning Tech 3 position.
3. The Subdivision Regulation Amendment previously scheduled for November 12, 2015 will be moved to the December 10, 2015 Planning Commission meeting.

D. Community Plans

1. The Music Row meetings will be held in the community room at the Midtown Hills police precinct, 1443 12th Avenue South, from 6:00 – 7:30 pm on October 26, November 10, December 2 and January 11.
2. Rick Bernhardt was given the 2015 Lifetime Achievement Award by the Tennessee Chapter of the American Planning Association at their fall conference on October 2.
3. The Whites Creek Community Plan Amendment scheduled for November 12, 2015 will be moved to December 10, 2015 Planning Commission meeting.

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 10/12/2015**.

<u>APPROVALS</u>	# of Applics	# of Applics '15
Specific Plans	0	31
PUDs	0	4
UDOs	0	10
Subdivisions	3	76
Mandatory Referrals	1	124
Grand Total	4	245

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)
NONE					

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)
NONE					

MANDATORY REFERRALS: MPC Approval

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
10/1/2015 16:26	10/9/2015 RECOM APPR	2015M-053ES-001	LOVELL STREET STORMWATER IMPROVEMENT PROJECT	A request to negotiate and accept permanent and temporary drainage easements for the Lovell Street Stormwater Improvement Project on properties located at 5800, 5805, 5807, 5809, 5809A, 5811, 5813, and 5819C Maxon Avenue, 500-514 and 516 Lovell Street, 0, 5811A, 5813A, and 5815 Robertson Avenue, and 513, 515, 517, 519, 521, 523, and 525 Synder Avenue, (Project No. 16-SWC-066), requested by Metro Water Services, applicant; various property owners.	20 (Mary Carolyn Roberts)

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)
NONE					

SUBDIVISIONS: Administrative Approval

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District # (CM Name)
4/2/2015 14:41	10/5/2015	APADMIN	2015S-059-001	MAPCO- HOBSON PIKE AT MURFREESBORO PIKE	A request for final plat approval to create one lot on part of property located at 3800 Murfreesboro Pike, at the southeast corner of Hobson Pike and Murfreesboro Pike, zoned CS (2.8 acres), requested by Cherry Land Surveying Inc., applicant; Belz-McDowell Properties, owner.	33 (Sam Coleman)
6/30/2015 9:52	10/7/2015	APADMIN	2015S-108-001	PROPERTY OF 8TH SOUTH, LLC	A request for final plat approval to create two lots on property located at 2410 Elliott Avenue, 2405, 2407, 2047 B Franklin Pike and 805 Inverness Avenue, between Franklin Pike and Elliot Avenue, zoned SP and portions being within the city limits of Berry Hill (6.37 acres), requested by Gresham, Smith and Partners, applicant; Eighth South, LLC, owner.	17 (Colby Sledge)

SUBDIVISIONS: Administrative Approval (cont.)

9/11/2014 10:20	10/7/2015	APADMIN	2014S-210-001	AVONDALE PARK, PH 3, SEC 2	A request for final plat approval to create 39 clustered lots on property located at 8801 B Newsom Station Road, south of Interstate 40, (11.51 acres), zoned RS15, requested by Crawford & Cummings, P.C., applicant; Avondale Residential, Inc., owner.	22 (Sheri Weiner)
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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
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Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
10/5/2015	Approved Release	2008B-014-010	LAKESIDE MEADOWS, PHASE 2
10/7/2015	Approved Release	2011B-014-004	CONCORD HOSPITALITY
10/7/2015	Approved Extension	2013B-015-005	THE RESERVE AT STONE HALL, PHASE 1, SECTION 2B

Schedule

- A. Thursday, October 22, 2015 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- B. Thursday, November 12, 2015 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- C. Thursday, November 19, 2015 – [MPC Meeting](#); 4pm, Metro Southeast, 1417 Murfreesboro Pike, Green Hills Auditorium**
- D. Thursday, December 10, 2015 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- E. Thursday, January 14, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- F. Thursday, January 28, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- G. Thursday, February 11, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- H. Thursday, February 25, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- I. Thursday, March 10, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**

- J. Thursday, March 24, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- K. Thursday, April 14, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- L. Thursday, April 28, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- M. Thursday, May 12, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- N. Thursday, May 26, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**