



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, February 25, 2016

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
Hunter Gee
Jeff Haynes
Derrick Dalton
Jessica Farr
Lillian Blackshear
Jennifer Hagan-Dier
Council Lady Burkley Allen

Staff Present:
Doug Sloan, Executive Director
Bob Leeman, Deputy Director
Kelly Adams, Administrative Services Officer III
Kathryn Withers, Planning Manager II
Brandon Burnette, Planner III
Jason Swaggart, Planner III
Lisa Milligan, Planner III
Michael Briggs, Planner II
Latisha Birkeland, Planner II
Debbie Sullivan, Planner II
Patrick Napier, Planner II
Adams Carroll, Planner I
Alex Deus, Planner I
Karimeh Moukaddem, Planner I
Craig Owensby, Public Information Officer
Emily Lamb, Legal

Commissioners Absent: Greg Adkins

J. Douglas Sloan III

Secretary and Executive Director, Metro Planning Commission

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

p: (615) 862-7190; f: (615) 862-7130

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.



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or josie.bass@nashville.gov. For Title VI inquiries, contact Melody Fowler-Green, executive director of Human Relations at (615) 880-3374. For all employment-related ADA inquiries, call David Sinor at (615) 862-6735 or e-mail david.sinor@nashville.gov.

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:24p.m.

B. ADOPTION OF AGENDA

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

C. APPROVAL OF JANUARY 14, 2016, and FEBRUARY 11, 2016, MINUTES

Mr. Gee moved and Ms. Farr seconded the motion to approve the January 14, 2016 minutes. (8-0)

Ms. Blackshear moved and Mr. Gee seconded the motion to approve the February 11, 2016 minutes. (8-0)

D. RECOGNITION OF COUNCILMEMBERS

Council Lady Karen Johnson spoke in favor of Item 17 and Item 18.

Council Lady Vercher spoke in favor of Item 17 and Item 18.

E. NASHVILLENEXT UPDATE

Mr. Carroll presented the NashvilleNext update.

F. ITEMS FOR DEFERRAL / WITHDRAWAL

6. 2016SP-014-001

7435 OLD HICKORY BLVD SP

7a. 2005P-008-007

HARPETH VILLAGE (PUD AMENDMENT)

7b. 2015Z-096PR-001

8. 2016Z-007PR-001

9. 85-85P-003

BRENTWOOD COMMONS (HCA)

10. 2016S-025-001

BEAUMONT PLACE, RESUB LOTS 7 & 8

12. 2016SP-011-001

MT PISGAH SP

15. 2016Z-018PR-001

Mr. Haynes and Ms. Blackshear recused themselves from Item 9.

Mr. Gee moved and Ms. Hagan-Dier seconded the motion to approve the Deferred Items. (8-0)

G. 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.

- 2. 2007SP-103-001**
HARPETH SPRINGS VILLAGE (AMENDMENT)
- 5. 2016SP-010-001**
1023 PETWAY AVENUE SP
- 11. 2016Z-004TX-001**
- 13. 2016Z-016PR-001**
- 14. 2016Z-017PR-001**
- 19. 2008S-061U-12**
BRENTWOOD BRANCH ESTATES (CONCEPT PLAN EXTENSION #7)
- 20. Employee contract renewal for Anna Emerson**
- 21. Amendment No. 2 to contract No. L-2888 between the Metropolitan Government of Nashville and Davidson County and Gresham, Smith and Partners for Professional Services Related to the Conduct of the Southeast Area Transportation and Land Use Study**
- 25. Accept the Director's Report and Approve Administrative Items**

Mr. Haynes moved and Mr. Gee seconded the motion to approve the Consent Agenda. (8-0)

Ms. Blackshear recused herself from Item 2.

H. 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.

Community Plan Amendments

1a. 2016CP-010-001

MAJOR & STREET PLAN AMENDMENT (WEST END AVENUE)

Map 104-09, Parcel(s) 140, 143
Council District 24 (Kathleen Murphy)
Staff Reviewer: Michael Briggs

A request for a minor plan amendment to the Major and Collector Street Plan by reducing the proposed future right-of-way width from 102 feet to 90 feet for properties located at 3606 and 3622 West End Avenue, zoned RM40 and RS7.5 (3.97 acres), requested by Ragan-Smith & Associates, applicant; Mike Ford Custom Builders, LLC, owner.

Staff Recommendation: Approve minor plan amendment for the subject properties only.

APPLICANT REQUEST

Amend the associated right-of-way width from 102 feet to 90 feet.

Minor Plan Amendment

A request to amend the Major and Collector Street Plan (MCSP) by reducing the proposed future right-of-way width from 102 feet to 90 feet at 3606 and 3622 West End Avenue which reflects existing street conditions plus an additional 3-foot dedication.

MAJOR AND COLLECTOR STREET PLAN – AMENDMENT

Current Street Designation and Associated Right-of-Way Width

This section of West End Avenue is designated as T4-R-AB5-IM with a proposed future right-of-way of 102 feet, supporting an Arterial-Boulevard with five vehicular travel lanes (AB5) within an urban context (T4) of Davidson County tied to a Residential (R) Community Character Policy outlined in the Green Hills-Midtown Community Plan.

- The street is identified as an Immediate Need Multimodal Corridor (IM) related to the potential for High Capacity Transit Service identified in NashvilleNext's Growth and Preservation Concept Map. Walking and bicycling infrastructure connections are critical along these corridors.
- A Planned Bike Lane is also identified in the Strategic Plan for Sidewalks and Bikeways.

This designation supports establishing an urban residential neighborhood character along this portion of West End Avenue between I-440 and Cherokee Road. Redevelopment will complete missing transportation infrastructure components to support the street's urban residential character and improve walkability. An 8-foot grass strip and 6-foot sidewalk are recommended in the Major and Collector Street plan for future, well-designed walking conditions.

Applicant's Proposed Street Designation and Associated Right-of-Way Width

T4-R-AB5-IM with 90 feet of right-of-way is intended to support the same urban residential character and multimodal elements outlined with 102 feet of right-of-way except that it would occur within 90 feet of right-of-way. The original request by the applicant was to reduce the future right-of-way width by 15 feet (87 feet total) and keep the existing 3-foot grass strip and 5-foot sidewalk. To address concerns raised by staff during the review process, the applicant revised their original request to propose a 5-foot grass strip and 6-foot sidewalk which added 3 feet and brought the total proposed right-of-way to 90 feet.

BACKGROUND

The plan amendment was requested in conjunction with a Subdivision Plat application (2015S-174-001) to create 27 lots and dedicate easements for properties at 3606 and 3622 West End Avenue. The applicant was granted a Special Exception by the Board of Zoning Appeals to reduce the building setback to 28 feet from the existing property line by the Board of Zoning Appeals on September 17, 2015 (Case 2015-079).

The NashvilleNext General Plan was adopted on June 22, 2015, after an extensive three-year public participation process. As part of that process, the MCSP was updated to reflect the latest land use character, context, and multimodal transportation elements along many of Nashville's major streets.

COMMUNITY PARTICIPATION

Public hearing notices were mailed to property owners within 600 feet of the property boundary on January 29, 2016. A copy of the notice was placed on the Planning Department website. The Planning Department also emailed notification of the

amendment on January 30, 2016 to a distribution list of transportation contacts who have requested to be informed about MCSP changes. No community meeting was required since this is a Minor Amendment.

ANALYSIS

As Nashville grows, its major corridors, such as West End Avenue, are suitable locations for employment and housing opportunities connected to well-designed walking and bicycling infrastructure. As redevelopment occurs, streetside accommodations (grass strip and sidewalks) should improve to promote walkability. An 8-foot grass strip and 6-foot sidewalk are recommended as part of the envisioned 102 feet of right-of-way needs along this portion of West End Avenue.

Today, the north side of West End Avenue near Bowling Avenue has five (5) vehicular lanes, a 3-foot grass strip, and a 5-foot sidewalk within 87 feet of right-of-way. The applicant's Subdivision Plat application (2015S-174-001) complies with the placement of structures as granted by the Board of Zoning Appeals' Special Exception and also shows a 5-foot grass strip and 6-foot sidewalk with 3 feet of right-of-way dedication. The applicant increased the proposed grass strip from their original proposal but has indicated that they cannot meet the full 8-foot grass strip standard in the MCSP because of the site's topography, stormwater issues, and adjacent historic structures to the west that are unlikely to redevelop and change the streetside conditions.

Chapter 2 of the MCSP provides guidance on flexibility of design guidelines with a Context Sensitive Solutions Approach because of specific site conditions. Staff finds that amending the MCSP only for the subject properties with an accompanying cross section identifying a 5-foot grass strip and 6-foot sidewalk with an additional dedication of 3 feet on the final plat meets the intent of the MCSP at this site.

STAFF RECOMMENDATION

Staff recommends approval of the minor plan amendment for properties at 3606 and 3622 West End Avenue to match the associated final plat indicating a 5-foot grass strip and 6-foot sidewalk and dedication of 3 feet of right-of-way.

Ms. Blackshear stepped out of the room at 4:48 p.m.

Mr. Gee stepped out of the room at 4:48 p.m.

Items 1a and 1b were heard and discussed together.

Mr. Briggs presented the staff recommendation of approving a minor plan amendment for the subject properties only.

Alan Thompson, applicant, spoke in favor of the application and noted overwhelming support from the neighbors.

Mr. Clifton arrived at 4:57 p.m. and stepped out of the room at 4:58 p.m.

Council Lady Murphy spoke in favor of the application and explained this is the best solution for this lot at this time.

Michael Lindseth, 3533 Richland Ave, spoke in favor of the application.

Margo Chambers, 3803 Princeton Ave, spoke in opposition to the application.

Jim Knight, 6212 Hillsboro Pike, spoke in opposition to reducing the right-of-way.

Chairman McLean closed the Public Hearing.

Mr. Dalton spoke in favor of the application.

Mr. Haynes spoke in favor of the application.

Ms. Farr asked if there is any reason we didn't consider this for the entire block.

Mr. Briggs explained there are opportunities for other developments to come in.

Ms. Farr spoke in favor of the application.

Council Lady Allen spoke in favor of the application

Ms. Hagan-Dier spoke in favor of the application.

Mr. Haynes moved and Ms. Farr seconded the motion to approve a minor plan amendment for the subject properties only. (6-0-2) Ms. Blackshear and Mr. Gee recused themselves.

Mr. Gee stepped back in the room at 5:18 p.m.

Ms. Blackshear stepped back in the room at 5:18 p.m.

Mr. Clifton stepped back in the room at 5:18 p.m.

Resolution No. RS2016-54

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016CP-010-001 has **Approved minor plan amendment for the subject properties only. (6-0-2)**”

1b. 2015S-174-001

WELCH PROPERTY SUBDIVISION, SECTION II

Map 104-09, Parcel(s) 140, 143

Council District 24 (Kathleen Murphy)

Staff Reviewer: Lisa Milligan

A request for final plat approval to create 27 lots and dedicate easements on property located at 3606 and 3622 West End Avenue, approximately 340 feet east of Craighead Avenue, zoned RS7.5 and RM40 (3.98 acres) and partly located within the Richland-West End Neighborhood Conservation District, requested by Ragan-Smith-Associates, applicant; Mike Ford Custom Builders, LLC, owner.

Staff Recommendation: Approve the variance request and approve the plat with conditions if the associated minor plan amendment is approved.

APPLICANT REQUEST

Create 27 lots and dedicate easements.

Final Plat

A request for final plat approval to create 27 lots and dedicate easements on property located at 3606 and 3622 West End Avenue, approximately 340 feet east of Craighead Avenue, zoned Single-Family Residential (RS7.5) and Multi-Family Residential (RM40) (3.98 acres).

Existing Zoning

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

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The request is for final plat approval to create 27 lots on property located at 3606 and 3622 West End Avenue. Section 3-5.2 of the Subdivision Regulations states that in areas previously subdivided and predominantly developed, residential lots resulting from a proposed subdivision within the R and RS zoning districts on an existing street shall be compatible with surrounding lots in regards to area and frontage. The lot proposed for subdivision has frontage on both Richland Avenue and West End Avenue. The frontage along Richland Avenue is zoned RS7.5 and is located within the Richland-West End Neighborhood Conservation District. The property along Richland Avenue is proposed as one lot of 2.22 acres. Metro Historic Zoning Commission Staff has recommended approval of the plat and therefore the lot along Richland Avenue meets the compatibility requirement.

The additional 26 lots are being created along the West End Avenue frontage. The lots range in size from 1,647 square feet to 3,164 square feet. Lot 101 through 113 have frontage along West End Avenue. Lots 146 through 126 have frontage along a proposed private alley.

Community Plan Amendment Request – Major and Collector Street Plan

A Minor Plan amendment to the Major and Collector Street Plan has been requested as part of a separate application. The Major and Collector Street Plan requires a 102 foot right-of-way for this portion of West End Avenue. The amendment application is requesting to reduce the right-of-way to 90 feet for West End Avenue between Bowling Avenue and Craighead Avenue. Staff is recommending approval of the Minor Plan amendment request for the subject properties only. This will allow for construction of a 5 foot grass strip and 6 foot sidewalk along the site frontage.

Variance Request

Section 3-4.2(b) of the Subdivision Regulations states that for attached or detached single-family lots that front onto a common open space, a pedestrian connection from the front of each residential unit to the public sidewalk shall be provided. The applicant is asking for a variance from this requirement. For the lots fronting on the private alley, an internal private sidewalk is being provided. A total of two connections are provided from the private sidewalk to the public sidewalk along West End Avenue. For the lots fronting West End Avenue, an internal private sidewalk is being proposed that runs parallel to the public sidewalk along West End Avenue. Each unit will connect directly to the internal private sidewalk. Four connections are provided from the internal private sidewalk to the public sidewalk along West End Avenue.

The applicant states that the requirement for direct access from each unit to the public sidewalk creates a hardship for two reasons. For Lots 114-126, the location of the units interior to the site and fronting on a private alley does not allow for direct access to a public sidewalk. For Lots 101-113 facing West End Avenue, providing direct access to the public sidewalk is not possible due to the proposed bio-swale system and topography. The applicant has proposed a network of internal private sidewalks that connect to the public sidewalk along West End Avenue. The units each have direct access to the internal private sidewalk network.

Variance Standards

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 of the variance request for direct connection to the public sidewalk. Staff finds that the request meets the requirements for a variance as stated in the Subdivision Regulations. The property is uniquely situated given the stormwater management needs and topography. Given the internal sidewalk network that is being provided with multiple connections to the public sidewalk and given the improvements being made to the public sidewalk and grass strip, granting of the variance is appropriate.

Zoning Code

Lot 4 meets the minimum standards of the RS7.5 zoning district.

The applicant is proposing that the lots along West End Avenue be developed under Section 17.12.110 of the Zoning Ordinance (Alternative minimum lot size and setbacks for attached housing) which allows for a minimum lot size of 1,500 square feet. All lots meet this standard.

Street Frontage

Section 3-4 of the Subdivision Regulations requires that all lots have street frontage along a public street. There are instances that allow for an arrangement other than this standard. The lots along West End Avenue front onto common open space in some instances and also along proposed private alleys. A Special Exception has been granted by the Board of Zoning Appeals for setbacks. Additionally, access is being limited along West End Avenue through the use of a series of private alleys.

Density

The proposed density is within the allowed density of the base zoning district.

Agency Review

All agencies have recommended approval.

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.

PUBLIC WORKS RECOMMENDATION

No exception taken

STORMWATER RECOMMENDATION

Approved with conditions

- Label Water Quality features i.e. Bioretention Areas and Permeable Pavement.
- Fill in Stormwater Maintenance Agreement Instrument # when recorded.
- Show and label Water Quality features and Easements on Lot 4 OR add note that Lot 4 is to be replatted before any building permits are issued.

TRAFFIC & PARKING RECOMMENDATION

Conditions if approved

- Submit master plan showing all public street access points.

WATER SERVICES RECOMMENDATION

Approved with conditions

- Approval is contingent on construction and completion of Metro Project #'s 15-SL-138 (Revision #1), 15-WL-102 (Revision #1), 15-WL-194, 15-WL-195, 15-WL-196, and 15-SL-302. Should the applicant choose to record the plat before completion of these projects, then bonds for all these projects must be posted with Metro Planning before the plat is recorded. Bond amounts are as follows:

MWS Project # 15-SL-138 (Revision #1) = \$124,000

MWS Project # 15-WL-102 (Revision #1) = \$47,000

MWS Project # 15-WL-194 = \$9,000

MWS Project # 15-WL-195 = \$16,000

MWS Project # 15-WL-196 = \$33,000

MWS Project # 15-SL-302 = \$34,000

STAFF RECOMMENDATION

Staff recommends approval of the requested variance and approval of the plat with conditions if the associated Minor Plan amendment is approved for the subject properties.

CONDITIONS

1. The sidewalks along West End Avenue must be brought up to the standards of the Major and Collector Street Plan as per the Minor Plan amendment (5 foot planting strip and 6 foot sidewalk). Therefore, prior to final plat recordation, submit a bond application and post a bond with the Planning Department.
2. Label the open space.
3. Revise Note 3 to include the Richland-West End Neighborhood Conservation District.

Ms. Blackshear stepped out of the room at 4:48 p.m.

Mr. Gee stepped out of the room at 4:48 p.m.

Items 1a and 1b were heard and discussed together.

Ms. Milligan presented the staff recommendation of approving the variance request and approving the plat with conditions if the associated minor plan amendment is approved.

Alan Thompson, applicant, spoke in favor of the application and noted overwhelming support from the neighbors.

Mr. Clifton arrived at 4:57 p.m. and stepped out of the room at 4:58 p.m.

Council Lady Murphy spoke in favor of the application and explained this is the best solution for this lot at this time.

Michael Lindseth, 3533 Richland Ave, spoke in favor of the application.

Margo Chambers, 3803 Princeton Ave, spoke in opposition to the application.

Jim Knight, 6212 Hillsboro Pike, spoke in opposition to reducing the right-of-way.

Chairman McLean closed the Public Hearing.

Mr. Dalton spoke in favor of the application.

Mr. Haynes spoke in favor of the application.

Ms. Farr asked if there is any reason we didn't consider this for the entire block.

Mr. Briggs explained there are opportunities for other developments to come in.

Ms. Farr spoke in favor of the application.

Council Lady Allen spoke in favor of the application

Ms. Hagan-Dier spoke in favor of the application.

Council Lady Allen moved and Ms. Hagan-Dier seconded the motion to approve the variance request and approve the plat with conditions. (6-0-2) Ms. Blackshear and Mr. Gee recused themselves.

Mr. Gee stepped back in the room at 5:18 p.m.

Ms. Blackshear stepped back in the room at 5:18 p.m.

Mr. Clifton stepped back in the room at 5:18 p.m.

Resolution No. RS2016-55

“BE IT RESOLVED by The Metropolitan Planning Commission that 2015S-174-001 is **Approved the variance request and Approved the plat with plat conditions. (6-0-2)**”

CONDITIONS

- 1. The sidewalks along West End Avenue must be brought up to the standards of the Major and Collector Street Plan as per the Minor Plan amendment (5 foot planting strip and 6 foot sidewalk). Therefore, prior to final plat recordation, submit a bond application and post a bond with the Planning Department.**
- 2. Label the open space.**
- 3. Revise Note 3 to include the Richland-West End Neighborhood Conservation District.**

Specific Plans

2. 2007SP-103-001

HARPETH SPRINGS VILLAGE (AMENDMENT)

Map 141, Parcel(s) 088

Council District 22 (Sheri Weiner)

Staff Reviewer: Lisa Milligan

A request to amend the Harpeth Springs Specific Plan District for property located at 7960 Coley Davis Road to permit 64 residential units where 98 units were previously approved, approximately 3,400 feet west of Highway 70 S, zoned SP (5.78 acres), requested by Ragan Smith Associates, applicant; SOI Nashville Partners, LLC, owner.

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

APPLICANT REQUEST

Permit a residential development with up to 64 units.

Preliminary SP

A request to amend the Harpeth Springs Specific Plan District for property located at 7960 Coley Davis Road to permit 64 residential units where 98 units were previously approved, approximately 3,400 feet west of Highway 70 S, zoned Specific Plan (SP) (5.78 acres).

Existing 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.

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.

History

The site was previously approved by Metro Council in 2007, to permit 98 townhome units. The Planning Commission recommended disapproval of the plan as the proposed density at the time was not in keeping with the recommended density of the Residential Low Medium Policy. Additionally, there were concerns with the design. No activity has taken place to develop the previously approved plan.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

The proposed development meets two critical planning goals. Development in areas with adequate infrastructure is more appropriate than development in areas 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 proposes development on an infill site. Sidewalks are being provided along Coley Davis Road to create a more pedestrian friendly and walkable area.

BELLEVUE COMMUNITY PLAN

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

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban residential 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. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The areas of the site within the Conservation district are being set aside as open space or have minimal disturbance under the proposed SP. The proposed development is consistent with the T3 Suburban Neighborhood Maintenance policy. The policy addresses the development of large vacant properties within established Neighborhood Maintenance areas. These areas may be developed with a broader mix of housing types than the rest of the area subject to appropriate design that transitions appropriately to the surrounding area. The property fronts Coley Davis Road and is immediately adjacent to a commercially zoned property that is developed as offices. The closest existing residential development is separated by open space. The introduction of attached housing is appropriate given the location of the undeveloped property adjacent to the office development and the separation from other existing residential developments.

PLAN DETAILS

The site is located at 7960 Coley Davis Road, on the south side of Coley Davis Road, east of Scenic River Lane. The site is approximately 5.78 acres in size and is currently vacant.

Site Plan

The plan proposes up to 68 attached dwelling units. There are 18 units proposed to front along Coley Davis Road with the remainder of the units located along an internal private drive.

There is one principal vehicular entrance from Coley Davis Road along the eastern edge of the site. The proposed entrance will also provide connection to the existing canoe boat launch. All internal units will front onto the private drive. Parking is provided in garages. Additional guest parking has been provided as well along the internal drive. A five foot sidewalk is proposed along Coley Davis Road to tie in the existing sidewalk to the west. An internal sidewalk network is provided to connect all units to the public sidewalk via a sidewalk along the entrance drive.

Architectural elevations have been provided for the units along Coley Davis Road. The rear of the units will face Coley Davis Road but they have been designed in such a way to appear as a front along Coley Davis Road. The Coley Davis Road elevations include doors, articulation through the use of building materials, appropriate glazing, and awnings to provide for an elevation that presents as a front elevation and creates interest along Coley Davis Road. The maximum height of all units is 33 feet and raised foundations are also required. Vertically oriented windows are proposed and EIFS, vinyl siding, and untreated wood are prohibited building materials.

Open space is provided around the proposed units and a community gathering space is proposed. The development is also in close proximity to the existing Harpeth River canoe launch, providing for additional recreational opportunities for the future residents. Landscaping is proposed along the entrance drive to screen the view of the proposed internal units from Coley Davis Drive.

ANALYSIS

The proposed development is consistent with the T4 Urban Neighborhood Maintenance policy given the location of the undeveloped site adjacent to an existing commercial property and the separation of the development from existing residential developments.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

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

STORMWATER RECOMMENDATION

Approved with conditions

- Units 48 – 58 are not to be permitted until the new flood maps are approved. If flood maps are not approved, then the area will remain undisturbed.
- Compensatory cut / fill will be required.

HARPETH VALLEY UTILITY DISTRICT

Approve with conditions

- HVUD has issued an availability letter for the subject project on 1-20-16. HVUD will be the water and sewer provider to the Harpeth Springs Village. The preliminary development plans provided by the design engineer appear to follow our availability letter. The design engineer must submit construction plans for the onsite and offsite water and sewer improvements along with a review fee for our review and approval. After approval by HVUD and the State of Tennessee; a contract executed with HVUD along with all fees paid; the water and sewer utilities can then be installed by the developer’s contractor. After completion and final approval by HVUD, water and sewer service will be available.

PUBLIC WORKS RECOMMENDATION

Approved with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Comply with MPW Traffic Engineer
- Prior to Final SP, indicate installation of MPW standard roadside cross section, i.e. curb and gutter, at existing EOP, grass strip, and ST-210 sidewalk along the property frontage.
- Provide full details on the sight distance triangles, both vertical and horizontal per AASHTO guidelines.

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

In accordance with Traffic study findings, Developer shall install the following roadway improvements.

- The existing driveway providing access to a gravel parking area that serves as a canoe/kayak access on the Harpeth River should be connected to the proposed site access. The access drive to the canoe access shall be located an appropriate distance to Coley Davis Rd. to allow adequate queue storage between Coley Davis Rd. and canoe access drive.
- The proposed approach of the site access to Coley Davis Road should consist of one lane for traffic entering the site and one lane for traffic exiting the site unless additional storage area is required for traffic accessing the canoe access drive.
- Based on the intersection capacity analysis and turn lane warrant analysis, no additional lanes are recommended on Coley Davis Road to accommodate the Harpeth Springs SP. Additional access analysis may be required when the complete design of access road is available.
- Observations in the field and Geographic Information System (GIS) topographic data indicate that the existing grade and alignment of Coley Davis Road does provide for satisfactory intersection sight distance per AASHTO. However, proposed features including grading, fences, landscaping, signage, and building set backs should be located away from Coley Davis Road to maintain the appropriate intersection sight distance per AASHTO guidelines. The intersection sight distance should also be confirmed as part of the Harpeth Springs Final SP when the complete design for the site access is available as well as field-run topographic data along Coley Davis Road. Developer shall submit a Sight Distance exhibit in plan and profile confirming adequate intersection sight distance upon final access road design.
- Prior to Final SP approval, developer shall submit roadway construction plan and pavement marking and signage plans to identify appropriate design of road, sidewalk and guardrail relocation as required along the curved section of Coley Davis frontage.

Maximum Uses in Existing 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)	5.78	-	98 U	633	51	60

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)	5.78	-	64 U	437	37	42

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 34 U	-196	-14	-18

METRO SCHOOL BOARD REPORT

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

The proposed **SP-R** zoning district is not anticipated to generate any additional students than the existing **SP-R** zoning.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the proposal is consistent with the T4 Urban Neighborhood Maintenance policy for development of an undeveloped site.

CONDITIONS

1. Permitted land uses shall be limited to up to 64 residential units.
2. Units 48-58 are currently shown within the limits of the floodway buffer. These units will not be allowed unless the FEMA preliminary maps are approved. If the maps are not approved, these units will not be allowed in their current configuration. The location of the units will be reevaluated with the submittal of the Final SP.
3. On the corrected set, indicate that the 75' floodway buffer at the south east corner of the site as a greenway easement. Label as Dedicated Conservation Greenway Public Access Trail Easement Area.
4. On the corrected set, update the proposed uses to multi-family residential.
5. Developer shall coordinate the consolidation of the entrance drive and the canoe access drive with the Public Works Department and Parks Department. The final location and design shall be determined with the submission of the final site plan.
6. On the corrected set, provide a sidewalk along Coley Davis Road on the east side of the entrance drive along the entire property frontage.
7. On the corrected set, provide a sidewalk connection between Units 6 and 7 and between units 12 and 13 from the internal sidewalk to the sidewalk along Coley Davis Road.
8. Add the following note to the corrected set: If patios and/or fencing is proposed for the units along Coley Davis Road, a landscape buffer will be required between the units and Coley Davis Road. The buffer shall be consistent with a B landscape buffer per the Metro Zoning Code.
9. On the corrected set, show and label the 4 foot grass strip along Coley Davis Drive.
10. Comply with Public Works conditions in regards to cross sections and traffic improvements.
11. Add the following note to the plan/plat: The final site plan/building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. 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.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (7-0-1), Consent Agenda

Resolution No. RS2016-56

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-027-001 is **Approved with conditions and disapproved without all conditions. (7-0-1)**"

CONDITIONS

1. Permitted land uses shall be limited to up to 64 residential units.

2. Units 48-58 are currently shown within the limits of the floodway buffer. These units will not be allowed unless the FEMA preliminary maps are approved. If the maps are not approved, these units will not be allowed in their current configuration. The location of the units will be reevaluated with the submittal of the Final SP.
3. On the corrected set, indicate that the 75' floodway buffer at the south east corner of the site as a greenway easement. Label as Dedicated Conservation Greenway Public Access Trail Easement Area.
4. On the corrected set, update the proposed uses to multi-family residential.
5. Developer shall coordinate the consolidation of the entrance drive and the canoe access drive with the Public Works Department and Parks Department. The final location and design shall be determined with the submission of the final site plan.
6. On the corrected set, provide a sidewalk along Coley Davis Road on the east side of the entrance drive along the entire property frontage.
7. On the corrected set, provide a sidewalk connection between Units 6 and 7 and between units 12 and 13 from the internal sidewalk to the sidewalk along Coley Davis Road.
8. Add the following note to the corrected set: If patios and/or fencing is proposed for the units along Coley Davis Road, a landscape buffer will be required between the units and Coley Davis Road. The buffer shall be consistent with a B landscape buffer per the Metro Zoning Code.
9. On the corrected set, show and label the 4 foot grass strip along Coley Davis Drive.
10. Comply with Public Works conditions in regards to cross sections and traffic improvements.
11. Add the following note to the plan/plat: The final site plan/building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
12. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
13. 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.
14. 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.
15. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
16. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

3. 2014SP-027-001

4500 ILLINOIS AVENUE SP

Map 091-12, Parcel(s) 319

Council District 20 (Mary Carolyn Roberts)

Staff Reviewer: Lisa Milligan

A request to rezone from R6 to SP-R zoning for properties located at 4500 Illinois Avenue, approximately 300 feet east of 46th Avenue North, (0.17 acres), to permit up to 2 residential units, requested by Dale & Associates, applicant; Regal Homes Co., owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Permit a residential development with up to 2 units.

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) zoning for property located at 4500 Illinois Avenue, approximately 300 feet east of 46th Avenue North, (0.17 acres), to permit up to 2 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 1 lot for a total of 1 unit.

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

N/A

WEST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

No. The Urban Neighborhood Maintenance policy is intended to preserve the general character of existing neighborhoods. While there are many two-family dwellings within the neighborhood, the zoning does not anticipate that all lots within an R zoning district will be eligible for two-family units. A mix of one-family and two-family dwelling units is appropriate within R zoning districts and consistent with the land use policy for the area. The lot can currently be developed as a one-family dwelling, which is consistent with the policy for the area.

PLAN DETAILS

The site is located at 4500 Illinois Avenue, on the north side of Illinois Avenue and east of 46th Avenue N. The site is approximately 0.17 acres in size and is currently vacant.

Site Plan

The plan proposes two detached single-family dwellings. The units are proposed to have access from the alley and each unit features a two-car garage. A sidewalk is proposed from the front of each unit to the street. There are currently no sidewalks along this portion of Illinois Avenue.

The applicant has proposed architectural standards for the dwelling units. The units are limited in height to two stories in 35 feet. Building facades fronting a street shall provide a minimum of one principal entrance and a minimum of 25% glazing. Windows shall be vertically oriented and EIFS and vinyl siding are prohibited as building materials. A raised foundation is required for all units.

ANALYSIS

The proposed SP to allow for a two-family dwelling is inconsistent with the T4 Urban Neighborhood Maintenance policy area. While the existing zoning of R6 allows for single-family units, detached accessory dwelling units and two-family units, two-family units are only allowed if certain conditions are met. The lot must meet the minimum standards of the Zoning Ordinance in regards to lot area and the lot must also meet the standards of Section 17.16.030(D) as follows:

1. The lot is legally created and is of record in the office of the county register prior to August 1, 1984;
2. The lot is created by the subdivision of a parcel of land in existence prior to August 1, 1984 into no more than three lots; or
3. The lot is part of a subdivision having preliminary approval by the metropolitan planning commission on or before August 15, 1984, and having commenced any substantial site development or infrastructure improvements, such as utilities and streets, and a portion of such subdivision is recorded in the office of the county register prior to April 1, 1985; or
4. The following:
 - a. The lot is part of a subdivision,
 - b. The subdivision has been approved by the metropolitan planning commission, and
 - c. The total number of lots permitting two-family dwellings within the subdivision shall be limited to not more than twenty-five percent of the total number of lots within the subdivision, and
 - d. The total number of lots within the subdivision permitting two-family dwellings shall be computed by disregarding and eliminating any and all fractions of a permitted two-family dwelling which results from the application of the twenty-five percent limitation to the total number of lots within the subdivision, and
 - e. The lots permitting two-family dwellings are identified on the final plat and the locations of the two-family dwellings have been approved by the metropolitan planning commission so as to minimize the impact on any existing single family development, and
 - f. The final subdivision plat has been recorded in the office of the county register; or
5. The lot is part of a planned unit development authorizing two-family structures as enacted by the metropolitan council.

As determined by the Zoning Administrator, the lot does not meet the criteria outlined above to be eligible for a two-family unit. The lot was created from the platting of right-of-way that was abandoned in 1992. The plat was recorded in 2014. Therefore, the lot is not eligible.

The R zoning district is designed to create a mixture of housing types, including one-family dwellings, two-family dwellings, and detached accessory dwelling units. This lot would be eligible for a detached accessory dwelling unit given the improved alley abutting the rear of the lot. Rezoning of one lot to an SP to allow for a two-family dwelling that is otherwise not allowed by the Zoning Ordinance is inappropriate, particularly given that another option is available to permit an accessory dwelling unit on the site. The R zoning has standards to create a mixture of housing types within a neighborhood and does not guarantee that every lot will be eligible for development as a two-family dwelling.

FIRE MARSHAL RECOMMENDATION

Approved

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

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved with conditions

- Approved as Preliminary SP, Must pay required Capacity Fees before Final SP or Plat Stage

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.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.

TRAFFIC AND PARKING RECOMMENDATION

No exception taken

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

METRO SCHOOL BOARD REPORT

Projected student generation existing R6 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 is not anticipated to generate any additional students than the existing R6 zoning.

STAFF RECOMMENDATION

Staff recommends disapproval as the request is inconsistent with the land use policy for the area. The existing zoning is intended to create a mixture of one-family dwellings, two-family dwellings and detached accessory dwelling units. Not all lots are intended to be developed as two-family dwellings and it would be inappropriate to utilize an SP to avoid a specific section of the Zoning Code when another option is available to provide an accessory dwelling unit on the lot.

CONDITIONS (if approved)

1. Permitted land uses shall be limited to 2 dwelling units.
2. Access shall be limited to the alley. No access shall be allowed from Illinois Avenue.
3. Sidewalks shall be required along Illinois Avenue. Provide a 4 foot grass strip and 5 foot sidewalk.
4. On the corrected set, update the architectural standards to require a raised foundation a minimum of 18 inches and a maximum of 36 inches for each unit.
5. On the corrected set, update the access note to reference Illinois Avenue.
6. On the corrected set, update the fallback zoning to R6.
7. Add the following note to the plan/plat: The final site plan/building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
8. 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 R6 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions

or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Milligan presented the staff recommendation of disapproval.

Roy Dale, 516 Heather Place, spoke in favor of the application.

Chairman McLean closed the Public Hearing.

Council Lady Allen expressed hesitation to SP a single lot in the midst of something that feels a bit like spot zoning. She spoke in favor of staff recommendation as it does appear there are other good options that could be done with this.

Mr. Clifton agreed with not over-using SP, particularly on a case-by-case, lot-by-lot basis but he also explained that Roy Dale made a compelling case.

Ms. Farr agreed with spot zoning concerns but also feels there are a lot of unique characteristics associated with this lot that might warrant reconsidering.

Ms. Blackshear stated it is not consistent with the general character of the neighborhood because neighborhood maintenance isn't intended for every lot to be the same.

Mr. Clifton moved and Mr. Gee seconded the motion to approve with conditions and disapprove without all conditions. (9-0)

Ms. Blackshear left the meeting at 5:40 p.m.

Mr. Gee stepped out of the meeting at 5:41 p.m.

Resolution No. RS2016-57

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-027-001 is **Approved with conditions and disapproved without all conditions. (9-0)**"

CONDITIONS

1. Permitted land uses shall be limited to 2 dwelling units.
2. Access shall be limited to the alley. No access shall be allowed from Illinois Avenue.
3. Sidewalks shall be required along Illinois Avenue. Provide a 4 foot grass strip and 5 foot sidewalk.
4. On the corrected set, update the architectural standards to require a raised foundation a minimum of 18 inches and a maximum of 36 inches for each unit.
5. On the corrected set, update the access note to reference Illinois Avenue.
6. On the corrected set, update the fallback zoning to R6.
7. Add the following note to the plan/plat: The final site plan/building permit site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
8. 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 R6 zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
9. 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.
10. 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.
11. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
12. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

4. 2016SP-008-001

OLD BURKITT ROAD SP

Map 186, Parcel(s) 004

Council District 31 (Fabian Bedne)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP-R zoning for property located at 7224 Old Burkitt Road, approximately 300 feet east of Nolensville Pike (23.08 acres), to permit 99 single-family lots, requested by Smith Gee Studio, applicant; Life Community Church, owner.

Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting or disapprove.

APPLICANT REQUEST

Zone change to permit up to 99 single-family lots.

Preliminary SP

A request to rezone from Agricultural and Residential (AR2a) to Specific Plan – Residential (SP-R) zoning for property located at 7224 Old Burkitt Road, approximately 300 feet east of Nolensville Pike (23.08 acres), to permit up to 99 single-family lots.

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 11 lots with two duplex lots for a total of 13 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

N/A

SOUTHEAST COMMUNITY PLAN

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.

Suburban Neighborhood Evolving (T3 NE) is intended to create suburban neighborhoods that provide more opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than many existing suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land without sensitive environmental features and the cost of developing housing. These are challenges that were not faced when the original suburban neighborhoods were built.

Consistent with Policy?

A well designed residential development would likely be consistent with policy. However, this plan has not been approved by Traffic and Parking or the Fire Marshal's Office. Traffic and Parking has not approved the request because a Traffic Impact Study has not been provided for review as required by the Metro Traffic Engineer. Revisions to the plan will be necessary to meet the requirement of other departments and address remaining comments from Planning staff.

REQUEST DETAILS

The site is located along the north side of Old Burkitt Road. The site is approximately 23 acres in size. The site is undeveloped and consists mostly of dense vegetation including mature tree stands. Old Burkitt Road which would provide access into the proposed development is substandard and the pavement is approximately 14 feet wide.

Site Plan

The plan calls for 99 single-family lots. It includes 48 alley loaded lots and 51 front loaded lots. As proposed, the minimum lot width for alley loaded lots is 40 feet. The plan calls for the following bulk standards:

- Minimum lot size (front loaded): 5,500 square feet;
- Minimum lot size (alley loaded): 4,400 square feet;
- Minimum lot width (alley loaded): 40 feet;
- Minimum lot width (front loaded): 50 feet;
- Minimum lot depth: 110 feet;

- Minimum setbacks:
 - Front: 10 feet;
 - Rear: 5 feet (alley); 20 feet (non-alley);
 - Side: 5 feet;
- Minimum garage setback:
 - Street loaded: 20 feet from street;
 - 10 feet from front façade (excluding porch)”
 - Alley loaded: 5 feet.
- Max height: 3 stories in 40 feet.

The plan provides general lot layout standards as well as architectural standards. Lot layout standards pertain to, but are not limited to, the location of garages, and architectural standards pertain to, but are not limited to, primary entrance requirements, glazing, minimum floor elevations and materials.

All front loaded lots are limited to one driveway curb cut. The plan calls for future public roadway extensions to neighboring properties. As proposed, three stubs are shown to the west, and three are provided to the east.

The plan calls for approximately 5.5 acres of open space, including active open space. The plan calls for a 10 foot wide buffer along the perimeter of the site.

ANALYSIS

While a similar request could be consistent with the policies, staff is recommending that the request be deferred or disapproved. At the time that the report was published, the proposed plan has not been approved by Traffic and Parking or the Fire Marshal's Office vices. Traffic and Parking has not approved the request because a Traffic Impact Study has not been provided for review as required by the Metro Traffic Engineer. These agency comments could require revision so the proposed plan, which Planning staff would need to review.

FIRE MARSHAL RECOMMENDATION

Returned for corrections

IFC 2012, appendix D107. Development is required to have 2 approved Fire Apparatus Roads or the homes will be required to be sprinklered.

STORMWATER RECOMMENDATION

Approved with conditions

- Add Preliminary Note to plans: Drawing is for illustration purposes to indicate the basic premise of the development, as it pertains to Stormwater approval / comments only. The final lot count and details of the plan shall be governed by the appropriate stormwater regulations at the time of final application.

PUBLIC WORKS RECOMMENDATION

Conditions if approved

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. The site access must be realigned at Old Burkitt Rd to intersect at an angle between 75 and 90 degrees.
3. Comply with the conditions of the MPW Traffic Engineer.

TRAFFIC AND PARKING RECOMMENDATION

Returned for corrections

A TIS is required prior to preliminary SP approval to determine roadway mitigations for Old Burkitt Rd and Burkitt Rd and Nolensville Pk. Provide adequate sight distance at project access and at intersection of Old Burkitt Rd with Burkitt Rd and with Nolensville Pk. Additional guest parking may be required if on street parking is not provided per regulatory SP.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	23.08	0.5 D	11 U	106	9	12

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
Single-Family Residential (210)	23.08	-	99 U	1145	88	118

Traffic changes between maximum: **AR2a** and **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 88 U	+1,039	+79	+106

WATER SERVICES RECOMMENDATION

Approved with conditions

Approved as a Preliminary SP only. Public water and sewer construction plans must be submitted and approved prior to Final SP approval. 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 AR2a district: 2 Elementary 2 Middle 1 High

Projected student generation proposed SP-R district: 15 Elementary 13 Middle 11 High

The proposed SP-R would generate 34 additional students. Students would attend Maxwell Elementary School, Marshall Middle School and Cane Ridge High School. There is capacity for additional elementary and middle school students, but there is no additional capacity for high school students. There is also no additional capacity for additional high school students within an adjacent high school cluster. This information is based upon data from the school board last updated November 2015.

Fiscal Liability

The fiscal liability of 11 new high school students is \$396,000 (11 X \$36,000 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends that the request be deferred to the March 10, 2016, Planning Commission meeting or disapproved. At the time that the report was published, the proposed plan has not been approved by Traffic and Parking or the Fire Marshal's Office. Traffic and Parking has not approved the request because a Traffic Impact Study (TIS) has not been provided for review as required by the Metro Traffic Engineer. These agency comments could require revision to the proposed plan, which Planning staff would need to review.

CONDITIONS (if approved)

1. Uses are limited to a maximum of 99 single-family lots.
2. A total of 47% of the lots within the SP shall be alley loaded.
3. The proposed 10 foot wide open space buffer shall provide a vegetation density consistent with the Standard A-3 landscape buffer yard as specified in Figure 17.24.240A of the Metro Zoning Code.
4. Garage doors shall be recessed ten feet from the front façade. For measurement purposes, a porch shall not be considered a façade.
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 RS3.75 zoning district as of the date of the applicable request or application.
6. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
7. Add the following note to the plan: The final site plan shall depict a minimum 5 foot clear path of travel for pedestrian ways, including public sidewalks, and the location of all existing and proposed obstructions. Prior to the issuance of use and occupancy permits, existing obstructions within the path of travel shall be relocated to provide a minimum of 5 feet of clear access.
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.

Mr. Swaggart presented the staff recommendation of deferral to the March 10, 2016 Planning Commission meeting or disapproval.

David McGowan, applicant, spoke in favor of the application and stated the city needs to move faster in approving developments that address workforce housing.

Greg Tidwell, applicant, spoke in favor of the application as it is consistent with policy and the neighbors' concerns have been addressed.

Chairman McLean closed the Public Hearing.

Ms. Hagan-Dier expressed concerns about approving something without hearing from all agencies and without staff having a chance to review.

Mr. Sloan explained a one meeting deferral would not affect the project. Staff received the Traffic Impact Study two days before this meeting; expecting it to go through the entire review process in two days is unrealistic.

Council Lady Allen spoke in favor of deferral to allow the Traffic Impact Study to be reviewed.

Mr. Clifton spoke in favor of deferral.

Ms. Farr spoke in favor of deferral.

Ms. Farr moved and Mr. Dalton seconded the motion to defer to the March 10, 2016 Planning Commission meeting. (7-0-1) Mr. Gee recused himself.

Mr. Haynes and Mr. Dalton left the meeting at 5:56 p.m.

Mr. Gee stepped back in the room at 5:56 p.m.

The commission took a break from 5:57 p.m. to 6:16 p.m.

The Metropolitan Planning Commission deferred 2016SP-006-001 to the March 10, 2016, Planning Commission meeting. (7-0-1)

5. 2016SP-010-001

1023 PETWAY AVENUE SP

Map 083-01, Parcel(s) 237

Council District 05 (Scott Davis)

Staff Reviewer: Lisa Milligan

A request to rezone from RS5 to SP-R zoning for property located at 1023 Petway Avenue, approximately 885 feet west of Gallatin Avenue and located within the Greenwood Neighborhood Conservation Overlay District (0.28 acres), requested by Harold Johnson, applicant and owner.

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

APPLICANT REQUEST

Permit a residential development with up to 2 units.

Preliminary SP

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for property located at 1023 Petway Avenue, approximately 885 feet west of Gallatin Avenue and located within the Greenwood Neighborhood Conservation Overlay District (0.28 acres).

Existing Zoning

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

History

An application was originally submitted as a rezoning from RS5 to R6. The Planning Commission recommended deferral of the original request at that December 10, 2015 Planning Commission meeting at the request of the applicant. The applicant subsequently converted the request to an SP.

CRITICAL PLANNING GOALS

- Supports Infill Development

The proposed development meets one critical planning goals. Development in areas with adequate infrastructure is more appropriate than development in areas 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 proposes development on an infill site.

EAST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The T4 Urban Neighborhood Maintenance policy anticipates that some change may occur over time as parcels are redeveloped. When change occurs, efforts should be made to maintain the existing character of the neighborhood. The area includes a mixture of one and two-family dwellings. The two-family dwellings in the area appear as single-family dwellings. The proposed building is designed in such a way that it is in keeping with the existing character of the street, as two units are proposed within one structure.

PLAN DETAILS

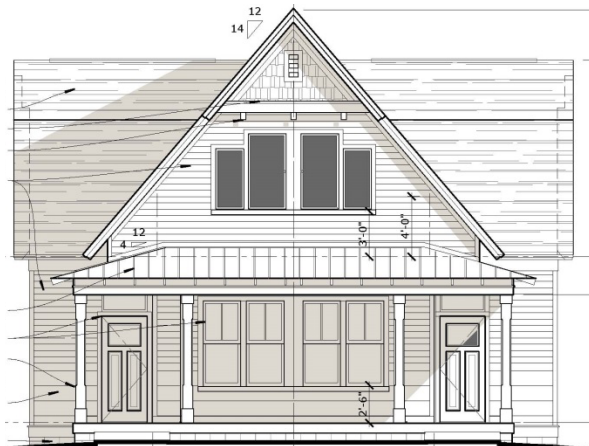
The site is located at 1023 Petway Avenue, on the north side of Petway Avenue, west of Gallatin Pike. The site is approximately 0.28 acres in size and is currently used as a single-family dwelling.

Site Plan

The plan proposes two dwelling units within one structure. Access is proposed from one driveway along Petway Avenue. There is alley right-of-way at the rear of the property. However, the alley is not built. Parking is proposed behind the dwelling unit. There are existing sidewalks along Petway Avenue.

The property is located within the Greenwood Neighborhood Conservation Overlay and as such any proposed SP must receive a recommendation from the Metro Historic Zoning Commission prior to being considered by the Planning Commission. The Metro Historic Zoning Commission approved the SP proposal at its meeting on February 17, 2016. If the SP is approved, an additional review will be required.

The front elevation of the proposed building as submitted to the Metro Historic Zoning Commission is as below:



ANALYSIS

The proposed SP maintains the existing character of the neighborhood which includes a mixture of one and two-family dwellings. Because the property is within the Greenwood Neighborhood Conservation District, there is an additional level of review by the Metro Historic Zoning Commission to insure that the bulk and massing of the structure is consistent with the neighborhood.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

Approved with conditions

- Walkways be added from the sidewalk to the front porch
- The finished flood height be consistent with the finished floor heights of the adjacent historic houses, to be verified by MHZC staff in the field; and
- If the SP is approved by the Planning Commission, the applicant return to the Commission with a second application for review of materials; windows and doors; proportion and rhythm of openings; appurtenances and utility locations; and the overall detailing of the project.

STORMWATER RECOMMENDATION

Approved

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.

PUBLIC WORKS RECOMMENDATION

No exception taken

TRAFFIC AND PARKING RECOMMENDATION

No exception taken

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

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 is not anticipated to generate any additional students than the existing RS5 zoning.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the proposed structure is consistent with the bulk and massing of existing residential structures in this area. Most of the homes in this area are one to two-stories in height, which is consistent with the proposed building. The front setbacks are contextual with the existing front setbacks. Also, parking is being provided behind the home to improve the streetscape.

CONDITIONS

1. Permitted land uses shall be limited to 2 residential dwelling units.
2. Provide a sidewalk connection from the structure to the existing sidewalk along Petway Avenue with final location to be approved by Metro Historic Zoning Commission.
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 RS5 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. 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.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approve with conditions and disapprove without all conditions. (8-0), Consent Agenda

Resolution No. RS2016-58

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-010-001 is **Approved with conditions and disapproved without all conditions. (8-0)**”

CONDITIONS

1. Permitted land uses shall be limited to 2 residential dwelling units.
2. Provide a sidewalk connection from the structure to the existing sidewalk along Petway Avenue with final location to be approved by Metro Historic Zoning Commission.
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 RS5 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. 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.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

6. 2016SP-014-001

7435 OLD HICKORY BLVD SP

Map 031, Parcel(s) 068

Council District 03 (Brenda Haywood)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a and CS to SP-C and AR2a zoning for portions of property located at 7435 Old Hickory Boulevard, approximately 635 feet west of Blevins Road (25.95 acres), to permit heavy equipment sales, and service, and all uses permitted by the CS zoning district except cash advance, check cashing, title loan, non-residential drug treatment facilities, a bar or nightclub, and pawnshops and clubs, requested by Dale & Associates, applicant; Anchor Property Holdings, LLC, owner.
Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-014-001 to the March 10, 2016, Planning Commission meeting. (8-0)

Zone Changes

7a. 2005P-008-007

HARPETH VILLAGE (PUD AMENDMENT)

Map 156, Parcel(s) 112

Map 156-05-0-A, Parcel(s) 900-901

Council District 35 (Dave Rosenberg)

Staff Reviewer: Jason Swaggart

A request to amend the Harpeth Village Planned Unit Development for property located at 7725 Old Harding Pike and Temple Road unnumbered, approximately 350 feet north of Temple Road, (12.08 acres), to add property into the overlay to permit 25 multifamily units, zoned RS40 and proposed for RM6, requested by Batson and Associates, applicant; Trendmark Construction, LLC, O.I.C. Harpeth Village, owners (See also Zone Change, Case No. 2015Z-096PR-001).
Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2005P-008-007 to the March 10, 2016, Planning Commission meeting. (8-0)

7b. 2015Z-096PR-001

Map 156, Parcel(s) 112
Council District 35 (Dave Rosenberg)
Staff Reviewer: Jason Swaggart

A request to rezone from RS40 to RM6 zoning for property located at 7725 Old Harding Pike, approximately 345 feet north of Temple Road (5.06 acres), requested by Trendmark Construction, LLC, owner and applicant (See Also Planned Unit Development Case No. 2005P-008-007).

Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2015Z-096PR-001 to the March 10, 2016, Planning Commission meeting. (8-0)

8. 2016Z-007PR-001

Map 132-01, Parcel(s) 028-029
Council District 25 (Russ Pulley)
Staff Reviewer: Latisha Birkeland

A request to rezone from RS20 to R20 zoning for properties located at 4101 and 4105 Lealand Lane, approximately 130 feet North of Lealand Court (2.58 acres), requested by Build Nashville DB2, applicant; H.V. McCracken, Nancy Merrit and T.C. Simmons and Jimmi and J. Vaughan, owners.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission indefinitely deferred 2016Z-007PR-001. (8-0)

Planned Unit Developments

9. 85-85P-003

BRENTWOOD COMMONS (HCA)

Map 160, Part of Parcel(s) 211
Council District 04 (Robert Swope)
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of the Brentwood Commons Planned Unit Development Overlay District on property located at 2000 American General Way, at the northeast corner of American General Way and Old Hickory Boulevard, zoned OL (13.59 acres), to permit an office development, requested by Ragan Smith & Associates, applicant; Southpoint, LLC, owner.

Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 85-85P-003 to the March 10, 2016, Planning Commission meeting. (6-0-2)

Subdivision: Final Plats

10. 2016S-025-001

BEAUMONT PLACE, RESUB LOTS 7 & 8

Map 083-02, Parcel(s) 314 Map 083-06, Parcel(s) 128
Council District 06 (Brett Withers)
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create three lots on properties located within the Eastwood Neighborhood Conservation Overlay District at 300 and 302 Manchester Avenue, at the northeast corner of Manchester Avenue and Benjamin Street, zoned R6 (0.5 acres), requested by Dale & Associates, Inc., applicant; Grayson D. Adler, Melissa Tedesco, Timothy Kenefick, and Robert D. Young, owners.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission indefinitely deferred 2016S-025-001. (8-0)

I. 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).

No Cases on this Agenda

J. 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

11. 2016Z-004TX-001

BL2016-132\Syracuse

ALTERNATIVE FINANCIAL SERVICES

Staff Reviewer: Brandon Burnette

A request to amend Section 17.04 and 17.08 of the Metropolitan Code, Zoning Regulations, pertaining to financial institutions and alternative financial services, requested by Councilman Jeff Syracuse.

Staff Recommendation: Approve with amendments.

APPLICANT REQUEST

Amend Chapters 17.04, 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, pertaining to financial institutions and alternative financial services.

ZONING TEXT AMENDMENT

A request to amend Chapters 17.04, 17.08 and 17.16 of the Metropolitan Code, Zoning Regulations, amending the definition of financial institutions and designating alternative financial services as a use permitted with conditions and adding conditions applicable to the use.

CRITICAL PLANNING GOALS

N/A

PROPOSED AMENDMENT

The proposed amendment would make changes to Sections 17.04, 17.08 and 17.16 of the Zoning Code. The Metro Zoning Code currently has definitions for multiple alternative financial service uses including cash advance, check cashing, pawnshop and title loan establishments, all of which are defined separately from a financial institution use. In addition, Section 17.16 provides land use development standards for the multiple alternative financial services uses. A Council Ordinance has also been filed to create additional alternative financial service uses (BL2016-117) identified as flex loan and installment loan and to make applicable to those uses the same land use development standards that currently apply to the other existing alternative financial services uses in the Code.

This amendment would change the definition of a financial institution to include operating hours of 8:00 a.m. to 6 p.m., Monday through Friday, and/or 8:00 a.m. to 1:00 p.m. on Saturdays. A new use of Alternative Financial Services would be created and would be defined as an establishment that operates outside the operating hours of a financial institution and would include, but not be limited to services such as cash advance, title loans, check cashing, pawnshops and flex loans. The existing uses of cash advance, check cashing, pawnshop and title loan establishments would be deleted from the permitted use table in the Metro Zoning Code. The existing land use development standards that apply to these uses would instead be applied to the new land use of alternative financial services.

Chapter 17.04 – General Provisions and Definitions

Section 17.04.060 of the Metropolitan Zoning Code specifies the following definition for financial institution uses:

"Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding cash advance, check cashing, and title loan establishments.

This amendment proposes that the definition for financial institution located in Chapter 17.04 of the Metro Zoning Code be amended to be defined as follows:

"Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding alternative financial services. A financial institution only operates between the hours of 8:00 am to 6:00 pm, Monday- Friday, and/or 8:00 am to 1:00 pm on Saturdays.

A definition for "alternative financial services" is to be added to Chapter 17.04 as well. The proposed definition for this use is as follows:

"Alternative Financial Services" means any building, room, space or portion thereof where an establishment provides a variety of financial services outside of the operating hours of a financial institution, including but not limited to cash advance, title loans, check cashing, pawnshops and flex loans.

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.

This amendment proposes that "alternative financial services" be added to the list of uses in the table. The amendment further proposes that the table show that this use be permitted with conditions (PC) within the MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, ORI, ORI-A, CN, CN-A, CL, CL-A, CS, CS-A, CA, CF, SCN, SCC, SCR and IWD zoning districts. "Cash advance", "check cashing", "title loan" and "pawnshop" uses are to be deleted from the permitted uses table.

Chapter 17.16 – Land Use Development Standards

Chapter 17.16.050 – Office uses, specifies conditions for certain uses that are permitted with conditions. The amendment proposes to delete Section 17.16.050.D in its entirety and replace it with the following:

"D. Alternative Financial Services.

1. No alternative financial services establishment shall be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another alternative financial services establishment is located.
2. Alternative financial services establishments in the MUN, MUN-A, ON, and CN zoning districts shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment."

ANALYSIS

Staff recommends that the proposed bill be approved with an amendment. The amendment clarifies the definition of a financial institution. The proposed text amendment creates one use for alternative financial services that specifies that the use is one which operates outside the hours in which a financial institution operates. The proposed conditions applicable to the alternative financial services use are the same as currently apply in the Code for cash advance, check cashing, title loan and pawnshop uses.

Research has shown that a concentration of alternative financial services uses is present along major thoroughfares in Nashville. A study prepared by the Regional Planning Agency of Chattanooga and Hamilton County found that a concentration of these uses may have a negative impact on the appreciation of nearby properties. Another study by the St. Louis County Planning Department found that communities perceive areas with a high concentration of alternative financial institutions as having underlying economic problems. Given the adverse impacts studies have shown that alternative financial services uses may have on the surrounding community, staff finds that providing standards applicable to this use are appropriate. Staff finds that providing one definition for the existing multiple alternative financial services uses will simplify the classification of these uses.

The amendments recommended by staff include an amendment to the definition of financial institutions to clarify that the hours of operation included in the definition pertain only to hours during which the establishment is open to the public. An amendment to the definition of an alternative financial services use will clarify that the use is one that operates outside of the operating hours of a financial institution and/or offers financial services including but not limited to cash advance, title loans, check cashing, pawnshops and flex loans.

ZONING ADMINISTRATOR RECOMMENDATION

Approve.

STAFF RECOMMENDATION

Staff recommends that the proposed bill be approved with amendments:

1. "Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding alternative financial

services. A financial institution is open to the public within hours that do not exceed 8:00 a.m. to 6:00 p.m. Monday – Friday, and 8:00 a.m. to 1:00 p.m. on Saturday.

2. "Alternative Financial Services" means any building, room, space or portion thereof where an establishment provides a variety of financial services outside of the operating hours of a financial institution and/or offers financial services including but not limited to cash advance, title loans, check cashing, pawnshops and flex loans.

ORDINANCE NO. BL2016-132

An ordinance amending Title 17 of the Metropolitan Code pertaining to financial institutions and alternative financial services (Proposal No. 2016Z-004TX-001).

WHEREAS, a study conducted by the Regional Planning Agency of Chattanooga-Hamilton County, Tennessee concluded that the proliferation and clustering of "Alternative Financial Services" such as cash advance, check cashing, pawnshops, and title loan establishments can have a detrimental effect on local property values and economic redevelopment; and

WHEREAS, the study noted that efforts to promote economic revitalization through diversification of land uses in certain areas may be impeded by the clustering of certain alternative financial services; and

WHEREAS, a 2009 examination of the locations of alternative financial service providers by the Board of Governors of the Federal Reserve System provides evidence that these businesses tend to locate in areas where the population is disproportionately minority and poorly educated; and

WHEREAS, in the last decade, many cities have created zoning ordinances designed to limit the concentration of alternative financial services (AFS) businesses such as check-cashing outlets, money transmitters, car title lenders, payday loan stores, pawnshops, and rent-to-own stores; and

WHEREAS, AFS businesses have been expanding at a rapid rate, and the abundance of payday lenders in certain communities may be the result of a void left by banks and credit unions that have departed from middle- and low-income neighborhoods; and

WHEREAS, the fees and lending practices used by alternative financial service establishments can have a significant negative effect on a city's residents (Source: Baylor, Don; "The Hidden Costs of Payday Lending," Texas Business Review, April 2008); and

WHEREAS, as a result of the high fees associated with using AFS services, consumers become enmeshed in a cycle of debt and dependency from which it is difficult to emerge; and

WHEREAS, Tennessee is among 27 states that have permissive regulations for payday establishments that have an Annual Percentage Rate (APR) of 391% or higher. Tennessee's rate is 459%. Under Tennessee law, a payday lender can charge \$15 per returned check, or \$17.65 for every \$100 loaned to the borrower; and

WHEREAS, pursuant to Title 45, Chapter 12 of Tennessee Code Annotated, certain rules and regulations governing financial institutions have been established which regulate flexible credit lenders and which became effective on January 1, 2015; and

WHEREAS, as a result of this new TCA legislation, there are additional types of alternative finance lenders (flexible credit loans) that are not currently identified in the zoning code, but have a similar impact as the alternative financial services noted in the RPA study; and

WHEREAS, on March 26, 2015, the Consumer Financial Protection Bureau (CFPB) -- a federal agency -- announced its consideration of rules proposed to end payday debt traps by requiring lenders to take steps to ensure that consumers can repay their loans. However, it is anticipated that implementation of any such new regulations will be months if not years away; and

WHEREAS, other Tennessee cities, including Chattanooga and Memphis, have addressed AFS businesses by enacting minimum distance requirements from each other; and whereas on December 9, 2014, the Knoxville City Council approved resolution R-428-2014 titled "A Resolution of the Council of the City of Knoxville respectfully requesting that the Metropolitan Planning Commission consider and make a recommendation to City Council regarding the possible limitation of alternative financial establishments to the zoning regulation definitions and to potentially regulating the clustering of same"; and

WHEREAS, in order to protect local property values and economic redevelopment in Nashville, Tennessee, the Metropolitan Council deems it to be in the best interest of the residents of the city that the proliferation and clustering of alternative financial services be further regulated through the Metropolitan Zoning Code.

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

Section 1. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by deleting the definition of "Financial Institution" and replacing with following definition:

"Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding alternative financial services. A financial institution only operates between the hours of 8:00 am to 6:00 pm, Monday- Friday, and/or 8:00 am to 1:00 pm on Saturdays.

Section 2. That Section 17.04.060 of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by adding the following terms and definitions:

"Alternative Financial Services" means any building, room, space or portion thereof where an establishment provides a variety of financial services outside of the operating hours of a financial institution, including but not limited to cash advance, title loans, check cashing, pawnshops and flex loans.

Section 3. That Section 17.08.030, District Land Use Tables, is hereby amended by deleting "Cash Advance," "Title loan," and "Check cashing," under Office Uses and "Pawnshop" under Commercial Uses.

Section 4. That Section 17.08.030, District Land Use Tables, is hereby amended by adding "Alternative Financial Services" under Office Uses and adding as a use permitted with conditions (PC) in zoning districts MUN, MUN-A, MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, ON, OL, OG, OR20, OR20-A, OR40, OR40-A, ORI, ORI-A, CN, CN-A, CL, CL-A, CS, CS-A, CA, CF, SCN, SCC, SCR and IWD.

Section 5. That Section 17.16.050, Office Uses, is hereby amended by deleting subsection D. in its entirety and substituting with the following new subsection D.:

"D. Alternative Financial Services.

1. No alternative financial services establishment shall be located less than one thousand three hundred twenty (1,320) linear feet from the property line of another property upon which another alternative financial services establishment is located.

2. Alternative financial services establishments in the MUN, MUN-A, ON, and CN zoning districts shall be limited to two thousand five hundred (2,500) square feet of gross floor area per establishment."

Section 6. Be it further enacted, that this ordinance 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: Jeff Syracuse

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

Resolution No. RS2016-59

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-004TX-001 is **Approved with amendments. (8-0)**"

AMENDMENTS

1. "Financial institution" means any building, room, space or portion thereof where an establishment provides a variety of financial services, including generally, banks, credit unions, and mortgage companies, but excluding alternative financial services. A financial institution is open to the public within hours that do not exceed 8:00 a.m. to 6:00 p.m. Monday – Friday, and 8:00 a.m. to 1:00 p.m. on Saturday.

2. "Alternative Financial Services" means any building, room, space or portion thereof where an establishment provides a variety of financial services outside of the operating hours of a financial institution and/or offers financial services including but not limited to cash advance, title loans, check cashing, pawnshops and flex loans.

Specific Plans

12. 2016SP-011-001

MT PISGAH SP

Map 172, Parcel(s) 041, 174, 255
Council District 04 (Robert Swope)
Staff Reviewer: Lisa Milligan

A request to rezone from AR2a to SP-R zoning for properties located at Mt. Pisgah Road (unnumbered) and 6000 and 6021 Mt. Pisgah Road, approximately 750 feet west of Christiansted Lane (12.12 acres), to permit 36 single family lots, requested by Batson & Associates, applicant; Charles White, owner.

Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-011-001 to the March 10, 2016, Planning Commission meeting. (8-0)

Zone Changes

13. 2016Z-016PR-001

Map 105-06, Parcel(s) 208
Council District 17 (Colby Sledge)
Staff Reviewer: Alex Deus

A request to rezone from R6 to OR20-A zoning for property located at 753 Alloway Street, approximately 440 feet east of 8th Avenue South (0.15 acres), requested by Rootdev, LLC, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Rezoned from R6 to OR20-A.

Rezoned

A request to rezone from One and Two-Family Residential (R6) to Office/Residential-Alternative (OR20-A) zoning for property located at 753 Alloway Street, approximately 440 feet east of 8th Avenue South (0.15 acres).

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings including 25 percent duplex lots. *R6 would permit a maximum of 1 lot with 1 duplex lot for a total of 2 units.*

Proposed Zoning

Office/Residential-Alternative (OR20-A) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *OR20-A would permit a maximum of 3 units.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

This request directs development to areas where infrastructure is already existing (i.e. sewer lines, roads) as opposed to areas where there are not adequate public facilities. This reduces the service constraints placed on Metro's resources. The proposed request would also enhance walkability along a corridor through the orientation of buildings and enhancement of the pedestrian network.

GREEN-HILLS – MIDTOWN COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to preserve, enhance, and create urban, mixed use neighborhoods with a development pattern that contains a diverse mix of residential and non-residential land uses and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas may include commercial and even light industrial uses in addition to vertical mixed use and a significant amount of moderate to high density residential development.

Consistent with Policy?

Yes. The proposed zoning district allows for additional uses to be introduced into a primarily residential neighborhood that is envisioned to redevelop as a mixed-use area. The OR20-A district also has appropriate design standards consistent with the policy, should the site be redeveloped.

ANALYSIS

This site is located at 753 Alloway Street and is approximately 0.15 acres. Currently, this property is zoned One and Two-Family Residential (R6), which permits up to two units with conditions; a single-family home exists on this lot.

In the event this property were to redevelop, the proposed OR20-A district would permit a mixture of uses including office and residential. This district also has appropriate design standards consistent with the policy that would create walkable neighborhoods through the use of appropriate building placements. The OR20-A district requires a build to zone that would orient future development to address the public realm. Sidewalks are currently built to local street standards. Vehicular access would be limited to the existing alley under the proposed OR20-A district.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC & PARKNG RECOMMENDATION

Conditions if approved

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	0.15	7.26 D	2 U	20	2	3

*Based on two two-family lots.

Maximum Uses in Proposed Zoning District: **OR-20A**

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)	0.15	20 U	3 U	25	3	3

Traffic changes between maximum: **R6** and **OR-20A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	+5	+1	-

METRO SCHOOL BOARD REPORT

Projected student generation existing **R6** district 0 Elementary 0 Middle 0 High
 Projected student generation proposed **OR20-A** district 0 Elementary 0 Middle 0 High

The proposed OR20-A district would generate no more additional students than what is typically generated under the existing R6 district using the urban infill factor. Students would attend Julia Green Elementary, J.T. Moore Middle School and Hillsboro High School.

This information is based upon data from the school last updated November 2015.

STAFF RECOMMENDATION

Staff recommends approval as this request is consistent with policy.

Approve. (8-0), Consent Agenda

Resolution No. RS2016-60

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-016PR-001 is **Approved. (8-0)"**

14. 2016Z-017PR-001

Map 060, Parcel(s) 027-031
 Council District 02 (DeCosta Hastings)
 Staff Reviewer: Jason Swaggart

A request to rezone from R8 to IWD zoning for properties located at 2915, 2917, 2919, 2919B Brick Church Pike and Brick Church Pike (unnumbered), approximately 975 feet north of Fernco Drive (17.46 acres), requested by Rippetoe Properties, applicant; Scott Clayton, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R8 to IWD.

Zone Change

A request to rezone from One and Two-Family Residential (R8) to Industrial Warehousing and Distribution (IWD) for properties located at 2915, 2917, 2919, 2919B Brick Church Pike and Brick Church Pike (unnumbered), approximately 975 feet north of Fernco Drive (17.46 acres).

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. R8 would permit a maximum of 95 lots with 14 duplex lots for a total of 109 units.

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

BORDEAUX WHITES CREEK COMMUNITY PLAN

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

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

Consistent with Policy?

Yes. The proposed IWD district is supported by the D IN policy. While the property does contain small pockets of CO policy, CO does not prohibit development. The proposed IWD zoning is also consistent with the surrounding zoning pattern. An adjacent property that is also located within D IN policy was recently recommended for IWD zoning as that request was also consistent with the policy and the Metro Council subsequently rezoned that property.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential* (210)	17.46	5.4 D	119 U	1221	94	126

*Based on two two-family lots.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	17.46	0.8 F	608, 446 SF	2167	183	195

Traffic changes between maximum: R8 and IWD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+946	+89	+69

STORMWATER RECOMMENDATION

Ignore

WATER SERVICES RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends approval of the proposed IWD district as it is consistent with the policies.

Approve. (8-0), Consent Agenda

Resolution No. RS2016-61

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-017PR-001 is **Approved. (8-0)**”

15. 2016Z-018PR-001

Map 105-03, Parcel(s) 037
 Council District 17 (Colby Sledge)
 Staff Reviewer: Karimeh Moukaddem

A request to rezone from R6 to MUL-A zoning for property located at 1117 3rd Avenue South, approximately 200 feet north of Chestnut Street (0.10 acres), requested by Saunders Properties, LLC, applicant and owner.

Staff Recommendation: Defer to the March 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-018PR-001 to the March 10, 2016, Planning Commission meeting. (8-0)

16. 2016Z-019PR-001

Map 072-12-0-G, Parcel(s) 001-002, 900
 Council District 07 (Anthony Davis)
 Staff Reviewer: Lisa Milligan

A request to rezone from R10 to R8 zoning for property located at 1713A and 1713 B Litton Avenue, approximately 175 feet west of Tammany Drive (0.19 acres), requested by Cortney McKibben, applicant; MJP Properties, LLC, owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change from R10 to R8.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to One and Two-Family Residential (R8) zoning for property located at 1713 A and 1713 B Litton Avenue, approximately 175 feet west of Tammany Drive (0.19 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 1 lot with 0 duplex lots for a total of 1 unit.

Proposed Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. R8 would permit a maximum of 1 lot with 1 duplex lot for a total of 2 units.

CRITICAL PLANNING GOALS

N/A

EAST NASHVILLE COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban residential 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. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

No. While the existing zoning allows for one and two-family dwellings, the majority of the lots in this area are under the square footage requirement to be eligible for a two-family dwelling. There are larger lots located within the immediate area at strategic locations that would allow for two-family dwellings, providing for a mix of housing types in the community.

ANALYSIS

The lot is currently zoned R10, which allows for one and two-family dwellings. Two-family dwellings are only allowed if certain conditions are met as outlined by the Zoning Ordinance. The first condition that must be met is that the lot must meet the minimum standards of the Zoning Ordinance in regards to lot size, which in this case is 10,000 square feet. The lot is 8,250 square feet and, therefore, would not be eligible for a two-family dwelling under the existing R10 district. There are nine lots, including the subject property, fronting Litton Avenue between Riverside Drive and Tammany Drive. Of these nine lots, there are two lots that exceed 10,000 square feet. The remaining lots are all undersized and not eligible for a two-family dwelling.

This lot and the immediate area has been zoned R10 since at least 1974.

Two-family dwellings are allowed in R zoning districts only if certain conditions are met. Rezoning one lot that is similarly situated to other lots within the immediate area and not eligible for a two-family dwelling is not appropriate. There are existing lots within the area that are eligible for a two-family dwelling therefore providing an appropriate mix of housing types without rezoning this site to a different zoning district. The lot proposed for rezoning is midblock and is located within a block of lots that are approximately the same size. The lot is not an oversized lot for this block. Additionally, in most cases duplexes are better situated on corner lots allowing for one unit to face each street providing for a more cohesive streetscape.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed R8 district: 0 Elementary 0 Middle 0 High

The proposed R8 zoning is not anticipated to generate additional students from the existing R10 zoning.

STAFF RECOMMENDATION

Staff recommends disapproval as the rezoning is inconsistent with the policy and there are existing lots within the area that meet the size requirement for a two-family unit and can provide a mix of housing types. Additionally, the lot is located midblock in a lot with other similarly sized lots.

Ms. Milligan presented the staff recommendation of disapproval.

Josh Ray and Courtney McKibbin, applicants, spoke in favor of the application.

Sarah Poteete, 1707 Litton Ave, spoke in opposition because it does not fit in with the property and it doesn't address the parking issue.

Eddie Huffman, 1707 Litton Ave, spoke in opposition to the application; the neighborhood should not have to pay for mistakes and lack of foresight.

David McMullin, 1712 Litton Ave, spoke in opposition to the application.

Evelyn Yeargin, 1700 Litton Ave, spoke in opposition because it doesn't fit with the neighborhood.

Zachariah Orbru, 1705 Litton Ave, spoke in opposition to the application.

Chairman McLean closed the Public Hearing.

Ms. Farr stated this development would potentially be somewhat out of place; spot zoning is also a concern.

Mr. Gee stated not much choice other than to follow staff recommendation.

Council Lady Allen stated while circumstances are unfortunate, the neighbors aren't in support of this and the commission needs to follow staff recommendation.

Ms. Hagan-Dier moved and Mr. Clifton seconded the motion to disapprove. (6-0)

Resolution No. RS2016-62

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-019PR-001 is Disapproved. (6-0)”

Planned Unit Developments

17. 2004P-004-004

BL2016-141\Gilmore, K. Johnson

CARROLTON STATION (AMENDMENT)

Map 149, Parcel(s) 226

Map 149-13-0-C, Parcel(s) 001-021, 099-126, 900

Council District 28 (Tanaka Vercher)

Staff Reviewer: Lisa Milligan

A request to amend the preliminary site plan for a portion of a Planned Unit Development located at Una-Antioch Pike (unnumbered) and 308 Carrolton Station Drive, abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, zoned RM6 and MUL (21.61 acres), to permit 30 multi-family units where 60 multi-family units are currently approved, requested by Councilmember Erica Gilmore, applicant; Jericho Properties, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Amend PUD to reduce the allowed number of units from 60 multi-family units to 30 multi-family units.

Amend PUD

A request to amend the preliminary site plan for a portion of a Planned Unit Development located at Una-Antioch Pike (unnumbered) and 308 Carrolton Station Drive abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, zoned Multi-Family (RM6) and Mixed Use Limited (MUL) (21.61 acres), to permit 30 multi-family units where 60 multi-family units are currently approved.

Existing Zoning

Multi-Family (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre. The density in this PUD is controlled by the PUD.

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, 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 the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

CRITICAL PLANNING GOALS

N/A

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

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

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban residential 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. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

History

The Carrolton Station PUD was originally approved in 2004 for a maximum of 16 single-family lots, 139 multi-family units, and 14,000 square feet of commercial uses (BL2004-161). In 2005, a revision to the preliminary and final site plan was approved for 126 multi-family units and eight single-family lots. In July 2015, a revision to the preliminary PUD was approved to allow for 60 multi-family residential units. A final site plan for Phase 1 of the PUD was submitted on October 29, 2015, and was approved on January 6, 2016. The final site plan is consistent with the revised preliminary plan that was approved in July 2015, which reduced the total number of units from 139 multi-family units to 60.

The overall PUD boundary includes 22.66 acres, 21.61 for the multi-family site and a 1.05 acre commercial site zoned MUL. The 1.05 acre MUL zoned site was not subject to the revision and is not included in the proposed amendment.

Proposed Amendment

The proposed amendment calls for a reduction of the approved multi-family units from the currently approved 60 units to 30 units. No plan has been provided.

ANALYSIS

The project site is primarily designated as a T3 Suburban Neighborhood Maintenance policy. This policy area is intended to preserve the general character of suburban residential neighborhoods. The policy addresses the development of vacant and underutilized land within a larger Neighborhood Maintenance policy. Such areas may be developed with a broader mix of housing types than the rest of the policy area subject to an appropriate design that transitions in building type, massing, and orientation in order to blend new development into the surrounding neighborhood.

Given the size of the subject property and its location in relation to nearby developments, there are many development scenarios that could be appropriate that would be consistent with the land use policy for the area. The site is somewhat isolated from existing single-family developments and is adjacent to property with T3 Suburban Residential Corridor policy which would allow for more intense development. The appropriate number of units could vary depending on the design and transitions provided to the existing single-family developments, as well as to the Residential Corridor policy.

FIRE MARSHAL RECOMMENDATION

Approve with Conditions

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

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

TRAFFIC & PARKING RECOMMENDATION

No Exceptions Taken

STORMWATER RECOMMENDATION

Conditions if approved

- No plans to review but no stormwater issues if general layout is the same

WATER SERVICES

N/A

- Comments will be issued at Final Site Plan Stage

STAFF RECOMMENDATION

Staff recommends approval with conditions as the land use policy for the area could support development of the site with a varying number of residential units and housing types, subject to an appropriate design.

CONDITIONS

1. The Final Site Plan must indicate the layout of the proposed units, streets and access drives, parking, open space, landscaping, stormwater and other necessary information for a final site plan.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. 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.

Ms. Milligan presented the staff recommendation of approval with conditions.

Margo Chambers, 3803 Princeton Ave, spoke in favor of the application.

George Dean, 315 Deaderick Street, spoke in opposition to the application and stated this property is protected by the Vested Rights Act.

Council Lady Vercher stated that vested rights do not negate public interest, public health, and public safety.

Chairman McLean closed the Public Hearing.

Mr. Clifton spoke in favor of staff recommendation.

Mr. Gee asked if staff considered this proposal relative to the current zoning and whether this would be considered more appropriate or a better fit than the current plan.

Ms. Milligan clarified there could be any number of plans or units that could be appropriate on this property given its location adjacent to a residential corridor and relatively separate from other developments.

Mr. Gee said he did not hear any compelling evidence that anything has changed from last July when the commission approved the current plan. It seems the current plan is perhaps even more appropriate than the proposed revision.

Ms. Hagan-Dier expressed agreement with Mr. Gee in that nothing appears to have changed since the plan was originally approved.

Ms. Farr moved and Mr. Gee seconded the motion to disapprove. (4-2) Mr. Clifton and Council Lady Allen voted against.

Resolution No. RS2016-63

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-004-001 is Disapproved. (4-2)”

18. 2004P-004-005

BL2016-140\Vercher, K. Johnson

CARROLTON STATION (AMENDMENT)

Map 149, Parcel(s) 226

Map 149-13-0-C, Parcel(s) 001-021, 099-126, 900

Council District 28 (Tanaka Vercher)

Staff Reviewer: Lisa Milligan

A request to amend the preliminary site plan for a portion of a Planned Unit Development located at Una-Antioch Pike unnumbered and 308 Carrolton Station Drive abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, zoned RM6 and MUL (21.61 acres), to require traffic improvements as noted on a recommendation by Public Works dated December 9, 2004, requested by Councilmember Tanaka Vercher, applicant; Jericho Properties, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Amend PUD to require certain traffic improvements prior to issuance of any use and occupancy permits.

Amend PUD

A request to amend the preliminary site plan for a portion of a Planned Unit Development located at Una-Antioch Pike (unnumbered) and 308 Carrolton Station Drive, abutting the north margin of Una-Antioch Pike opposite Hickory Hollow Parkway, zoned Multi-Family (RM6) and Mixed Use Limited (MUL) (21.61 acres), to require traffic improvements as noted on a recommendation by Public Works dated December 9, 2004.

Existing Zoning

Multi-Family (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre. The density in this PUD is controlled by the PUD.

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, 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 the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD

district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

CRITICAL PLANNING GOALS

N/A

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

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

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban residential 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. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

History

The Carrolton Station PUD was originally approved in 2004 for a maximum of 16 single-family lots, 139 multi-family units, and 14,000 square feet of commercial uses (BL2004-161). In 2005, a revision to the preliminary and final site plan was approved for 126 multi-family units and eight single-family lots. In July 2015, a revision to the preliminary PUD was approved to allow for 60 multi-family residential units. A final site plan for Phase 1 of the PUD was submitted on October 29, 2015 and was approved on January 6, 2016. The final site plan is consistent with the revised preliminary plan that was approved in July 2015, which reduced the total number of units from 139 multi-family units to 60.

The overall PUD boundary includes 22.66 acres, 21.61 for the multi-family site and a 1.05 acre commercial site zoned MUL. The 1.05 acre MUL zoned site was not subject to the revision and is not included in the proposed amendment.

Proposed Amendment

The proposed amendment requires that certain traffic improvements as specified by Public Works at the time of the approval of the original PUD be installed prior to the issuance of any use and occupancy permits for the project.

On December 9, 2004, the Planning Commission reviewed an application to approve the Carrolton Station Planned Unit Development. The proposed development included 139 multi-family units, 16 single-family units, and 14,000 square feet of non-residential uses. During review by Metro agencies, the Public Works department included requirements for certain infrastructure improvements based on the uses included in the proposed plan. The improvements are as follows:

A. At the intersection of Blue Hole Road and Una Antioch Pike, the following traffic improvements are required:

1. A westbound left turn lane on Una Antioch Pike at Blue Hole Road shall be constructed according to AASHTO design standards;
2. This left turn lane shall be extended to the reconstructed Hickory Hollow Parkway / Antioch Pike intersection and align with the conditioned eastbound left turn at the project access at the relocated intersection. Therefore, Una Antioch Pike shall be constructed to provide a 3 lane cross section between these 2 signalized intersections.
3. The traffic signal at this intersection shall be modified as required. A signal plan shall be submitted for approval by the Metro Traffic Engineer.

B. At the intersection of Hickory Hollow Parkway and Una Antioch Pike, the following traffic improvements are required:

1. Hickory Hollow Parkway opposite the project access road at Una Antioch Pike shall be reconstructed to modify this approach to intersect at 90 degrees with Una Antioch and to construct 1 southbound lane and 2 northbound lanes. The northbound lanes shall be striped to provide a shared right / through lane and a separate left turn lane with 250 feet of storage and transition per AASHTO standards.
2. Adequate sight distance for this relocated intersection shall be documented.
3. On Una Antioch Pike, an eastbound left turn lane shall be constructed with a minimum 125 feet of dedicated storage and aligned with extended eastbound left turn lane at Blue Hole Road
4. A westbound left turn lane shall be constructed with 175 feet of storage and transition per AASHTO standards on Una Antioch Pike at Hickory Hollow Parkway.
5. The Project access Road/Payne Road extension intersection with Una Antioch Pike shall be constructed with 1 northbound lane and 2 southbound lanes. The southbound lanes shall be striped to provide a shared right / through lane and a separate left turn lane with 125 feet of dedicated storage.
6. The project access road/Payne Road extension shall be constructed with a 3 lane cross section with center 2 -way left turn lane to align with a future Payne Road at the property line of the project site.
7. The developer shall construct the Payne Road extension through the project site with a southbound left turn lane at the townhome access driveway.

8. Each commercial parcel will be accessed by 1 driveway. The driveways accessing each parcel shall be aligned and located in order to provide adequate storage for left turning vehicles and no conflict with dedicated storage of southbound left turn lane at Una Antioch Pike.

9. The traffic signal shall be modified as required. A signal plan shall be submitted for approval by the Metro Traffic Engineer. If sidewalks are required along Una Antioch, pedestrian signals and associated facilities shall be installed. If this access road is considered an extension of Payne Road and therefore a public road, then detection loops may be installed. If this access road is considered a private road, video detection shall be utilized for signal modification.

The Planning Commission included a condition of approval with the approval of the original PUD that prior to 3rd reading of the bill by Metro Council that the required traffic improvements be amended into the council bill. If the conditions were not amended into the bill, the Planning Commission recommendation was to be considered as disapproval. The bill was not amended to include the required improvements. The Council passed the bill on 3rd reading by a vote of 35 for and 0 against.

As the project progressed and various approvals went before the Planning Commission, the Public Works department evaluated the needed traffic improvements for each approval. On December 8, 2005, the Planning Commission approved a Revised Preliminary and Final PUD that included 126 multi-family units and 8 single-family units. At the time of approval, the Public Works department included the following requirements:

After consideration of the Hickory Hollow Parkway intersection operation, the following revised conditions shall be required for approval of the Carrolton Station PUD:

- The developer shall locate the public road site access with two existing and one entering lanes near the eastern property line to provide adequate spacing to the Hickory Hollow Parkway intersection.
- The developer shall construct a separate right turn lane on Hickory Hollow Parkway. The right turn lane shall be designed utilizing available ROW without reconstructing the existing box culvert on Hickory Hollow Parkway.
- The developer shall install a left turn lane on Una Antioch Pike between Hickory Hollow Parkway and the site access road with appropriate transitions per AASHTO standards and signing and pavement markings per MUTCD.
- The extension of Payne Road and the site access road and the commercial and residential driveways shall be designed to provide safe and efficient traffic operations.

On July 23, 2015, the Planning Commission approved a revised Preliminary PUD plan to reduce the number of residential units from the Council approved 139 units to 60 units. With the approval, the Public Works department included the following conditions:

- Modify note on Sheet C2.0 addressing roadway improvements. Developer of residential land use shall construct left turn lane on Una Antioch Pike at Payne Road and provide adequate sight distance when directed by Metro traffic engineer.
- Remaining roadway improvements on Hickory Hollow Parkway, per previous conditions of approval, shall be constructed by developer of MUL 1.05 acres site.

ANALYSIS

Public Works has evaluated the proposed amendment and has indicated that they take no exception to the amendment as proposed. Therefore, staff recommends approval.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

No exception taken.

TRAFFIC & PARKING RECOMMENDATION

No exception taken.

STORMWATER RECOMMENDATION

Conditions if approved

No plans to review but no stormwater issues if general layout is the same

WATER SERVICES

N/A

- Comments will be issued at Final Site Plan Stage

STAFF RECOMMENDATION

Staff recommends approval based on the Public Works department taking no exception to the proposed amendment.

Ms. Milligan presented the staff recommendation of approval.

Margo Chambers, 3803 Princeton Ave, spoke in favor of the application.

Chairman McLean closed the Public Hearing.

Ms. Farr asked if any of the improvements recommended in 2004 were ever completed.

Devin Doyle, Metro Public Works, stated no.

Ms. Farr noted this is a really good opportunity to address one of the key concerns in the area which is infrastructure.

Mr. Gee asked for a clarification on the triggers in the original bill.

Ms. Milligan explained that the language included in the staff report is the exact language from the original bill.

Council Lady Allen asked if a traffic impact study was completed in 2004 and if it was ever updated.

Mr. Doyle stated a traffic impact study was completed in 2004; a revision was done in 2015 and it was a downzoning – it reduced the number of trips. The previously approved conditions were carried forward.

Ms. Hagan-Dier stated that the commission approved this six months ago along with the triggers. It would be an undue burden to amend this to now require a developer of the PUD to do all of the improvements now linked to MUL.

Ms. Hagan-Dier moved and Ms. Farr seconded the motion to disapprove. (6-0)

Ms. Farr noted that we can't put the burden on one project when there are 1000 units coming on board.

Resolution No. RS2016-64

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-004-005 is Disapproved. (6-0)"

K. PLANNING COMMISSION ACTIONS

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

Subdivision: Concept Plans

19. 2008S-061U-12

BRENTWOOD BRANCH ESTATES (CONCEPT PLAN EXTENSION #7)

Map 160, Parcel(s) 123

Map 160-08, Parcel(s) 046, 048 Map 160-08-0-A, Parcel(s) 010

Council District 04 (Robert Swope); 26 (Jeremy Elrod)

Staff Reviewer: Jason Swaggart

A request to permit the extension of an approved concept plan for one year for the Brentwood Branch Estates Subdivision for 8 single-family clustered residential lots located at 501 Broadwell Drive and Trousdale Drive (unnumbered), zoned RS20 (4.42 acres), requested by Michael and Sharon Yates, owners.

Staff Recommendation: Approve the extension of the Concept Plan approval to February 25, 2017.

APPLICANT REQUEST

Extend concept plan.

Concept Plan Extension

A request to permit the extension of an approved concept plan for one year for the Brentwood Branch Estates Subdivision for 8 single-family clustered residential lots located at 501 Broadwell Drive and Trousdale Drive (unnumbered), zoned Single-Family Residential (RS20) (4.42 acres).

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

This is a request to extend concept plan approval for Brentwood Branch Estates, a major subdivision. The request is to extend the approval for one year, to February 25, 2017. The properties included in the concept plan are located on the south side of Broadwell Drive in the Crieve Hall area. The concept plan was approved with conditions for eight single-family cluster lots by the Planning Commission on March 27, 2008. If the extension is granted, this will be the seventh extension to the original approval of the subdivision. The last extension was granted by the Commission on February 26, 2015. The current request was filed prior to the February 26, 2016, expiration date.

According to the applicant, progress has been made in developing the subdivision as approved including:

1. Mandatory Referral process initiated (withdrawn due to a determination that it wasn't necessary).
2. Complete boundary and topographic survey.
3. Eighty percent construction drawing set, including detailed storm water calculations, hydraulic flood analysis and cut/fill calculations for flood plain disturbance.
4. Plans initially submitted to Stormwater for sufficiency review prior to placing the project on hold.

The applicant estimates that over \$25,000 has been spent on submittal, development, design and consultant fees. The applicant also states that over \$50,000 was spent to acquire additional land to complete the boundary of the concept plan and that this land would not have needed to be purchased without concept plan approval.

Previous Extensions

- February 25, 2010
- March 10, 2011
- February 23, 2012
- February 28, 2013
- March 13, 2014
- February 26, 2015

STAFF ANALYSIS

The subdivision is consistent with Zoning Code requirements and received previous approval from the Planning Commission. Since the concept plan is consistent with zoning, has previous approvals, and the applicant has made progress in developing the subdivision, staff recommends that the Planning Commission extend the concept plan approval for one year.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approve with conditions

1. Construction plans have expired. Construction plans will need to be re-evaluated prior to construction.

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.
- Note that the proposed street grades shown are not approved by this submittal/ extension. Final construction drawings must include a landing at the intersection with Broadwell Drive with a maximum of 3% grade for a minimum of 50'.

WATER SERVICES RECOMMENDATION

Approved

STAFF RECOMMENDATION

Staff recommends approval of the extension of the Concept Plan approval to February 25, 2017.

Approve the extension of the Concept Plan approval to February 25, 2017. (8-0), Consent Agenda

Resolution No. RS2016-65

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-061U-12 is Approved for the extension of the Concept Plan approval to February 25, 2017. (8-0)"

L. OTHER BUSINESS

20. Employee contract renewal for Anna Emerson

Approve (8-0), Consent Agenda

Resolution No. RS2016-66

“BE IT RESOLVED by The Metropolitan Planning Commission that the Employee contract renewal for Anna Emerson is **Approved. (8-0)**”

21. Amendment No. 2 to contract No. L-2888 between the Metropolitan Government of Nashville and Davidson County and Gresham, Smith and Partners for Professional Services Related to the Conduct of the Southeast Area Transportation and Land Use Study

Approve (8-0), Consent Agenda

Resolution No. RS2016-67

“BE IT RESOLVED by The Metropolitan Planning Commission that Amendment No. 2 to contract No. L-2888 between the Metropolitan Government of Nashville and Davidson County and Gresham, Smith and Partners for Professional Services Related to the Conduct of the Southeast Area Transportation and Land Use Study is **Approved. (8-0)**”

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 (8-0), Consent Agenda

Resolution No. RS2016-68

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

26. Legislative Update

M. MPC CALENDAR OF UPCOMING MATTERS

February 25, 2016

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

March 10, 2016

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

March 24, 2016

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

April 14, 2016

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

N. ADJOURNMENT

The meeting adjourned at 7:33 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: February 25, 2016
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: McLean; Farr; Allen; Gee; Hagan-Dier
 - b. Leaving Early: Blackshear (5:30pm)
 - c. Not Attending:
2. Legal Representation – Emily Lamb will be attending

B. Executive Office

1. We continue to meet with Metro Schools personnel about introducing planning concepts in the classroom. We have identified appropriate partners and are now working on fitting planning into the curriculum and outlining planners' personal involvement.

C. Land Development

1. Jason Rust started in Land Development as a Planning Tech 2 on February 15th.

D. Community Plans/Design Studio

1. On March 3, the Design Studio will be meeting with Councilmembers Johnson and Vercher and their constituents to discuss an Urban Design Overlay District for North Murfreesboro Road. The meeting will be held at Una Church of Christ, 1917 Murfreesboro Road at 6:30 PM.

E. GIS

1. A new version of Development Tracker was put up last week. It no longer requires Flash and works on mobile devices.

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 02/16/2016**.

APPROVALS	# of Applics	# of Applics '16
Specific Plans	4	8
PUDs	0	2
UDOs	1	1
Subdivisions	4	12
Mandatory Referrals	4	20
Grand Total	13	43

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)
8/27/2015	10/23/2015	RECOM APPR	2013SP-012-003	46TH & UTAH (FINAL)	A request for final site plan approval for property located at 132 46th Avenue North, at the southeast corner of 46th Avenue North and Utah Avenue, zoned SP (0.3 acres), to permit a 3,784 square foot commercial structure, requested by Laodice, LLC, owner.	24 (Kathleen Murphy)
8/20/2015 15:24	2/3/2016	RECOM APPR	2013SP-022-003	KIRTLAND COTTAGES (FINAL)	A request for final site plan approval for property located at 4201 Kirtland Road, at the southwest corner of Kirtland Road and Overhill Drive, to revise the building size of two of the four approved units, requested by Dewey-Estes Engineering, applicant; Timothy C. Harvey, owner.	25 (Russ Pulley)
10/29/2015 12:02	2/16/2016	RECOM APPR	2015SP-052-002	BELMONT AT BLAIR (FINAL)	A request for final site plan approval for properties located at 2117 and 2121 Belmont Boulevard and 1701 A and 1701 C Blair Boulevard, approximately 100 feet north of Ashwood Avenue and located within the Belmont-Hillsboro Neighborhood Conservation Overlay District (0.9 acres), to permit up to 15 attached residential units, requested by Dean Design Group, applicant; Aspen Construction, LLC, owner.	18 (Burkley Allen)
10/28/2015 15:32	2/16/2016	RECOM APPR	2014SP-058-002	1032 MAYNOR AVENUE (FINAL)	A request for final site plan approval for property located at 1032 Maynor Avenue, approximately 240 feet west of Gallatin Pike (0.48 Acres), to permit up to six attached residential dwelling units, requested by Dale & Associates, applicant; North by Northwest Development, owner.	05 (Scott Davis)

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)
1/19/2016 11:50	2/2/2016 RECOM APPR	2016M-005AB-001	GAY ST AND 10TH AVENUE NORTH RIGHT-OF-WAY ABANDONMENT	A request to abandon a portion of Gay Street and 10th Avenue North right-of-way from the west CSX right-of-way to the CSX right-of-way at 10th Circle North and from Jo Johnston Street to Nelson Merry Street on 10th Avenue North (easements and utilities to be maintained), requested by Barge Waggoner Sumner & Cannon, applicant; North Charlotte Avenue Holdings, LLC, and Capital View Joint Venture, owners.	19 (Freddie O'Connell)
1/19/2016 12:07	2/3/2016 RECOM APPR	2016M-006AB-001	GAY STREET RIGHT-OF-WAY ABANDONMENT	A request to abandon a portion of Gay Street right-of-way and easement from 11th Avenue North eastward to CSX right-of-way, requested by Barge Waggoner Sumner & Cannon, applicant; North Charlotte Avenue Holdings, LLC, and Capital View Joint Venture, owners.	19 (Freddie O'Connell)
2/4/2016 11:08	2/11/2016 RECOM APPR	2016M-009EN-001	RENAISSANCE HOTEL AERIAL ENCROACHMENT	A request to allow an aerial encroachment comprised of two 9' high by 16' 5" wide, single-faced, illuminated, attached wall signs on the bridge over Commerce Street for property located at 611 Commerce Street, requested by Joslin and Son Signs, applicant; PIM Nashville, LLC, owner.	19 (Freddie O'Connell)
2/4/2016 11:22	2/11/2016 RECOM APPR	2016M-010EN-001	DAILY JUICE CAFES AERIAL ENCROACHMENT	A request to allow an encroachment comprised of a double-faced internally illuminated projecting sign encroaching the public right-of-way for property located at 211 3rd Avenue South, requested by Sign Me Up, applicant; Encore Master Condominium Association, Inc., owner.	19 (Freddie O'Connell)

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)
11/5/2015 9:12	2/3/2016	APADMIN	2016S-013-001	HARDAWAY HILLHURST ADDITION, RESUBDIVISION OF LOTS 5 & 7	A request for final plat approval to shift lot lines between properties located at 2924 and 2930 Dickerson Pike, approximately 280 feet north of Hart Lane, zoned CS (2.33 acres), requested by Cherry Land Surveying, applicant; William Bass, owner.	02 (DeCosta Hastings)
10/1/2015 10:01	2/8/2016	APADMIN	2015S-160-001	CLOVERLEAF ESTATES, RESUB LOT 1 AND LOT 4, SECTION 7	A request for final plat approval to create three lots on properties located at 5330 Cane Ridge Road and Cane Ridge Road (unnumbered), approximately 640 feet south of Bell Road, zoned SCR (13.26 acres), requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant; D3 Hickory Hollow, LLC, owner.	32 (Jacobia Dowell)
8/27/2015 8:16	2/9/2016	APADMIN	2015S-142-001	REVISED WEST END PARK, RESUB LOT 110	A request for final plat approval to create one lot on property located at 3208 Long Boulevard, at the southwest corner of Burns Avenue and Long Boulevard and located within the 31st Avenue and Long Boulevard Urban Design Overlay District, zoned RM40 (0.27 acres), requested by Southern Precision Land Surveying, Inc., applicant; Zelma Joyce Robertson, owner.	21 (Ed Kindall)
12/14/2015 8:58	2/16/2016	RECOM APPR	2016S-021-001	MCGAVOCK GROUP	A request for final plat approval to create two lots on properties located at 118 and 122 12th Avenue South and 1101 McGavock Street, at the southeast corner of 12th Avenue South and McGavock Street, zoned DTC and located within the Arts Center Redevelopment District (1.15 acres), requested by Cherry Land Surveying, Inc., applicant; McGavock Group Partners, LLC owner.	19 (Freddie O'Connell)

Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
2/10/16	Approved Extension	2007B-089-009	OLD HICKORY COMMONS, PHASE 1
2/10/16	Approved Extension	2007B-095-009	OLD HICKORY COMMONS, SECTION 2
2/10/16	Approved Extension	2007B-094-009	OLD HICKORY COMMONS, SECTION 3
2/3/16	Approved Release	2010B-031-004	AUTUMN OAKS, PHASE 8B

Schedule

- A. Thursday, February 25, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- B. Thursday, March 10, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- C. Thursday, March 24, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- D. Thursday, April 14, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- E. Thursday, April 28, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- F. Thursday, May 12, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- G. Thursday, May 26, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- H. Thursday, June 9, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- I. Thursday, June 23, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- J. Thursday, July 28, 2016 - [MPC Meeting](#); 4pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue**
- K. Thursday, August 11, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- L. Thursday, August 25, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- M. Thursday, September 8, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- N. Thursday, September 22, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**