



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, May 12, 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
Jeff Haynes
Lillian Blackshear
Brian Tibbs
Jessica Farr
Brenda Diaz
Jennifer Hagan-Dier
Councilmember Burkley Allen

Staff Present:

Doug Sloan, Executive Director
Bob Leeman, Deputy Director
Carrie Logan, Assistant Director, Special Projects
Kelly Adams, Administrative Services Officer III
Kathryn Withers, Planning Manager II
Brandon Burnette, Planning Manager II
Jason Swaggart, Planner III
Lisa Milligan, Planner III
Andrew Collins, Planner II
Latisha Birkeland, Planner II
Patrick Napier, Planner II
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

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Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

B. ADOPTION OF AGENDA

Mr. Haynes moved and Ms. Blackshear seconded the motion to adopt the agenda. (9-0)

C. APPROVAL OF APRIL 28, 2016, MINUTES

Mr. Clifton moved and Ms. Blackshear seconded the motion to approve the April 28, 2016 minutes. (9-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember VanReece spoke in favor of Item 4.

Councilman Pridemore requested to add Item 19 to the Consent Agenda.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. **2016SP-011-001**
MT PISGAH SP

3. **2016SP-015-001**
HAYLEY HARBOR SP

5. **2016SP-033-001**
LARAMIE AVENUE SP

6. **2016SP-035-001**
1142 DUNCANWOOD DRIVE

7. **2016Z-037PR-001**

10. **2016S-054-001**
THE ORVILLE EARHEART SUBDIVISION, RESUB LOT 1

11. **2016S-084-001**
1122 CHESTER AVENUE

12a. **2016CP-009-001**
DOWNTOWN COMMUNITY PLAN AMENDMENT

12b. **2016SP-030-001**
6TH & DIVISION MIXED USE DEVELOPMENT

13a. **2016CP-009-002**
DOWNTOWN COMMUNITY PLAN AMENDMENT

13b. **2016DTC-001-001**
134 AND 150 2ND AVENUE S & 151 1ST AVENUE S

14. **2013SP-030-003**
PORTER ROAD SP AMENDMENT

16. 2016SP-031-001
BURKITT ROAD RETAIL SP

21. 2016Z-044PR-001

24. 2003UD-003-003
RIDGEVIEW URBAN DESIGN OVERLAY (AMENDMENT)

26. 122-85P-001
230 VENTURE CIRCLE

27. 2016S-048-001
THE ELKINS PROPERTY PLAT

Ms. Hagan-Dier moved and Ms. Farr seconded the motion to approve the Deferred and Withdrawn Items. (9-0)

Ms. Blackshear recused herself from Items 3, 13a, 13b, and 16.

Mr. Haynes recused himself from Items 13a and 13b.

F. CONSENT AGENDA

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

9. 2015S-044-001
CHEREL STARKS SUBDIVISION

15. 2013SP-037-003
HILL CENTER SYLVAN HEIGHTS SP AMENDMENT

17. 2016SP-032-001
1623 & 1625 7TH AVENUE NORTH SP

19. 2016SP-037-001
NEELY'S BEND ROAD SP

20. 2016Z-043PR-001

22. 2016Z-046PR-001

23. 2016Z-048PR-001

25. 47-86P-001
NASHVILLE BUSINESS CENTER (AMENDMENT)

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

Ms. Hagan-Dier moved and Mr. Clifton seconded the motion to approve the Consent Agenda. (9-0)

Ms. Blackshear recused herself from Items 19, 23 and 25.

G. PREVIOUSLY DEFERRED ITEMS

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

Specific Plans

1. 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 39 single family lots, requested by Batson & Associates, applicant; Charles White, owner.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-011-001 to the May 26, 2016, Planning Commission meeting. (9-0)

2. 2016SP-014-001

7435 OLD HICKORY BLVD SP

Map 031, Part of Parcel(s) 068
Council District 03 (Brenda Haywood)
Staff Reviewer: Jason Swaggart

A request to rezone from AR2a (2.47 acres) and CS (15.6 acres) to SP-C zoning (18.07 acres), to permit heavy equipment sales (heavy truck repair), and all uses permitted by the CS zoning district except alternative financial services uses, non-residential drug treatment facilities, a bar or nightclub, and pawnshops and clubs, and CS zoning (1.43) to AR2a zoning for portions of property located at 7435 Old Hickory Boulevard, approximately 635 feet west of Blevins Road, requested by Dale & Associates, applicant; Anchor Property Holdings, LLC, owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change to permit commercial uses and an industrial use.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) (2.47 acres) and Commercial Services (CS) (15.6 acres) to Specific Plan – Commercial (SP-C) zoning (18.07 acres), to permit heavy equipment sales (heavy truck repair), and all uses permitted by the CS zoning district except alternative financial services uses, non-residential drug treatment facilities, a bar or nightclub, and pawnshops and clubs, and CS zoning (1.43 acres) to AR2a zoning for portions of property located at 7435 Old Hickory Boulevard, approximately 635 feet west of Blevins Road.

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.

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

Proposed Zoning

Specific Plan-Commercial (SP-C) 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 commercial uses.

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.

CRITICAL PLANNING GOALS

N/A

BORDEAUX – WHITES CREEK COMMUNITY PLAN

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

Conservation (CO) policy 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?

No. The T3 CC policy does not support industrial uses. The primary intent of this SP is to permit the service and repair of heavy trucks. This is similar to "heavy equipment sales and service" which is listed as an industrial use in the Metro Zoning Code. This use does not meet the policy's intent to create and/or preserve "suburban community centers".

PLAN DETAILS

The existing property impacted by this request is approximately 34.13 acres in size. It is split zoned with approximately 17.1 acres zoned AR2a and approximately 17.03 acres zoned CS. The area of the property subject to this zoning request is approximately 19.5 acres. This includes approximately 1.43 acres proposed to be rezoned from CS to AR2a and approximately 2.47 acres of AR2a and approximately 15.6 acres of CS proposed for SP.

The portion of property proposed for SP is mostly open field which is due to grading that has been done on the site. The grading on the site was done without a permit and is under enforcement by Metro Stormwater. The property owner has also been cited for various other zoning violations including illegal use of the property. The property is currently being used illegally for heavy equipment sales and service and other unknown activities. The intent of the proposed SP is to permit the current illegal use, but it would also prohibit some uses that are permitted in the existing CS zoning district.

Site Plan

The proposed SP is regulatory and provides the following standards:

1. Uses within the SP shall be limited to those uses permitted by the CS zoning district excluding cash advance, check cashing, title loan, non residential drug treatment, bar or nightclub, pawnshop and club, and shall allow heavy equipment services (heavy truck repair).
2. There shall be a Class "B" buffer yard located along the entire perimeter of the SP zoning, except along the frontage of Old Hickory Boulevard. This buffer shall be an undisturbed area where all existing vegetation shall be maintained and supplemented as needed in order to meet the buffer required. The condition shall not prohibit maintenance of the buffer.
3. Any development within the SP shall meet the Major and Collector Street Plan, including ROW dedications and sidewalks, and shall be shown on any final site plans.
4. 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 CS zoning district as of the date of the applicable request or application.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.
7. Comply with MPW Traffic Engineer. A TIS is required prior to final SP approval of any phase to determine access points and roadway mitigations.
8. With final SP, indicate on the plans the solid waste and recycling plans for the site.
9. Access points for the site are to comply with MPW standards and Metro Codes Section 13.12 and 17.20160-170.
10. If sidewalks are required with this SP, they are to be per the MCSP and built to meet MPW standards and specifications.
11. Prior to approval of any final SP, a letter of water and sewer availability shall be submitted and any capacity fees paid.
12. Heavy equipment repair shall be limited to a maximum of 24,000 square feet of building floor area (2.3% of the total SP land area), all repair must occur within an enclosed building. All buildings in which repair is performed must be setback a minimum of 200 feet, and turned perpendicular to Old Hickory Boulevard and heavily landscaped and screened to be hidden from public street view.
13. The repair and/or maintenance of heavy construction equipment is not allowed (excavators, skid loaders, dozers, compactors, trenchers, graders, etc.).

ANALYSIS

Staff recommends disapproval as the proposed heavy equipment sales and service use is not consistent with the sites T3 CC land use policy. Heavy equipment sale and service is listed as an industrial use in the Metro Zoning Code. This use does not fit within the policy's intent to create and/or preserve "suburban community centers".

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Ignore

PUBLIC WORKS RECOMMENDATION**Conditions if approved**

- 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.
- With Final SP, indicate on the plans the solid waste and recycling plans for the site.
- Access points for the site are to comply with MPW standards and Metro Codes Section 13.12 and 17.20.160/170.
- If sidewalks are required with this SP, they are to be per the MCSP and built to meet MPW standards and specifications.

TRAFFIC & PARKING RECOMMENDATION**Condition if approved**

- Include a note on sheet C1.0 that additional ROW on Old Hickory Blvd. frontage and cross access to adjacent properties may be required at development.

WATER SERVICES RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends disapproval as the proposed heavy equipment sales and service is not consistent with the T3 CC land use policy.

CONDITIONS (if approved)

1. Uses within the SP shall be limited to those uses permitted by the CS zoning district excluding alternative financial services uses, non-residential drug treatment, bar or nightclub, pawnshop and club, and shall allow heavy equipment services (heavy truck repair).
2. There shall be a Class "B" buffer yard located along the entire perimeter of the SP zoning, except along the frontage of Old Hickory Boulevard. This buffer shall be an undisturbed area where all existing vegetation shall be maintained and supplemented as needed in order to meet the buffer required. The condition shall not prohibit maintenance of the buffer.
3. Any development within the SP shall meet the Major and Collector Street Plan, including ROW dedications and sidewalks, and shall be shown on any final site plans.
4. 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 CS zoning as of the date of the applicable request or application.
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12. Heavy equipment repair shall be limited to a maximum of 24,000 square feet of building floor area (2.3% of the total SP land area), all repair must occur within an enclosed building. All buildings in which repair is performed must be setback a minimum of 200 feet, and turned perpendicular to Old Hickory Boulevard and heavily landscaped and screened to be hidden from public street view.
13. Include a note on sheet C1.0 that additional ROW on Old Hickory Blvd. frontage and cross access to adjacent properties may be required at development.
14. The repair and/or maintenance of heavy construction equipment shall not be allowed (excavators, skid loaders, dozers, compactors, trenchers, graders, etc.).
15. 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 CS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.

16. 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.

17. 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.

18. 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.

Mr. Swaggart presented the staff recommendation of disapproval.

Roy Dale, 516 Heather Place, spoke in favor of the application and noted that the policy is incorrect. This use fits with every other use that is currently there.

Chairman McLean closed the Public Hearing.

Mr. Clifton inquired if this is within the commission's authority.

Mr. Sloan clarified that it depends on if the commission thinks this use is appropriate within this policy.

Ms. Withers explained the commission could find that this is consistent with the existing character or they could find that industrial is just a little outside of where the suburban community center is.

Mr. Haynes stated that in looking at the other uses within this district, it seems that Mr. Dale made a persuasive case.

Ms. Farr asked if the alternative would be that they would have to apply for a community plan change just for this piece.

Mr. Sloan explained that if the commission found that this use was not consistent with a T3 suburban community center, then it could be deferred or disapproved with a suggestion that it would be more appropriate to come back with a land use policy change.

Ms. Logan stated that the commission could always ask staff to do a housekeeping amendment in the future.

Councilmember Allen asked if this was discussed during the NashvilleNext process and Ms. Withers stated no recollection of anyone coming out to discuss this area.

Ms. Diaz asked how the boundary decision was made.

Mr. Dale explained that the boundary was established based on the location of the steep slope.

Mr. Tibbs expressed agreement with the application and noted that a housekeeping amendment would make sense.

Mr. Clifton spoke in favor of the application.

Ms. Hagan-Dier noted that it seems like the commission is opening a door if this is approved because it isn't consistent with the current policy.

Ms. Withers clarified that is it consistent with the community center.

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

Resolution No. RS2016-129

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-014-001 is **Approved with conditions and disapproved without all conditions. (9-0)**"

CONDITIONS

1. Uses within the SP shall be limited to those uses permitted by the CS zoning district excluding alternative financial services uses, non-residential drug treatment, bar or nightclub, pawnshop and club, and shall allow heavy equipment services (heavy truck repair).

2. There shall be a Class "B" buffer yard located along the entire perimeter of the SP zoning, except along the frontage of Old Hickory Boulevard. This buffer shall be an undisturbed area where all existing vegetation shall be maintained and supplemented as needed in order to meet the buffer required. The condition shall not prohibit maintenance of the buffer.
3. Any development within the SP shall meet the Major and Collector Street Plan, including ROW dedications and sidewalks, and shall be shown on any final site plans.
4. 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 CS zoning as of the date of the applicable request or application.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.
7. Comply with MPW Traffic Engineer. A TIS is required prior to final SP approval of any phase to determine access points and roadway mitigations.
8. With final SP, indicate on the plans the solid waste and recycling plans for the site.
9. Access points for the site are to comply with MPW standards and Metro Codes Section 13.12 and 17.20160-170.
10. If sidewalks are required with this SP, they are to be per the MCSP and built to meet MPW standards and specifications.
11. Prior to approval of any final SP, a letter of water and sewer availability shall be submitted and any capacity fees paid.
12. Heavy equipment repair shall be limited to a maximum of 24,000 square feet of building floor area (2.3% of the total SP land area), all repair must occur within an enclosed building. All buildings in which repair is performed must be setback a minimum of 200 feet, and turned perpendicular to Old Hickory Boulevard and heavily landscaped and screened to be hidden from public street view.
13. Include a note on sheet C1.0 that additional ROW on Old Hickory Blvd. frontage and cross access to adjacent properties may be required at development.
14. The repair and/or maintenance of heavy construction equipment shall not be allowed (excavators, skid loaders, dozers, compactors, trenchers, graders, etc.).
15. 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 CS zoning district as of the date of the applicable request or application. Uses are limited as described in the Council approved plan.
16. 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.
17. 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.
18. 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.

3. 2016SP-015-001

HAYLEY HARBOR SP

Map 068, Parcel(s) 046

Council District 01 (Sharon Hurt)

Staff Reviewer: Latisha Birkeland

A request to rezone from IR to SP-IND zoning for property located at Amy Lynn Drive (unnumbered), approximately 1,100 feet west of Jennie Brown Lane (14.3 acres), to permit all uses under IR zoning except: automotive convenience, liquor sales, pawnshop, sex club, after hours establishment, and adult entertainment; and to permit concrete batch plant; manufacturing of concrete, tile, and brick; associated outdoor storage of river transported materials and goods, requested by Dale and Associates, applicant; Smyrna Ready Mix, LLC, owner.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-015-001 to the May 26, 2016, Planning Commission meeting. (8-0-1)

4. 2016SP-026-001

903 & 905 CURDWOOD SP

Map 061-10, Parcel(s) 163-164

Council District 08 (Nancy VanReece)

Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to SP-R zoning for properties located at 903 and 905 Curdwood Boulevard, approximately 880 feet west of the intersection of Burrus Street and Curdwood Blvd (1.47 acres), to permit up to nine residential units, requested by Dale & Associates, applicant; Justin Hicks D223 LLC, owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Zone change to permit nine multi-family units.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan-Residential (SP-R) zoning for properties located at 903 and 905 Curdwood Boulevard, approximately 880 feet west of the intersection of Burrus Street and Curdwood Blvd (1.47 acres), to permit up to nine residential units.

Existing Zoning

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

EAST NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

No. While the T4 NM policy can support multi-family residential development, the properties are located in an established single-family residential neighborhood. The properties are not located at a major intersection, or at a location that would provide a transition from a more intense use or zoning district. Due to the location and Neighborhood Maintenance Land Use Policy for the area, the proposed multi-family residential development is not appropriate.

PLAN DETAILS

The subject properties are located in East Nashville, at the end of Curdwood Boulevard, two blocks west of Gallatin Pike. Each property contains a single-family home.

Site Plan

The plan calls for nine multi-family residential units. There are four units shown along Curdwood Boulevard, four units fronting open space at the rear of the site, and one unit located on the east side of the proposed extension of Mathews Avenue. The units located along Curdwood Boulevard are set back approximately 30 feet from Curdwood Boulevard. The plan calls for building elevations to be provided with the final site plan. The plan provides standards for orientation, glazing, materials, porches and raised foundations.

The plan calls for the extension of Mathews Avenue, which would provide a connection to the unbuilt portion of Mathews Avenue to the north of the site. The plan calls for a five foot wide sidewalk and a four foot planting strip along Curdwood Boulevard, and along the proposed extension of Mathews Avenue.

ANALYSIS

Staff recommends disapproval because the proposed SP is not consistent with the area's T4NM land use policy. While the T4 NM policy can support multi-family residential development, the properties are located in an established single-family residential neighborhood. The properties are not located at a major intersection, or at a location that would provide a transition from a more intense use or zoning district. Due to the location, the proposed multi-family residential development is not appropriate.

FIRE MARSHAL RECOMMENDATION**Approved with conditions**

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

STORMWATER RECOMMENDATION**Approved****PUBLIC WORKS RECOMMENDATION****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.
- Extend the proposed Matthews Avenue pavement section, providing connectivity. Provide a full width pavement overlay to the Matthews Avenue and Virginia Avenue street intersection.

TRAFFIC & PARKING RECOMMENDATION**No Exceptions Taken**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	1.47	5.8 D	8 U	102	16	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
Multi-Family Residential (210)	1.47	-	9 U	114	17	13

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1 U	+12	+1	+1

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. Trees may not be planted on top of existing public sewer or water mains.

METRO SCHOOL BOARD REPORT

Projected student generation existing RS7.5 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 would generate no additional student than what is typically generated under the existing RS7.5 zoning district. Students would attend Hattie Cotton Elementary, Gra-Mar Middle School and Maplewood High School. This information is based upon data from the school board last updated November 2015.

STAFF RECOMMENDATION

Staff recommends disapproval as the proposed SP is not consistent with the East Nashville Community Plan's T4 NM land use policy.

CONDITIONS (if approved)

1. Uses in the SP shall be limited to nine residential units.

2. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
3. 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.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. 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.

Mr. Swaggart presented the staff recommendation of disapproval.

Michael Garrigan, 516 Heather Place, spoke in favor of the application. This will be limited to eight units and all will meet the definition of workforce or affordable housing.

Jamie Feffer, 521 8th Ave S, spoke in favor of the application and explained that it will be 100% affordable.

Chairman McLean closed the Public Hearing.

Ms. Blackshear spoke in opposition and noted that while it is a great idea from many perspectives, it does not seem to be consistent with the policy.

Ms. Farr explained that it is multi-family in name only and that the railroad track seems to be a very defining buffer.

Ms. Hagan-Dier asked if the existing zoning allows for eight units; Mr. Swaggart clarified that eight is the max.

Ms. Diaz stated there should be a way that the applicant can work with staff and try to make it fit better within existing zoning.

Mr. Tibbs spoke in favor of the application.

Mr. Clifton moved and Ms. Farr seconded the motion to approve with conditions and disapprove without all conditions. (8-1) Ms. Blackshear voted against.

Resolution No. RS2016-130

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-026-001 is **Approved with conditions and disapproved without all conditions. (8-1)"**

CONDITIONS

1. **Uses in the SP shall be limited to eight residential units.**
2. **If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.**
3. **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.**
4. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.**
5. **Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
6. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

7. 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.

5. 2016SP-033-001

LARAMIE AVENUE SP

Map 091-05, Parcel(s) 234, 276
Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Latisha Birkeland

A request to rezone from R8 to SP-R zoning for properties located at Laramie Avenue (unnumbered) and Nashua Lane (unnumbered), approximately 245 feet east of Waco Drive (3.07 acres), to permit 30 residential units, requested by Miken Development, LLC, applicant; TSMPC, LLC, owner.

Staff Recommendation: Defer to the May 26, 2016, Metro Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-033-001 to the May 26, 2016, Planning Commission meeting. (9-0)

6. 2016SP-035-001

1142 DUNCANWOOD DRIVE

Map 131-04, Parcel(s) 221
Council District 25 (Russ Pulley)
Staff Reviewer: Alex Deus

A request to rezone from RS20 to SP-R zoning for property located at 1142 Duncanwood Drive, at the corner of Brookmeade Drive and Duncanwood Drive (0.5 acres), to permit two units, requested by Alexander and Benjamin Fordham, applicants and owners.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2016SP-035-001. (9-0)

Zone Changes

7. 2016Z-037PR-001

BL2016-199\Hurt
Map Various, Parcel(s) Various
Council District 01 (Sharon W. Hurt)
Staff Reviewer: Lisa Milligan

A request to apply the provisions of the Contextual Overlay District to various properties located along Boyce Court, Buena Vista Pike, Charles Court, Dove Place, Dyer Court, East Fairview Drive, Eve Circle, Flicker Drive, Harold Prewett Drive, Haynes Park Court, Haynes Park Drive, Hummingbird Drive, Kings Lane, Kingview Court, Kingsview Drive, Mallard Drive, Pheasant Drive, Tucker Road, West Hamilton Avenue, and Walters Court (231.8 acres), requested by Councilmember Sharon Hurt, applicant; various property owners.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016Z-037PR-001 to the May 26, 2016, Planning Commission meeting. (9-0)

Planned Unit Developments

8. 23-85P-002

FOREST VIEW PARK (PERIODIC REVIEW)

Map 150, Parcel(s) 237
Council District 29 (Karen Johnson)
Staff Reviewer: Jason Swaggart

A request for a periodic review for a portion of the Forest View Park Residential Planned Unit Development Overlay District located at Forest View Drive (unnumbered), approximately 430 feet east of Murfreesboro Pike, zoned R10 (7.84 acres), approved for 212 units, requested by Councilmember Karen Johnson, applicant; The Ridge at Antioch, Limited Partnership, owner.

Staff Recommendation: Find PUD active.

APPLICANT REQUEST

Periodic review of a Planned Unit Development.

Periodic PUD Review

A request for a periodic review for a portion of the Forest View Park Residential Planned Unit Development Overlay District located at Forest View Drive (unnumbered) and located within the Murfreesboro Pike Urban Design Overlay(UDO), approximately 430 feet east of Murfreesboro Pike, zoned One and Two-Family Residential (R10) (7.84 acres), approved for 96 units.

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 34 lots with no duplex lots permitted for a total of 34 units. In this case, the density is controlled by the PUD overlay, which currently permits a maximum of 96 multi-family units.*

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.

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code.

PUD DETAILS

The Forest View PUD was approved in 1985. The original PUD included a total of 779 residential units, which consisted of 572 multi-family units (112 townhomes, 460 flats), and 207 single-family lots. Portions of the PUD including the subject site have been revised in the past, and 231 single-family lots and 140 multi-family units have been constructed. This portion of the PUD was last approved for 96 multi-family units, and it is the last remaining portion of the PUD to be developed. In 2007, this portion of the PUD was requested to be canceled. The request was disapproved by the Planning Commission. Staff recommended disapproval of the cancelation because the PUD provides an appropriate mixture of residential housing types, and transitions from the commercial area along Murfreesboro Pike to the single-family area to the northeast. On March 24, 2016, the Planning Commission approved a revision to this portion of the PUD to decrease the total number of units on this portion of the PUD from 212 to 96 units.

PERIODIC PUD REVIEW

Section 17.40.120 H of the Metro Zoning Ordinance authorizes the Planning Commission, a councilmember or the property owner of the area to be reviewed to request the Metropolitan Planning Commission to review, any Planned Unit Development (PUD) overlay district, or portion thereof, to determine whether the PUD is "inactive," and if so, to recommend to the Council what action should be taken with respect to the PUD. The Commission determines whether the PUD is "inactive" by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the PUD to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

Timeline for Planning Commission Action

The Zoning Code requires that, within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. A request for the periodic review for the subject portion of the PUD was received on February 18, 2016, from Councilmember Karen Johnson. The 90 day period extends to May 18, 2016. If the Planning Commission does not make a determination within 90 days from the initiation of a review, it is considered to be a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.

Classification of the PUD (Active or Inactive)

Under 17.40.120 H., the Commission is first required to determine whether the portion of the Forest View Park PUD requested for periodic review is active or inactive by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council.

Section 17.40.120 H.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a PUD has been active or inactive:

- i. *Six or more years have elapsed since the latter of*
 - (1) *The effective date of the initial enacting ordinance of the PUD,*
 - (2) *The effective date of any ordinance approving an amendment to the PUD,*
 - (3) *The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
 - (4) *The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and*

The initial enacting ordinance for the PUD became effective in 1985. No amendments have been approved for the PUD including the subject portion of the PUD that required Metro Council approval since the initial enactment date.

ii. *Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and*

The owner/developer has not indicated that any construction has been completed.

iii. *Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.*

The owner/developer has not indicated that any construction has been completed.

Section 17.40.120 H.3.a. states that the Commission “may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.”

A representative for the owner has provided information to show that this portion of the PUD should be considered active due to the “aggregate of actions” taken by the owner to develop the property.

The owner has been actively working to develop the property utilizing Low Income Housing Tax Credits (LIHTC), which are issued by the U.S. Department of the Treasury, and allocated in Tennessee through the Tennessee Housing Development Agency (THDA). The process is extensive and involves obtaining information verifying development rights, multiple engineering and financial studies, submission of an application, and payment of funds to consultants and others.

A complete list of actions submitted by the owner’s representative is included at the end of this report (Exhibit A). This information details actions that have taken place in excess of the past 12 months. The information also indicates that, within the last 12 months, a total of \$884,069.85 has been spent to develop the PUD, including money spent on engineering and design and a LIHTC award fee.

4/2/15	Reno & Cavanaugh	2015 LIHTC Application		\$ 20.00
4/30/15	Reno & Cavanaugh	Organization Docs SOS filing fees		\$ 1,164.25
6/30/15	Tennessee Housing Development Agency	LIHTC award fee		\$ 68,750.00
9/10/15	Tennessee Secretary of State	Certificate of Authority		\$ 150.00
10/1/15	RichSmith Development, LLC	Development fee earned per Development Agreement as of 10/1/15 (1/2 of total)		\$ 222,817.00
10/2/15	Tennessee Secretary of State	Tennessee Filing Fee		\$ 150.00
9/2/15	Impact Environmental	Phase I Environmental Report		\$ 1,800.00
11/5/15	Crafton Tull	Site Plan Design and Construction Documents		\$ 1,075.00
12/2/15	Terracon	Phase II Environmental and Soil Mngt. Plan		\$ 19,025.00
2/3/16	Crafton Tull	Site Plan Design and Construction Documents		\$ 12,157.00
2/16/16	Antonio Darsinos and Kathy Katsaitis	Closing On Land (includes seller costs)		\$ 500,000.00
2/16/16	Sawyer Land Surveying, LLC	Survey		\$ 14,040.00

2/16/16	Davidson County Register of Deeds	Transfer taxes and recording fees		\$ 962.50
2/16/16	Old Republic National Title Insurance Company	Closing Protection Letter		\$ 50.00
2/26/16	Crafton Tull	Site Plan Design and Construction Documents - Including PUD Revision Application		\$ 21,909.10
3/11/16	Reno & Cavanaugh, PLLC	Attorney fees, including for LIHTC process		\$ 20,000.00
			Total	\$ 884,069.85

Planning Commission Recommendation to Metro Council

If the Planning Commission determines the PUD to be active, then no further action is required. If the Commission determines the PUD to be inactive, then the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

First, the Commission is to determine whether the *“existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.”*

Second, the Commission is to recommend the legislation, and include, as required:

- (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.
- (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
- (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. T3 NM policy supports various types of residential building depending on the context, including multi-family, which is permitted under the PUD. The T3 NM policy calls for appropriate transitions between different types of land uses. The plan provides an appropriate transition from the neighboring single-family zoning that is also within the same PUD, to the commercial district along Murfreesboro Pike and is adjacent to an existing multi-family development.

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find the PUD to be active. While there has been no physical development on the site, ROW acquisitions, or offsite improvements, the owner has given information detailing the steps that have been taken to develop the property. Staff finds that the owner has adequately demonstrated that the PUD is active through the aggregate of actions taken by the owner in the prior 12 months, including \$884,069.85, spent in furtherance of developing the property.

If the Commission determines that the subject portion of the PUD is inactive, then staff recommends that the Commission recommend that Council maintain the PUD and base zoning district as it is consistent with the T3 NM land use policy.

David L. Kleinfelter
(615) 866-2320
(615) 866-2321 fax
dkleinfelter@renocavanaugh.com

April 5, 2016

VIA HAND DELIVERY

Doug Sloan, Executive Director
Brandon Burnette, Manager, Land Development
Jason Swaggart, Planner 3
Metropolitan Nashville/Davidson County Planning Department
800 Second Avenue South
Nashville, TN 37219

RE: Periodic Review for Forest View Park Planned Unit Development
Map 150, Parcel 237
PUD #23-85-P

Dear Doug, Brandon, and Jason:

My firm represents The Ridge at Antioch, Limited Partnership (the “Owner”), which purchased Map 150, Parcel 237 (the “Property”) on February 16, 2016. This letter and attached documents are submitted in response to the periodic Planned Unit Development review initiated by Councilmember Karen Johnson pursuant to Section 17.40.120 H of the Metro Zoning Code. This letter and the documents demonstrate there is substantial evidence that the aggregate of actions taken by the Owner to develop the Property are so extensive and of such a nature that this portion of the PUD should be classified as “active.” If staff or the Commission disagrees and determines that the PUD should be classified as “inactive,” the revised PUD proposed for the property is consistent with the adopted Community Character Policy in the Antioch – Priest Lake Community Plan, and therefore the zoning of the property should remain as it is.

Determination of Activity

Although the Owner closed on the Property last month, they have been working to develop the property since 2013. The Owner proposed to build homes on the Property utilizing Low Income Housing Tax Credits (“LIHTC”) issued by the U.S. Department of the Treasury, and allocated in Tennessee through the Tennessee Housing Development Agency (“THDA”). In order to receive funds under the LIHTC program, a developer must go through an extensive process that involves obtaining multiple engineering and financial studies, submission of a complicated application, and payment of significant funds to consultants and others.

A list of all expenses incurred by the Owner associated with its actions to develop the property is attached to this letter as Exhibit A and will be discussed in more detail below. Exhibit B to this letter is a list of 38 documents submitted to demonstrate the aggregate of actions taken

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by the Owner in order to develop the Property. The Owner first applied to THDA for an award of tax credits in 2013, but their grant application was not awarded funding. See Exhibit B – Item 1. In January 2015 the Owner again submitted an LIHTC application to THDA and on June 26, 2015, they received a preliminary award of an amount not to exceed \$1,100,000 over 10 years, for a total award of \$11,000,000. See Exhibit B – Item 2.

Not surprisingly, in order to receive such a substantial award of funding, the Owner was required to remit a large sum of money to THDA (approximately \$69,000) and to submit a large number of documents and “jump through hoops” for THDA. The documents listed in Exhibit A, and submitted with this letter, largely reflect the totality of the Owner’s actions that were taken to receive the LIHTC award, including the additional work performed since June 26, 2015. The Owner has also been working since late 2015 to prepare a plan to revise the existing approved preliminary PUD site plan, and on February 11, 2016, a revised PUD application was submitted that proposed reducing the density on the Property from 212 units to 96 units. See Exhibit B – Item 38. That PUD revision application is scheduled to be heard by the Commission on March 24.

In connection with the financing award and the PUD revision application, the Owner has undertaken numerous actions towards development of the Property. I will not repeat every item listed on Exhibit B, but a few items are worth highlighting:

- Phase I and Phase II environmental studies (Items 23 and 24) – The Phase I study indicated the possibility that dumping of household goods and equipment had occurred on the Property in the past. As a result, the Owner was required to order, and has now received, a Phase II study. The Phase II study confirmed that soil with moderate contamination is present on the site and recommended that it be removed during construction in compliance with a site management plan. The Site Management Plan is attached as Exhibit B – Item 25.
- Zoning Letter from Metro Planning (Item 7) – In order to be competitive for an award from THDA, an applicant must demonstrate that the property identified in their application meets the zoning requirements for the proposed housing. The Owner and THDA have operated throughout the THDA application process with the understanding that the existing zoning would not be changed after THDA awarded financing to the Owner.
- Amended and Restated Limited Partnership Agreement (DRAFT) (Item 21) – This document contains the complex negotiated terms under which the investor agrees to provide funds to construct this type project in return for the right to receive annual tax credits for ten years. LIHTC projects typically involve an investor entity who serves as the limited partner for the ownership entity. The lengthy document must address numerous issues per Section 42 of the Internal Revenue Code, THDA regulations, and the business needs of the parties.

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- Survey (Item 29), Geotechnical Engineering Report (Item 28), and Site Plan (Item 30) – Along with the documents related to the environmental studies, these documents reflect the extensive construction planning that has taken for the Property. Most of the previous PUD review cases reviewed by the Planning Commission have not included recent surveys, geotechnical reports, and/or detailed site plans that reflect the current status of the property and proposed development. In addition to the detailed requirements of the LIHTC program, the Owner did significant work to prepare and submit its application to revise the PUD, which was submitted prior to the periodic PUD review request.

I have reviewed three projects where the Commission has determined that a sufficient showing of “aggregate of actions” was provided in order to find that the project was active. The actions undertaken by the Owner for this PUD far exceed the items relied upon for a finding of “activity” in those three projects. The aggregate of actions provision in the Code appears to have been included for exactly this type of project. The Owner has been working to develop the property for at least the past year. Because of the detailed and time-consuming aspects of the LIHTC program, it was not possible for the Owner to begin physical development work on the site, but the Owner clearly has been diligently pursuing development during the prior year as called for under the Code.

The three prior aggregate of actions decisions I was able to identify are:

- Park Preserve – 2002P-003U-03 – December 11, 2008 – This item was one of the first – if not the first – considered by the Commission under 17.40.120 H. Staff recommended a finding of “inactivity” and re-approval of the existing zoning with no amendments or changes. After extensive discussion by the Commission, a motion initially was made to find the PUD inactive. That motion failed, however, and ultimately the Commission found the PUD active “due to the specific and unique aggregate of actions taken by the current non-profit owners.”
- Gaylord Entertainment – 2007SP-014U-14 – April 28, 2011 – This item and the next are Specific Plan districts that were considered under Section 17.40.160 of the Code. That section includes language with respect to the aggregate of actions that is identical to 17.40.120 H. The Commission found that the expenditures required for acquisition of the property, the removal of two houses four years before the hearing, and \$200,000 in fees for engineering and other studies were sufficient for a finding that the SP was active. The item was approved on the Commission’s consent agenda.
- Eurotech Automobile Repair – 2007SP-026U-11 – April 28, 2011 – For this matter, a house on the property was demolished two years prior to the Commission hearing and the owner stated he had been actively seeking financing to develop the property. The SP was

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found by the Commission to be active based on “an aggregate of actions that indicates activity.”

Planning staff also provided me with a list of several other periodic PUD review cases that have been considered by the Commission since 2010.

- Multiple Nashboro Village requests – May 24, 2012 MPC agenda
- Hutton Residential – 2001P-003-001 – February 12, 2015 agenda
- Nashville Highlands – 73-85P – July 23, 2015 agenda
- Dinwiddie Square – 286-84P-001 – March 25, 2010 agenda
- Carrolton Station – 2004P-004-003 – January 14, 2016 agenda

For all of these projects except Carrolton Station, the owner/applicant provided little evidence of an “aggregate of activities.” Accordingly, staff recommended a finding that the PUD had been inactive, which ultimately was the determination made by the Commission. For Carrolton Station, staff and the Commission determined that certain work on infrastructure had occurred on the property. Staff also based its recommendation for finding the PUD active on the aggregate of actions. The aggregate of actions presented for this matter far exceed those that were presented and at least partially relied upon for finding the Carrolton Station PUD to be active.

For the current Property, Exhibit B provides a list of all expenses incurred by the Owner associated with its actions to develop the property. Based at least in part on the zoning letter received from the Planning Department, the Owner paid \$500,000 to acquire the property. In connection with the award of LIHTC funds received from THDA, the Owner was also required to pay the THDA an award reservation fee in the amount of \$68,750. Both of these expenditures are non-refundable and were made in reliance on the existing development rights that when the Owner applied to THDA for the funding and acquired the property. In total, not including \$12,300 that was paid by the Owner in connection with its unsuccessful 2013 LIHTC application, the Owner has incurred almost \$890,000 to acquire the property, engage professionals including engineers and attorneys, and in other expenses to develop the Property.

As noted above, the “aggregate of actions” provision in 17.40.120 H appears intended to apply specifically to situations such as this matter. The Owner has not been dragging its feet and failing to act diligently towards development of the PUD. For almost three years the Owner has sought funding through THDA to develop the property, and as of June 2015, that funding was finally awarded. The actions undertaken by the Owner to obtain the funding and to submit an application to revise the PUD clearly meet the requirements to show that the PUD is, in fact, active in light of the “aggregate of actions . . . taken by the owner of the PUD within the past 12 months to develop the portion of the PUD under review.”

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Recommendation to Metro Council

If the Commission determines that the portion of the PUD is inactive, the Owner requests that Commission find that the revised PUD plan is consistent with the existing community plan and that the zoning should not be changed.

The Property is located at the southern tip of a large area designated as T3NM Suburban Neighborhood Maintenance (the "Policy") in the Antioch – Priest Lake Community Plan. In addition, the Property is adjacent to a T3 NM Suburban Community Center policy area – a node of current and planned future development at the intersection of the Murfreesboro Pike transit corridor and Hamilton Church Road. The private drive for the proposed revised PUD will serve as a de facto extension of Hamilton Crossings and run through a ten acre parcel that is zoned Commercial Service.

Per the CCM, the Policy is applied to areas that are zoned residential and the primary land use is envisioned to remain primarily residential. The areas "may contain a mixture of building types" and "higher-intensity buildings" should be placed "nearer to . . . centers and corridors." Nashville Next, page III-CCM-171. "Allowing for higher-intensity residential building types in such locations will add value to neighborhoods through the increased ability to support consumer services and existing or planned transit. . . . [T]aller buildings of up to four stories may be found abutting or adjacent to centers and corridors, depending on their surrounding context." Id.

None of the buildings in the proposed revised PUD exceed three stories in height - within the limits normally found within the interior of T3 NM Suburban Neighborhood policy areas and below the heights that are permitted in transition areas within the Policy. The proposed revised PUD is adjacent Community Center policy and will implement the intent of the Policy by providing housing adjacent to consumer services and to bus service on Murfreesboro Pike and any future additional transit provided along that corridor. Three stories is also equal to the height of the homes at Hamilton Creek Apartments – the existing multifamily property adjacent to the southeastern boundary of the Property.

Within the Antioch – Priest Lake Community Plan the Property is also designated on the Growth & Preservation Concept Map as "Transition" area. "These areas provide housing in proximity to transit and commercial services, increasing the likelihood that residents can walk or bike to meet some of their daily needs. These areas also provide a diversity of housing types that are attractive to Nashvillians." Nashville Next (Antioch – Priest Lake Community Plan), page III-APL-27.

In addition to being consistent with the Policy, the existing PUD is also consistent with other elements included in the recently adopted Nashville Next plan. The Property is designated as a "Transition" area targeted for transition and infill. See Nashville Next, page I-158, Figure I-

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68. “Higher density housing that is appropriate along and around corridors and centers to provide a harmonious connection to surrounding neighborhoods.” Nashville Next, page I-155.

Under the heading “Abundant Housing,” the Nashville Next plan also notes with respect to designated Transition areas:

Areas between neighborhoods and centers or corridors should provide a transition in density and intensity. The transition is accomplished by regulating height and bulk to produce buildings with small to mid-sized footprints. Doing so gives Nashville the opportunity to locate more people close to key amenities, like transit lines and shopping and to add more diverse housing types. These housing types can be built at a lower price than taller buildings with structured parking. Nashville Next, page I-143 (Figure I-65)

Finally, Nashville Next Land Use, Transportation & Infrastructure Goal 6 states: “Nashville uses housing infill along mobility corridors to provide more housing choices that support walking and transit use and to transition gracefully between residential neighborhoods and more intense mixed use and commercial centers and corridors.” Nashville Next, page I-166.

All of these factors demonstrate that the existing PUD is consistent with the adopted Community Plan policy and the existing zoning should not be disturbed. In addition, the proposed revised PUD significantly – from 212 homes to 96 homes. This reduces the units per acre from the currently allowed 27 units per acre to 12.25 units per acre. The current 27 units per acre is well within the density levels called for in appropriate locations within the Policy, and reducing the density by more than half should alleviate all possible remaining concerns about the density of the proposed development.

In addition to being completely consistent with the adopted Policy, the proposed homes will provide affordable housing. The homes will be built without the requiring Metro government to provide any incentive payments. No developer is being required to build the affordable homes and no rezoning was sought to increase density. The Owner has been working since 2013 to utilize existing financing programs in order to build a community of homes for the Nashville workforce on property that is zoned for the use.

For the reasons stated above, the Owner respectfully requests that the Commission:

1. Find that the aggregate of actions taken by the Owner in the past year to develop the portion of the PUD under review demonstrate that the PUD has not been inactive, and accordingly that the limitations of Section 17.40.120 H (5) of the Metro Code should be terminated; or

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2. If the Commission finds that the PUD is inactive, then the Owner requests that the Commission find that the revised PUD plan is consistent with the goals, policies, and objectives of the General Plan and direct staff to prepare a report to the Council to continue the implementation of the revised PUD as approved by the Commission and that no rezoning is recommended on the Property.

Thank you very much for your attention to this important matter.

Sincerely,

David L. Kleinfelter
Reno & Cavanaugh, PLLC

Attachments

Copy: Danielle Litakaer-Nall, Esq., Ridge at Antioch, Limited Partnership
(via email & without attachments)

Mr. Swaggart presented the staff recommendation of finding the PUD active.

Councilmember Karen Johnson spoke in favor of finding the PUD inactive because construction has not started on the portion of the PUD under review. There is no evidence of any infrastructure or other construction that has occurred within the last 12 months that could be counted toward the aggregate of actions.

Councilmember Vercher spoke in favor of finding the PUD inactive because there has been no construction on this PUD.

Jacqueline Pearson, 609 Forest Pointe Place, spoke in favor of finding the PUD inactive. The area is overcrowded already and there isn't enough infra-structure in place.

Charmaine Perkins, 921 Forest Pointe Lane, spoke in favor of finding the PUD inactive as there has been no activity on this site.

(Name Unclear), 2521 Forest View Dr., spoke in favor of finding the PUD inactive as there has been no activity.

Gaylon Northcutt, 2607 Forest View Dr., spoke in favor of finding the PUD inactive.

Marilyn Metz, 2618 Forest View Dr., spoke in favor of finding the PUD inactive as there has been no activity.

Angela Garner, 604 Forest Point Place, spoke in favor of finding the PUD inactive.

Durel Hill, 913 Forest Point Lane, spoke in favor of finding the PUD inactive. This area can't handle any more traffic until better infrastructure is put in place.

David Kleinfelter, 424 Church Street, spoke in favor of finding the PUD active under the aggregate of actions.

Councilmember Johnson stated there has not been development activity on this property and paperwork is not commencement of construction.

Chairman McLean closed the Public Hearing.

Ms. Blackshear noted that from the developer's point of view, the only way this PUD could be found active is under the aggregate of actions, which doesn't have to be taken into consideration.

Ms. Farr stated that she definitely wants to consider the aggregate of actions because they have gone through many steps to get the tax credit from THDA. It's very clear that they have been putting all of the pieces in place to move forward with the development.

Ms. Diaz asked if this plan will have to comply with the UDO.

Mr. Swaggart confirmed and stated that all agencies have started their initial review.

Ms. Diaz spoke in favor of finding the PUD active.

Mr. Haynes expressed agreement with Ms. Farr in that they have worked hard to get the tax credits which does show that it's active.

Mr. Clifton stated that the commission would be in an interesting position, precedent-wise, to allow public, non-secret movement toward building to trigger a finding of inactivity.

Mr. Tibbs stated that while he can sympathize with the neighbors, it does seem like things were happening to show activity.

Mr. Haynes moved and Ms. Farr seconded the motion to find the PUD active. (9-0)

Resolution No. RS2016-131

"BE IT RESOLVED by The Metropolitan Planning Commission that 23-85P-001 is found to be an active PUD. (9-0)"

Subdivision: Final Plats

9. 2015S-044-001

CHEREL STARKS SUBDIVISION

Map 043-15, Parcel(s) 132

Council District 09 (Bill Pridemore)

Staff Reviewer: Latisha Birkeland

A request for final plat approval to create four lots on property located at Larkin Springs Road (unnumbered), on the west side of Larking Springs Road, approximately 150 feet north of New Providence Pass, zoned RS10 (1.13 acres), requested by Rocky Montoya Surveying, applicant; Terrell Starks, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Create 3 lots.

Final Plat

A request for final plat approval to create four lots on property located at Larkin Springs Road (unnumbered), on the west side of Larking Springs Road, approximately 150 feet north of New Providence Pass, zoned Single-Family Residential (RS10) (1.13 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 4 lots.*

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS /STAFF ANALYSIS

The plan proposes to create four lots from one existing parcel located along Larkin Springs Road. The land use policy for the subject property is T3 Suburban Residential Corridor (T3 RC) and the subdivision is not subject to the compatibility criteria in Section 3-5.2 of the Subdivision Regulations. Larkin Springs Road is a collector street and each lot has less than 50 feet of lot

frontage, and combined driveways are required. A joint access easement is proposed for Lots 1 and 2 and a joint access easement is proposed for Lots 3 and 4.

The existing sidewalk along Larkin Springs Road ends at Lot 1. The applicant is required to extend the sidewalk along the site's frontage on Larkin Spring Road. The existing sidewalk is 5 feet in width with a 4 foot plating strip along. Due to the existing sidewalk conditions along Larkin Spring Road, staff recommends that the sidewalk extension continue with a 5 foot sidewalk and a 4 foot planting strip. The sidewalk extension will provide an important pedestrian connection along Larkin Springs Road.

Proposed Subdivision

The subject property is proposed to be subdivided into four lots with the following areas and street frontages:

- Lot 1: 10,611 Sq. Ft., (0.24 Acres), and 46.60 Ft. of frontage;
- Lot 2: 10,531 Sq. Ft., (0.24 Acres), and 46.60 Ft. of frontage;
- Lot 3: 10,451 Sq. Ft., (0.24 Acres), and 46.60 Ft. of frontage;
- Lot 4: 10,431 Sq. Ft., (0.24 Acres), and 46.70 Ft. of frontage;

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approved

- 1) Surveyor stamp/signature/date
- 2) Correct Access Note - replace "Madison Suburban Utility District" with "Metro Water Services."
- 3) Will be required to meet Infill Regulation requirements.

MADISON SUBURBAN UTILITY DISTRICT

Approved

WATER SERVICES RECOMMENDATION

Approved

TRAFFIC AND PARKING RECOMMENDATION

No exception taken

PUBLIC WORKS RECOMMENDATION

No exception taken

STAFF RECOMMENDATION

Staff finds that this subdivision meets the Subdivision Regulations; therefore, staff recommends approval with conditions.

CONDITIONS

1. A five foot sidewalk and a four foot planting strip shall be installed along Lots 1- 4.
2. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.

Approve with conditions. (9-0), Consent Agenda

Resolution No. RS2016-132

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015S-044-001 is **Approved with conditions. (9-0)**"

CONDITIONS

1. A five foot sidewalk and a four foot planting strip shall be installed along Lots 1- 4.
2. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.

10. 2016S-054-001

THE ORVILLE EARHEART SUBDIVISION, RESUB LOT 1

Map 110, Part of Parcel(s) 180
Council District 12 (Steve Glover)
Staff Reviewer: Latisha Birkeland

A request for final plat approval to create three lots on property located at 4141 Smotherman Lane and Smotherman Lane (unnumbered), approximately 545 feet north of Stewarts Ferry Pike, zoned RS15 (9.46 acres), requested by K & A Land Surveying, applicant; Robert E. Lee, owner.

Staff Recommendation: Defer to the May 26, 2016, Metro Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016S-054-001 to the May 26, 2016, Planning Commission meeting. (9-0)

11. 2016S-084-001

1122 CHESTER AVENUE

Map 072-14, Parcel(s) 084
Council District 07 (Anthony Davis)
Staff Reviewer: Alex Deus

A request for final plat approval to create two lots on property located at 1122 Chester Avenue, approximately 230 feet west of the Chapel Avenue (0.3 acres), zoned R6, requested by Dale & Associates, applicant; Urban Dwell Homes, owner.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016S-084-001 to the May 26, 2016, Planning Commission meeting. (9-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

Community Plan Amendments

12a. 2016CP-009-001

DOWNTOWN COMMUNITY PLAN AMENDMENT

Map Various, Parcel(s) Various
Council District 19 (Freddie O'Connell)
Staff Reviewer: Andrew Collins

A request to amend the Downtown Community Plan Special Policies 09-T6-DN-LF-01 and 09-T6-DN-GS-01 to allow high rise development in the policy study area, for various properties located between 8th Avenue South and Lafayette Street and north of I-65 North (3.89 acres), zoned DTC, requested by Bradley Arant Boult Cummings LLP; applicant, CPC 8 to 5 LP, owner. (See also: case # 2016SP-030-001)

Staff Recommendation: Defer to the June 9, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016CP-009-001 to the June 9, 2016, Planning Commission meeting. (9-0)

12b. 2016SP-030-001

6TH & DIVISION MIXED USE DEVELOPMENT

Map 093-14, Parcel(s) 479
Council District 19 (Freddie O'Connell)
Staff Reviewer: Lisa Milligan

A request to rezone from DTC to SP-MU zoning for property located at 825 6th Ave South, at the southwest corner of Ashe Street and 6th Ave. South (3.89 acres), to permit a mixed-use development, requested by Bradley Arant Boulton Cummings, LLP, applicant; CPC-8 to 5 LP, owner. (See also Community Plan Amendment 2016CP-009-001)

Staff Recommendation: Defer to the June 9, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-030-001 to the June 9, 2016, Planning Commission meeting. (9-0)

13a. 2016CP-009-002

DOWNTOWN COMMUNITY PLAN AMENDMENT

Map 093-06-4, Parcel(s) 063, 076, 083, 084, 091, 094, 107
Council District 19 (Freddie O'Connell)
Staff Reviewer: Andrew Collins

A request to amend Special Policy 09-T6-DN-SOBRO-01 to clarify that high-rise building height in the policy study area is permissible and to clarify the contextual basis standards relative to historic structures, as requested for properties located at 151 1st Avenue South, and 150 and 134 2nd Avenue South, at the northwest corner of 1st Avenue South and Demonbreun Street, (1.74 acres), zoned DTC, requested by Second Avenue Partners LLC; applicant, Belle Meade Investments LLC; owners. (See also: case# 2016DTC-001-001)

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016CP-009-002 to the May 26, 2016, Planning Commission meeting. (7-0-2)

13b. 2016DTC-001-001

134 AND 150 2ND AVENUE S & 151 1ST AVENUE S

Map 093-06-4, Parcel(s) 076, 083-084
Council District 19 (Freddie O'Connell)
Staff Reviewer: Andrew Collins

A request for a modification for overall building height, for property located at 151 1st Avenue South, and 150 and 134 2nd Avenue South (1.75 acres), zoned DTC and within the SoBro subdistrict, to permit a 40 story mixed use development, where 15 stories is permitted by-right and 30 stories is the by-right bonus height maximum, requested by Second Avenue Partners LLC, applicant; Belle Meade Investments LLC and Market Street Apartments LTD, owner. (See also Community Plan Amendment 2016CP-009-002)

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016DTC-001-001 to the May 26, 2016, Planning Commission meeting. (7-0-2)

I. RECOMMENDATIONS TO METRO COUNCIL

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

Specific Plans

14. 2013SP-030-003

PORTER ROAD SP AMENDMENT

Map 072-15, Parcel(s) 237, 356
Map 072-15-0-W, Parcel(s) 001-022, 900
Council District 07 (Anthony Davis)
Staff Reviewer: Latisha Birkeland

A request to amend the Porter Road Specific Plan District for property located 1509 Porter Road and Porter Road (unnumbered) to add parcel 237 and permit a maximum of 28 residential units and up to 7,400 square feet of commercial use where 28 residential units and up to 6,000 square feet of commercial use were previously approved, approximately 72 feet south of Cahal

Avenue, zoned Specific Plan (SP) and One and Two-Family Residential (R6) (0.7 acres), requested by Dale & Associates, applicant; 1509 Porter, The Porter Village Partners, owner.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013SP-030-003 to the May 26, 2016, Planning Commission meeting. (9-0)

15. 2013SP-037-003

HILL CENTER SYLVAN HEIGHTS SP AMENDMENT

Map 091-16, Parcel(s) 392

Council District 24 (Kathleen Murphy)

Staff Reviewer: Karimeh Moukaddem

A request to amend the Hill Center Sylvan Heights Specific Plan District for property located at 610 Sylvan Heights Way, at the southwest corner of the intersection of 40th Avenue North and Charlotte Avenue (5.65 acres), zoned SP-MU, to allow uses permitted under MUL-A zoning and liquor sales, requested by Hill Center Sylvan Heights LLC, owner and applicant.

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

APPLICANT REQUEST

Amend the SP as it pertains to parcel 392 to allow uses permitted under MUL-A zoning and liquor sales.

Preliminary SP

A request to amend the Hill Center Sylvan Heights Specific Plan District for the property located at 610 Sylvan Heights Way, at the southwest corner of the intersection of 40th Avenue North and Charlotte Avenue (5.65 acres), zoned Specific Plan-Mixed Use (SP-MU), to allow uses permitted under Mixed Use Limited-Alternative (MUL-A) zoning and liquor sales.

Existing Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning district category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses.

History

The Hill Center at Sylvan Heights SP was originally approved by the Metro Council on January 21st, 2014. The final site plan, approved January 26th, 2015, includes approximately 7.4 acres on parcels 392 and 393. Only parcel 392 is included in this request. The SP allows for all uses permitted in the Mixed Use Limited-Alternative, MUL-A, zoning district and a mixed-use development of multifamily units and commercial uses in three separate buildings and up to fourteen detached single-family units.

CRITICAL PLANNING GOALS

N/A

WEST NASHVILLE COMMUNITY PLAN

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

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 amendment to the plan to allow for all uses permitted under MUL-A zoning and liquor sales is consistent with the T4 Urban Mixed Use Corridor policy. This SP placed two buildings containing commercial uses on the ground floors of buildings along the portion of the site included in the Mixed Use Corridor policy. The inclusion of liquor sales is consistent with this policy. Buildings housing residential uses and not containing commercial space are located on the portion of the site included in the Neighborhood Maintenance policy.

PLAN DETAILS

The site is located at 610 Sylvan Heights Way, at the southwest corner of the intersection of 40th Avenue North and Charlotte Avenue. The site is approximately 5.65 acres in size and currently contains a mixed-use development. While the SP includes parcels 392 and 393, this amendment applies only to the site on parcel 392.

Site Plan

Two buildings on the north side of the site along Charlotte Avenue contain commercial space. The building at the northeast corner is approved for 15, 410 square feet of commercial floor area on the ground floor, with a maximum of sixteen residential units on the second floor. A one story, 5,400 square foot commercial building is approved at the northwest corner of the site. These commercial buildings are in the build-to zone of Charlotte Avenue and 40th Avenue North. A four story multi-family building occupies a large portion of the middle of the site, and fourteen single-family residences are located on the southernmost portion of the site. The SP allows uses permitted in the MUL-A district for all commercial spaces.

ANALYSIS

The mixed use nature of the SP encourages walking trips for daily conveniences by proposing commercial uses in an urban form along the Charlotte Avenue corridor within walking distance for the existing and future residential uses. The proposed amendment is consistent with the T4 Urban Mixed Use Corridor policy and provides for an additional supportive use within the SP.

FIRE MARSHAL RECOMMENDATION

Approved with Conditions

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

PUBLIC WORKS RECOMMENDATION

No Exception Taken

WATER SERVICES RECOMMENDATION

Approved

TRAFFIC AND PARKING RECOMMENDATION

No Exception Taken

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Uses shall be limited to all uses permitted within MUL-A zoning and liquor sales.
2. All conditions from the approval of the SP as noted in BL2013-628 shall apply.

Approve with conditions and disapprove without all conditions. (9-0), Consent Agenda

Resolution No. RS2016-133

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-037-003 is **Approved with conditions and disapproved without all conditions. (9-0)**”

CONDITIONS

1. **Uses shall be limited to all uses permitted within MUL-A zoning and liquor sales.**
2. **All conditions from the approval of the SP as noted in BL2013-628 shall apply.**

16. 2016SP-031-001

BURKITT ROAD RETAIL SP

Map 186, Parcel(s) 014

Council District 31 (Fabian Bedne)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to SP-C zoning for property located at Nolensville Pike (unnumbered), at the southeast corner of the Burkitt Road and Nolensville Pike intersection (1.5 acres), to permit a 10,550 square foot commercial development, requested by Southeast Venture LLC, applicant; Magnolia Properties, owners.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-031-001 to the May 26, 2016, Planning Commission meeting. (8-0-1)

17. 2016SP-032-001

1623 & 1625 7TH AVENUE NORTH SP

Map 081-08, Parcel(s) 475-476

Council District 19 (Freddie O'Connell)

Staff Reviewer: Lisa Milligan

A request to rezone from R6 to SP-R zoning for property located at 1623 and 1625 7th Ave North, located at the southwest corner of Garfield Street and 7th Ave North, to permit seven residential units (0.38 acres), requested by Stone & Howorth, PLC, applicant; Regal Homes Co., and Jackstraw Properties, LLC, owners.

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

APPLICANT REQUEST

Permit a residential development with up to 7 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 1623 and 1625 7th Ave North, located at the southwest corner of Garfield Street and 7th Ave North, to permit seven residential units (0.38 acres).

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development
- 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 improved along Garfield Street to create a better pedestrian environment.

NORTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The SP is consistent with the T4 Urban Neighborhood Evolving policy. The proposed development provides additional housing within an existing urban neighborhood. The proposed units will front on both Garfield Street and 7th Avenue North with minimal setbacks, creating a strong streetscape and an inviting pedestrian environment.

PLAN DETAILS

The site is located at 1623 and 1625 7th Avenue North, at the intersection of 7th Avenue North and Garfield Street. The site is approximately 0.38 acres in size. 1623 7th Avenue North is currently in use as a duplex and 1625 7th Avenue North is currently vacant.

Site Plan

The plan proposes up to seven residential dwelling units with four units fronting Garfield Street and three units fronting 7th Avenue North. The corner unit will have a wraparound porch that addresses both Garfield Street and 7th Avenue North.

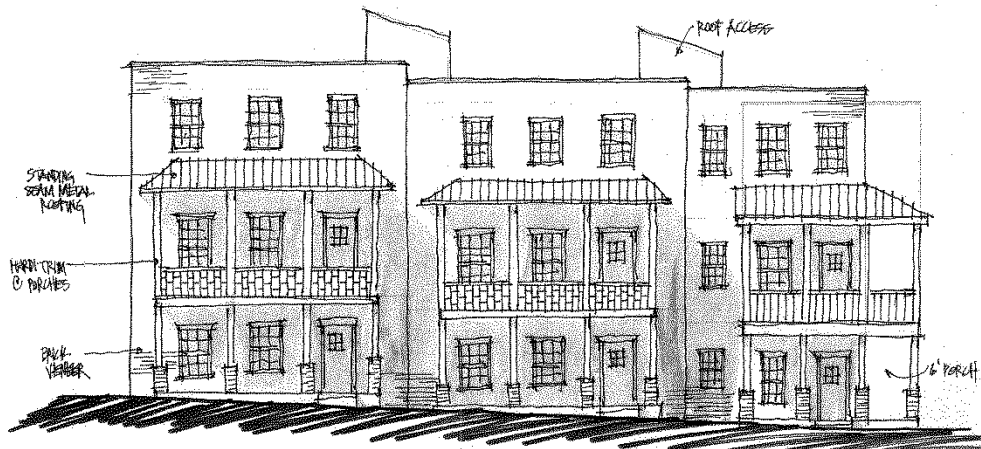
Vehicular access for the development is proposed from the existing alley adjacent to the western property line. Each unit includes two garage parking spaces and 4 additional guest spaces are included. Garfield Street is designated as an arterial on the Major and Collector Street plan and sidewalks are being provided consistent with the MCSP requirements. A four foot

planting strip and ten foot sidewalk is being provided along Garfield Street. 7th Avenue North is a local street with an existing grass strip and sidewalk that will remain.

Front elevations have been provided for the units for both the Garfield Street frontage and 7th Avenue North frontage. The proposed units have a height of three stories in a maximum of 45 feet, with roof access. The units are proposed to be primarily brick and feature double story porches. A raised foundation a minimum of 18" and a maximum of 36" will also be provided.



Garfield Street elevation



7th Avenue North elevation

ANALYSIS

The proposed development provides for an urban development on an infill site. The units front on both Garfield Street and 7th Avenue North and create a strong streetscape. A direct sidewalk connection is provided from each unit contributing to the walkability of the area.

HISTORIC ZONING COMMISSION STAFF RECOMMENDATION

Approved

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approve 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.

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, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- ROW dedications are to be recorded prior to building permit signoff by MPW.
- Indicate on the plans the installation of an ADA compliant ramp at the intersection of Garfield and 7th.
- Add notation on the plans that the sidewalk, curb and gutter, ramp, etc. are to be per MPW standard details ST-210, ST-200, ST-324, etc.
- Add note that the alley paving is to be per ST-263 paving cross section.

TRAFFIC AND PARKING RECOMMENDATION

No exception taken

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)	0.38	7.26 D	4 U	39	3	5

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (230)	0.38	-	7 U	53	6	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.38	-	+3 U	+14	+3	+1

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 would not generate any additional students than would be generated under the existing R6 zoning.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Permitted land uses shall be limited to up to 7 residential units.
2. Bicycle Parking shall be provided on the final site plan in compliance with Table 17.20.135 of the Metro Zoning Code.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. 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. (9-0), Consent Agenda

Resolution No. RS2016-134

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-032-001 is **Approved with conditions and disapproved without all conditions. (9-0)**"

CONDITIONS

1. Permitted land uses shall be limited to up to 7 residential units.
2. Bicycle Parking shall be provided on the final site plan in compliance with Table 17.20.135 of the Metro Zoning Code.
3. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
4. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
5. 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.

18. 2016SP-036-001

1016 33rd AVENUE NORTH SP

Map 092-01, Parcel(s) 105
Council District 21 (Ed Kindall)
Staff Reviewer: Alex Deus

A request to rezone from R6 to SP-R zoning for property located at 1016 33rd Avenue North, approximately 70 feet south of Alameda Street (0.29 acres), to permit four multi-family units within the existing structure, requested by Joseph Perry and Joyce Page, applicant & owner.

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Rezoning from R6 to SP-R.

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) zoning for property located at 1016 33rd Avenue North, approximately 70 feet south of Alameda Street (0.29 acres), to permit four multi-family units within the existing structure.

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 2 lots with 2 duplex lots for a total of 4 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

NORTH 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. This request is not consistent with policy as it does not preserve the existing character of the neighborhood that is predominantly single and two-family residential uses. Allowing four multi-family units would be an inappropriate application of residential intensity.

ANALYSIS

This property is located at 1016 33rd Avenue and is approximately 0.29 acres. There is a currently an illegal quadplex located on this site. The current zoning is R6 which allows for one and two-family residences; two-family uses are permitted with conditions. A zoning request to SP would allow for four multi-family units within the existing structure; this is a regulatory SP.

This neighborhood is zoned for one and two-family residences. Multi-family uses are not permitted under the current zoning and the existing quadplex is not legally non-conforming. In 1988, this property was cited for being used as a triplex, and told to convert the structure into a legal duplex. Granting this application would be an inappropriate application of increased residential intensity, inconsistent with land use policy and extend the life of an existing illegal use.

In the event this structure was to be demolished, uses permitted by the SP will be those permitted by the R6-A district only.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC & PARKING 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)	0.29	7.26 D	4 U	39	3	5

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.29	-	4 U	39	3	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.29	-	-	-	-	-

METRO SCHOOL BOARD REPORT

Projected student generation existing <u>R6</u> district	<u>0</u> Elementary	<u>0</u> Middle	<u>0</u> High
Projected student generation proposed <u>SP-R</u> district	<u>0</u> Elementary	<u>0</u> Middle	<u>0</u> High

The proposed SP-R district would generate no more additional students than what is typically generated under the existing R6 district utilizing the Urban Infill Factor. Students would attend Park Avenue Elementary, McKissack Middle School and Pearl-Cohn High School.

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

STAFF RECOMMENDATION

Staff recommends disapproval.

CONDITIONS (if approved)

1. Uses within this SP shall be limited to four residential units in the existing structure.
2. In the event this structure was to be demolished, uses permitted by the SP will be those permitted by the R6-A district only.
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 RM15-A zoning district as of the date of the applicable request or application.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Deus presented the staff recommendation of disapproval.

The applicant spoke in favor of the application and noted that he wants to add meters to each unit. Each tenant should be responsible for their own electric and utility bills.

Chairman McLean closed the Public Hearing.

Mr. Deus stated that this is a not legal, nonconforming quadplex.

Councilmember Allen asked that, if approved, does that lay the ground work for other things to happen or would it be confined to just allowing the applicant to do what he wants.

Mr. Deus explained that if the commission approves this, there are conditions within this application that would just apply for the existing structure. If the property is ever redeveloped, it would be redeveloped to R6-A zoning district standards.

Ms. Logan clarified that if disapproved, the applicant could ask the councilmember to request the bill and proceed to council with a recommendation of disapproval from the planning commission. If approved, the conditions basically legalize what the applicant has currently with the condition that if redeveloped, it would be limited to two units.

Councilmember Allen moved and Mr. Tibbs seconded the motion to approve with conditions and disapprove without all conditions. (8-1) Ms. Hagan-Dier voted against.

Resolution No. RS2016-135

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-036-001 is Approved with conditions and disapproved without all conditions. (8-1)"

CONDITIONS

- 1. Uses within this SP shall be limited to four residential units in the existing structure.**
- 2. In the event this structure was to be demolished, uses permitted by the SP will be those permitted by the R6-A district only.**
- 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 RM15-A zoning district as of the date of the applicable request or application.**
- 4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**

19. 2016SP-037-001

NEELY'S BEND ROAD SP

Map 063-01, Parcel(s) 018

Council District 09 (Bill Pridemore)

Staff Reviewer: Patrick Napier

A request to rezone from CN and RS40 to SP-R zoning for property located at Neely's Bend Road (unnumbered), at the northeast corner of the intersection of Hudson Road and Neely's Bend Road (1.92 acres), to permit up to two single-family detached dwelling units, requested by AJ Investments LLC, applicant and owner.

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

APPLICANT REQUEST

Permit up to two single family detached homes.

Preliminary SP

A request to rezone from Commercial Neighborhood (CN) and RS40 to Specific Plan –Residential (SP-R) zoning for property located at Neely's Bend Road (unnumbered), at the northeast corner of the intersection of Hudson Road and Neely's Bend Road (1.92 acres), to permit up to two single-family detached dwelling units.

Existing Zoning

Commercial Neighborhood CN is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

Single-Family Residential RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at an overall density of 0.93 dwelling units per acre. *Due to the small portion of the property zoned as RS40, no residential units would currently be permitted.*

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 single family uses.

CRITICAL PLANNING GOALS

N/A

MADISON COMMUNITY PLAN

T2 Rural Neighborhood Center (T2 NC) policy is intended to preserve, enhance, and create rural neighborhood centers that fit in with rural character and provide consumer goods and services for surrounding rural communities. T2 NC areas are small-scale pedestrian friendly areas generally located at intersections. They contain commercial, mixed use, residential, and institutional uses.

Consistent with Policy?

Yes. The Rural Neighborhood Center policy allows a variety of residential and non-residential uses and emphasizes rural neighborhood character. Single-family residential uses are appropriate in this policy. Given the surrounding development pattern that consists primarily of single-family homes on lots over one acre in size, the development of two single-family detached units on this property is consistent with the goals of the policy.

ANALYSIS

The property is located at the northeast corner of Hudson Road and Neely's Bend Road. The property is zoned mostly as Commercial Neighborhood with a small portion at the northern and eastern property boundaries zone as RS40. Currently, no residential units would be permitted

on this site, as the property does not qualify for Adaptive Residential Development and the RS40 portion of the site is not large enough to permit residential development. The proposed regulatory plan proposes several design standards, including a raised foundation of between 18" and 36", a height limitation of 2 stories to a maximum of 35 feet, and a restriction that no parking will be located between structures and the street. The SP also proposes that the parcel be subdivided into two lots of at least 30,000 square feet in size.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Conditions if Approved

- Traffic study may be required at time of development.

WATER SERVICES RECOMMENDATION

N/A

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the proposed plan is consistent with the Rural Neighborhood Center policy.

CONDITIONS

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
2. This SP shall permit up to two detached dwelling units.
3. 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 the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. 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.
5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approve with conditions and disapprove without all conditions. (8-0-1), Consent Agenda

Resolution No. RS2016-136

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016SP-037-001 is **Approved with conditions and disapproved without all conditions. (8-0-1)"**

CONDITIONS

1. **The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.**
2. **This SP shall permit up to two detached dwelling units.**
3. **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 the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
4. **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.**
5. **The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.**

Zone Changes

20. 2016Z-043PR-001

Map 070-07, Parcel(s) 020
Council District 02 (DeCosta Hastings)
Staff Reviewer: Alex Deus

A request to rezone from CL to MUL-A zoning for property located at 1002 West Trinity Lane, at the southwest corner of the intersection of Youngs Lane and West Trinity Lane (1.55 acres), requested by Norma Crow, applicant and owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Rezone from CL to MUL-A.

Zone Change

A request to rezone from Commercial Limited (CL) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 1002 West Trinity Lane, at the southwest corner of the intersection of Youngs Lane and West Trinity Lane (1.55 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports 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 the enhancement of the pedestrian network.

BORDEAUX-WHITES CREEK COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) is intended to enhance and create suburban neighborhood centers that serve suburban neighborhoods generally within a 5 minute drive. They are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, residential, and institutional land uses. T3 NC areas are served with well-connected street networks, sidewalks, and mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The proposed zoning district allows for additional uses to be introduced into the neighborhood at a location that is envisioned to redevelop as a neighborhood center with a variety of uses and appropriate design standards.

ANALYSIS

This site is located at 1002 West Trinity Lane and is approximately 1.55 acres. This property is currently zoned Commercial Limited (CL), which permits commercial uses, and is currently vacant.

In the event this property were to redevelop, the MUL-A zoning district would allow for additional uses to be introduced including residential, commercial and office uses. This district also has appropriate design standards consistent with the land use policy that would create walkable neighborhoods through the placement of buildings. The MUL-A district requires a build to zone that would orient future development to address the public realm. The standards would also require future development to occupy the corner of the parcel since this property is located at the intersection of two public streets.

Sidewalks would be required and two rows and a drive aisle would be permitted between any future building and the street, as this site is located outside the UZO, if the property were to redevelop under the proposed Alternative district.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC & PARKING RECOMMENDATION

Conditions if approved

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.55	0.6 F	40, 510 SF	1771	40	119

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	1.55	1 F	67,518 SF	5261	123	489

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	1.55	-	+27,008 SF	+3,490	+83	+370

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed **MUL-A** district 0 Elementary 5 Middle 6 High

The proposed MUL-A district would generate 11 additional students than what is typically generated under the existing CL district. Students would attend Lillard Elementary, Joelton Middle School and Whites Creek High School.

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

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0), Consent Agenda

Resolution No. RS2016-137

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-043PR-001 is **Approved. (9-0)**”

21. 2016Z-044PR-001

Map 106, Part of Parcel 030
 Council District 16 (Mike Freeman)
 Staff Reviewer: Lisa Milligan

A request to rezone from R10 to CS zoning for a portion property located at 981 Murfreesboro Pike, at the southwest side of the intersection of Millwood Drive and Murfreesboro Pike (4.06 acres), requested by Magnolia Title and Escrow Inc., applicant; and Likes Family Trust C/O Robert J. Likes, owner.

Staff Recommendation: Defer to the June 23, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016Z-044PR-001 to the June 23, 2016, Planning Commission meeting. (9-0)

22. 2016Z-046PR-001

Map 092-10, Parcel(s) 219-221
Council District 21 (Ed Kindall)
Staff Reviewer: Alex Deus

A request to rezone from RS5 to MUL-A zoning for property located at 2701, 2703, and 2705 Clifton Avenue, at the southwest corner of the intersection of Clifton Avenue and 27th Avenue North (0.67 acres), requested by LittleJohn Engineering & Associates, applicant; and Desperado Properties LLC and Max Khazanov, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Rezone from RS5 to MUL-A.

Zone Change

A request to rezone from Single-Family Residential (RS5) to Mixed Use Limited-Alternative (MUL-A) zoning for property located at 2701, 2703, and 2705 Clifton Avenue, at the southwest corner of the intersection of Clifton Avenue and 27th Avenue North (0.67 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 5 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports 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.

NORTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The proposed zoning district allows for additional uses to be introduced into a primarily residential neighborhood that is envisioned to redevelop as a mixed-use corridor.

ANALYSIS

This site is located at 2101, 2703, and 2705 Clifton Avenue and is approximately 0.67 acres. These properties are currently zoned RS5 which only permits single-family residences. There is currently a single-family residence present on one of the lots.

In the event these properties were to redevelop, the MUL-A zoning district would allow for additional uses to be introduced such as multi-family, commercial and office. This district also has appropriate design standards consistent with the land use policy that would create walkable neighborhoods through the placement of buildings. The MUL-A district requires a build to zone that would orient future development to address the public realm. The standards would also require future development to occupy the corner of the parcel since these properties are located at the intersection of two public streets.

Sidewalks would be required and vehicular access would be limited to the existing alley (#937), if the property were to redevelop under the proposed Alternative district.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC & PARKING RECOMMENDATION

Conditions if approved

- Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.67	8.7 D	5 U	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.67	1 F	29, 185 SF	1287	31	92

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	0.67	-	-	+1,239	+27	+86

METRO SCHOOL BOARD REPORT

Projected student generation existing **RS5** district **1** Elementary **0** Middle **0** High

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

The proposed MUL-A district would generate fewer additional students than what is typically generated under the existing RS5 district using the Urban Infill Factor. Students would attend Park Avenue Elementary, McKissack Middle School and Pearl-Cohn High School.

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

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (9-0), Consent Agenda

Resolution No. RS2016-138

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-046PR-001 is **Approved. (9-0)**”

23. 2016Z-048PR-001

Map 092-10, Parcel(s) 058-059, 061-064
 Council District 21 (Ed Kindall)
 Staff Reviewer: Lisa Milligan

A request to rezone from RS5, R6, OL, OG, CS, IWD, and IR to ORI-A zoning for properties located at 3100 Charlotte Avenue and 405, 409, 411, 413, and 415 31st Ave N, at the corner of 31st Avenue N and Charlotte Avenue (2.86 acres), requested by Gilbert Smith, applicant; Gilbert Smith, Charlotte Realty Company, and Crow Mini 6, LLC et al, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5, R6, OL, OG, CS, IWD, and IR to ORI-A.

Zone Change

A request to rezone from Single-Family Residential (RS5), One and Two-Family Residential (R6), Office Limited (OL), Office General (OG), Commercial Service (CS), Industrial Warehousing/Distribution (IWD), and Industrial Restrictive (IR) to

Office/Residential Intensive-Alternative (ORI-A) zoning for properties located at 3100 Charlotte Avenue and 405, 409, 411, 413, and 415 31st Ave N, at the corner of 31st Avenue N and Charlotte Avenue (2.86 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 1 unit.*

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 8 lots with 2 duplex lots for a total of 10 units.*

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

Office General (OG) is intended for moderately high intensity office uses.

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

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

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

NORTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The requested rezoning is consistent with the T5 Mixed Use Neighborhood policy. ORI-A zoning will allow for a high intensity mixed use development and includes appropriate standards in regards to building placement and bulk standards to create attractive streetscapes and pedestrian friendly walkable neighborhoods.

ANALYSIS

The request is consistent with the T5 Mixed Use Neighborhood policy as the ORI-A zoning supports uses that are encouraged within the policy. The requested zone change will create a cohesive zoning where currently seven zoning districts exist. This increases the redevelopment opportunities of the property and positions the property to better contribute to the development of the center as a mixed use destination. The recently adopted NashvilleNext plan identified Centers and Corridors as being the areas where most future growth should take place. The location of the rezoning along the Charlotte Avenue corridor is an appropriate location for an urban infill project and in keeping with the adopted NashvilleNext plan as the property is located within an identified Tier 1 Center. Additionally, Charlotte Avenue is identified in NashvilleNext as a High Capacity Transit Corridor and features a variety of transportation options which supports additional infill development.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two- Family Residential* (210)	1.62	7.26 D	14 U	134	11	15

*Based on two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.32	0.75 F	10,454 SF	235	31	31

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.12	0.8 F	4,181 SF	116	15	15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	0.09	0.6 F	2,352 SF	75	10	10

Maximum Uses in Existing 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)	0.13	0.8 F	4,530 SF	17	2	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	0.54	0.6 F	14,113 SF	51	5	5

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	2.68	3 F	350,222 SF	3503	512	472

Traffic changes between maximum: **IWD, OG, CS, IR, OL, R6 and ORI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
	2.68	-	-	+2,875	+438	+394

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 & R6 district: 1 Elementary 1 Middle 1 High

Projected student generation proposed ORI-A district: 5 Elementary 3 Middle 3 High

The proposed ORI-A zoning district could generate 8 more students than what is typically generated under the existing RS5 and R6 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated November 2015.

STAFF RECOMMENDATION

Staff recommends approval.

Approve. (8-0-1), Consent Agenda

Resolution No. RS2016-139

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-048PR-001 is **Approved. (8-0-1)**”

Urban Design Overlays

24. 2003UD-003-003

RIDGEVIEW URBAN DESIGN OVERLAY (AMENDMENT)

Map 163, Parcel(s) 122

Council District 32 (Jacobia Dowell)

Staff Reviewer: Jason Swaggart

A request to amend a portion of the Ridgeview Urban Design Overlay (UDO) District for property located at Bell Road (unnumbered), approximately 500 feet east of Bell Road, zoned RM9 and MUL (63 acres), to permit a mixed residential development consisting of 478 multi-family residential units, an assisted living site and a community education site, and a public park site, requested by Dale & Associates, applicant; AF PB2, LLC, owner.

Staff Recommendation: Defer to the June 9, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2003UD-003-003 to the June 9, 2016, Planning Commission meeting. (9-0)

Planned Unit Developments

25. 47-86P-001

NASHVILLE BUSINESS CENTER (AMENDMENT)

Map 050, Parcel(s) 130

Map 050-10-0-B, Parcel(s) 001-003

Council District 03 (Brenda Haywood)

Staff Reviewer: Jason Swaggart

A request to amend a Planned Unit Development located at 3300 Briley Park Boulevard South and 3400 and 3438 Briley Park Boulevard North, and Brick Church Lane (unnumbered), north of Briley Parkway and west of Brick Church Pike (60.3 acres), zoned IWD, to permit a 9,807 square foot building addition to one property within the Planned Unit Development, requested by Barge Cauthen & Associates, applicant; Cintas Corporation No. 1 and J. Christopher Brown, owner.

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

APPLICANT REQUEST

Amend PUD.

Amend PUD

A request to amend a Planned Unit Development located at 3300 Briley Park Boulevard South and 3400 and 3438 Briley Park Boulevard North, and Brick Church Lane (unnumbered), north of Briley Parkway and west of Brick Church Pike (60.3 acres), zoned Industrial Warehousing/Distribution (IWD) to permit a 9,807 square foot building addition to one property within the Planned Unit Development.

Existing Zoning

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

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

CRITICAL PLANNING GOALS

N/A

PARKWOOD-UNION HILL COMMUNITY PLAN

District Impact (D I) is intended to create and enhance areas that are dominated by one or more activities that have, or can have, a significant, adverse impact on the surrounding area, 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. Examples of District Impact areas include hazardous industrial operations, mineral extraction and processing, airports and other major transportation terminals, correctional facilities, major utility installations, and landfills.

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

Consistent with Policy?

Yes. The existing land use which the Zoning Code classifies as "light manufacturing" is consistent with the D I land use policy. While the D I policy could support more intense industrial uses, the PUD and IWD base zoning district limits development in the PUD to less intense industrial uses. The CO policy recognizes the north fork of Ewing Creek. There are currently stormwater buffers along the creek, and the proposed expansion does not impact the stream buffer.

PLAN DETAILS

The subject PUD is located along the east side of I-24, west of Brick Church Pike. The original PUD was approved by Council in 1986 for 679,000 square feet of light industrial and warehousing uses. The subject PUD has been revised several times since 1986. The existing building on the site where the expansion is proposed is 41,907 square feet in size.

Site Plan

The plan calls for a 9,807 square foot building addition along the west portion of an existing 41,907 square foot building which would increase the size of the building to 51,714 square feet. The location for the expansion is currently a surface parking lot. The plan does not propose any other changes.

ANALYSIS

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions.

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

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

adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.

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

While staff finds that the request is consistent with the overall concept of the last Council approved plan, the proposal would increase the floor area in the PUD over ten percent of what was last approved by Council. Since the plan would increase the floor area over ten percent of what was last approved by Council, then the request cannot be considered a "minor modification", and must be approved by Council.

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

STORMWATER RECOMMENDATION

Approved

TRAFFIC AND PARKING RECOMMENDATION

No exceptions taken

WATER SERVICES RECOMMENDATION

Approve with conditions

Approved as a Preliminary PUD Amendment only. The required capacity fees must be paid prior to Final Site Plan approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. 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.
2. 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. 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.

Approve with conditions and disapprove without all conditions. (8-0-1), Consent Agenda

Resolution No. RS2016-140

"BE IT RESOLVED by The Metropolitan Planning Commission that 47-86P-001 is **Approved with conditions and disapproved without all conditions. (8-0-1)**"

CONDITIONS

1. 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.
2. 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. 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.

J. PLANNING COMMISSION ACTIONS

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

Planned Unit Developments

26. 122-85P-001

230 VENTURE CIRCLE

Map 070-16, Parcel(s) 009

Council District 02 (DeCosta Hastings)

Staff Reviewer: Patrick Napier

A request to revise the preliminary PUD and for final site plan approval to allow for additional parking spaces and to relocate the existing dumpster enclosure for property located 230 Venture Circle, approximately 400 east of French Landing Drive (1.26 acres), requested by Fulmer Engineering, applicant; Sallie Allen, owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred indefinitely 122-85P-001. (9-0)

Subdivision: Final Plats

27. 2016S-048-001

THE ELKINS PROPERTY PLAT

Map 147-07, Parcel(s) 235

Council District 27 (Davette Blalock)

Staff Reviewer: Patrick Napier

A request to create one lot and a variance from the subdivision regulations for sidewalk requirements on property located at J. J. Watson Avenue (unnumbered), approximately 285 feet west of Nolensville Pike, zoned R6 (0.30 acres), requested by Galyon Northcutt Surveying, applicant; Stephen D. Elkins, owner.

Staff Recommendation: Defer to the May 26, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016S-048-001 to the May 26, 2016, Planning Commission meeting. (9-0)

K. OTHER BUSINESS

28. Historic Zoning Commission Report

29. Board of Parks and Recreation Report

30. Executive Committee Report

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

Approve. (9-0), Consent Agenda

Resolution No. RS2016-141

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved. (9-0)"**

32. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

May 12, 2016

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

May 26, 2016

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

June 9, 2016

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

June 23, 2016

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

M. ADJOURNMENT

The meeting adjourned at 6:01 p.m.

Chairman

Secretary



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

Date: May 12, 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: Clifton; McLean; Diaz; Blackshear; Farr
 - b. Not Attending:
2. Legal Representation – Emily Lamb will be attending

B. Executive Office

1. Our Council Operating Budget Hearing will take place on Wednesday, May 11 at 5:00 p.m. in Council Chamber.
2. Our next work session will be on Thursday, May 12 at 2:00 p.m. in the Sonny West Conference Center. The topic will be Whites Creek.

C. Community Plans/Design Studio

1. We are continuing to interview for the open Planner II position.

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 05/02/2016**.

APPROVALS	# of Applics	# of Applics '16
Specific Plans	0	21
PUDs	0	4
UDOs	0	2
Subdivisions	5	54
Mandatory Referrals	2	56
Grand Total	7	137

SPECIFIC PLANS (finals only): MPC Approval						
Finding: Final site plan conforms to the approved development plan.						
Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
NONE						

URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval						
Finding: all design standards of the overlay district and other applicable requirements of the code have been satisfied.						
Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
NONE						

PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval						
Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
NONE						

MANDATORY REFERRALS: MPC Approval

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District (CM Name)
4/11/2016 12:49	4/22/2016	RECOM APPR	2016M-021ES-001	800-802 MARQUETTE DRIVE	A request to abandon 133 linear feet of existing 8" sewer main, and to accept approximately 302 linear feet of 8" sanitary sewer main for properties located at 800 - 802 Marquette Drive, Metro Water Services Project # 16-SG-0059, requested by Metro Water Services, applicant; various owners.	23 (Mina Johnson)
4/14/2016 11:05	4/22/2016	RECOM APPR	2016M-022ES-001	ALLEY # 160	A request to abandon retained easement rights retained via Metro Council Bill #BL2015-1020 for Alley No. 160, requested by Metro Water Services, applicant; Sev 8th and Division, LLC, 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)
1/28/2016 11:26	4/19/2016	APADMIN	2016S-046-001	VILLAGE 21	A request for final plat approval to create one lot on properties located within the Hillsboro Village Urban Design Overlay District at 1608, 1620, and 1622 21st Avenue South, approximately 75 feet north of Wedgewood Avenue, zoned MUL (1.04 acres), requested by Littlejohn Engineering Associates Inc., applicant; O.I.C. Village 21, owner.	17 (Colby Sledge)
2/10/2016 14:02	4/20/2016	RECOM APPR	2016S-056-001	Mailan Heights, Replat of Lot 3	A request for final plat approval to create two lots on property located at 2605 Traughber Drive, at the north corner of the intersection of Traughber Drive and Mailan Drive, zoned R10 (0.57 acres), requested by Clint T. Elliott Surveyor, applicant; Rachael Hansel, owner.	07 (Anthony Davis)
12/31/2015 10:55	4/21/2016	APADMIN	2016S-031-001	OLD CHARLOTTE ESTATES	A request for final plat approval to create eight lots on property located at Old Charlotte Pike (unnumbered), at the corner of Gower Road and Old Charlotte Pike (19.41 acres), zoned AR2a and R80, requested by Dale & Associates, applicant; Tenn Contractors, Inc, owner.	35 (Dave Rosenberg)

SUBDIVISIONS: Administrative Approval (cont.)

10/27/2015 15:09	4/26/2016	APADMIN	2015S-169-001	CONSOLIDATION PLAT FOR 13000 AND 13010 OLD HICKORY BOULEVARD	A request for final plat approval to create one lot on properties located at 13000 and 13010 Old Hickory Boulevard, approximately 480 feet south of Owen Drive, zoned IR and located within a Commercial Planned Unit Development Overlay District, (5.73 acres), requested by HFR Design, Inc, applicant; MAT Real Estate, LLC, and Rose Management, LLC, owners.	33 (Sam Coleman)
2/12/2016 11:44	4/29/2016	APADMIN	2016S-068-001	PAYNE'S ADDITION TO EDGEFIELD RESUB OF LOTS 36 TO 46 REVISION OF LOT 2	A request for final plat approval to dedicate right-of-way on property located at 200 South 10th Street, at the intersection of Russell street and South 10th Street, zoned SP (0.56 acres), requested by Campbell Mcrae & Assoc Surveying Inc, applicant; Rice Property Management, owner.	06 (Brett Withers)

Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
4/19/16	Approved New	2015B-038-001	HARVEST GROVE, SECTION 3
4/19/16	Approved New	2016B-013-001	OLD CHARLOTTE ESTATES
4/19/16	Approved New	2016B-016-001	107 CREIGHTON AVENUE

Schedule

- A. **Thursday, May 12, 2016** – [MPC Work Session](#), 2pm, 700 Second Ave South, Howard Office Building, Sonny West Conference Center
- B. **Thursday, May 12, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- C. **Thursday, May 26, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- D. **Thursday, June 9, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. **Thursday, June 23, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- F. **Thursday, July 28, 2016** - [MPC Meeting](#); 4pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- G. **Thursday, August 11, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- H. **Thursday, August 25, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- I. **Thursday, September 8, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

- J. Thursday, September 22, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- K. Thursday, October 13, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- L. Thursday, October 27, 2016 - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue**
- M. Thursday, November 10, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**
- N. Thursday, November 17, 2016 - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue**
- O. Thursday, December 8, 2016 - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center**