



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

Thursday, April 25, 2013

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, Vice Chair
Hunter Gee
Judy Cummings
Jeff Haynes
Derrick Dalton
Greg Adkins
Andree LeQuire
Councilmember Phil Claiborne

Staff Present:

Rick Bernhardt, Executive Director
Doug Sloan, Deputy Director
Jennifer Carlat, Assistant Planning Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Kathryn Withers, Planning Manager II
Cindy Wood, Planner III
Carrie Logan, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Amy Diaz-Barriga, Planner I
Jon Michael, Legal

Commissioners Absent: Phil Ponder

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 Councilmember Claiborne seconded the motion to adopt the revised agenda. (6-0)

C. APPROVAL OF APRIL 11, 2013 MINUTES

Mr. Haynes moved and Mr. Adkins seconded the motion to approve the April 11, 2013 minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Council Lady Langster was in attendance but elected to speak at a later time.

Council Lady Allen was in attendance but elected to speak at a later time.

Councilman Holleman spoke in support of staff recommendation of Item 9. He also spoke in opposition to Item 1, stating that Midtown should be rezoned in a way that provides design guidance and maintains the historic fabric of the area.

Councilman Scott Davis spoke in support of staff recommendation of Item 2a and 2b.

Council Lady Karen Johnson spoke in support of staff recommendation of Item 4.

Mr. Clifton arrived at 4:06 p.m.

Mr. Gee arrived at 4:08 p.m.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

3a. 2013CP-007-001

WEST NASHVILLE COMMUNITY PLAN AMENDMENT

3b. 2013SP-012-001

46TH AND UTAH

Dr. Cummings arrived at 4:11 p.m.

Councilmember Claiborne moved and Mr. Gee seconded the motion to approve the deferred items. (9-0)

F. CONSENT AGENDA

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

2a. 2013CP-005-001

EAST NASHVILLE COMMUNITY PLAN AMENDMENT

2b. 2013SP-014-001

EASTLAND & CHICAMAUGA

4. 2013Z-009TX-001

BL2013-403 \ JOHNSON

EXTERIOR LIGHTING OF BUILDINGS & STRUCTURES

5. **2007SP-037U-12**
FOREST VIEW
 6. **2008SP-035U-09**
1201 DEMONBREUN
 7. **2009SP-001-001**
THE ACADEMY AT BELLEVUE
 8. **2009SP-014-001**
GOODPASTURE CHRISTIAN SCHOOL
 9. **2013SP-016-001**
RICHLAND STATION
 10. **2013Z-012PR-001**
500 SOUTH 15TH STREET
 11. **2013Z-013PR-001**
BL2013-412 \ WEINER
HICKS ROAD (UNNUMBERED)
 12. **128-78P-001**
HERMITAGE BUSINESS CENTER (ZAXBY'S)
 13. **2005P-028-002**
HERON POINTE (FORMERLY CARILLON)
 14. **206-83P-001**
MCDONALD'S
 16. Employee contract renewals for Cindy Wood and Greg Johnson
 17. Capital Improvement Budget for 2013-2014 to 2018-2019
- Mr. Haynes moved and Mr. Clifton seconded the motion to approve the Consent Agenda. (9-0)

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.

Zone Changes

1. 2013Z-004PR-001

BL2013-348 / LANGSTER

MIDTOWN REZONING (No. 2)

Map Various, Parcels Various

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Greg Johnson

A request to rezone from MUL-A, MUG-A, CF and ORI to MUG-A (28.58 acres) and MUI-A (53.12 acres) zoning for various properties in Midtown between I-440 and I-40 (81.70 acres in total), requested by the Metro Planning Department, applicant, various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Rezoning from various districts to MUG-A, and MUI-A

Zone Change

A request to rezone from Mixed Use Limited-Alternative (MUL-A), Mixed Use General-Alternative (MUG-A), Core Frame (CF) and Office Residential Intensive (ORI) to Mixed Use General-Alternative (MUG-A) (28.58 acres) and Mixed Use Intensive-Alternative (MUI-A) (53.12 acres) zoning for various properties in Midtown between I-440 and I-40 (81.70 acres in total).

Deferral from January 24, 2013

The application was deferred due to requests from the community to explore historic preservation tools for Midtown in conjunction with the rezoning. An Urban Design Overlay Zoning District for Elliston Place and Historic Landmark Overlays for the various National Register Eligible properties scattered throughout Midtown were discussed. A community meeting was held on March 7, 2013, to discuss these proposals and seek community feedback. The feedback from the affected property owners was negative. Without a single property owner in support of the proposals, the legislation was unable to advance. An additional community meeting was held on April 4, 2013, and the affected property owners voiced their support for moving the Midtown Rezoning No. 2 forward.

Original Midtown Rezoning Approval

The Midtown Community Character Plan update in 2012 recommended rezoning for all of the properties within this application. A Council bill has been filed to permit the zone changes within this application. These requests fall into three general categories:

1. Prior to the original Midtown Rezoning application that was presented to the Planning Commission on July 26, 2012, Councilmembers Holleman and Allen and Metro Historical Commission asked for 89 properties, considered National Register, National Register Eligible or Historic District eligible, to be removed from the request so that Metro Historical Commission could work with the property owners to assess their interest in historic preservation. This was done with the understanding that property owners who were not interested in historic preservation efforts on their property could request to be included in a future rezoning. This zone change request includes ten properties whose four owners have requested zoning districts consistent with the Midtown Plan.
2. In the Midtown Rezoning application undertaken in 2012, changes were made to many of the final zoning districts to decrease maximum floor area ratio in a manner contrary to the recommendations of the Midtown Community Plan and without consulting the affected property owners. All of the requested zoning districts in this application are recommended by the Midtown Community Plan.
3. Since the last Midtown Rezoning, the 28th Avenue/ 31st Avenue Connector has been completed. This is a significant infrastructure upgrade for the area. In light of this improvement, the parcels at the southeast corner of the intersection of Charlotte Avenue and 28th Avenue are proposed for MUI-A (FAR 5.0) to be consistent with the One City SP and the MUI zoned property on the northeast corner of Charlotte Avenue and 28th Avenue. They were previously proposed for MUG-A (FAR 3.0).

As proposed, all of these requests are consistent with the recommendations of the Midtown Plan.

CRITICAL PLANNING GOALS

Supports a Variety of Transportation Choices

This zone change will provide mixed use development with urban design and densities that will support transit, walking and cycling. With Vanderbilt University, the regional hospital concentration, Centennial Park and growing retail, residential and office developments, Midtown is a unique urban setting, poised to grow more intensely and provide more housing, jobs and recreation in the future. Frequent, visible, and accessible transit is needed to support an economic center with the intensity and regional significance of Midtown. Moreover, it is critical to ensure that access to transit by foot and bicycle is provided to achieve the goal of balancing modes of transportation into and within Midtown. The rezoning to the proposed zoning districts prioritizes walking as a primary mode of transportation by regulating building placement within build-to zones that create pedestrian oriented street walls and account for appropriately scaled sidewalks. New development proposals within the Midtown area will also be reviewed by Metro Public Works for necessary traffic infrastructure improvements.

Provides a Range of Housing Choices

All of the proposed zoning districts proposed for Midtown can be used to implement residential development through a range of building types and intensities, in solely residential buildings and as part of mixed-use developments.

Supports Infill Development and Promotes Compact Building Design

The bulk standards of the proposed zoning districts are more consistent with recent development projects in terms of intensity and form. In the past few years, the need for rezoning or for Special Exceptions before the Board of Zoning Appeals has become prevalent, which prompted the Midtown Community Character Plan update in 2012. Meanwhile, at the community meetings held for the Midtown Plan, there was support from the community for a comprehensive zone change to implement the Midtown Community Character Plan. This rezoning will ensure predictability and consistency of future development and will also remove the burden from property owners of having to individually apply for rezoning or special exceptions. Developers will be able to move directly to preparing construction plans without delay.

GREEN HILLS-MIDTOWN COMMUNITY PLAN

Center Mixed Use Neighborhood is intended to preserve and enhance a diverse mix of residential and non-residential development and to be among the most intense areas in Davidson County. Midtown represents a major employment center of the region, representing several sectors of the local economy including health care, higher education, finance, the music industry, retail, and lodging. The policy envisions high density residential development, high intensity commercial and office land uses with civic and public benefit uses. Three variations of Center Mixed Use Neighborhood Policy are found within the zone change area:

- **T5-MU-01** – Applies to properties generally fronting West End Avenue between I-40 and 31st Avenue. This area is envisioned to be the most intense area of Midtown, with buildings rising 20 stories and above. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits.
- **T5-MU-02** – Applies to properties along Charlotte Avenue between I-440 and I-40, 21st Avenue South, and between Charlotte Avenue and Hayes Street east of 21st Avenue North. Lower building heights and masses are intended in this area than in Area T5-MU-01. This is due to the area's structural constraints to development. Maximum building heights of up to twenty stories are most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meet the policy.
- **T5-MU-03** – Applies to properties in the Elliston Place/State Street area. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits. Office and Residential uses are preferred over other uses in this area because of the smaller lots, frequent diagonal streets, and tight block structure. These uses can exist in forms that can accommodate themselves to this restrictive environment. Lower building heights and masses are intended in this area than in Areas T5-MU-01 and T5-MU-02 because of the area's numerous residential-size lots. Maximum building heights of about eight stories are generally most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meeting the policy.

Consistent with Policy?

Yes. The proposed zoning changes implement the bulk standards and uses envisioned in the Midtown Community Plan Update adopted in March 2012. The proposed zoning districts may not fully implement the maximum heights indicated in the policies; however, the maximums suggested in the policy would be available for projects to request individually for their proposed developments.

REQUEST DETAILS

The Midtown Community Plan was adopted in March of 2012. The plan recommended that a comprehensive rezoning immediately follow the adoption of the plan. The community plan also recommended the creation of an Urban Design Overlay District, however, that effort will be deferred until the transit stops for the proposed bus rapid transit line – The Amp – are finalized and appropriate design standards recommended.

To ensure that the design objectives associated with the Community Character policies are realized through new development, rezoning is needed. Zoning determines the “bulk standards” of new development by setting standards for setbacks, height, height control plane, and density (units per acre) or intensity (square footage based on property size). These standards vary from zoning district to zoning district, and occasionally from street type to street type. In Midtown, new

development frequently needs a reduction to the setbacks/build-to, an increase in height, a removal of the height control plane, and/or greater density and intensity.

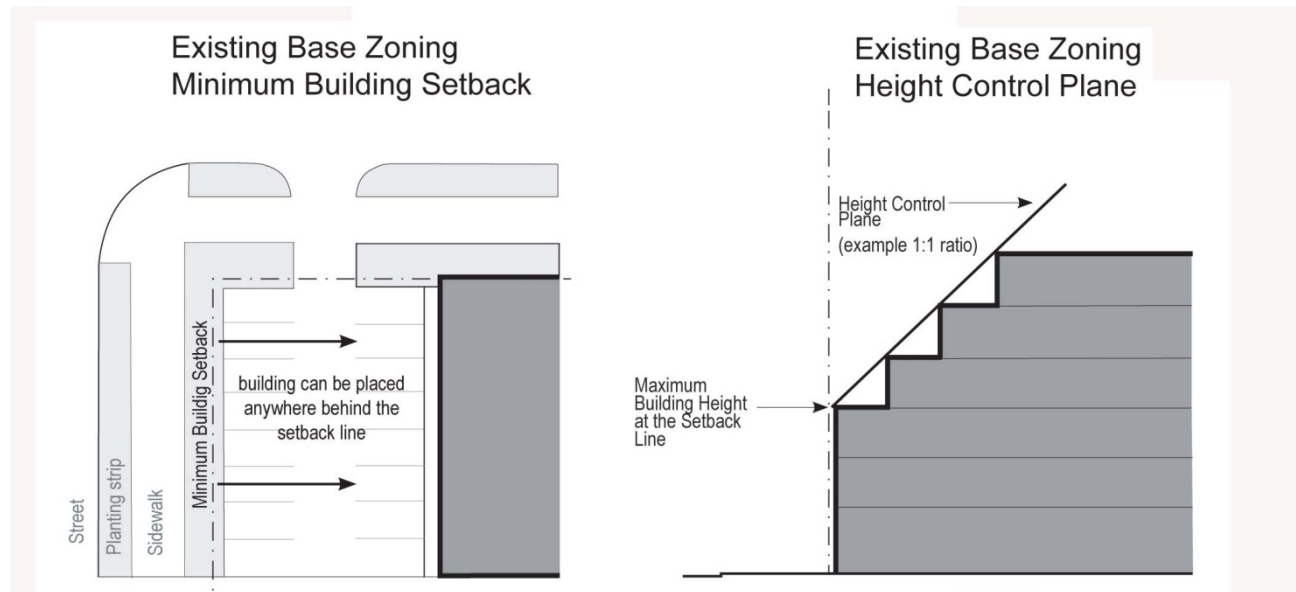
The Midtown Plan recommended the use of the proposed zoning districts, which are appropriate for a more urban environment. While use and intensity remains the same, the difference is that the proposed zoning districts use a “build-to” rather than a “setback” to ensure a predictable building placement. The proposed zoning districts also regulate additional height beyond the maximum height allowed at the street through the use of “step-backs” rather than “height control planes.” This allows additional height to be located closer to the street rather than in the “wedding cake” form that the height control plane creates. The proposed zoning districts do not change the land uses or density/intensity compared to their conventional counterpart (that is, MUI and MUI-A have the same floor area ratio and the same land uses). These zoning districts do not require any additional plan review beyond what is currently required to develop under other standard zoning districts.

District	FAR	Maximum Height	Front Setback
MUL-A	1.0	4 stories in 60 feet	15 foot maximum setback
ORI	3.0	65 feet at setback line; unlimited within sky exposure plane	10 foot minimum setback
MUG-A	3.0	7 stories in 105 feet	15 foot maximum setback
CF	5.0	65 feet at setback, unlimited within sky exposure plane	No front setback required

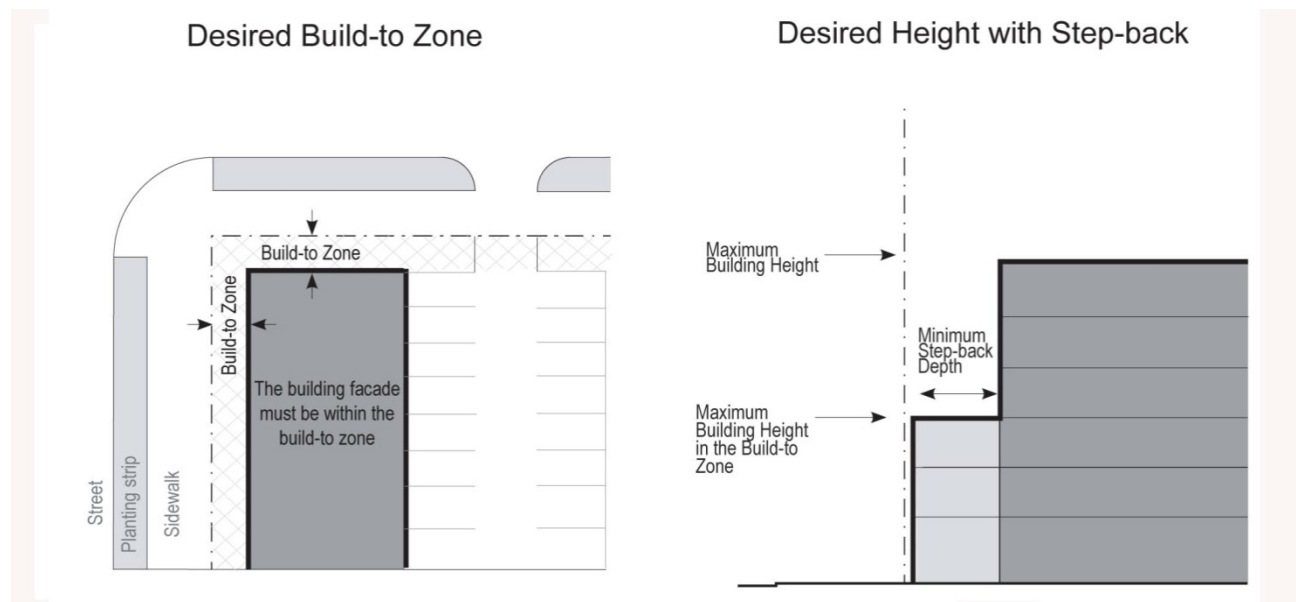
Current Midtown zoning district Bulk standards table

District	FAR	Maximum Height	Front Setback
MUG-A	3.0	7 stories in 105 feet	15 foot maximum setback
MUI-A	5.0	7 stories in 105 feet at build-to line; 10 stories in 150 feet after 15 foot step back.	15 foot maximum setback

Proposed Midtown zoning districts Bulk standards table



Bulk requirements under traditional zoning districts with minimum setbacks and a height control plane. For example: CF and ORI zoning districts.



Bulk requirements under alternative zoning districts.

SCHOOL BOARD REPORT

Projected student generation 35 Elementary 26 Middle 35 High

Based on the projected student generation numbers for the increase in floor area ratio between existing and proposed zoning districts, this zone change will not significantly increase the potential number of students in the Midtown area. Students would attend Eakin or Park Avenue Elementary Schools, West End Middle School, or Hillsboro High School. Of these, Eakin Elementary and West End Middle Schools have been identified as being over capacity by the Metro School Board. There is no capacity for elementary or middle school students within the cluster.

STAFF RECOMMENDATION

Staff recommends approval of the zone change. The zone change requests in this application are consistent with the policies of the Midtown Plan. It is expected that by 2035 there will be 1 million more people living in the Metro region than there are today. Davidson County is predicted to continue to be a major employment center for the region. At the same time, more of Nashville’s residents will be over the age of 65. The demand for new and different types of housing, close to city services with access to multiple modes of transportation, will dramatically increase. The goal of the Midtown Rezoning is to provide mixed use development with urban design and densities that will support transit, walking and cycling. With Vanderbilt University, the regional hospital concentration, Centennial Park and growing retail, residential and office developments, Midtown is a unique urban setting, poised to grow more intensely and provide more housing, jobs and recreation in the future.

Descriptions of Existing and Proposed Zoning Districts

Existing Zoning

Office/Residential Intensive (ORI) is intended for high intensity office and/or residential multi-family uses with limited retail

Core Frame (CF) is intended for a wide range of retail trade, commercial services support uses, and parking for the Central Business District

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.

Mixed Use General-Alternative (MUG-A) is intended for a moderately high 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.

Proposed Zoning

Mixed Use General-Alternative (MUG-A) is intended for a moderately high 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.

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

Ms. Withers presented the staff recommendation of approval.

Council Lady Langster spoke in support of the application noting overwhelming support of the community. She also stated that the new development surrounded by this rezoning will bring much needed revitalization and activity back to Midtown and will benefit future needs of Nashville-Davidson County residents.

Tom White, 36 Old Club Court, spoke in support of the application, noting that he was in attendance at all community meetings and there was unanimous support from everyone in attendance at these meetings.

Ron Woods, 2515 Park Plaza, spoke in support of the application on behalf of HCA and noted that they are committed to Nashville and to the Midtown area. Rezoning will promote smart development for an area that is ripe for our city to grow, quality, long lasting jobs, as well as supporting mixed use development.

Ted Kromer, 4309 Belmont Park Terrace, spoke in support of the application, noting that Midtown is ideal for living, working, and playing. Higher density reduces urban sprawl and automobile dependency.

Tony Giarratana, 421 Church Street, spoke in support of the application and noted that Midtown has tremendous potential.

Jimmy Granbery, H. G. Hill Realty, spoke in support of the application and looks forward to future developments on their properties.

Ronnie Wenzler, 1014 Woodside Drive, spoke in support of the application and stated that Midtown is the place for Nashville to take the next big step forward.

James Talley, 331 22nd Ave N, spoke in support of the application and stated that he owns historic property in this area.

Gilbert Smith, property owner in this area, spoke in support of the application.

Council Lady Allen stated that she fully supports the density but feels that it would be better to have design guidelines and historic preservation in place before moving forward. She asked the commission to discuss how to make UDOs happen in a meaningful way when upzoning has already occurred.

Tom Cash, 3104 Acklen Ave, spoke in opposition to the application stating that he would like to see design guidelines and historic protections in place first.

Hunter Moore, 2115 Natchez Trace, spoke in opposition to the application because it does not include design guidelines; concerned that the loudest voices being heard are the non-resident property owners and the corporate property owners interested in development.

Margo Chambers, 3803 Princeton Ave, spoke in opposition to the application noting that Council passed a bill that requires the Planning Department to manage development growth in Midtown by using UDOs. She asked the commission not to develop Midtown until a UDO is in place with transit stops identified and approved by state offices.

Mr. Dalton out at 4:39 p.m.

Mr. Dalton in at 4:41 p.m.

Mr. Dalton moved and Mr. Haynes seconded the motion to close the Public Hearing. (9-0)

Councilmember Claiborne asked for clarification regarding the historic buildings pulled out, yet one of the speakers noted that some are them are back in.

Ms. Withers explained that last summer when the first legislation was filed, 89 properties were removed, the majority being National Register eligible. After the zoning was filed, some of the property owners were dismayed to see that they were left out so they requested to be placed back in to the zone change. Ten properties are back in, two of which are National Register eligible.

Councilmember Claiborne inquired if there is a process by which the design guidelines can be addressed after the fact, especially around the transit stops.

Ms. Withers noted first that the proposed zoning districts do not fully implement the density that the Community Plan supports, and second, some of the feedback received from the development community is that they would like more. There is still capacity out there, especially around the transit stops, for more intensity than what these zoning districts allow.

Mr. Bernhardt stated that staff's intention is to work through the design guidelines for each transit location.

Dr. Cummings stated that she is glad to see that the transit locations are being taken into consideration.

Mr. Gee inquired which two National Register eligible properties are back in.

Ms. Withers clarified the Lentz Health Center and a home that is on 22nd Avenue behind Elliston Place UDO.

Mr. Clifton noted that one of the most important decisions made by the Planning Commission in the past was the decision not to approve the Bells Bend Development, most likely the reason for disapproval being because of Midtown and Downtown and the potential effects it would have had on a rural, seriously agricultural area, but also what it would have done to the Downtown and Midtown area. Mr. Clifton indicated that Midtown has been under zoned for a long time and that density belongs here.

Mr. Haynes spoke in support of the application and stated that the reason our peer cities are envious of Nashville is because of the hard work by the Council Members as well as the Planning Staff – we have to give our developers a sense of risk and reward.

Mr. Adkins stated that one of the reasons people love Nashville so much is because of its urban character as well as the different choices that people have. Density is very appropriate in this instance. The property owners have spoken and we should listen. This is consistent with the Midtown Plan and does not rule out any historical preservation. Mr. Adkins stated that Midtown needs to move in this direction if it wants good quality tenants and good quality development.

Ms. LeQuire stated that this is a very exciting project; however, she wants to be sure we are being consistent and that people that are trying to build there are going to know what they are going to get. Ms. LeQuire also inquired about sidewalk width and green space.

Mr. Dalton left at 5:11 p.m.

Mr. Haynes moved and Councilmember Claiborne seconded the motion to approve.

Mr. Gee stated that one answer to Council Lady Allen's question could be looking at Alternative Zoning Districts and see if there are other reasonable standards. Mr. Gee also spoke in support of any additional incentives for affordable housing.

Ms. LeQuire inquired if there is a time frame on the UDO.

Mr. Bernhardt stated that it needs to be done in conjunction with finalization of the AMP line as part of the NashvilleNext process.

Vote taken (8-0)

Resolution No. RS2013-65

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-004PR-001 is **Approved. (8-0)**

The proposed zoning districts are consistent with the approved Midtown Community Plan of 2012. These standards will also help to promote development that is compatible to the intent of creating walkable neighborhoods in the Midtown area, while streamlining the development process.

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

2a. 2013CP-005-001

EAST NASHVILLE COMMUNITY PLAN AMENDMENT

Map 082-08, Parcel(s) 319

Council District 05 (Scott Davis)

Staff Reviewer: Cindy Wood

A request to amend the East Nashville Community Plan: 2006 Update by changing the Land Use Policy from Single Family Detached in Neighborhood General to Mixed Use in Neighborhood Center policy for property located at 941 W. Eastland Avenue, within the Maxell Heights and Greenwood Neighborhood Conservation Overlay Districts (0.17 acres), requested by Cees Brinkman, owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Change the policy from Single Family Detached in Neighborhood General to Mixed Use in Neighborhood Center.

Amend the Community Plan

A request to amend the *East Nashville Community Plan: 2006 Update* by changing the Land Use Policy from Single Family Detached in Neighborhood General to Mixed Use in Neighborhood Center policy for property located at 941 W. Eastland Avenue, within the Greenwood Neighborhood Conservation Overlay District (0.17 acres).

Current Policy - Single-Family Detached in Neighborhood General (SFD in NG)

Single-Family Detached (SFD) is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to ensure appropriate design and that the type of development conforms with the intent of the policy.

Proposed Policy - Mixed Use in Neighborhood Center (MxU in NC):

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

Neighborhood Center (NC) is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to ensure appropriate design and that the type of development conforms with the intent of the policy.

BACKGROUND

The property at 941 West Eastland Avenue, proposed for SP-MU, is located on the north side of West Eastland Avenue. The property is zoned RS5 and currently contains one single-family house that fronts onto West Eastland Avenue and abuts the Holland House establishment, which is zoned CN Commercial Neighborhood (see staff report for 2013SP-014-001 on this agenda). The property is located within the Maxwell Heights Neighborhood Conservation zoning. It abuts the Greenwood Neighborhood Conservation zoning district to the north, across the alley.

The current property owners have requested a plan amendment and rezoning in order to use 941 West Eastland for mixed use development, using the existing house for commercial (expected to be a coffee shop) with parking behind the house. Their plan retains the existing house without structural alteration.

The East Nashville Community Plan was last updated in 2006. The property is located in the Greenwood Neighborhood, a developed urban neighborhood with a mixture of housing types. The Detailed Neighborhood Design Plan for Greenwood was adopted in 2006 as part of the overall plan update for East Nashville. The 941 West Eastland property was included in the

Single Family Detached in Neighborhood General (SFD in NG) policy because it is a predominantly single family area of the larger established neighborhood. Currently, the plan calls for it to remain zoned for single family only.

The Planning Commission previously adopted a community plan housekeeping amendment on June 23, 2011 to go from Mixed Housing to Mixed Use on two adjacent parcels. The properties involved in this previous housekeeping amendment and accompanying zone change (731 McFerrin Avenue and 904 Chicamauga Avenue) were part of the same mixed use neighborhood center as the current application.

COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on April 10, 2013. The meeting was attended by approximately seven people from the surrounding neighborhoods along with Councilman Scott Davis, the applicant, and the prospective proprietors of the proposed coffee shop. Attendees were supportive of the project, but do have concerns about parking in the general area of the Neighborhood Center at West Eastland, Cleveland, and McFerrin Avenues. They are working with Councilman Davis and Metro Public Works on broader solutions to the parking issue. Planning staff noted that there would be a net gain of parking spaces through the proposed SP for the property and the adjacent properties that are not part of the community plan amendment, but are part of the SP application. Nevertheless, the businesses in the Neighborhood Center attract patrons from outside the neighborhood as well as within it, and the community members would like to better address on-street parking issues (such as blocking corner visibility), so they will continue to look for additional options to do so. Meeting attendees did note that the proposed development would attract patrons who arrived on foot or by bicycle and that this would help meet local parking needs. They also expressed support for the service that could be provided to the neighborhood through the proposed coffee shop.

In addition to this community meeting, the applicant has been working with the Greenwood and Maxwell Neighborhood Associations and has participated in previous neighborhood meetings to discuss their development proposal.

ANALYSIS

The property is located along the intersection of two busy collector streets that carry traffic from outside the immediate neighborhood, bringing potential patrons through and to the mixed use area around the intersection of West Eastland, Cleveland, and McFerrin Avenues.

The property is three blocks west of businesses and services along Gallatin Pike. The retention of the single-family house structure, along with the provision that is contained in the proposed SP plan to buffer the abutting residential properties, will create a transition between the more intense businesses and the busy intersection with McFerrin and Cleveland Avenues and the houses to the east. The creation of such a transition in intensity and permitted activities is also aided by the Neighborhood Conservation Overlay zoning, which can prevent demolition and incompatible alteration of the residential structure.

Under the accompanying SP zoning application, a mixture of uses will be permitted on the property as based on the uses permitted by the MUN zoning district. The uses will be confined to a neighborhood scale through the SP standards, which will be compatible with the standards of the Neighborhood Conservation Overlay.

The Mixed Use in Neighborhood Center policy will provide additional development opportunities for neighborhood scaled mixed use development to serve the neighborhood as well as patrons from outside the neighborhood. The adjoining residential neighborhood has existing and planned urban residential development that in turn helps support these neighborhood businesses. In addition, the proposal can help relieve parking pressures in the area and enhances the character and built form of the site through the building and site improvements that will be made for the proposed business.

STAFF RECOMMENDATION

Staff recommends approval of the Mixed Use in Neighborhood Center (MxU in NC) policy.

Since appropriate transition language is included in the *Land Use Policy Application* document, there are no special policies that need to be added with the proposed amendment. In particular, the Neighborhood Center policy states that "Development along interfaces with adjoining Structure Plan areas should be designed to provide a smooth, seamless transition from one area to the other." In addition, the scale and design of a Neighborhood Center is designed to be compatible with its surrounding environment. This proposal will allow needed expansion of the active and appropriately located Neighborhood Center without threatening the integrity of the adjacent neighborhood.

Approved (9-0), Consent Agenda

Resolution No. RS2013-66

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-005-001 is **Approved. (9-0)**

2b. 2013SP-014-001

EASTLAND & CHICAMAUGA

Map 082-08, Parcel(s) 308, 319

Council District 05 (Scott Davis)

Staff Reviewer: Duane Cuthbertson

A request to rezone from RS5 to SP-MU zoning and for final site plan approval for properties located at 904 Chicamauga Avenue and 941 W. Eastland Avenue, approximately 125 feet east of McFerrin Avenue and located within the Maxwell Heights and Greenwood Neighborhood Conservation Overlay Districts (0.34 acres), to permit a mixture of uses including restaurant (full service), retail, office and personal care services uses in addition to single and two family residential, requested by Brinkman Holding, LLC, owner.

Staff Recommendation: Approve preliminary SP and final site plan with conditions, if associated plan amendment is approved, and disapprove preliminary SP and final site plan without all conditions or if plan amendment is disapproved.

APPLICANT REQUEST

Rezone to permit a mixture of uses.

Preliminary SP and final site plan

A request to rezone from RS5 to SP-MU zoning and for final site plan approval for properties located at 904 Chicamauga Avenue and 941 W. Eastland Avenue, approximately 125 feet east of McFerrin Avenue and located within the Maxwell Heights and Greenwood Neighborhood Conservation Overlay Districts (0.34 acres), to permit a mixture of uses, including restaurant (full service), retail, office and personal care services uses in addition to single and two family residential.

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.

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 restaurant (full service), retail, office and personal care services uses in addition to one single-family residential use on the southern lot fronting the West Eastland Avenue. This Specific Plan includes office, and either one single or one two-family use on the northern lot fronting Chicamauga Avenue.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

This SP allows non-residential uses in the existing homes at the edge of an established neighborhood center. The site is located at the edges of the Greenwood (north) and Maxwell (south) neighborhoods as well as immediately to the east of an active neighborhood commercial center. A well maintained pedestrian network connects the subject properties to the surrounding neighborhood. The non-residential portion of the SP provides the possibility of additional services in the neighborhood commercial center.

EAST NASHVILLE COMMUNITY PLAN

Current Policy - Single-Family Detached in Neighborhood General (SFD in NG)

Single-Family Detached (SFD) is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Proposed Policy - Mixed Use in Neighborhood Center (MxU in NC):

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

Neighborhood Center (NC) is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The northern lot of this SP located at 904 Chicamauga Avenue is currently Mixed Use in Neighborhood Center (MxU in NC) policy while the southern lot located at 941 West Eastland Avenue is currently Single-Family Detached in Neighborhood General (SFD in NG) policy. This SP application is accompanied by a request to amend the East Nashville Community Plan to change the policy for the southern lot from SFD in NG to MxU in NC (see staff report for 2013CP-005-001 on this agenda).

The MxU in NC policy on the northern lot of this SP was established by the Planning Commission in 2011 as part of a house-keeping amendment related to the zone change and re-use of the adjoining property to the west located at the southeast corner of McFerrin Avenue and Chicamauga Avenue, currently occupied by The Pharmacy restaurant.

The SP is consistent with the proposed Mixed Use in Neighborhood Center (MxU in NC) policy as it provides for office and limited commercial use of the properties at a neighborhood scale at the edge of an established neighborhood center. The SP ensures compatibility with the surrounding neighborhood center and residential neighborhood by requiring a pedestrian building scale and orientation to the adjoining sidewalks. The SP does not require the existing houses to remain. However, both lots are within Neighborhood Conservation Overlay districts (NCODs). The NCODs are administered by Metro Historic Zoning Commission. The NCOD's may limit demolition of the homes and would ensure that the scale of any redevelopment or new development is compatible with the surrounding context. The SP and Neighborhood Conservation Overlay districts combined will limit the intensity of the possible non-residential uses on the site. The northern lot is located within the Greenwood Neighborhood Conservation Overlay district. The southern lot is located within the Maxwell Heights Neighborhood Conservation Overlay district.

PLAN DETAILS

The SP is comprised of two residential lots, both containing residential buildings. The northern lot fronts Chicamauga Avenue while the southern lot fronts West Eastland Avenue. An existing alley separates the two lots. This applicant/owner also owns the two commercial properties currently occupied by restaurants adjoining the SP to the west.

Site

The site abuts two restaurant uses to the west that are located on the eastern edge of the West Eastland/Cleveland Avenue and McFerrin Avenue neighborhood center. There is currently very little buffer separating the two residential lots on the SP site from the restaurants.

The northern lot fronts Chicamauga Avenue, a lower intensity local street. The street contains mostly residential uses near this SP. The adjoining lot to the west is zoned MUN. It contains a restaurant use in a building that is setback significantly from Chicamauga Avenue. The restaurant's outdoor seating area (garden) occupies the space near the street. It is screened by a solid wood fence and only accessed from the restaurant building via McFerrin Avenue to the west. A mixture of duplex and single-family homes is situated along Chicamauga Avenue around the SP.

The southern lot fronts West Eastland Avenue, a two lane collector avenue in front of the site. The Holland House restaurant and its parking area abut this portion of the SP to the west. The Holland House restaurant is oriented to West Eastland Avenue. Newer townhomes have been established just to the south of the site. Single-family homes are situated along West Eastland Avenue to the east of the site.

Proposed Uses

The SP permits residential and non-residential use of the properties, whether in the existing homes as currently proposed or in new buildings. In order to ensure a compatible transition of use from the neighborhood center along the low intensity Chicamauga Avenue, the SP limits use on the northern lot to one single or one two-family residential use and office uses; no commercial uses will be permitted on the northern lot of this SP. A two-family residential (duplex) use is currently on the northern lot. The SP permits restaurant (full service), retail, office and personal care services uses in addition to one single-family residential use on the southern lot fronting the busier West Eastland Avenue. A vacant single-family residential use is currently on the south lot. The SP would not prohibit more than one use on either property.

Site Plan

To ensure a compatible transition in scale and intensity between the existing neighborhood center and the surrounding residential neighborhood, the SP focuses on re-use of the existing homes on the lot. No structural additions or modifications are proposed with this SP. The homes will maintain their existing orientation to the adjoining streets. Any redevelopment of either lot in this SP will be subject to review for compatibility with the surrounding neighborhood as both lots are within Neighborhood Conservation Overlay districts.

The SP requires all on-site parking be provided behind the houses and accessed from the alley. The existing alley separating the two subject lots provides two-way access to the SP from to McFerrin Avenue. No vehicular access or parking is permitted on-site in the front of either of the homes. On-street parking is also currently available in front of both lots. Both lots will provide more parking than the Zoning Code requires for commercial/office use of either buildings. The south lot contains a building with approximately 1,732 square feet of floor area. As the property is located in the Urban Zoning Overlay district (UZO) the Code requires five parking spaces for a restaurant (full service) use and fewer for any other use permitted by the

SP. The office use permitted on the northern lot containing a 1,471 square foot building would not require any parking, as the first 2,000 square feet of an office use are exempt from parking in the UZO.

Screening and landscaping will be required on the east side of the two lots abutting the residences to ensure an adequate transition and buffer.

Signage associated with the re-use of both lots will be very limited in scale and intensity to ensure compatibility with the surrounding context. Only one wall sign and one ground sign is permitted on each site. Wall signs are limited to twelve square feet of display area while ground signs are limited to three feet in height and a display no less than eight square feet. Signage is required to be opaque and lit from an external source.

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.
- Provide adequate access for two-way traffic.

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 Attached/Detached (210)	0.34	7.41 D	2 L	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail (814)	0.34	0.6 F	8,886 SF	403	18	41

Traffic changes between maximum: **RS5** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+383	+16	+38

SCHOOL BOARD REPORT

There is no increase in residential uses; therefore the standard analysis is not included.

STAFF RECOMMENDATION

Approve the Preliminary SP and final site plan with conditions, if the associated plan amendment is approved, and disapprove without all conditions. Disapprove preliminary SP and final site plan if the plan amendment is not approved. The SP is based on the standards of the MUN zoning district, which is a recommended zoning district within the MxU in NC policy. The SP will enhance the Eastland/Chicamauaga and McFerrin neighborhood center.

CONDITIONS

1. Permitted land uses within this SP shall be limited to one single-family residential dwelling or one two-family residential dwelling, and office use on the north lot and one single-family residential dwelling, restaurant (full service), retail, office, and personal care services uses on the south lot.
2. Add a note to the plan stating '*The drive aisle on the south lot may be used to provide access to a future parking area on the abutting lot to the west (Map 82-8 Parcel 32). An appropriate cross access easement and shared parking agreement shall be established across the drive aisle at that time.*'
3. All parking areas shown behind buildings on the plan shall be paved and striped according to the Zoning Code.
4. Revise the final site plan to show an irrigated A-3 Landscape Buffer Yard with an opaque screening fence along the east boundary of both lots.

5. Revise the site plan to clearly mark the property boundaries with dimensions, show paving extents, indicate vehicular access points from the adjoining existing alleyway, and show all required landscape areas with dimensions.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to 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.
8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved preliminary SP and final site plan with conditions, and disapprove preliminary SP and final site plan without all conditions. (9-0), Consent Agenda

Resolution No. RS2013-67

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-014-001 is **Approved preliminary SP and final site plan with conditions, and disapprove preliminary SP and final site plan without all conditions. (9-0)**

The SP is based upon the standards of the MUN zoning district and is consistent with the Mixed-Use in Neighborhood Center policy.

CONDITIONS

1. **Permitted land uses within this SP shall be limited to one single-family residential dwelling or one two-family residential dwelling, and office use on the north lot and one single-family residential dwelling, restaurant (full service), retail, office, and personal care services uses on the south lot.**
2. **Add a note to the plan stating '*The drive aisle on the south lot may be used to provide access to a future parking area on the abutting lot to the west (Map 82-8 Parcel 32). An appropriate cross access easement and shared parking agreement shall be established across the drive aisle at that time.*'**
3. **All parking areas shown behind buildings on the plan shall be paved and striped according to the Zoning Code.**
4. **Revise the final site plan to show an irrigated A-3 Landscape Buffer Yard with an opaque screening fence along the east boundary of both lots.**
5. **Revise the site plan to clearly mark the property boundaries with dimensions, show paving extents, indicate vehicular access points from the adjoining existing alleyway, and show all required landscape areas with dimensions.**
6. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUN zoning district as of the date of the applicable request or application.**
7. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to 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.

8. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

3a. 2013CP-007-001

WEST NASHVILLE COMMUNITY PLAN AMENDMENT

Map 103-04, Parcel(s) 161-162
Council District 24 (Jason Holleman)
Staff Reviewer: Anita McCaig

A request to amend the West Nashville Community Plan: 2009 Update by changing the Community Character Policy from Urban Neighborhood Maintenance (T4-NM) to Urban Neighborhood Center policy for properties located at 132 and 134 46th Avenue North, at the southeast corner of Utah Avenue and 46th Avenue North (0.54 acres), requested by Laodice, LLC, owner.

Staff Recommendation: Defer to the May 9, 2013, Planning Commission meeting.

Deferred to the May 9, 2013, Planning Commission meeting. (9-0)

The Metropolitan Planning Commission deferred 2013CP-007-001 to the May 9, 2013, Planning Commission meeting.

3b. 2013SP-012-001

46TH AND UTAH

Map 103-04, Parcel(s) 161-162
Council District 24 (Jason Holleman)
Staff Reviewer: Greg Johnson

A request to rezone from RS7.5 and CN to SP-MU zoning for properties located at 132 and 134 46th Avenue North, at the southeast corner of Utah Avenue and 46th Avenue North (.54 acres), to permit up to three residential units and office, financial institution, restaurant, and retail uses, requested by Laodice, LLC, owner.

Staff Recommendation: Defer to the May 9, 2013, Planning Commission meeting.

Deferred to the May 9, 2013, Planning Commission meeting. (9-0)

The Metropolitan Planning Commission deferred 2013SP-012-001 to the May 9, 2013, Planning Commission meeting.

I. RECOMMENDATIONS TO METRO COUNCIL

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

Zoning Text Amendments

4. 2013Z-009TX-001

BL2013-403 \ JOHNSON
EXTERIOR LIGHTING OF BUILDINGS & STRUCTURES
Staff Reviewer: Jason Swaggart

A request to amend Section 17.28.100 of the Metropolitan Code pertaining to exterior lighting of buildings and structures, requested by Councilmember Karen Y. Johnson, applicant.

Staff Recommendation: Because the Department of Codes Administration takes no exception, staff recommends approval.

APPLICANT REQUEST

Zoning text amendment to add an additional standard for certain types of lighting.

ZONING TEXT AMENDMENT

A request to amend Section 17.28.100 of the Metropolitan Code pertaining to exterior lighting of buildings and structures.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

Article II of Section 17.28 of the Metro Zoning Code pertains to operational performance standards. The standards regulate "potential hazardous or nuisance characteristics," such as noise, lighting, air pollution and the storage of flammable and combustible materials, of permitted land uses. The subject section, 17.28.100, pertains to lighting and is as follows:

The following standards shall apply in all districts:

- A. All site lighting shall be shielded so that substantially all directly emitted light falls within the property line. No illumination in excess of one-half footcandle shall be permitted across the boundary of any adjacent residential property or a public street.
- B. No illumination shall produce direct, incident or reflected light that interferes with the safe movement of motor vehicles on public streets. Lighting prohibited by this provision shall include, but not be limited to any light that may be confused with or construed as a traffic-control device.

PROPOSED ZONING CODE

The proposed text amendment would provide a new restriction that is not presently covered in the Code. The proposed subsection C. is as follows:

- C. Rope lighting, string lighting, or other forms of illumination shall not be used to cover more than twenty-five percent of the front façade or roof area of a building or structure for more than thirty days during any one calendar year.

ANALYSIS

The amendment attempts to address incidents where certain types of lighting have become a nuisance and adversely impact neighboring properties. The amendment will have no impact on land use policy. The requirement will be enforced by the Department of Codes Administration and Codes has indicated that they take no exception. Since Codes takes no exception, then staff recommends approval. While staff is recommending approval, it is important to note that the Codes Department indicates that the requirement would be difficult to enforce as written. Prior to final reading the sponsor is encouraged to work with the Codes Department in order to draft language that meets the intent of the ordinance in a way that can be enforced by Metro.

CODES ADMINISTRATION RECOMMENDATION

While recognizing that enforcement may prove problematic, the Codes Department takes no exception to this bill.

Since the Codes Department takes no exception to the bill, then staff recommends approval.

Ordinance No. BL2013-403

An ordinance amending Section 17.28.100 of the Metropolitan Code, pertaining to exterior lighting of buildings and structures (Proposal No. 2013Z-009TX-001)

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

Section 1. Title 17 of the Metropolitan Code, Zoning Regulations, is hereby amended by amending Section 17.28.100 by adding the following new subsection C.:

"C. Rope lighting, string lighting, or other forms of illumination shall not be used to cover more than twenty-five percent of the front façade or roof area of a building or structure for more than thirty days during any one calendar year."

Section 2. That this Ordinance shall take from and after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of the Nashville and Davidson County requiring it.

Introduced by: Karen Y. Johnson

Resolution No. RS2013-68

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-009TX-001 is **Approved. (9-0)**

This amendment will have no impact upon land use policy. The requirement will be enforced by the Department of Codes Administration, which takes no exception to this bill.

Specific Plans

5. 2007SP-037U-12

FOREST VIEW

Map 162, Parcel(s) 115, 219-221, 223
Council District 31 (Fabian Bedne)
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (R) district known as "Forest View", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1444, 1446, 1448, 1450 and 1452 Bell Road, (40.21 acres), approved to permit the development of multi-family dwelling units, commercial, office and retail uses via Council Bill BL2009-389 approved on March 19, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District inactive and direct staff to prepare a report to the Council recommending the SP be retained.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan District known as "Forest View," to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1444, 1446, 1448, 1450 and 1452 Bell Road, (40.21 acres), approved to permit the development of multi-family dwelling units, commercial, office and retail uses via Council Bill BL2009-389 approved on March 19, 2009.

Zoning Code Requirement

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

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

DETAILS OF THE SP DISTRICT

The Forest View SP was approved for the development of multi-family dwelling units, commercial, office and retail uses. The SP was divided into three districts.

- District One was designated to have uses and design standards consistent with MUL zoning. District One also has regulatory and development standards above and beyond what is defined in MUL zoning, such as prohibiting bars, night clubs, and residential units, limiting the maximum ISR to .90, versus 1.0 in MUL, and including a 10' side setback along the west SP boundary, while no side setback is required in MUL zoning.
- District Two was designed to have multi-family residential uses, with an associated leasing office, clubhouse, pool, and amenities. It specified uses and design standards consistent with RM15 zoning. District Two has development standards above and beyond what is defined in RM15 zoning, such as limiting the residential units to multi-family apartments, increasing the side setbacks from 5 feet to 20 feet, and proposing a FAR limit of .27, while RM15 does not set a FAR limit.
- District Three was limited to AR2A type standards and is further limited to open space, stormwater management facilities, trails, and a possible park area.

SPECIFIC PLAN REVIEW

Staff conducted a site visit on March 18, 2013. Staff found evidence of major grading efforts, in the areas designated on the preliminary plan as District One and District Two. Planning staff confirmed with Stormwater staff that two mass grading permits were issued in 2005 and 2006 for this property, and that they were still active. Stormwater further explained that they

had recent conversations with the owner, who stated that the grading project should be completed by the end of March or the beginning of April 2013.

Since these grading permits were issued prior to the SP being reviewed and approved by the Planning Commission and Metro Council, and since no additional documentation of activity has been provided by the property owner, staff recommends that this SP be found to inactive. Also, staff found that a final site plan was never submitted or approved. A final site plan would be required before any new permits associated with the SP could be issued.

Staff contacted the owner to report the initial determination that the SP be found inactive. Staff asked for documentation from the owner to demonstrate activity. The owner confirmed that there has only been grading efforts made on the site that were done in accordance with plans approved by Metro Stormwater prior to the SP being adopted and that there had been no activity related to the SP plan.

FINDINGS OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review.

ANALYSIS

This property is located within the Southeast Community Plan, which was last updated in 2004. The current policies for the SP are Neighborhood Center and Neighborhood General. The SP is consistent with both policies. Neighborhood Center policy supports the mixture of uses approved in this SP in District One. Neighborhood General policy supports the multi-family and open space uses approved in the SP in Districts Two and Three. This SP proposes 284 units in District Two over 20.08 acres, which yields 12.35 units per acre.

Staff is recommending that the SP be found inactive, and the SP zoning be retained as it was adopted by Council.

Recommendation to Council

If the Planning Commission agrees with the staff recommendation, then staff will prepare a written report of the Commission's determination of inactivity and the recommendation that Council retain the SP.

STAFF RECOMMENDATION

Staff recommends that Forest View SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that the SP be retained.

Find the SP District inactive and direct staff to prepare a report to the Council recommending the SP be retained. (9-0),
Consent Agenda

Resolution No. RS2013-69

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-037U-12 was found inactive and staff was directed to prepare a report to the Council recommending the SP be retained. (9-0)

6. 2008SP-035U-09

1201 DEMONBREUN

Map 093-09, Parcel(s) 270, 293
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (MU) district known as "1201 Demonbreun", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1200 Laurel Street and Demonbreun Street (unnumbered), (2.866 acres), approved for a maximum 24-story mixed-use building via Council Bill BL2009-381 approved on March 19, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District active

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (MU) district known as "1201 Demonbreun," to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 1200 Laurel Street and Demonbreun Street (unnumbered), (2.866 acres), approved for a maximum 24-story mixed-use building via Council Bill BL2009-381 approved on March 19, 2009.

Zoning Code Requirement

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

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

DETAILS OF THE SP DISTRICT

The 1201 Demonbreun SP was approved to allow the development of a maximum 24-story mixed-use building. A final site plan for this SP was approved for the south section of the site on February 1, 2013. A grading permit was approved for the site on February 15, 2013. Staff visited the site on March 18, 2013. Staff found the site being actively prepared for construction.

STAFF RECOMMENDATION

Staff recommends that the 1201 Demonbreun SP be found to be active.

Find the SP District active (9-0), Consent Agenda

Resolution No. RS2013-70

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-035U-09 **was found to be Active. (9-0)**"

7. 2009SP-001-001

THE ACADEMY AT BELLEVUE

Map 155, Parcel(s) 090-091
Council District 35 (Bo Mitchell)
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (C) district known as "The Academy at Bellevue", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 7860 Learning Lane and 8236 Collins Road, (1.58 acres), approved for a 15,824 square foot day care center for up to 175 children via Council Bill BL2009-400 approved on March 19, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District inactive and direct staff to prepare a report to the Council recommending the SP be retained.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan District known as "Academy at Bellevue," to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 7860

Learning Lane and 8236 Collins Road, (1.58 acres), approved for a 15,824 square foot day care center for up to 175 children via Council Bill BL2009-400 approved on March 19, 2009.

Zoning Code Requirement

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

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

DETAILS OF THE SP DISTRICT

The Academy at Bellevue SP is limited to the development of a Class IV day care center for up to 175 individuals. The SP proposes removing the two existing residential structures on the property. The SP plan proposes the construction of a single story 15,824 square foot building. The SP plan has a parking lot in front of the building, with the required landscape buffer for screening. The plan has a circular driveway as required by the Zoning Code. There are two vehicular access points for the property, a one-way entrance off of Learning Lane, and a two-way driveway off of Collins Road. The SP provides sidewalks on both Learning Lane and Collins Road. The SP has a playground with the proper fencing as required by the Zoning Code. The SP has a buffer along the entire length of the eastern property line, adjacent to the elementary school property.

SPECIFIC PLAN REVIEW

Staff conducted a site visit on March 21, 2013. Staff found no evidence of development. The two residential structures proposed for demolition by the SP were still in place. Also, staff found that a final site plan was never submitted or approved. A final site plan would be required before any permits associated with the SP could be issued.

The owner contacted Planning staff at the initiation of the 4-year review, and made staff aware that they have no intentions of building a day care at this time. Staff then contacted the owner to report its initial determination that the SP be found inactive, and asked for documentation from the owner to demonstrate activity. No response was received.

FINDINGS OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review.

ANALYSIS

This property is located within the Bellevue Community Plan, which was last updated in 2012. When the SP was approved, it was consistent with the policy for the property, which was Community Center (CC). The current policy for the site is T3 Suburban Community Center. T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, it is intended to enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive. This SP, approved for daycare uses as a service for the surrounding community and including improvements to pedestrian connectivity, is consistent with the current policy.

Staff contacted the owners of the property during the review of this application. While the current owners have no intention at this point to develop the property as intended by the SP, the SP is appropriate for the site based on the current land use policy. As this SP does not have a final site plan but is consistent with current land use policy, staff is recommending that the SP be found inactive, and that the SP zoning be retained as it was adopted by Council.

Recommendation to Council

If the Planning Commission agrees with the staff recommendation, staff will prepare a written report of the Commission's determination of inactivity and the recommendation to Council to retain the SP.

STAFF RECOMMENDATION

Staff recommends that Academy at Bellevue SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that the SP be retained.

Find the Sp District inactive and direct staff to prepare a report to the Council recommending the SP be retained (9-0), Consent Agenda

Resolution No. RS2013-71

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-001-001 was found to be inactive and staff was directed to prepare a report to the Council recommending the SP be retained. (9-0)

8. 2009SP-014-001

GOODPASTURE CHRISTIAN SCHOOL

Map 051, Part of Parcel(s) 028
Council District 08 (Karen Bennett)
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (MU) district known as "Goodpasture Christian School", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for a portion of property located at 619 Due West Avenue, (0.05 acres), approved for an electronic sign via Council Bill BL2009-396 approved on March 19, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District complete

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (MU) district known as "Goodpasture Christian School," to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for a portion of property located at 619 Due West Avenue, (0.05 acres), approved for an electronic sign via Council Bill BL2009-396 approved on March 19, 2009.

Zoning Code Requirement

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

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

DETAILS OF THE SP DISTRICT

The Goodpasture Christian School SP was approved by Metro Council to allow for one sign of specified design standards to be constructed on a portion of property located at 619 Due West Avenue. Staff visited the site on March 19, 2013, and found a sign constructed on the approved SP location. A sign permit was issued on August 6, 2009, to permit the construction of a sign meeting the SP zoning design standards. The sign was inspected by Codes on April 6, 2010, and was approved.

STAFF RECOMMENDATION

Staff recommends that the Goodpasture Christian School SP be found to be complete.

Find the SP District complete (9-0), Consent Agenda

Resolution No. RS2013-72

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-014-001 was found to be complete. (9-0)

9. 2013SP-016-001

RICHLAND STATION

Map 091-15, Parcel(s) 022, 026, 045
Council District 24 (Jason Holleman)
Staff Reviewer: Duane Cuthbertson

A request to rezone from CS and RS7.5 to SP-R zoning for properties located at 332 and 322 54th Avenue North and 323 53rd Avenue North, approximately 400 feet south of Charlotte Avenue (3.12 acres), to permit up to 40 residential units, requested by Dean Design Group, applicant, McClurken Memorial Church, David Helton, and Adelaide Lawrence, owners.

Staff Recommendation: Approve with revised Planning Department conditions and disapprove without all revised Planning Department conditions

APPLICANT REQUEST

Permit a 40 unit detached residential development

Preliminary SP

A request to rezone from CS and RS7.5 to SP-R zoning for properties located 332 and 322 54th Avenue North and 323 53rd Avenue North, approximately 400 feet south of Charlotte Avenue (3.12 acres), to permit up to 40 residential units.

Existing Zoning

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

Single Family Residential (R7.5) 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.

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 residential uses.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices
- Supports Infill Development
- Promotes Compact Building Design

The SP proposes redevelopment of an underutilized site that currently contains church uses and two dwellings. The SP will establish a residential development consisting of 40 detached dwellings. The proposed housing will vary in size ranging between 1,000 and 1,900 square feet providing between two and three bedroom units.

The SP is situated immediately south of the Charlotte Pike commercial corridor. The SP will support the corridor as it places additional housing density within walking distance. The SP increases the pedestrian connections between the neighborhood and the Charlotte Pike corridor by providing sidewalks along the entire frontage abutting 54th Avenue. Sidewalks will also provide a connection through the site from 53rd Avenue to the east with 54th Avenue and Charlotte Pike on the west and north. Additionally, the SP proposes to provide a connection to the commercial corridor via an existing alleyway situated on the north boundary midway through the site.

WEST NASHVILLE COMMUNITY PLAN

Conservation (CO) policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except 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. On this site, CO policy was applied to the existing drainage channel and floodplain.

T4 Urban Neighborhood Maintenance (T4 NM) policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

The SP site consists of three parcels. The largest of the three parcels currently contains the principal church use and consists of the northern two-thirds of the site. A special policy of the West Nashville Community Plan provides the following recognition of that property:

'the property is split-zoned CS and RS7.5. Although the church use conforms to the T4 Urban Neighborhood Maintenance policy, the CS zoning does not. This parcel presents the opportunity to serve as a transition between the more intense commercial and mixed use development along Charlotte Avenue and this Neighborhood Maintenance area, but the zoning and use should not be allowed to expand or intensify. Rezoning should be pursued that permits residential use of this parcel at a maximum of three stories with parking provided beside or behind the buildings.'

Consistent with Policy?

Yes. The SP proposes an entirely residential use consisting of 40 detached dwellings on the site at a density of 12.8 dwelling units per acre. The proposed residential development will provide a transition in scale and intensity from the Charlotte Pike commercial corridor to the single-family residential neighborhood to the south and east. The SP's proposed residential development will be presented in single-family detached building form and be setback along 54th Avenue in an attempt to mediate between the more intense attached commercial building pattern found on the Charlotte Pike corridor and the detached single family character of the surrounding residential neighborhood.

Conservation policy is situated on the SP site over existing floodplain along and near the northern and eastern boundaries. This area was previously developed, containing an asphalt parking area, church building and dwelling. This SP is consistent with the special policy addressing redevelopment of the site, including some residential in the previously disturbed floodplain area. While this SP does propose development in the current floodplain, it does decrease the amount of impervious surface within the floodplain/conservation policy area as well as across the site. The applicant intends to utilize pervious pavement for the driving and parking surfaces proposed in the development. The site currently has an Impervious Surface Ratio (ISR) in the floodplain of 0.378. ISR is the measurement of the amount of site covered by a surface that prevents stormwater infiltration. The development proposed in the SP will provide an ISR in the floodplain of 0.25. Overall, the site's ISR is currently 0.39. The SP will reduce the site's overall ISR to 0.27.

PLAN DETAILS

The subject site is an irregularly shaped property fronting 54th Avenue North immediately south of the Charlotte Pike commercial corridor. A narrow portion of the site extends east and connects to 53rd Avenue. The eastern portion of the site is bisected with a drainage channel though it is not identified as a stream. The Sylvan Park residential neighborhood surrounds the site to the east and south. A mix of uses and residential densities in CS and RS7.5 zoning are located to the west of the site across 54th Avenue North. Residential lots along the SP's south boundary present a rear yard to the site except the property abutting the site fronting North 54th Avenue is oriented to the west and presents a side yard to the SP site.

The SP proposes a residential development across the site; the easternmost portion of the site will be left open in order to accommodate the site's stormwater and drainage as well as compensation of any modification of the floodplain. The SP is oriented to and is entered from 54th Avenue North. It will establish 40 detached dwellings varying in floor area through the site. The majority of the proposed dwellings will be three stories in height—although four of the proposed units situated on North 54th Avenue will be two stories in height.

The adjoining single-family residential to the south will be buffered from the SP by a landscape buffer providing either a wood screening fence or an irrigated evergreen screening in addition to required landscape plantings.

The SP proposes improvements on 54th Avenue including providing a sidewalk and street trees along the frontage, as well as parallel parking spaces that will extend from the existing pavement. Only one vehicular access point is proposed from 54th Avenue.

The residential development proposed with the SP provides 40 detached dwellings; all containing two or three bedrooms. The Code requires one and one half parking spaces per dwelling. The 40 detached units on the site require 60 parking spaces. Overall, the SP provides 87 parking spaces. All of the units situated on a driveway have parking either in an attached two car garage or immediately behind the site. Nine units situated at the rear of the development do not contain attached parking. Parking for those units will be located along the sides (north and south) of the site or within the main drive.

Buildings

The SP will provide a transition in scale (height) and setbacks (further back) from the Charlotte Pike corridor to the residential neighborhood. Buildings on the north side of the proposed driveway will be limited to three stories in 45 feet at the top of the roof and 35 feet at the bottom of the eave while buildings south of the driveway will be limited to two stories in 35 feet at the top of the roof and 25 feet at the bottom of the eave. The SP will provide a ten foot street setback from 54th Avenue on the north side closest to Charlotte Pike. The development creates a gradual increase in the street setback as it moves south toward the residential neighborhood ending with a twenty foot setback for the southernmost building from 54th Avenue. The southernmost dwelling will present a ten foot side yard setback to the adjoining residential property, creating a side yard for the SP site. All other buildings in the SP will be setback more than 20 feet from the south boundary.

FIRE MARSHAL RECOMMENDATION

Approve

"No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B"

This subdivision has submitted engineering data that supports the approval for construction of homes up to 3,600 sq. ft. Any home larger than 3,600 sq. ft. shall be reviewed for flow data compliance at the time of permitting.

STORMWATER RECOMMENDATION

The proposed project added all Stormwater's preliminary SP standard notes to the plans. The project also is proposing space for floodplain storage and water quality measures. Because of which, Metro Stormwater has recommended approval of the preliminary SP. The final unit count and details of the plan shall be governed by the appropriate regulations at the time of final application.

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.
- MPW agrees in concept with the preliminary SP, but has the following comments as conditions of approval that must be resolved prior to the final SP plan.
- Submit a plan on an engineer scale.
- The proposed on street parking and driveway should be placed at the edge of the existing pavement, with a minimum of 2-12' travel lanes for 54th Ave. This should be easily accomplished as the plan indicates 25' of pavement.
- The design of the proposed 5 foot sidewalk must meet MPW and ADA standards. Extreme caution should be used when designing the road frontage to identify and allow for the relocation or removal of all utilities, especially the large gas equipment to the North.
- The main drive should be narrowed to 24' max at the entrance for the first "block" to discourage on-street parking in the entrance.
- All 90 degree parking within the development must be code standard 8.5'x18'. Currently not dimensioned.
- The following pavement cross sections must be used for each type of drive; main, use ST-252 paving schedule and all others use ST-263 paving schedule.

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 Detached (210)	1.99	7.41 D	9 L	87	7	10

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
General Retail (814)	1.13	0.6 F	29,533 SF	1302	31	93

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 (220)	3.12	-	40 U	360	23	40

Traffic changes between maximum: **R10** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		-1029	-15	-63

METRO SCHOOL BOARD REPORT

Projected student generation **4** Elementary **3** Middle **2** High

Students would attend Sylvan Park Elementary School, West End Middle School, or Hillsboro High School. West End Middle School is identified as being over capacity by the Metro School Board. There is no capacity for middle school students within the cluster.

Fiscal Liability

The fiscal liability for three middle school students is \$78,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated November 2012.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The SP is consistent with the West Nashville Community Plan's NM policy and Conservation policy, including the special policy. The SP will provide a transition in intensity between the Charlotte Pike commercial corridor and the residential neighborhood.

CONDITIONS

1. Uses within the SP shall be limited to a maximum of 40 detached residential units.
2. In conjunction with the final site plan, submit a plan on an engineer scale.
3. In conjunction with the final site plan, show a SU-30 turn template for the solid waste pick up.
4. The proposed on street parking and driveway should be placed at the edge of the existing pavement, with a minimum of 2-12' travel lanes for 54th Ave.
5. The design of the proposed 5 foot sidewalk on 54th Avenue must meet Metro Public Works and ADA standards.
6. The main drive should be narrowed to 24' maximum width at the entrance for the first "block" to discourage on-street parking in the entrance.
7. All 90 degree parking within the development shall meet the Zoning Code standard of 8.5'x18' or larger.
8. All trash and recycling pick up shall be private service.
9. Private drives shall be consistent with the dimensions shown on the preliminary site plan, unless minor modifications are approved by Planning Department staff with final site plan approval.
10. The final site plan shall show pervious pavement for private drives and on-site parking areas as proposed on the preliminary site plan and as proposed as part of the Stormwater Management plan for the development. A certified installer shall be used to install all proposed pervious surfaces within the development. The Department of Public Works shall make a recommendation to the Planning Department and Metro Water Services-Stormwater Division on the subgrade, stone and pervious pavement details. A maintenance agreement for the pervious surfaces shall be established through Metro Water Services-Stormwater Division. Prior to final site plan approval, if it is determined by Metro Water Services- Stormwater Division staff and Planning Department staff that pervious pavement cannot be used as part of the Stormwater Management plan, the private drives shall be constructed with the following materials:
 - 1) 1-1/2" asphaltic concrete surface;
 - 2) tack coat (SS-1);
 - 3) 2" bituminous binder (B-M2);
 - 4) prime coat (RS-2);
 - 5) 8" stone (grading D pug mill mix).
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application.
12. 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.
13. 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.

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

Approved with revised Planning Department conditions and disapproved without all revised Planning Department conditions (9-0), Consent Agenda

Resolution No. RS2013-73

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-016-001 is Approved with revised conditions and disapproved without all revised conditions. (9-0)

The SP is consistent with the West Nashville Community Plan's Neighborhood Maintenance and Conservation policies, as well as a special policy to limit development to residential uses. The SP will provide a transition in intensity between the Charlotte Pike commercial corridor and the residential neighborhood.

CONDITIONS

- 1. Uses within the SP shall be limited to a maximum of 40 detached residential units.**
- 2. In conjunction with the final site plan, submit a plan on an engineer scale.**
- 3. In conjunction with the final site plan, show a SU-30 turn template for the solid waste pick up.**
- 4. The proposed on street parking and driveway should be placed at the edge of the existing pavement, with a minimum of 2-12' travel lanes for 54th Ave.**
- 5. The design of the proposed 5 foot sidewalk on 54th Avenue must meet Metro Public Works and ADA standards.**
- 6. The main drive should be narrowed to 24' maximum width at the entrance for the first “block” to discourage on-street parking in the entrance.**
- 7. All 90 degree parking within the development shall meet the Zoning Code standard of 8.5'x18' or larger.**
- 8. All trash and recycling pick up shall be private service.**
- 9. Private drives shall be consistent with the dimensions shown on the preliminary site plan, unless minor modifications are approved by Planning Department staff with final site plan approval.**
- 10. The final site plan shall show pervious pavement for private drives and on-site parking areas as proposed on the preliminary site plan and as proposed as part of the Stormwater Management plan for the development. A certified installer shall be used to install all proposed pervious surfaces within the development. The Department of Public Works shall make a recommendation to the Planning Department and Metro Water Services-Stormwater Division on the subgrade, stone and pervious pavement details. A maintenance agreement for the pervious surfaces shall be established through Metro Water Services-Stormwater Division. Prior to final site plan approval, if it is determined by Metro Water Services- Stormwater Division staff and Planning Department staff that pervious pavement cannot be used as part of the Stormwater Management plan, the private drives shall be constructed with the following materials:
 - 1) 1-1/2" asphaltic concrete surface;**
 - 2) tack coat (SS-1);**
 - 3) 2" bituminous binder (B-M2);**
 - 4) prime coat (RS-2);**
 - 5) 8" stone (grading D pug mill mix).****
- 11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM15-A zoning district as of the date of the applicable request or application.**
- 12. 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.**

13. 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.

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

Zone Changes

10. 2013Z-012PR-001

500 SOUTH 15TH STREET

Map 083-13, Parcel(s) 365
Council District 06 (Peter Westerholm)
Staff Reviewer: Duane Cuthbertson

A request to rezone from R6 to RS5 zoning for property located at 500 South 15th Street, at the southwest corner of South 15th Street and Shelby Avenue (0.26 acres), requested by Fiddlehead Developers, LLC, owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from R6 to RS5

Zone Change

A request to rezone from One and Two Family Residential (R6) to Single-Family Residential (RS5) zoning for property located at 500 South 15th Street, at the southwest corner of South 15th Street and Shelby Avenue, (0.26 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% duplex lots.

Proposed 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.

CRITICAL PLANNING GOALS

N/A

EAST NASHVILLE COMMUNITY PLAN

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The proposed RS5 district permits single family residential use consistent with the land use policy.

This property is located at the southwest corner of Shelby Avenue and South 15th Street. The Shelby Avenue corridor is immediately north of the subject property. While the majority of this corridor is zoned R6, allowing for duplexes, the corridor is largely comprised of single-family dwellings. Further, the neighborhood to the south of the subject property and along South 15th Street is zoned RS5 and comprised predominantly of single-family dwellings.

The zone change from R6 to RS5 does not alter the unit yield of the subject property. The property contains less than 12,000 square feet. It cannot be subdivided as it is currently zoned - the minimum lot area permitted in the R6 district is 6,000 square feet. The current zoning would, however, permit one attached duplex. One single family dwelling could also be constructed on the current property. The proposed RS5 zoning would permit the 11,300 square foot lot to be subdivided into two 5,000+ square foot lots. Those two lots would each be limited to one single-family dwelling.

It appears the zone change is being requested to enable two dwellings on the property to be constructed in a detached manner on independent lots.

If the subject property is rezoned, one single-family dwelling could immediately be permitted. A subdivision plat would be required prior to permitting two single-family dwellings. The property contains very steep slopes that go downward to the south from Shelby Avenue. Issues related to the subject property's significant topographical challenges could be addressed through a Critical Lot plan at the time of platting and permitting. As it is platted today, there is no Critical Lot designation. A Critical Lot plan would require an engineer to provide a sensitive design addressing the steep topography. Access restrictions could also be considered at the platting stage.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

SCHOOL BOARD REPORT

This request represents a down-zoning and will not create any additional school students.

STAFF RECOMMENDATION

Staff recommends approval as the zone change request is consistent with the Neighborhood General land use policy.

Approved (9-0), Consent Agenda

Resolution No. RS2013-74

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-012PR-001 is **Approved. (9-0)**

The zone change request is consistent with the Neighborhood General land use policy.

11. 2013Z-013PR-001

BL2013-412 \ WEINER

HICKS ROAD (UNNUMBERED)

Map 128, Parcel(s) 038

Council District 22 (Sheri Weiner)

Staff Reviewer: Amy Diaz-Barriga

A request to rezone from SP to RS80 zoning for property located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres), requested by the Metro Planning Department, applicant, Dr. Churku Mohan Reddy and Rama C. Reddy Et al, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Rezone from SP to RS80.

Zone Change

A request to rezone from SP to RS80 zoning for property located at Hicks Road (unnumbered), approximately 1,160 feet east of Sawyer Brown Road (36.25 acres).

Existing Zoning

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

Proposed Zoning

Single Family Residential (RS80) requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre. *RS80 could permit a maximum density of 19 lots, or 16 lots with a Cluster Lot Subdivision.*

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features

Single family residential development at a scale of 80,000 square feet per lot provides a very low intensity of development. Large lots and low intensity of development minimize the disturbance of sensitive environmental features such as steep slopes and problem soils. RS80, as opposed a similar scaled zoning district of AR2A, allows for the option to cluster the allowable lots, further reducing the impact on sensitive environmental features.

BELLEVUE COMMUNITY PLAN

Conservation (CO) is intended to preserve and enhance environmentally sensitive land within all Transect Categories except 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. Due to their

environmentally sensitive character, Conservation areas are generally unsuitable for conventional suburban or urban development. Very low intensity residential and open space development may be appropriate.

Consistent with Policy?

Yes. The 2011 update of the Bellevue Community Plan specifically addressed lands affected by the May 2010 flooding. In the update, the concept plan identified areas previously designated with environmentally sensitive features, and also identified areas that were not previously identified as floodplains or floodways, but that were inundated with water during the flooding. This new plan assigns Conservation policy for all of these areas, to more accurately portray the environmental conditions in the Bellevue Community. Bellevue's steep slopes were also assigned Conservation Policy, because many of the areas with steep slopes are also comprised of unstable soils. Preservation of these environmentally sensitive areas can reduce the impact of flooding in the future. This specific property has two sensitive environmental features: problem soils and steep slopes. These conditions are why it was included in the policy update to Conservation policy.

The Bellevue Community Plan 2011 Update specifically addressed areas where current zoning or land use does not conform to policy. It states that: "the intent for these properties and any other properties that are found [to be] inconsistent with policy, is that the use or zoning of these properties be brought into closer conformity to CO policy in some manner over time." Changing the zoning of the property from SP to RS80 brings it into closer conformity to Conservation Policy. RS80 greatly reduces the intensity of development allowed on the property, thereby reducing the disturbance to sensitive environmental features and steep slopes. Section 3-9.3.c of the Subdivision Regulations would allow a private street to serve up to ten lots because the property is within Conservation policy. Private streets can be built narrower and on a steeper grade, which reduces the impact on the land. Also, RS80 allows the option to create cluster lots, which would further reduce the impact to the land. Rezoning from SP to RS80 is consistent with current policy.

Previous MPC Action

The Planning Commission found the SP to be inactive at the February 28, 2013, meeting, and directed staff to provide a report to Council recommending the property be rezoned to RS80. The Councilmember has elected to file the bill to rezone to RS80.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

*This request represents a down-zoning therefore no traffic table was prepared.

SCHOOL BOARD REPORT

This request represents a down-zoning and will not create any additional school students.

STAFF RECOMMENDATION

Staff recommends approval as the zone change brings it into closer conformity to the current land use policy.

Approved (9-0), Consent Agenda

Resolution No. RS2013-75

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-013PR-001 is **Approved. (9-0)**

The proposed RS80 zoning district will be more consistent the Conservation policy than the current SP zoning.

J. PLANNING COMMISSION ACTIONS

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

Planned Unit Developments: Final Site Plans

12. 128-78P-001

HERMITAGE BUSINESS CENTER (ZAXBY'S)

Map 075-10, Parcel(s) 211
Council District 11 (Darren Jernigan)
Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final site plan approval for a portion of the Hermitage Business Center Commercial Planned Unit Development Overlay District on property located at 4115 Lebanon Pike, at the intersection of Lebanon Pike and Old Hickory Boulevard, zoned SCR (1.31 acres), to permit the construction of a 3,847 square foot fast food restaurant, requested by CSR Engineering, Inc. applicant, ROC Solid Foods, LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Preliminary PUD revision and final site plan for restaurant use.

Revision to Preliminary PUD and final site plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Hermitage Business Center Commercial Planned Unit Development Overlay District (PUD) on property located at 4115 Lebanon Pike, at the intersection of Lebanon Pike and Old Hickory Boulevard, zoned Shopping Center Regional (SCR) (1.31 acres), to permit the construction of a 3,847 square foot fast food restaurant.

Existing Zoning

Hermitage Business Center PUD – This PUD was approved by Council for a total of 179,364 square feet of commercial development. The subject site of this application was approved for a 6,000 square foot restaurant use. *The size of the proposed restaurant will be 3,847 square feet.*

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

This PUD was originally approved by Council in 1978 for commercial development. The current request would revise the PUD to replace an existing restaurant building with a new restaurant building. Because this is a decrease in square footage within the overall PUD and would not exceed the overall permitted PUD square footage from the original Council approval, it is considered a revision and will not require Council approval.

Section 17.40.120.G permits the Planning Commission to approve revisions 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.*

Staff finds that the request meets all of the conditions and the Planning Commission has the authority to approve the proposed revision.

Planned unit developments approved prior to the current zoning code are not required to meet all current requirements, but must comply with current landscaping and parking requirements. The PUD revision has received approval from the Metro Urban Forester and meets the current parking requirements for the proposed restaurant use.

The site plan includes a new access drive from Lebanon Road. This driveway will be a one-way entrance-only. Vehicles exiting the site will be required to use the internal driveway system within the PUD, part of which is platted as a joint access easement. Because this proposed driveway was included in the site plan that was last approved by Metro Council, a PUD amendment is not required.

FIRE MARSHAL RECOMMENDATION

Fire codes will be addressed at permitting

STORMWATER RECOMMENDATION

Approve with conditions

1. Specify amount of disturbance on plans;
2. Add a Note on Erosion Control Plan requiring "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting. Control of other site wastes such as discarded building materials, chemicals, litter, and sanitary wastes that may cause adverse impacts to water quality is also required by the Grading Permittee." Location of and/or notes referring to these BMP's shall be shown on the EPSC Plan;
3. Show the NOC note on the plans;
4. Clarify the contours on the southwest corner of building, 467 is missing;
5. Use CMP or RCP when pipe cross the property line;
6. No blind connection is allowed for storm sewer line;

7. Use DECLARATION OF RESTRICTIONS AND COVENANTS FOR STORMWATER FACILITIES AND SYSTEMS, otherwise easement document is required;
8. Pay the recording fee (\$5.00 per page plus \$2.00 payable to Register of Deeds);
9. Pay the grading permit fee \$500 payable to Water Services;
10. Submit three sets of plans.

PUBLIC WORKS RECOMMENDATION

No exception taken

URBAN FORESTER RECOMMENDATION

Approve with conditions

1. Crape Myrtle planting size shall be changed to 30 gallons.
2. Tree staking shall be removed from tree planting detail.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary PUD revision and final site plan. The preliminary and final plans are consistent with the preliminary plan last approved by Council. The proposed restaurant use will replace an existing, larger restaurant use. All applicable elements of the Zoning Code are met by the proposal.

CONDITIONS

1. Crape Myrtle planting size shall be changed to 30 gallons.
2. Tree staking shall be removed from tree planting detail.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2013-76

"BE IT RESOLVED by The Metropolitan Planning Commission that 128-78P-001 is **Approved with conditions. (9-0)**

CONDITIONS

1. **Crape Myrtle planting size shall be changed to 30 gallons.**
2. **Tree staking shall be removed from tree planting detail.**
3. **This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
4. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
5. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.**

6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

13. 2005P-028-002

HERON POINTE (FORMERLY CARILLON)

Map 121, Parcel(s) 079

Council District 13 (Josh Stites)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for Phase 1 of the Carillon Planned Unit Development Overlay District on property located at Bell Road (unnumbered), approximately 1,650 feet north of Couchville Pike, zoned RM9 and MUL (39.53 acres), to permit a 452 multi-family unit development and final approval for Phase 1 to permit the development of 324 multifamily dwelling units, requested by Ragan-Smith Associates, applicant, Carillon II Investment Partners, owner.

Staff Recommendation: Approve with conditions, including revised Stormwater conditions.

APPLICANT REQUEST

Revise Planned Unit Development and final site plan for Phase One.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for Phase 1 of the Carillon Planned Unit Development Overlay District on property located at Bell Road (unnumbered), approximately 1,650 feet north of Couchville Pike, zoned RM9 and MUL (39.53 acres), to permit a 452 multi-family unit development and final to permit the development of 324 multifamily dwelling units.

Existing Zoning

Multi-Family Residential (RM9) is intended for single-family, duplex, and multi-family dwellings at a density of nine dwelling units per acre. The PUD Overlay limits the development to 452 multi-family units.

Mixed Use Limited (MUL) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses. The PUD Overlay limits the development to 452 multi-family units.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The purpose of this request is to revise the preliminary plan and for final site plan approval for Phase One of the Heron Pointe PUD (formerly Carillon PUD). The development is located on the east side of Bell Road, north of Couchville Pike and just west of Percy Priest Lake. The property contains steep slopes, wetlands and a stream. Currently the site is undeveloped and consists mostly of dense woodland.

The original plan was approved by Council in 2006 (BL2005-895) for 165,200 square feet of retail and office space and 170 multi-family units. Council approved an amendment to the original plan in 2011 (BL2011-886). The 2011 plan is approved for 452 multi-family units and does not include any non-residential uses.

Site Plan

As proposed the plan calls for a maximum of 452 multi-family units. Due to the stream and wetlands that bisect the property, the development is split into two separate areas. Phase One, for which a final site plan is proposed, is located in the southern portion of the property. Phase One consist of 324 living units distributed amongst thirteen buildings, club/pool house and pool. Phase Two is located along the northern property line. Phase Two consists of 128 multi-family units which are distributed amongst five buildings. The maximum building height shown is three stories.

Access to the site is from Bell Road by a private drive. A secondary emergency access point is also provided from Bell Road. A sidewalk network is provided within the development. The Metro Code requires a minimum of 609 parking spaces and the plan provides 630 spaces.

ANALYSIS

Staff is recommending that the request be approved with conditions as the request is consistent with the Council approved plan. The plan does propose several minor revisions from what was approved by Council, but the changes are minor in nature and do not warrant Council re-approval. Changes include revisions to the overall layout and the removal of the sidewalk along Bell Road. The property is outside the Urban Services District (USD) so a sidewalk is not required; however, staff recommended that it be included in the preliminary because there is a sidewalk north of the site. After further review it was found that there would be a significant gap between the sidewalk associated with this development and the sidewalk to the north and that due to steep slopes and a stream that it would be difficult to connect. Instead of building the sidewalk the applicant is making a financial contribution to the sidewalk fund. As specified in Section 17.40.120.F.1 of the Metro Zoning Code, Council approval would be required for any changes that:

1. Add or remove land area;
2. Modify special performance criteria, design standards or other requirements specified by the enacting ordinance;
3. Increase the total number of dwelling units;
4. Requires a base zone change;
5. Or if the PUD is considered inactive.

STORMWATER RECOMMENDATION

1. Provide \$1,500 Grading Permit Fee. Grading permit must be received prior to scheduling a pre-construction meeting.
2. Provide a Declaration of Restrictions and Covenants and a Long-term Maintenance Plan for the bioretention areas.
3. Provide a copy of the TDEC Notice of Coverage.
4. Revise the Construction Exit Detail (100' min length, 20' min width, 8" min depth)
5. Adjust silt fence such that the silt fence follows the existing condition contours on the initial erosion control plan. Additional silt fence or other equivalent EPSC measures are required.
6. Add the following note to the EPSC plans: "Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 15 days after the construction activity in that portion of the site has temporarily or permanently ceased. Steep slopes (35% grade or greater) shall be temporarily stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased."
7. Provide the following note on the EPSC plan as well as the location of and/or notes referring to the required BMP's discussed below:
8. Contractor is required to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor is required to coordinate exact location with NPDES department during preconstruction meeting. Control of other site wastes such as discarded building materials, chemicals, litter, and sanitary wastes that may cause adverse impacts to water quality is also required by the Grading Permittee.
9. Specify the amount of disturbance on the plans.
10. Revise drainage map to show the direction of roof drains and areas that bypass water quality treatment.
11. Revise stormwater structure and pipe calculations to address the combined flows to bioretention area W2.
12. Evaluate outflow velocity and provide outlet protection for all outfalls such that the proposed outlet protection (e.g. riprap apron) does not enter the protected wetland buffer.
13. Provide ditch calculations including off-site roadway improvements.
14. Specify pipe material and Manning's roughness coefficient (n) used for pipe calculations.
15. Provide details for the 8 X 4 culvert located on the south side of the property.
16. Provide reference to PTP-03 on the bioretention detail.
17. Please label the bioretention areas (e.g. W2, E3, etc.) on Enlarged Grading Plan sheets for clarification.
18. Pretreatment is required for bioretention areas. Please specify the type and design of pretreatment used (e.g. stone diaphragm, plunge pool, etc.) and provide calculations showing that the runoff velocity entering the mulch layer is less than or equal to 2 fps.
19. Provide details and calculations for the overflow/outlet structure of the bioretention area including. The discharge pipe from the overflow/underdrain requires a headwall and outlet protection. Please provide details of the headwall, invert, etc. on the plans.
20. Provide landscape plans for the bioretention areas.
21. Revise the bioretention detail so that the planting soil contains a mix of topsoil, sand and organic matter to achieve the following final composition (by volume): Max 60% sand; Less than 40% silt; 5% to 10% organic matter; and Less than 20% clay.
22. Add the following note to the plan: "Contractor, Engineer, or Owners Representative shall notify MWS Development Review at least 24 hours prior to the installation of the planting soil filter bed. At the completion of installation, the above referenced person will collect one sample per bioretention bed for analysis and confirmation of the soil characteristics as defined by GIP-01, Filter Media and Surface Cover, Section 6.6, page 18"
23. Revise the flood information note on the cover sheet. The FEMA MAP# 47037C0357F should be referenced.
24. Please reference the FEMA designated 100-year Floodplain Zone AE (Elevation 506') on the adjacent property.
25. Provide calculations and 100-year floodplain elevation for the wetland including the box culvert as an outlet control structure and road as an emergency spillway. Minimum FFE of the Residential structures are required to be 4-ft above the calculated 100-yr floodplain elevation assuming that the wetland is at a normal (seasonal inundation) pool elevation. Please verify that the FFE meets this requirement.

26. Add a note to the plans stating that buffer signs are required and include the quantity and placement of the signs (one sign per 100 linear feet.) If decorative or educational signs are proposed in lieu of the standard MWS buffer sign, please include details of the proposed sign.

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Revise the note on the paving schedule to indicate a mill and overlay not just an overlay of Bell Road. (With offsite utility construction Bell Road will need to be overlaid for the extent of the construction.)
- Plans indicate a ROW dedication; label the dedication with the instrument number of the dedication. Submit the instrument with the ROD barcode. Plan cannot be approved without the dedication.
- Indicate a recycling container for the site.
- Install DSYL pavement marking on access drive. Comply with previous conditions of approval regarding signal warrant analysis. Metal fence along Bell Rd frontage shall not adversely impact sight distance.

STAFF RECOMMENDATION

Staff recommends that the request be deferred unless Stormwater approval is received prior to the Planning Commission meeting.

CONDITIONS

1. Prior to the issuance of any grading permits the applicant shall conduct a pre-blast survey for all residential units in the Woodland Pointe subdivision that are located within 300 feet of the northern PUD boundary as specified in Council Bill 2011-886.
2. Prior to the issuance of any building permits a financial contribution in the amount of \$12,000 shall be made for the Pedestrian Benefit Zone 5-C.
3. As specified in Council Bill 2011-886, the primary building material for all units shall be brick, stone, HardiPlank (cementitious material) and wood. Vinyl siding shall not be permitted as a primary building material.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration.
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.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
9. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
10. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Resolution No. RS2013-77

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-028-002 is **Approved with conditions, including revised Stormwater conditions. (9-0)**

CONDITIONS

1. Prior to the issuance of any grading permits the applicant shall conduct a pre-blast survey for all residential units in the Woodland Pointe subdivision that are located within 300 feet of the northern PUD boundary as specified in Council Bill 2011-886.
2. Prior to the issuance of any building permits a financial contribution in the amount of \$12,000 shall be made for the Pedestrian Benefit Zone 5-C.
3. As specified in Council Bill 2011-886, the primary building material for all units shall be brick, stone, HardiPlank (cementitious material) and wood. Vinyl siding shall not be permitted as a primary building material.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration.
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.
8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
9. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
10. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

REVISED STORMWATER CONDITIONS

1. Provide \$1,500 Grading Permit Fee. Grading permit must be received prior to scheduling a pre-construction meeting.
2. Provide a Declaration of Restrictions and Covenants and a Long-term Maintenance Plan for the bioretention areas.
3. Provide a copy of the TDEC Notice of Coverage.
4. Revise the Construction Exit Detail (100' min length, 20' min width, 8" min depth)
5. Adjust silt fence such that the silt fence follows the existing condition contours on the initial erosion control plan. Additional silt fence or other equivalent EPSC measures are required.
6. Add the following note to the EPSC plans: "Temporary or permanent soil stabilization at the construction site (or a phase of the project) must be completed no later than 15 days after the construction activity in that portion of the site has temporarily or permanently ceased. Steep slopes (35% grade or greater) shall be temporarily stabilized not later than 7 days after construction activity on the slope has temporarily or permanently ceased."
7. Provide the following note on the EPSC plan as well as the location of and/or notes referring to the required BMP's discussed below:
8. Contractor is required to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor is required to coordinate exact location with NPDES department during preconstruction meeting. Control of other site wastes such as discarded building materials, chemicals, litter, and sanitary wastes that may cause adverse impacts to water quality is also required by the Grading Permittee.
9. Specify the amount of disturbance on the plans.
10. Revise drainage map to show the direction of roof drains and areas that bypass water quality treatment.
11. Revise stormwater structure and pipe calculations to address the combined flows to bioretention area W2.

12. Evaluate outflow velocity and provide outlet protection for all outfalls such that the proposed outlet protection (e.g. riprap apron) does not enter the protected wetland buffer.
13. Provide ditch calculations including off-site roadway improvements.
14. Specify pipe material and Manning's roughness coefficient (n) used for pipe calculations.
15. Provide details for the 8 X 4 culvert located on the south side of the property.
16. Provide reference to PTP-03 on the bioretention detail.
17. Please label the bioretention areas (e.g. W2, E3, etc.) on Enlarged Grading Plan sheets for clarification.
18. Pretreatment is required for bioretention areas. Please specify the type and design of pretreatment used (e.g. stone diaphragm, plunge pool, etc.) and provide calculations showing that the runoff velocity entering the mulch layer is less than or equal to 2 fps.
19. Provide details and calculations for the overflow/outlet structure of the bioretention area including. The discharge pipe from the overflow/underdrain requires a headwall and outlet protection. Please provide details of the headwall, invert, etc. on the plans.
20. Provide landscape plans for the bioretention areas.
21. Revise the bioretention detail so that the planting soil contains a mix of topsoil, sand and organic matter to achieve the following final composition (by volume): Max 60% sand; Less than 40% silt; 5% to 10% organic matter; and Less than 20% clay.
22. Add the following note to the plan: "Contractor, Engineer, or Owners Representative shall notify MWS Development Review at least 24 hours prior to the installation of the planting soil filter bed. At the completion of installation, the above referenced person will collect one sample per bioretention bed for analysis and confirmation of the soil characteristics as defined by GIP-01, Filter Media and Surface Cover, Section 6.6, page 18"
23. Revise the flood information note on the cover sheet. The FEMA MAP# 47037C0357F should be referenced.
24. Please reference the FEMA designated 100-year Floodplain Zone AE (Elevation 506') on the adjacent property.
25. Provide calculations and 100-year floodplain elevation for the wetland including the box culvert as an outlet control structure and road as an emergency spillway. Minimum FFE of the Residential structures are required to be 4-ft above the calculated 100-yr floodplain elevation assuming that the wetland is at a normal (seasonal inundation) pool elevation. Please verify that the FFE meets this requirement.
26. Add a note to the plans stating that buffer signs are required and include the quantity and placement of the signs (one sign per 100 linear feet.) If decorative or educational signs are proposed in lieu of the standard MWS buffer sign, please include details of the proposed sign.

14. 206-83P-001

MCDONALD'S

Map 149, Parcel(s) 322
Council District 28 (Duane A. Dominy)
Staff Reviewer: Amy Diaz-Barriga

A request to revise the preliminary plan and for final site plan approval for a portion of the Commercial Planned Unit Development Overlay District located on property at 2499 Murfreesboro Pike, at the corner of Edge O Lake Drive and Murfreesboro Pike (0.92 acres), zoned R15, to permit the addition of a dual drive-thru to an existing fast food restaurant, requested by TSquare Engineering, applicant, McDonald's Corporation, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Revise a portion of a Planned Unit Development and final site plan.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Commercial Planned Unit Development Overlay District located on property at 2499 Murfreesboro Pike, at the corner of Edge O Lake Drive and Murfreesboro Pike (0.92 acres), zoned R15, to permit the addition of a dual drive-thru to an existing fast food restaurant.

Existing Zoning

One and Two-Family Residential (R15)/Commercial PUD Overlay: *The current uses in this PUD are not typically permitted in the R15 zoning district; however, under the previous zoning code Planned Unit Developments did not require a base zone change, while the permitted uses are those uses outlined on the PUD plan approved by the Metro Council in the enacting ordinance.*

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

This PUD was originally approved by Council in 1985 for commercial development. The current request would revise the PUD to replacing an existing single drive-thru lane with a new dual-drive thru lane, and renovate the building in such a way that increases the building footprint by 57 square feet. Because this is a relatively small increase in square footage within the

overall PUD, and would not exceed the overall permitted PUD square footage of this building by more than 10 percent from the original Council approval, it is considered a revision and will not require Council approval.

Section 17.40.120.G permits the Planning Commission to approve revisions 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.*

Staff finds that the request meets all of the conditions and the Planning Commission has the authority to approve the proposed revision.

Planned unit developments approved prior to the current zoning code are not required to meet all current requirements, but must comply with current landscaping and parking requirements. The PUD revision does not introduce any new vehicular access points. The PUD revision has received approval from the Metro Urban Forester and meets the current parking requirements for the proposed restaurant use. A sidewalk is being provided along Edge O Lake Drive, and has been approved by Public Works as shown on the site plan. A sidewalk along Murfreesboro Drive is not being provided due to the steep slope conditions. The topography drops drastically within 3 feet of the right of way, making a sidewalk difficult to construct along this stretch of Murfreesboro Drive. Further, there is not an existing sidewalk network along this section of Murfreesboro Drive with which to connect.

STORMWATER RECOMMENDATION

- Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter. All public sidewalks must be located within the public ROW.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary PUD revision and final site plan. The preliminary and final plans are consistent with the preliminary plan last approved by Council. The proposed dual drive-thru lane will replace an existing single drive-thru lane. The use will remain a restaurant. All applicable elements of the Zoning Code are met by the proposal.

CONDITIONS

1. Prior to issuance of any permits, a pedestrian easement will be documented and a sidewalk will be constructed along Edge O Lake Drive to Metro Public Works Standards. The instrument number of the recording will be listed on the corrected final site plan submitted to the Planning Department.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. 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.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require re-approval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2013-78

"BE IT RESOLVED by The Metropolitan Planning Commission that 206-83P-001 is **Approved with conditions. (9-0)**

CONDITIONS

1. **Prior to issuance of any permits, a pedestrian easement will be documented and a sidewalk will be constructed along Edge-O-Lake Drive to Metro Public Works Standards. The instrument number of the recording will be listed on the corrected final site plan submitted to the Planning Department.**

2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. 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.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require re-approval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Subdivision: Final Plats

15. 2013S-046-001

COUNTRY CLUB ESTATES, RESUB LOTS 15 & 16

Map 072-04, Parcel(s) 229

Council District 07 (Anthony Davis)

Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create four lots on property located at 1801 McGavock Pike, at the northeast corner of McGavock Pike and Ardee Avenue, zoned RS7.5 (0.87 acres), requested by Pantheon Development Partners, LLC, owner, Campbell, McRae & Associates Surveying, Inc., surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Create four lots

Final Plat

A request for final plat approval to create four lots on property located at 1801 McGavock Pike, at the northeast corner of McGavock Pike and Ardee Avenue (0.87 acres) zoned Residential Single Family (RS7.5).

Existing Zoning

Residential Single-family (RS7.5 District) 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.

REQUEST DETAILS

This item was deferred at the April 11, 2013, Planning Commission hearing. The request to defer the application was made by the applicant in order to enable additional time to submit revised plans and account for requested Board of Zoning Appeals (BZA) action on April 18, 2013, related to the street setback from McGavock Pike.

The BZA, at their April 18, 2013, meeting deferred the request to reduce the street setback along McGavock Pike from 40 feet to 30 feet. The applicant proposed to note adjusted setbacks on the plat. Setbacks are not required to be shown on the plat. The setbacks required by the zoning code (or as adjusted by the BZA) are enforced at the time a building permit is requested. The proposed final plat is not contingent upon the applicant's request to the BZA.

The applicant proposes to create four single-family residential lots on property currently consisting of two platted lots combined into one parcel accommodating one single-family dwelling. The existing house will be removed from the property. Each

proposed single-family residential lot will contain more than 7,500 square feet of lot area as required by the applicable RS7.5 zoning designation.

Vehicular access to all of the proposed lots will be limited to one common access easement across the rear to and from Ardee Avenue. No vehicular access to the property will be permitted along McGavock Pike.

The lot slopes down to the north particularly on the eastern most lot which has been noted as a critical lot. The critical lot designation requires additional review during the permit stage. A drainage channel is situated on the north boundary however it is not a designated stream and there is no floodplain on the property.

As the property is located within the Urban Services District (USD) sidewalks are required on McGavock Pike and Ardee Avenue. However, as there is not an existing sidewalk network abutting or near the property the applicant is provided the opportunity to contribute to the sidewalk fund in-lieu of constructing the required sidewalks.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions as the subdivision complies the Subdivision Regulations.

CONDITIONS

1. Prior to plat recordation, the applicant shall satisfy and comply with comments from Public Works.
2. Remove the reference to M.B.S.L along McGavock Pike on the plat and in Note #3 if a variance of the street setback is denied by the BZA prior to recordation or maintain the M.B.S.L shown on the plat and provide the BZA case number and correct date in Note #3 if a variance of the street setback is granted by the BZA prior to recordation of the plat.
3. Correct the Subdivision Case No. to 2013S-046-001.
4. Correct the reference to Council District and member in the title block to District 7 Council representative Anthony Davis.
5. Provide proof of removal of the house from the lot prior to recordation of the final plat.
6. Sidewalks are required along the property frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a) Submit a bond application and post a bond with the Planning Department,
 - b) Construct sidewalk and have it accepted by Public Works,
 - c) Submit a contribution in-lieu of construction of sidewalks. The in-lieu contribution for this subdivision creating two additional lots is \$1,000.
 - d) Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department, or
 - e) 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.

Mr. Gee left at 5:38 p.m.

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

Jamie Reedy, property owner, spoke in support of the application and noted that he is asking for a variance from the BZA for 30' setback instead of 40' due to sloped lots.

Obbie McCrary, 1910 Riverwood Drive, spoke in opposition to the application noting concerns with increased density and increased traffic congestion.

Mr. Reedy stated that he did reach out to the community and received some design suggestions from the neighbors. There was some concern regarding the four lots in the beginning but not to a great extent.

Mr. Haynes moved and Mr. Clifton seconded the motion to close the Public Hearing. (7-0)

Mr. Adkins thanked the neighbors for coming out and listening to the process. He stated that this does meet the policy but understands neighbor's concerns.

Ms. LeQuire spoke in support of the application and noted that the lot widths are similar to the lot widths along the rest of the road, the single driveway on the side street is helpful to the congestion issue, and it does meet the policy.

Dr. Cummings inquired about a buffer.

Mr. Cuthbertson clarified that there is no applicable buffer.

Ms. LeQuire inquired about the setback request.

Mr. Cuthbertson noted that the setback is a decision for the BZA.

Mr. Adkins moved and Councilmember Claiborne seconded the motion to approve with conditions. (7-0)

Resolution No. RS2013-79

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-046-001 is **Approved with conditions. (7-0)**

CONDITIONS

1. Prior to plat recordation, the applicant shall satisfy and comply with comments from Public Works.
2. Remove the reference to M.B.S.L along McGavock Pike on the plat and in Note #3 if a variance of the street setback is denied by the BZA prior to recordation or maintain the M.B.S.L shown on the plat and provide the BZA case number and correct date in Note #3 if a variance of the street setback is granted by the BZA prior to recordation of the plat.
3. Correct the Subdivision Case No. to 2013S-046-001.
4. Correct the reference to Council District and member in the title block to District 7 Council representative Anthony Davis.
5. Provide proof of removal of the house from the lot prior to recordation of the final plat.
6. Sidewalks are required along the property frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a) Submit a bond application and post a bond with the Planning Department,
 - b) Construct sidewalk and have it accepted by Public Works,
 - c) Submit a contribution in-lieu of construction of sidewalks. The in-lieu contribution for this subdivision creating two additional lots is \$1,000.
 - d) Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department, or
 - e) 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.

K. OTHER BUSINESS

16. Employee contract renewals for Cindy Wood and Greg Johnson

Approved (9-0), Consent Agenda

Resolution No. RS2013-80

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewals for Cindy Wood and Greg Johnson are **Approved. (9-0)**

17. Capital Improvement Budget for 2013-2014 to 2018-2019

Approved (9-0), Consent Agenda

Resolution No. RS2013-81

"BE IT RESOLVED by The Metropolitan Planning Commission that the Capital Improvement Budget for 2013-2014 to 2018-2019 is **Approved. (9-0)**

18. Historic Zoning Commission Report

19. Board of Parks and Recreation Report

20. Executive Committee Report

21. Executive Director Report

22. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

April 22, 2013

General Plan Meeting-NashvilleNext Speakers' Series

The High Cost of America's Inefficient Development Patterns- William Fulton, AICP, Vice President and Director of Policy Development & Implementation, Smart Growth America

5:30 pm, 25 Middleton Street, Nashville Children's Theater

April 25, 2013

MPC Meeting

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

May 6, 2013

General Plan Meeting-NashvilleNext Speakers' Series

Regional Partnerships to Achieve Local Viability- Amy Liu, Senior Fellow, Brookings Institution

5:30 pm, 25 Middleton Street, Nashville Children's Theater

May 9, 2013

MPC Meeting

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

M. ADJOURNMENT

The meeting adjourned at 5:59 p.m.

Chairman

Secretary