



# METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, August 23, 2012**

**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  
Greg Adkins  
Phil Ponder  
Derrick Dalton  
Andree LeQuire  
Councilman Phil Claiborne

Staff Present:  
Doug Sloan, Assistant Executive Director  
Ann Hammond, Assistant Executive Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Bob Leeman, Planning Manager II  
Brenda Bernards, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Duane Cuthbertson, Planner II  
Brian Sexton, Planner I  
Susan Jones, Legal

**Richard C. Bernhardt, FAICP, CNU-A**  
Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300  
p: (615) 862-7190; f: (615) 862-7130

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## Notice to Public

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

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

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

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

## Writing to the Commission

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

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

## Speaking to the Commission

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

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

## Legal Notice

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



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# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

## B. ADOPTION OF AGENDA

Mr. Ponder moved and Dr. Cummings seconded the motion to adopt the agenda. (6-0)

## C. APPROVAL OF AUGUST 9, 2012 MINUTES

Dr. Cummings moved and Mr. Ponder seconded the motion to approve the August 9, 2012 minutes. (6-0)

## D. RECOGNITION OF COUNCILMEMBERS

No Councilmembers in attendance.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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### 1. 2012NL-001-002

HOT ROD GRILLE

### 2. 2012S-062-001

MADISON CHURCH OF CHRIST

### 3. 2012S-093-001

4100 WYOMING AVENUE

Councilmember Claiborne moved and Mr. Ponder seconded the motion to approve the Deferred Items. (6-0)

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## F. CONSENT AGENDA

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

### 5. 2008SP-012U-12

LAKE PROVIDENCE

### 6. 2012Z-018PR-001

24 LINCOLN STREET

### 7. 74-79P-008

NASHBORO VILLAGE, SITE 25  
BL2012-212 Johnson

### 8. 78-74P-002

LIONS HEAD VILLAGE

Mr. Clifton in at 4:07 p.m.

Ms. LeQuire in at 4:07 p.m.

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

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## G. PREVIOUSLY DEFERRED ITEMS

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

### Neighborhood Landmark Overlays

#### 1. 2012NL-001-002

##### HOT ROD GRILLE

Map 105-11, Parcel(s) 238-239  
Council District 17 (Sandra Moore)  
Staff Reviewer: Jason Swaggart

A request for approval of a Neighborhood Landmark Development Plan for properties located at 609 and 611 Wedgewood Avenue, approximately 260 feet west of Bransford Avenue (0.41 acres), zoned R6, to permit a full service restaurant, requested by Chris Michaels, applicant, Kenneth M. Ballew and Louise and Robert Armstrong, owners.

**Staff Recommendation: Defer indefinitely**

Deferred Indefinitely (6-0)

**The Metropolitan Planning Commission INDEFINITELY DEFERRED 2012NL-00-002. (6-0)**

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### Subdivision: Final Plats

#### 2. 2012S-062-001

##### MADISON CHURCH OF CHRIST

Map 043-10, Parcel(s) 056  
Council District 09 (Bill Pridemore)  
Staff Reviewer: Greg Johnson

A request for final plat approval to create five lots and a variance to the Subdivision Regulations for lot frontage on property located at 596 N. Dupont Avenue, approximately 1,675 feet east of Delaware Avenue, zoned RM20 (5.78 acres), requested by Madison Church of Christ, Trustee, owner, Ragan-Smith Associates, Inc., surveyor.

**Staff Recommendation: Defer to the September 27, 2012, Planning Commission meeting**

Deferred to the September 27, 2012 Planning Commission Meeting. (6-0)

**The Metropolitan Planning Commission DEFERRED 2012S-062-001 to the September 27, 2012, Planning Commission meeting.**

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#### 3. 2012S-093-001

##### 4100 WYOMING AVENUE

Map 103-04, Parcel(s) 286  
Council District 24 (Jason Holleman)  
Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 4100 Wyoming Avenue, abutting the railroad tracks (.36 acres), zoned RS7.5, requested by Delle Land Surveying, surveyor, Woodland Street Partners, owner.

**Staff Recommendation: Defer indefinitely**

Deferred Indefinitely (6-0)

**The Metropolitan Planning Commission INDEFINITELY DEFERRED 2012S-093-001. (6-0)**

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## H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

### No Cases on this Agenda

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## I. RECOMMENDATIONS TO METRO COUNCIL

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

### Zoning Text Amendments

#### 4. 2012Z-018TX-001

BL2012-229 Johnson/Evans/Bedne/Allen  
**PUD PERIODIC REVIEW ZONING FEE WAIVER**  
Staff Reviewer: Brenda Bernards

A request to amend Section 17.40.740 of Title 17 of the Metropolitan Code, Zoning Regulations, to provide a waiver of the zoning application fee for applications filed by Members of Council in response to the Planning Commission's determination that a Planned Unit Development (PUD) district is inactive after conducting a periodic review, requested by Councilmember Karen Johnson, applicant.

**Staff Recommendation: Because this ordinance deals with a matter of Council prerogative to set fees for rezonings, staff recommends that the Commission take no official position on the bill**

#### **APPLICANT REQUEST**

**Waive application fees for Councilmembers for certain PUD amendments or cancellations.**

#### Text Amendment

An Ordinance amending Section 17.40.740 of Title 17 of the Metropolitan Code, Zoning Regulations, to provide a waiver of the zoning application fee for applications filed by Members of Council in response to the Planning Commission's determination that a Planned Unit Development (PUD) district is inactive after conducting a periodic review.

#### **CRITICAL PLANNING GOALS**

N/A

#### **PURPOSE OF THE TEXT AMENDMENT**

There are certain situations where the fee for a Councilmember to file a rezoning application can be waived. The proposed bill will add another option to this list.

#### Existing Law

The existing Zoning Code, Section 17.40.740.C provides for the waiver of application fees for rezoning requests by Councilmembers

C. Any rezoning request initiated by a member or members of council for the purpose of:

1. Rezoning the property from a greater intensity residential use to a lesser intensity residential use (i.e., an "R" district to an "RS" district);
2. Rezoning the property from an office, commercial, or industrial district to a residential or residential single-family district;
3. Rezoning ten or more parcels from a specific plan (SP) district to another base zoning district; or
4. Applying the urban design overlay district, historic preservation district, neighborhood conservation district, or urban zoning overlay district, as provided in Chapter 17.36.

Proposed Bill

The proposed text amendment would add a fifth category where fees could be waived:

5. An amendment to or cancellation of a planned unit development (PUD) district after the planning commission has determined the PUD to be inactive in accordance with section 17.40.120.H.

**ANALYSIS**

While this text amendment would waive the application fees, the public hearing signs and notices would need to be prepared by the applicant. All submittal checklist requirements for a complete application will also need to be fulfilled by the applicant. Any amendments to a PUD that require site plan revisions would require the applicant to submit copies of the amended site plan.

**STAFF RECOMMENDATION**

Staff recommends that the Commission neither vote to approve or disapprove this proposed ordinance. Fees that are paid for zoning applications are deposited into the Metro General Fund and are not earmarked for Planning Department functions. Whether the Council is subject to the fees, and/or the mechanism for that body to determine when the fees will or will not be paid, is an issue that should be determined by the Metro Council.

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ORDINANCE NO. BL2012-229

An Ordinance amending Section 17.40.740 of Title 17 of the Metropolitan Code, Zoning Regulations, to provide a waiver of the zoning application fee for applications filed by Members of Council in response to the Planning Commission's determination that a Planned Unit Development (PUD) district is inactive after conducting a periodic review, all of which is more specifically described herein (Proposal No. 2012Z-018TX-001).

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

Section 1. That the codification of Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.40.740 by adding the following provision at the end of subsection C.:

"5. An amendment to or cancellation of a planned unit development (PUD) district after the planning commission has determined the PUD to be inactive in accordance with section 17.40.120.H."

Section 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Karen Johnson, Emily Evans, Fabian Bedne, Burkley Allen

Ms. Bernards presented the staff recommendation of approval.

**Dr. Cummings moved and Mr. Ponder seconded the motion to close the Public Hearing. (8-0)**

**Dr. Cummings moved and Mr. Ponder seconded the motion to approve staff recommendation. (8-0)**

**Resolution No. RS2012-161**

**"BE IT RESOLVED by the Metropolitan Planning Commission that the Commission took no official position on 2012Z-018TX-001 because this ordinance deals with a matter of Council prerogative to set fees for rezonings. (8-0).**

**Whether the Council is subject to the fees, and/or the mechanism for that body to determine when the fees will or will not be paid, is an issue that should be determined by the Metro Council.**

## **Specific Plans**

### **5. 2008SP-012U-12**

#### **LAKE PROVIDENCE**

Map 147-07, Parcel(s) 099, 105, 107-108  
Council District 27 (Davette Blalock)  
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "Lake Providence", 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 4412, 4416 and 4424 Bass Avenue and at Nolensville Pike (unnumbered), (2.01 acres), approved for a 5,300 square foot building for auto repair and auto sales (used) in Phase 1 and a 3,200 square foot building for office, auto sales (used) and auto repair, and three single-family lots and one duplex lot in Phase II via Council Bill BL2008-235 approved on July 15, 2008, 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 "Lake Providence", 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 4412, 4416 and 4424 Bass Avenue and at Nolensville Pike (unnumbered), (2.01 acres), approved for a 5,300 square foot building for auto repair and auto sales(used) in Phase 1 and a 3,200 square foot building for office, auto sales (used) and auto repair, and three single-family lots and one duplex lot in Phase II via Council Bill BL2008-235 approved on July 15, 2008

##### 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 Lake Providence SP was approved in May 2008 for auto uses along Nolensville Road and residential units along Winston Avenue. Phase I, a 5,300 square foot auto facility was approved in October 2008. Staff visited the site in July 2012. There is an auto facility in operation at this location.

#### **STAFF RECOMMENDATION**

Because Phase I of the Lake Providence SP is in operation, staff recommends that this SP be found to be active.

Find the SP District Active (8-0), Consent Agenda

#### **Resolution No. RS2012-162**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-012U-12 finds the SP District Active. (8-0)"**

## **Zone Changes**

### **6. 2012Z-018PR-001**

#### **24 LINCOLN STREET**

Map 105-04, Parcel(s) 009  
Council District 17 (Sandra Moore)  
Staff Reviewer: Greg Johnson

A request to rezone from SP-R to RM20-A zoning for property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and Perkins Street (0.26 acres), requested by Lafayette Market Inc., owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST**

**Zone change from SP-R to RM20-A**

Zone Change

A request to rezone from Specific Plan – Residential (SP-R) to Multi-Family-Alternative (RM20-A) zoning for property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and Perkins Street (0.26 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. The existing SP required the reuse of a residential building that has been demolished. A change in zoning is needed to permit development rights on the property.

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

Supports Infill Development  
Creates Walkable Neighborhoods

The proposed RM20-A zoning district will allow for residential development that meets the residential context of the surrounding area while requiring appropriate building and parking placement. The site is adjacent to modestly-scaled commercial land uses and to an existing transit line. The proximity of these related land uses combined with existing sidewalk infrastructure will help to promote a walkable neighborhood.

**SOUTH 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 RM20-A district is consistent with the density supported by the Neighborhood General policy. The form of development emphasized by the district, with relatively shallow building setbacks from surrounding streets and parking placement away from street frontages, is consistent with the design principles of the NG policy.

**REQUEST DETAILS**

In 2010, an SP zoning district was approved for this site to use an existing residential building for five multi-family dwellings. The SP required the reuse of that building. When the building was demolished by the property owner earlier this year for safety reasons, the development rights permitted under the SP were nullified. The property owner has requested the RM20-A zoning district as it will permit five units, the same number of units that were permitted under the SP. Additionally, the alternative multi-family zoning district will require a similar building placement provided by the previous building that required parking be located away from street frontages.

**PUBLIC WORKS RECOMMENDATION**

No exception taken

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.26	-	5 U	34	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.26	20 D	5 U	34	3	4



Traffic changes between maximum: **SP-R** and proposed **RM20-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	0	0	0

**SCHOOL BOARD REPORT**

Because the proposed RM20-A zoning district would permit the same number of dwelling units permitted under the current SP, a school board report was not generated.

**STAFF RECOMMENDATION**

Staff recommends approval of the RM20-A zoning district. This zoning district meets the density and design intent of the Neighborhood General land use policy.

Approved (8-0), Consent Agenda

**Resolution No. RS2012-163**

“BE IT RESOLVED by the Metropolitan Planning Commission that 2012Z-018PR-001 is **APPROVED. (8-0)**

**The proposed RM20-A zoning district is consistent with the Neighborhood General land use policy.**

**Planned Unit Development**

**7. 74-79P-008**

BL2012-212 Johnson  
**NASHBORO VILLAGE, SITE 25**  
 Map 135, Part of Parcel(s) 308  
 Council District 29 (Karen Y. Johnson)  
 Staff Reviewer: Brenda Bernards

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for a portion of property located at 171 Bell Road, approximately 1,000 feet south of Nashboro Boulevard, zoned R10 (1.2 acres), to permit residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road where a 100 unit, five story building was previously approved, requested by Councilmember Johnson and the Planning Department, applicants, Nashboro Golf Course LLC, owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST**

**Amend Site 25 of the Nashboro Village PUD**

PUD Amendment

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for a portion of property located at 171 Bell Road, approximately 1,000 feet south of Nashboro Boulevard, zoned R10 (1.2 acres), to permit residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road where a 100 unit, five story building was previously approved.

**Existing Zoning**

Site 25 is zoned R10 with a PUD overlay District. This portion of the PUD overlay allows 100 multi-family units in a five-story building.

**Proposed Zoning**

With the amendment to the PUD, residential uses will be required to be consistent with the scale of development along Bell Road.

**CRITICAL PLANNING GOALS**

N/A

## **ANTIOCH/PRIEST LAKE COMMUNITY PLAN**

Residential Medium (RM) policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

### Consistency with Policy

The land use policy for the entire Nashboro Village PUD is RM. The PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre. There are a variety of housing types including single-family detached units, town-homes, and apartments. The density of the overall PUD fits within the RM policy.

## **BACKGROUND**

Site 25, approved for 100 residential units in a five-story building, is part of the Nashboro Village PUD which is located between Murfreesboro Pike and Bell Road south of Smith Springs Road in the Antioch area of Davidson County. The PUD was originally approved by the Metro Council in 1979 for a range of housing types, commercial uses, recreational facilities and a day care center. The PUD is divided into 28 development sites and these have been developed in phases over time. Portions of the PUD have been revised and the master plan updated a number of times. The main recreational facilities include a golf course, which is the central feature of the PUD, and a tennis facility. There are four sites, including this site, that remains undeveloped.

In March 2012, the Councilmember initiated a PUD review of these sites. All four were found to be inactive. The Planning Commission recommended that Sites 14, 15 and 27 remain as approved and that Site 25 be amended to remove the five-story building and add a note that residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road within this PUD could be considered as a future revision.

## **PROPOSED AMENDMENT**

Site 25 is on the same parcel of land as much of the golf course. At this time, there is a maintenance facility for the golf course in this location. Permit records show that this building was constructed in 1974. According to the website, the Nashboro Village Golf Course opened in July 1975. The Nashboro Village PUD was approved in 1979 with a 100 unit multi-family building on this site.

While the RM policy supports the multi-family use when the entire PUD is considered, this particular location does not appear to be appropriate for a five-story structure. This site is isolated from the remaining development in the PUD and a five-story structure is inconsistent with the development pattern along this portion of Bell Road. When the maintenance facility is no longer located on this site, this portion of the PUD is appropriate for a residential use but at a scale consistent with the development pattern along Bell Road.

The proposed amendment will remove the five-story building and add a condition for Site 25 that residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road within this PUD could be considered as a future PUD revision.

## **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

## **CONDITIONS**

1. The final site plan for Site 25 shall include residential uses not to exceed 100 units, consistent with the scale of development along Bell Road.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval 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 preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved with conditions (8-0), Consent Agenda

"BE IT RESOLVED by the Metropolitan Planning Commission that 74-79P-008 is **APPROVED WITH CONDITIONS. (8-0)**

**The amendment will permit the same number of residential units currently permitted within the PUD with a requirement to provide a development consistent with the scale of development along Bell Road.**

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## **J. PLANNING COMMISSION ACTIONS**

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

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

#### **8. 78-74P-002**

##### **LIONS HEAD VILLAGE**

Map 103-15, Parcel(s) 048  
Council District 24 (Jason Holleman)  
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Lions Head Village Planned Unit Development Overlay District on property located at 40 White Bridge Pike, approximately 2,195 feet north of Harding Pike, zoned SCC (1.59 acres), to permit a 12,693 square foot multi-tenant building, replacing 6,500 square foot restaurant bringing the total floor area within the PUD to 127,567 square feet, requested by Development Management Group, LLC, applicant, for White Bridge Partners, LLC, owner.

**Staff Recommendation: Approve with conditions**

##### **APPLICANT REQUEST**

**Revise a portion of a Planned Unit Development**

##### Revise preliminary and final site plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Lions Head Village Planned Unit Development Overlay District on property located at 40 White Bridge Pike, approximately 2,195 feet north of Harding Pike, zoned Shopping Center Commercial (SCC) (1.59 acres), to permit a 12,693 square foot multi-tenant building, replacing 6,500 square foot restaurant bringing the total floor area within the PUD to 127,567 square feet.

##### **Existing Zoning**

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

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

- Supports Infill Development

The proposed request supports infill development by increasing the overall intensity of development on the site which is located in a developed area where infrastructure is in place.

##### **PLAN DETAILS**

The purpose of this request is to revise a portion of the Lions Head Planned Unit Development (PUD) to permit a 12,693 square foot multi-use building. The subject site is an individual parcel and was last approved for a 6,500 square foot restaurant (Calhoun's).

The Lions Head PUD was originally approved by Council in 1974, and has been revised numerous times since the original approval. In 1976, Council approved an amendment to the plan for 144,900 square feet of various commercial uses. The existing floor area today is 121,374 square feet. With the current proposal the total floor area within the PUD will be 127,567 square feet and is within the floor area approved by Council. 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 that the Planning Commission has the authority to approve the proposed revision.

#### Site Plan

The plan calls for a 12,693 square foot multi-use building. The building will contain five separate units providing space for retail and restaurants. Access to the site is from the existing access points onto Lions Head Village Access Drive to the east and to the adjacent parcel to the north which is also within the overlay. Parking is provided on site, adjacent to the building, but the site will also utilize existing parking on adjacent properties through a shared parking agreement that is part of the PUD. The plan calls for the existing sidewalk along White Bridge Pike to be widened.

#### **STAFF ANALYSIS**

As proposed, staff has no issues with the request. The proposed revision to the plan does not alter the basic concept of the last Council approved plan and meets all zoning requirements. Since this request can be approved by the Planning Commission as specified in Section 17.40.120.G, as a revision, then public hearing notices and signs are not required for this request; however, the Councilmember was sent information about this request.

### STORMWATER RECOMMENDATION

A technical review has not been completed at this time.

### PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

### STAFF RECOMMENDATION

Staff recommends that the request be deferred until Stormwater has completed its technical review of the construction plans. If Stormwater completes its review prior to the meeting the staff will update the recommendation to reflect Stormwater's review.

### CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. 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 (8-0), Consent Agenda

### **Resolution No. RS2012-165**

"BE IT RESOLVED by the Metropolitan Planning Commission that 78-74P-002 is **APPROVED WITH CONDITIONS. (8-0)**

## **Subdivision: Final Plats**

### **9. 2012S-105-001**

#### **WESTMORELAND PLACE, RESUB LOTS 54 & 55**

Map 104-14, Parcel(s) 072-073

Council District 18 (Burkley Allen)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create three lots on properties located at 2902 and 2904 W. Linden Avenue, approximately 550 feet west of Natchez Trace, zoned RS7.5 (0.7 acres), requested by Dennis and Delia Corrieri, owners, Smith Land Surveying, surveyor.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST**

**Final plat to create three single-family lots**

#### Final Plat

A request for final plat approval to create three lots on properties located at 2902 and 2904 W. Linden Avenue, approximately 550 feet west of Natchez Trace, zoned RS7.5 (0.7 acres).

#### **Existing Zoning**

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

## CRITICAL PLANNING GOALS

N/A

## PLAN DETAILS

### Final Plat

The applicant is requesting final plat approval for a three lot subdivision. Subdivisions of three or more lots must be approved by the Metro Planning Commission. While the purpose of the proposed final plat is to create three lots there will only be one new development right as the subject site currently consist of two lots.

The properties are a little under three quarters of an acre in size (0.70) and are located on the north side of West Linden Avenue between 29<sup>th</sup> Avenue South and 30<sup>th</sup> Avenue South. West Linden Avenue terminates at I-440 approximately 300 feet west of the site. The property is within the I-440 Impact Overlay District and within the Urban Service District. The property is not within the Hillsboro-West End Neighborhood Conservation Overlay District, but is adjacent to properties that are within the conservation overlay.

The request calls for the two lots to be resubdivided into three. The proposed lots will have the following areas and frontages:

- Lot 1: 0.21 Acres (9,328 SF); ~46 FT of frontage;
- Lot 2: 0.21 Acres (9,328 SF); ~46 FT of frontage;
- Lot 3: 0.21 Acres (9,329 SF); ~46 FT of frontage.

As proposed each lot meets minimum lot requirements for the properties RS7.5 zoning district which requires a minimum 7,500 square foot lot. Since the proposed lots will have frontages less than 50 feet, then the Subdivision Regulations require that access be limited to the rear alley and that no access be permitted onto West Linden Avenue. The plat adequately addresses this requirement. Sidewalks would be required; however, sidewalks currently exist along West Linden Avenue so no new sidewalks are required with this request.

## STORMWATER RECOMMENDATION

Approved

## PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

## STAFF RECOMMENDATION

Staff recommends that the request be approved. As proposed the subdivision meets all zoning and subdivision requirements.

Mr. Swaggart presented the staff recommendation of approval.

Mr. Haynes arrived at 4:13 p.m.

Mr. Gee arrived at 4:15 p.m.

John Brittle, 4209 Lone Oak, spoke in support of staff recommendation.

Mattie Sappenfield, 2905 W. Linden, spoke against staff recommendation due to storm water concerns.

**Dr. Cummings moved and Councilman Claiborne seconded the motion to close the Public Hearing. (10-0)**

Mr. Clifton asked for clarification on the Storm Water process.

Steve Mishu, Metro Storm Water, explained that there will be three different reviews on this. Each lot will be reviewed as it comes in for a new permit. Storm Water will keep a close eye on this development with the goal being reduction in flow, not reduction in volume.

**Mr. Ponder moved and Dr. Cummings seconded the motion to approve. (10-0)**

### **Resolution No. RS2012-166**

**"BE IT RESOLVED** by the Metropolitan Planning Commission that 2012S-105-001 is **APPROVED. (10-0)**

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## K. OTHER BUSINESS

11. Board of Parks and Recreation Report
  12. Executive Committee Report
  13. Executive Director Report
  14. Legislative Update
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## **L. MPC CALENDAR OF UPCOMING MATTERS**

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### **August 23, 2012**

#### Work Session

Topic: Antioch/Priest Lake Community Plan Update  
2:30pm, 800 Second Ave. South, Metro Office Building, Nash Room

#### MPC Meeting

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

### **August 30, 2012**

#### Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane East  
Topic: Antioch-Priest Lake Community Plan Update: Final Policy Recommendation

### **September 27, 2012**

#### MPC Meeting

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

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## **M. ADJOURNMENT**

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The meeting adjourned at 4:34 p.m.

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Chairman

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Secretary