



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

Thursday, August 8, 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
Greg Adkins
Jeff Haynes
Hunter Gee
Andree LeQuire
Judy Cummings

Staff Present:
Rick Bernhardt, Executive 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
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Ben Miskelly, Planner II
Susan Jones, Legal

Commissioners Absent: Phil Ponder, Derrick Dalton, Councilmember Phil Claiborne

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

Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or e-mail her at josie.bass@nashville.gov. For Title VI inquiries, contact Caroline Blackwell of Human Relations at (615) 880-3370. For all employment-related inquiries, contact Human Resources at (615) 862-6640.

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:05 p.m.

B. ADOPTION OF AGENDA

Mr. Gee moved and Mr. Clifton seconded the motion to adopt the agenda. (6-0)

C. APPROVAL OF JULY 25, 2013 MINUTES

Mr. Gee moved and Mr. Adkins seconded the motion to approve the July 25, 2013 minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Scott Davis was in attendance but elected to speak at a later time.

Councilmember Westerholm was in attendance but elected to speak at a later time.

Councilmember Anthony Davis was in attendance but elected to speak at a later time.

Councilmember Bennett was in attendance but elected to speak at a later time.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

2. 2013SP-028-001

LOHAVEN

Mr. Clifton moved and Mr. Gee seconded the motion to approve the deferred items. (6-0)

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.

1. 2013SP-026-001

9TH & CHEATHAM COTTAGES SP

3a. 2013P-001-001

WEDGEWOOD AVENUE (UNNUMBERED) CANCELLATION

3b. 2013Z-027PR-001

WEDGEWOOD AVENUE (UNNUMBERED)

5. 2013S-105-001

BURCHWOOD, RESUB LOT 28

7. 2013B-012-001

AUTUMN OAKS, PHASE 10A

8. Employee contract renewal for Felix Castrodad.

Mr. Haynes moved and Mr. Adkins seconded the motion to approve the Consent Agenda. (6-0)

August 8, 2013 Meeting

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Consent = Consent Agenda
Closed = Public Hearing was previously held and closed
Defer = Applicant requests to defer 1 or 2 meetings

Defer Indef = Applicant requests to defer indefinitely
Open = Public hearing is to be held
Withdraw = Applicant requests to withdraw application

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.

No Cases on this Agenda

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).

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

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

Specific Plans

1. 2013SP-026-001

9TH & CHEATHAM COTTAGES SP

Map 081-12, Parcel(s) 309-311, 470

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Jason Swaggart

A request to rezone from SP-R to SP-R for properties located at 906 Cheatham Place, 1501 9th Avenue North and 9th Avenue North (unnumbered), at the northwest corner of 9th Avenue North and Cheatham Place, (0.76 acres), to permit up to 15 detached residential dwelling units, requested by Dale & Associates, applicant; Robert Pullen, owner.

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

APPLICANT REQUEST

Permit a fourteen unit cottage development and one single-family unit.

Preliminary SP

A request to rezone from Specific Plan – Residential (SP-R) to Specific Plan – Residential (SP-R) for properties located at 906 Cheatham Place, 1501 9th Avenue North and 9th Avenue North (unnumbered), at the northwest corner of 9th Avenue North and Cheatham Place, (0.76 acres), to permit up to 15 detached residential dwelling units.

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. *The existing Specific Plan includes 38 multi-family units.*

Proposed Zoning

Specific Plan-Residential (SP-R) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. *The proposed Specific Plan includes 14 detached units and one single-family unit.*

CRITICAL PLANNING GOALS

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

The proposed SP is located in a developed area with existing public infrastructure. While the proposed density is lower than what is permitted under the current SP, it is higher than the surrounding area and provides a better transition between the more dense multi-family area northeast of the site and the single-family area to the southwest. The proposed development fosters walkable neighborhoods by providing additional density and providing a sidewalk along the frontage of Cheatham Place where no sidewalk currently exists. The proposed development also provides an additional housing option in the area.

NORTH NASHVILLE COMMUNITY PLAN

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 community plan also identifies this area for infill and encourages additional housing options that maintain the existing character or provides a transition from more intense land uses to less intense land uses.

Consistent with Policy?

Yes, the request is consistent with the T4 NM land use policy, which also identifies this area as an infill area. The request provides additional density within an urban area where additional density is appropriate. The use of detached units is consistent with the single-family development pattern to the east along 9th Avenue and to the development pattern southwest of the site along Cheatham Place. The development also provides a transition from the more dense residential development to the northeast and the single-family neighborhood southwest of the site.

PLAN DETAILS

This site is located at the northwest corner of 9th Avenue North and Cheatham Place, directly across the street from MDHA's Cheatham Place and just east of Buena Vista Elementary. The site is currently vacant and contains no environmentally sensitive areas. This site is currently zoned Specific Plan (SP). The SP was approved in 2009 by Metro Council. It is approved for a three story multi-family building with 38 units.

Specific Plan Proposal

The plan identifies 15 detached residential units. Seven units front onto 9th Avenue and three units front onto Cheatham Place. Out of the three units along Cheatham Place, one will be located on the west side of the alley and will be on a separate lot. Five units front onto a central open space which is framed by the units along 9th and Cheatham Place. The units fronting on 9th Avenue and Cheatham Place have porches on the front and at the back, which front onto the open space. The plan also calls for a buffer along the western property line which is intended to buffer this development from the neighboring commercial (CL) district.

The plan provides the following bulk regulations (the plan utilized the RM20 zoning district for standards that are not specifically limited by the SP):

- Max Units – 15
- Max FAR – 1 (proposed: 0.89)
- Max ISR – 0.7 (proposed: 0.42 and does not include pervious concrete)
- Street Setback – 10 feet from right-of-way
- Side Yard Setback – 5 feet from property line and 3 feet between units
- Rear Yard Setback – 20 feet
- Maximum Height – three stories

Vehicular access is provided from the alley. A total of 23 parking spaces are provided, including two located in the garage for unit fifteen. The plan also calls for an additional seven on-street spaces.

ANALYSIS

This request is consistent with the T4 NM land use policy and infill area designation and meets several critical planning goals. Staff recommends approval with conditions.

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.
- All ROW dedications must be recorded prior to building permit sign off.
- Indicate on the plans the overflow for the bio-retention ponds/ swales. Stormwater must not be designed to sheet flow over the sidewalk. Coordinate with Metro Stormwater and MPW prior to final design and SP approval.

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)	0.76	-	38 U	354	23	39

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.76	-	15 U	100	8	10

Traffic changes between maximum: **SP-R** 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
-	-	-	- 23	-254	-15	-29

METRO SCHOOL BOARD REPORT

This request reduces the density and the number of students generated from the existing zoning.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposal is consistent with the site's T4-NM land use policy and infill area designation, and meets several critical planning goals.

CONDITIONS

- Permitted land uses are limited to single-family and multi-family residential.
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
- A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and 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.
- 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.
- 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.

Resolution No. RS2013-143

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-026-001 is **Approved with conditions and disapproved without all conditions. (6-0)**

The proposal is consistent with the site’s T4 Urban Neighborhood Maintenance policy and infill area designation.

CONDITIONS

1. **Permitted land uses are limited to single-family and multi-family residential.**
2. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.**
3. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
4. **Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
5. **The 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.**

2. 2013SP-028-001

LOHAVEN

Map 172, Parcel(s) 013, part of parcel 198
Council District 04 (Brady Banks)
Staff Reviewer: Greg Johnson

A request to rezone from R40 to SP-R zoning for property located at 6015 Cloverland Drive and a portion of property located at 6021 Cloverland Drive, approximately 950 feet west of Edmondson Pike (7.2 acres), to permit up to 24 detached single-family residential dwelling units, requested by Anderson, Delk, Epps & Associates, Inc., applicant; W. H. Swain et ux and Montessori Academy, Inc., owners.

Staff Recommendation: Defer to the September 12, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013SP-028-001 to the September 12, 2013, Planning Commission meeting. (6-0)

Zone Changes

3a. 2013Z-027PR-001

WEDGEWOOD AVENUE (UNNUMBERED)

Map 105-09, Parcel(s) 451
Council District 17 (Sandra Moore)
Staff Reviewer: Jason Swaggart

A request to rezone from RM20 to RM20-A zoning for property located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South (0.32 acres), requested by Dean Design Group, applicant; Wedgewood Towers, L.P., owner (See Also PUD Cancellation Request # 2013P-001-001).

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change to permit multi-family residential and PUD cancellation.

Zone Change

A request to rezone from Multi-Family Residential (RM20) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South (0.32 acres).

Cancel PUD

A request to cancel a portion of the Residential Planned Unit Development Overlay District located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South, zoned Multi-Family Residential (RM20) and proposed for Multi-Family Residential – Alternative (RM20-A) (0.32 acres).

Existing Zoning

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 6 units.*

Proposed Zoning

Multi-Family Residential – 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 6 units.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The proposed RM20-A requires shorter street setbacks, which are desired in urban areas of Nashville. The shorter setback requires parking to be located at the rear or side of the building which improves walkability by minimizing the prominence of surface parking adjacent to sidewalks.

GREENHILLS - MIDTOWN COMMUNITY PLAN

Detailed Policy

Mixed Housing (MH) is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

General Policy

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 and PUD cancelation are consistent with the MH in NG land use policies. The proposed RM20-A district permits single-family and multi-family consistent with the polices, and the required build-to for the RM20-A district is consistent with the urban form called for by the community plan. The PUD proposed for cancelation is an older “Res – E” residential PUD. The Res – E PUDs were adopted in the early 1970’s to recognize existing public housing developments that were put in place prior to comprehensive zoning. There was never a master plan adopted with this or any other Res – E PUD.

SCHOOL BOARD REPORT

The proposed RM20-A zoning district would not generate any more students than the current RM20 zoning district.

STORMWATER RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

No traffic table was prepared as the proposed RM20-A district would not generate any more traffic than what would be generated by the existing RM20 district.

STAFF RECOMMENDATION

Staff recommends approval of the proposed RM20-A zone change and PUD cancellation requests. They are consistent with the sites MH in NG land use policies.

Resolution No. RS2013-144

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-027PR-001 is **Approved. (6-0)**

The RM20-A zoning district is consistent with the Mixed Housing in Neighborhood General land use policy.

3b. 2013P-001-001

WEDGEWOOD AVENUE (UNNUMBERED) CANCELLATION

Map 105-09, Parcel(s) 451
Council District 17 (Sandra Moore)
Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Residential Planned Unit Development Overlay District located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South, zoned RM20 and proposed for RM20-A (0.32 acres), requested by Dean Design Group, applicant; Wedgewood Towers, L.P., owner (See also Zone Change Case # 2013Z-027PR-001).

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change to permit multi-family residential and PUD cancellation.

Zone Change

A request to rezone from Multi-Family Residential (RM20) to Multi-Family Residential-Alternative (RM20-A) zoning for property located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South (0.32 acres).

Cancel PUD

A request to cancel a portion of the Residential Planned Unit Development Overlay District located at Wedgewood Avenue (unnumbered), approximately 700 feet east of 12th Avenue South, zoned Multi-Family Residential (RM20) and proposed for Multi-Family Residential – Alternative (RM20-A) (0.32 acres).

Existing Zoning

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. *RM20 would permit a maximum of 6 units.*

Proposed Zoning

Multi-Family Residential – 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 6 units.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The proposed RM20-A requires shorter street setbacks, which are desired in urban areas of Nashville. The shorter setback requires parking to be located at the rear or side of the building which improves walkability by minimizing the prominence of surface parking adjacent to sidewalks.

GREENHILLS - MIDTOWN COMMUNITY PLAN

Detailed Policy

Mixed Housing (MH) is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

General Policy

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 and PUD cancelation are consistent with the MH in NG land use policies. The proposed RM20-A district permits single-family and multi-family consistent with the polices, and the required build-to for the RM20-A district is consistent with the urban form called for by the community plan. The PUD proposed for cancelation is an older “Res – E” residential PUD. The Res – E PUDs were adopted in the early 1970’s to recognize existing public housing developments that were put in place prior to comprehensive zoning. There was never a master plan adopted with this or any other Res – E PUD.

SCHOOL BOARD REPORT

The proposed RM20-A zoning district would not generate any more students than the current RM20 zoning district.

STORMWATER RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

No traffic table was prepared as the proposed RM20-A district would not generate any more traffic than what would be generated by the existing RM20 district.

STAFF RECOMMENDATION

Staff recommends approval of the proposed RM20-A zone change and PUD cancellation requests. They are consistent with the sites MH in NG land use policies.

Approved (6-0), Consent Agenda

Resolution No. RS2013-145

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013P-001-001 is **Approved. (6-0)**

The existing Planned Unit Development does not include a master plan for development, and is not a necessary overlay for the implementation of the Mixed Housing in Neighborhood General policy.

4a. 2013Z-028PR-001

BL2013-513

Maps Various, Parcels Various

Council District 05 (Scott Davis); 06 (Peter Westerholm); 07 (Anthony Davis); 08 (Karen Bennett)

Staff Reviewer: Duane Cuthbertson

A request to rezone from MUG, CS, CL, OR20, RS5, R6, OL, SP, RS10, and RS7.5 to MUG-A, MUL-A, and OR20-A zoning for various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway, (213.96 acres), requested by the Metro Planning Department, applicant; various property owners.

Staff Recommendation: Approve with a housekeeping amendment to the Community Plan.

APPLICANT REQUEST

Zone Change from various districts to MUG-A, MUL-A and OR20-A.

Zone Change

A request to rezone from Mixed Use General (MUG), Commercial Services (CS), Commercial Limited (CL), Office/Residential (OR20), Single-Family Residential (RS5), One and Two-Family Residential (R6), Office Limited (OL), Specific Plan (SP), Single-Family Residential (RS10), and Single-Family Residential (RS7.5) to Mixed Use General – Alternative (MUG-A), Mixed Use Limited – Alternative (MUL-A), and Office Residential – Alternative (OR20-A) zoning for various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway, (213.96 acres).

ZONING HISTORY

In July 2007, Metro Council adopted the Gallatin Pike SP, which established specific development standards for properties fronting the Main Street Gallatin Pike corridor from South 5th Street to Briley Parkway. These standards intended to implement the East Nashville Community Plan by addressing building design and placement, signage, parking, vehicle access, landscaping, and land use restrictions. In a recent Court of Appeals case, the court determined that the Gallatin Pike SP was enacted improperly; thus, the land use classification of all properties affected by the Gallatin Pike SP legislation reverted back to their zoning designation that was in place prior to July 2007.

SUMMARY

The properties along the Main Street Gallatin Pike corridor from South 5th Street north to the Inglewood rail overpass are proposed to change from various districts predominantly CS and CL, to MUG-A.

The properties along the Gallatin Pike corridor north of the Inglewood rail overpass to Briley Parkway are proposed to change from various districts, predominantly CL, OR20 and OL, to MUL-A and OR20-A. The properties proposed for OR20-A are located on the west side between Virginia Avenue and Broadmoor Drive and on the east side at the northwest corner of Gallatin Pike and Winding Way.

Descriptions of existing and proposed zoning districts are provided at the end of the report.

CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

The proposed Alternative districts will focus development along the Gallatin Pike corridor in East Nashville at a higher intensity than currently exists and permit a mix of uses within single buildings and within the corridor. The proposed zoning districts will encourage new development in a form that supports a strong pedestrian environment by reducing the number of vehicular access points, minimizing prominence of parking facilities and orienting new buildings toward the sidewalk. The Alternative districts help create an environment that allows individuals to park and walk to multiple destinations.

Supports a Variety of Transportation Choices

The proposed zone change will permit mixed use development that will support transit, walking and cycling. The proposed Alternative districts establish greater development intensity along an existing transit corridor and prioritize walking as a viable mode of transportation by regulating building placement within build-to zones to create pedestrian oriented street walls with appropriately scaled sidewalks.

Provides a Range of Housing Choices

All of the proposed zoning districts for the Main Street Gallatin Pike corridor allow residential development through a range of building types and intensities in residential only buildings and as a part of mixed-use developments.

Supports Infill Development and Promotes Compact Building Design

The proposed Alternative districts encourage infill on many of the under-performing lots located on the Main Street Gallatin Pike corridor with higher development entitlements in exchange for appropriate building and parking placement and orientation. The zone change will establish a consistency of application along the corridor and provide assurances to potential developers that future development will be compatible with, and compliment, current investments.

EAST NASHVILLE COMMUNITY PLAN

General Policies

Commercial Mixed Concentration is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. (Applies to that portion of the Gallatin Pike corridor adjacent to and south of Briley Parkway.)

Community Center is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a "town center" of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit 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. (Applies to that portion of the Main Street – Gallatin Pike corridor south of Ordway Place to South 5th Street)

Detailed Policies associated with Community Center policy

- Mixed Use is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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. (Applies to that portion of the Gallatin Pike corridor north of Ordway Place to Solley Drive/Haysboro Avenue just south of Briley Parkway except where the Office policy is established.)

- Office is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category. (Applies to that portion of the Gallatin Pike corridor north of Gillock Street/Stratford Avenue to Virginia Avenue/McAlpine Avenue and to a portion north of Calvert Street to Broadmoor Drive.)

Consistent with Policy?

Along most of the corridor, the proposed zone changes implement the bulk standards and uses envisioned in the East Nashville Community Plan Update adopted in February 2006. The plan calls for higher development intensity and mixed uses along much of the corridor.

In an attempt to concentrate and reinforce commercial development at neighborhood nodes within the northern section of the corridor, the plan establishes a policy of Office in Community Center at two intervals. The southern interval extends between Gillock Street/Stratford Avenue and Virginia/McAlpine Avenues. This area contains a predominance of commercial zoning as well as commercial uses more consistent with the proposed MUL-A zoning district. Applying an OR20-A zoning district over that segment is not suggested and would produce a down-zone on many properties.

The MUL-A district is proposed for the area between Gillock Street/Stratford Avenue and Virginia/McAlpine Avenues in order to mirror the existing commercial zoning and uses. Staff is recommending a house keeping community plan amendment to change the area's policy from Office in Community Center to one of Mixed Use in Community Center. This recognizes the fact that many of the properties are already nonconforming to the Office Land Use Policy; they are zoned for commercial and used for commercial purposes.

REQUEST DETAILS

The zone change applies to properties that were included in the Gallatin Pike SP and have frontage along Main Street, Gallatin Avenue and Gallatin Pike from South 5th Street to Briley Parkway. Properties along the corridor, but not included in the zone change, are Metro owned properties, such as schools and libraries, which are not anticipated as redevelopment sites. Properties included in the Auto-Diesel College Institutional Overlay District north of Douglas Avenue are also not included in this zone change request.

The corridor is the primary artery serving the variety of neighborhoods in East Nashville. The corridor is flanked by a diversity of residential neighborhoods. This zone change application applies Standard districts along the corridor in a manner consistent with the East Nashville Community Plan in order to accomplish many of the goals targeted by the Gallatin Pike SP. The proposed zoning districts were not available as tools in 2007 when the SP was established.

ANALYSIS

The proposed zoning districts encourage a mixture of uses and redevelopment of property along the corridor in a manner consistent with the goals of the East Nashville Community Plan.

The proposed districts encourage the creation of a more walkable built environment along the corridor by locating new buildings closer to, and oriented to, the street within a built-to zone adjacent to new and existing sidewalks. Parking is required to be located behind or beside new buildings, which will enhance the pedestrian environment by minimizing, the number of vehicular curb cuts.

The proposed districts enable a higher development intensity that will support alternative modes of transit, including walking, cycling and the existing BRT-lite transit service. The proposed districts will encourage development that will better support future transit investments along the corridor.

The proposed districts encourage a mixture of commercial, office and residential uses to enliven the corridor and provide a wider variety of necessary services for the adjacent neighborhoods. The MUG-A and MUL-A zoning districts generally allow uses similar to those permitted by the existing commercial zoning, though Automotive Sales and Repair will not be permitted with the proposed zoning. The OR20-A zoning district proposed will allow uses similar to those permitted by the existing office zoning districts, though it will encourage and permit more intense residential use.

The proposed districts will allow more intense development than the current zoning districts, and provide development standards consistent with the goals of the Community Plan to create a more pedestrian oriented and transit friendly corridor. Any legal use made nonconforming by the proposed zoning districts will be permitted to continue as a legal nonconforming use. Further, any legal structure made nonconforming by the proposed zoning districts will be permitted to remain and be reused for uses allowed by the proposed district. Additions to nonconforming structures would be permitted, as long as the additions do not increase the degree of nonconformity. Buildings damaged to more than fifty percent of their total floor area would be required to comply with the new zoning standards. New buildings would be required to comply with the new zoning standards.

COMMUNITY MEETING

A community meeting was held on July 22, 2013, to discuss the zone change and urban design overlay applications for the Main Street/Gallatin Pike corridor. Approximately 60 people attended the meeting. A separate meeting was held by the Nashville Chamber of Commerce on July 31, 2013, to discuss the applications with the Historic East Nashville Merchants Association.

Based on the comments received from these meetings, several changes were made to the zone change. The zone change application was changed to extend the boundary of the proposed MUL-A zoning district on both sides of Gallatin Pike between Stratford Avenue to Virginia Avenue. OR20-A zoning was originally proposed in this area. Additionally, the proposed OR20-A zoning district boundary on the west side of Gallatin Pike was extended two blocks to the south to Virginia Avenue, replacing the originally-proposed MUL-A district.

PUBLIC WORKS RECOMMENDATION

With the redevelopment of individual parcels a TIS may be required.

MDHA RECOMMENDATION

The zoning change to MUG-A is more in line with East Bank Redevelopment District plan than the current base zoning.

STAFF RECOMMENDATION

Staff recommends approval of the zone change. The zone change intended to further the policies of the East Nashville Community Plan. While a portion of the proposed MUL-A district is not consistent with the Community Plan, staff recommends a house-keeping community plan amendment to replace the Office in Community Center policy on Gallatin Pike from Gillock Street/Stratford Avenue to Virginia/McAlpine Avenues with a Mixed Use in Community Center policy supportive of the proposed zoning.

Descriptions of Existing and Proposed Zoning Districts

Existing Zoning

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

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

Mixed Use General (MUG) is intended for a moderately high intensity mixture of residential, retail, and office uses.

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

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

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

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.

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

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

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.

Development Standards:

Height: max - 5 stories (75 feet) at the setback; total up to 7 stories (105 feet)
Floor Area Ratio: 3.00 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

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.

Development Standards:

Height: max - 3 stories (45 feet) at the setback; total up to 4 stories (60 feet)
Floor Area Ratio: 1.00 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

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

Development Standards:

Height: max - 30 feet at the setback; total up to 45 feet
Floor Area Ratio: 0.8 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

Mr. Cuthbertson presented the staff recommendation of approval with a housekeeping amendment to the Community Plan. Items 4a and 4b were heard and discussed together.

Dr. Cummings arrived at 4:21 p.m.

Councilmember Scott Davis stated that the UDO directly affects him as well as his constituents and business/property owners. He stated that he is not against the principles of the UDO, however, he is against forcing business/property owners to comply with it without their input and without getting a majority of the business /property owners asking for it and agreeing to it. He inquired as to the speed with which this is taking place. He stated that right now, there is distrust of the council among the property owners because of past zoning issues being crammed down their throat. He noted that 700 parcels are at stake; to ask the property owners to comply without their input is wrong.

Councilman Anthony Davis stated that this UDO is our chance to get our vision and the zoning environment on Gallatin Road a little closer to the reality that is envisioned. He stated that the UDO is a very pro-development move. He clarified that he is open to compromise regarding signage. He also stated that he would like to see some sort of ruling from the commission to be able to move this forward.

Councilman Westerholm spoke in support of staff recommendation of Items 4a and 4b.

Tom Hardin, 519 Fatherland Street, spoke in support of staff recommendation. He stated that the UDO will create a situation where we can move forward and stay in line with what the community has asked for in the past and has associated itself with in the past.

Ron Smith spoke in support of staff recommendation. He stated that he owns two pieces of property on Gallatin Pike and the UDO will improve the zoning on both pieces. He noted that he would like to see some exception made for owners of small properties as some of the properties on Gallatin Pike are only 50' wide and most do not have an alley behind them.

Dorothea Sherwood, 1121 Chester Avenue, spoke in opposition to the application and noted that her primary concern related to the shortened concept of the setback. She asked if the highway needs to be increased for MTA or bus rapid transit. She asked what effect the closer setback would have on an overall widening. She asked if the closer proximity of buildings to the highway would, over a long period of time, create a situation where traffic would cause vibrations and damage to the buildings. She also asked if the closer setback would affect handicapped accessibility to entrances of the buildings.

Mr. Bernhardt clarified that Gallatin Pike has been designed for its ultimate expansion capacity including sidewalks, the greenway between the sidewalk and the buildings, etc.

Clint Camp, 1212 Sunnymead, spoke in opposition to the application. While in favor of the intent of this process as he is a strong proponent of the urban streetscape, he stated that he takes exception to the speed in which the entire process is occurring. He expressed that it would be valuable to have community conversations and expand upon those that were created during the 2006 community plan. He also stated that coordination of this process is vital with NES, Public Works, the Mayor's Office, etc. because this will not be successful unless we can allocate some additional funding through those sources to spur development and implementation.

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

Mr. Haynes inquired how NES utility easements along Gallatin Pike impact the build to line.

Mr. Cuthbertson clarified that NES is willing to work with redevelopment; they are willing to adjust easements with notes in the plan and make sure there is still clearance between overhead transmission lines and building edges.

Mr. Haynes inquired if there is a reason why this process is moving so quickly.

Mr. Bernhardt clarified that staff met with the affected councilmembers. They requested to proceed at a reasonable fashion.

Mr. Haynes stated that for a stretch of road this long, a one size fits all process may not work.

Mr. Bernhardt clarified that this is a very nuanced process, not a one size fits all. He stated that he is not aware of any circumstance where the development intensity has been lowered on any piece of property.

Mr. Adkins asked for clarification on the expansion piece; is it the expansion of intensity or the expansion of the type of use for the property.

Mr. Bernhardt stated that it is expansion of development intensity and from what is now the zoning on the property. He explained that uses are generally the same.

Mr. Adkins stated that it seems some of the concerns have not been addressed, specifically small lots and utilities. He asked if the current utilities allow for buildings to be that close to the street.

Mr. Bernhardt clarified that this is nothing new; typically these are worked out on a case-by-case basis to work around any issues.

Mr. Adkins asked why the standard is 15'.

Mr. Bernhardt stated that it is 5' – 15' to give flexibility. He clarified that when the districts were developed, there was a lot of research in terms of looking at sidewalk cafes, the width of sidewalks, the proximity to bus stops and parking, etc. and it was felt that 5' – 15' worked best for most communities.

Mr. Adkins asked Mr. Bernhardt if he felt this rezoning would not limit any future development.

Mr. Bernhardt stated that he does not think so. He stated that this community is faced with the issue of growth, the desire, in general, to preserve neighborhoods, and limited transportation options. He explained that all those lead to the fact that intensifying the corridor development is going to be critical for the long term economic viability and vitality of this community. In order to increase that, a zoning must be created that will allow the increase, which this does, and facilitate the efficient operation of an alternative transit system and protect the neighborhood. He stated that there may be some circumstances of small lots and those need to be looked at. We have the ability to look at those with them and with the council and make amendments to the UDO as it goes forward.

Mr. Adkins asked for clarification on statistics regarding permits from 2007.

Mr. Bernhardt stated that there have been several meetings and several statements that the SP had stifled development and there had been a tremendous slowdown in development here and relative to other corridors. An analysis was done of the five years that the SP was in effect of Dickerson Road, Franklin Road, Lebanon Road, Murfreesboro Road, and Nolensville Road which basically went from the same point out to what would be an appropriate location. A comparison was done of the number of permits and the value of those permits, then broke that down by mile because each of those corridors is slightly different. What was found is during that time period, Gallatin Pike had the most permits per mile and had the highest value of permits per mile over the other corridors.

Mr. Adkins inquired if there is a way to determine if the permits were remodeling permits or new construction permits.

Mr. Bernhardt stated that there are probably new and remodeling permits in all those cases.

Ms. LeQuire stated that, when we say new buildings would be adhering to these rules, what is the trigger for that. Would it be 50% of value and /or a brand new building?

Mr. Cuthbertson stated that it would be square footage. He clarified that if you have an existing building and you want to add on to that building, even if you are doubling the square footage, as long as your addition does not increase the degree of non-conformity, you can build behind, in front of, or on top of the building. He stated that there is not a trigger at which point your additions have to meet the build to zone. Increasing the use is different than expanding a nonconforming building. At no point if it is a building addition will we say that you have to meet the build do. It's applicable to the building, not the use.

Ms. LeQuire asked if we are in coordination with the BZA on what some of these examples would be.

Mr. Bernhardt clarified that this is not a new process; this is the way it is done everywhere else in the county. He explained that this is a standard zoning district that is applied every day and has the same nonconforming standards and triggers anywhere in the county.

Mr. Bernhardt stated that this is a rezoning to straight zoning districts. He noted that the UDO is primarily a sign UDO but it has some flexibility if we want to go in and do some design standards that are not necessarily in there now. He explained that the language on the bill is broad enough to be able to look at some of those things on the small lots.

Ms. LeQuire inquired how FAR matches with the parking requirements and if those two things are being coordinated on this stretch.

Mr. Bernhardt clarified that all UZO parking standards apply to any of the properties in the UZO. At some intensity level, there will have to be structured parking.

Ms. LeQuire stated this might be a place to consider allowances that go case by case when we talk about smaller sites.

Ms. LeQuire expressed concerns regarding utilities and clearance.

Mr. Bernhardt stated that we try to work with NES to get the interpretation as close as possible. If it won't work, then it will have to be moved back.

Ms. LeQuire stated that this seems really positive; all of the big issues of what we are wishing for and trying to pursue are in here. She noted that there was a huge involvement of the community to develop the community plan and this is implementing that plan.

Dr. Cummings spoke regarding the letter from H.G. Hill Realty stating concerns with development on Gallatin Pike being very costly and asked if we have been able to satisfy this developer.

Mr. Bernhardt stated that there has not been a discussion with H. G. Hill but there might be some sign specific issues and possibly some other issues to work through.

Dr. Cummings expressed concerns regarding the timing of the process and inquired if we went through the process of notification and if the community and developers had an opportunity for input.

Mr. Gee stated that he has heard comments that perhaps this process has been rushed. He stated that he is not sure why we need to rush through this. The property owners should have a seat at the table, especially when we've got property owners who have taken advantage of some of the more urban zoning changes that we've made and have built and really understand the importance of building in a more urban, pedestrian friendly fashion and have done that in areas where the market was ready for it. He stated that there is often a tipping point of when the market is ready to be able to support this type of development and while there might be parts of this stretch that the market has tipped, there might be parts of it where it hasn't. Mr. Gee asked if this could be done in smaller pieces; can there be certain types of exceptions for smaller lots. He noted that he takes H.G. Hills and other property owners' comments very seriously on this rezoning and he is not sure the entire corridor is ready. He stated that he would like to see us go through a process where the property owners are at the table and there are multiple meetings and discussions where we may end up with what planning staff and the community plan is recommending.

Ms. LeQuire asked if an area is not ready, is someone going to come along and tear down a building and build a new project there anyway. She stated that we are talking about new construction; if a developer who has analyzed a location, picked a city and spot to develop, and are going to build a new building has put that kind of investment in, what makes it not ready.

Mr. Gee stated the property value, cost of the land and rents, and construction costs all go into the equation to determine whether it's viable. He clarified that he was referring to the market tipping point is when the rents can support new construction, price of the land, etc. The tipping point is different for different uses. He stated that when we get letters from property owners that have done it in the areas where the market has tipped, we should take that seriously and slow down the process and maybe only look at portions of the corridor.

Mr. Bernhardt stated that staff has worked with H.G. Hill on a lot of their projects and used 12 South as an example. He stated that, in his opinion, 12 South was only able to be done because the zoning was in place to allow them to do that. He stated that part of this is to put in place, especially if you are at the tipping point, the ability for a developer and a property owner to do the right thing as opposed to being forced to do something that they don't have to do such as a rezoning process to get the project going. He stated that there are some small lot situations that we will work with the council members and the public on.

Mr. Gee stated that he would like to ask staff to get with the individual property owners that have these types of concerns.

Mr. Bernhardt stated that staff would work with them on signage issues.

Mr. Haynes noted that with the new build to, construction costs will be more expensive because you'll have less back of house. He stated that if a respected developer like H.G. Hill is saying, through their letter, that the cost structure doesn't work, then it gives him room for pause. He stated that maybe we are trying to tackle too much.

Mr. Clifton stated that from a planning standpoint, does this proposal make sense compared to the other option of CS. He noted that there has been a lot of concern about rushing to judgment; however, this is a reflection of the discussions of six years ago. He expressed confidence in the council members' ability to work through, think through, negotiate through, and take the temperature of their citizens and property owners and weave it into their final product specific changes that are needed. Mr. Clifton expressed agreement with Mr. Bernhardt in that he does not think some of what has been built would have been built had they needed to rezone. He noted that there are a lot of discussions that need to take place, although not necessarily here, maybe at council. He expressed concerns with going back to CS zoning.

Mr. Gee stated that he is saying that perhaps there are elements of this five mile stretch that might be considered different. There may be certain uses that could have certain standards applied through the UDO that would give exceptions. He expressed concern that the property owners might not fully understand what is still possible. He stated that if we are going to force the buildings to the street, we should make sure there are certain opportunities that can work in the market and that we want to see in the community. Mr. Gee stated that while the spirit of what we are doing is consistent with the community plan, he isn't sure all the details have necessarily been thought through for certain uses and certain areas.

Mr. Clifton stated that some further changes might be made at the council level.

Ms. Susan Jones clarified that if the board does not take action, the legislation that has been proposed is not pending. If the board does take action, it will then become pending.

Mr. Clifton expressed concerns with reinstating CS zoning.

Mr. Adkins stated that he would feel more comfortable if all the council members were together in support of this. He suggested a deferral to try and work out the differences.

Mr. Bernhardt stated that he does not think there is anything that can be gained by deferral. He noted that Commissioner Gee's points could all be dealt with and staff would be very opposed to going into the level of detail that he is referring to.

Mr. Gee stated that if the staff were to sit down with the property owners, there may be some clarity. What is the harm in deferring this to make sure that our constituents on 700 properties are not confused?

Mr. Bernhardt stated that the problem is getting the property owners to sit down and talk. He noted that meetings have been attended, information has been sent out; other than walking the corridor, it's difficult to do. He clarified that there are certain cases that we are aware of and we are working through those. He stated that the council members have the capacity to know if this is ready to go or not. If it isn't, they can hold it up. If Councilman Scott Davis does not think his district is ready, he can amend it out. Mr. Bernhardt clarified that there is not much more the planning commission can do.

Mr. Gee noted that his concern is that it will take 27 votes at council to get it passed. He stated that there is one council member and a very important property owner and influential community member against this. A deferral would get the commission more comfortable with it and talking to the property owners and making sure people aren't confused and understand what they can and can't do under this may yield a different result. Then only 21 votes would be needed.

Mr. Adkins moved and Mr. Gee seconded the motion to defer to the August 22, 2013 Planning Commission meeting with the Public Hearing to remain open.

Ms. LeQuire asked for clarification on what the commission wants to learn by the next meeting to help them make a decision.

Mr. Adkins stated that it is up to the council members to get with the property owners to address their concerns.

Mr. Leeman pointed out that council members have informed staff of plans to hold more community meetings before this is finished at council.

The vote was taken. (6-1) Dr. Cummings voted against.

Mr. Gee stated that he would like to see some of the property owners that have expressed specific concerns meet with staff and make sure their concerns are valid.

Mr. Adkins stated that he would like to hear from the council members.

Council Lady Bennett clarified that there are community meetings planned. She also noted that H.G. Hill has attended every meeting so far.

Chairman McLean scheduled a public meeting for a Planning Commission Work Session on August 22 at 2:30 p.m. to get feedback from staff and council members.

Mr. Haynes left at 6:30 p.m.

Mr. Adkins moved and Mr. Gee seconded the motion to defer to the August 22, 2013 Planning Commission meeting with the Public Hearing to remain open.

Resolution No. RS2013-146

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-028PR-001 is Deferred to the August 22, 2013, Planning Commission meeting with the public hearing to remain open. (6-1)

4b. 2013UD-003-001

BL2013-514

GALLATIN PIKE UDO

Maps Various, Parcels Various

Council District 05 (Scott Davis); 06 (Peter Westerholm); 07 (Anthony Davis); 08 (Karen Bennett)

Staff Reviewer: Greg Johnson

A request to apply the Gallatin Pike Urban Design Overlay (UDO) district to various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway (213.96 acres), requested by the Metro Planning Department, applicant; various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Apply Urban Design Overlay (UDO) for signage requirements.

Urban Design Overlay

A request to apply the Gallatin Pike Urban Design Overlay (UDO) district to various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway (213.96 acres).

Existing Zoning

See 2013Z-028PR-001 Staff Report

ZONING HISTORY

In July 2007, Metro Council adopted the Gallatin Pike SP, which established specific development standards for properties fronting the Main Street Gallatin Pike corridor from South 5th Street to Briley Parkway. These standards intended to implement the East Nashville Community Plan by addressing building design and placement, signage, parking, vehicle access, landscaping, and land use restrictions. In a recent Court of Appeals case, the court determined that the Gallatin Pike SP was enacted improperly; thus, the land use classification of all properties affected by the Gallatin Pike SP legislation reverted back to their zoning designation that was in place prior to July 2007.

Proposed Overlay Zoning

Gallatin Pike Urban Design Overlay (UDO) is intended to set specific sign standards consistent with the principles of the East Nashville Community Plan to promote signage that is appropriately scaled for a pedestrian environment.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The Gallatin UDO will implement the goals of the East Nashville Community Plan to create a stronger pedestrian environment along the Main Street/Gallatin Pike corridor through the use of sign standards to require signs that are appropriately sized and illuminated for a pedestrian environment.

EAST NASHVILLE COMMUNITY PLAN

General Policies

Commercial Mixed Concentration (CMC) is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. (Applies to that portion of the Gallatin Pike corridor adjacent to and south of Briley Parkway.)

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Detailed Policies associated with Community Center policy

• Mixed Use (MxU) is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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. (Applies to that portion of the Gallatin Pike corridor north of Ordway Place to Solley Drive/Haysboro Avenue just south of Briley Parkway except where the Office policy is established.)

• Office (O) is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category. (Applies to that portion of the Gallatin Pike corridor north of Gillock Street/Stratford Avenue to Virginia Avenue/McAlpine Avenue and to a portion north of Calvert Street to Broadmoor Drive.)

Consistent with policy?

Yes. This UDO implements Development Goal 2 of the *East Nashville Community Plan: 2006 Update*. The goal recommends improving the appearance and function of the main corridors and other commercial areas. Specifically, it recommends making improvements such as “coordinated signage that is appropriately-scaled for a pedestrian environment.” The UDO also addresses concerns regarding the disproportionate size of signs along major corridors as listed within the design principles of the East Nashville Community Plan.

REQUEST DETAILS

The UDO will focus exclusively on signage standards along the corridor, with the intent of providing similar standards to the Gallatin Pike SP for ground and building signs that are appropriately scaled and illuminated for a pedestrian environment. Where there are differences between sign standards of the base zoning district and the UDO, the standards of the UDO will control. These sign regulations will establish reasonable and improved standards for business identification, encourage creative and innovative approaches to regulating signs consistent with the principles of the East Nashville Community Plan, promote economic vitality on Gallatin Pike, enhance the overall visual environment along Gallatin Pike by discouraging signs that contribute to the visual clutter of the streetscape, ensure signs are designed for the purpose of identifying a business in an attractive and functional manner, and ensure signs reinforce the existing and envisioned character and are complementary to the urban design of Gallatin Pike.

The UDO will address building and ground signs for commercial and residential properties along the Main Street/Gallatin Pike corridor. There are several differences related to signage requirements from the Gallatin Pike SP to the proposed Gallatin Pike UDO:

Hanging and Alley signs: The UDO includes two ground sign types that were not permitted under the SP. Hanging signs are a permitted type of ground sign that intended for relatively small properties that might not have space available for a monument sign. Alley signs are hanging signs that are permitted along alleys to the rear of properties.

Ground signs permitted for all lots: The SP permitted ground signs only under some conditions. The UDO will permit a monument or hanging sign for every lot within the SP, as long as there is room on the site to meet the required setbacks for ground signs.

Sign illumination: The SP did not permit internal illumination of a ground sign. Grounds were required to be externally-illuminated or spot-lit. The UDO will permit internal illumination of ground signs, as long as only the letters and logos of the sign are illuminated and the background is opaque. This requirement has been successful in other UDOs.

UDO ground and building sign requirements of the UDO:

Building Signs				
	Wall Sign	First Floor Projecting Sign	Upper Floor Projecting Sign	Window Sign
Overall building sign allocation	The combined size of all individual building signs shall be less than or equal to 15% of the first floor façade area of the public entry side of the building.			
Maximum size of each sign	5% of the building façade on the public entry side or a maximum of 64 square feet for single story buildings and 84 square feet for multi-story buildings, whichever is less	12 square feet	5% of the building façade on the public entry side or a maximum of 64 square feet whichever is less	15% of window area maximum
Maximum height	Below top of parapet/eave	Below 2nd Story FFE or below top of parapet/eave, whichever is less	Below top of parapet/eave	First and second stories only

Ground Signs		
	Monument Sign	Hanging/Alley Sign
Maximum number	1 per street frontage (maximum of 1 ground sign per street frontage)	<u>Hanging Sign</u> : 1 per street frontage (maximum of 1 ground sign per street frontage) <u>Alley Sign</u> : 1 per lot width along alley
Maximum display area size	48 square feet	7 square feet
Maximum height	6 feet or 2.5 feet within 15 feet of a driveway	6 feet

The standards of the UDO apply to new signs. Section 17.40.690 of the Zoning Code outlines required compliance with the Gallatin Pike UDO for existing signs:

- A sign shall be brought into compliance with the provisions of this title if at any time the sign is altered, repaired, restored or rebuilt to the extent that the cost exceeds fifty percent of the estimated replacement cost of the sign. If the alteration or repair is caused by involuntary damage or casualty, or is desired by the owner of the business existing on the effective date of the ordinance codified in this title, the fifty-percent standard will not apply and the sign may be altered or repaired to any extent.
- For single-tenant lots, a nonconforming sign shall be brought into compliance with this title when the principal land use on the lot is changed to a different use as described by the district land use table.
- For multi-tenant lots, each tenant may replace, alter, repair or restore an associated sign of a size not to exceed fifteen percent of the facade area of the building occupied by the tenant. Use of this provision must be noted on the overall signage plan.

COMMUNITY MEETING

A community meeting was held on July 22, 2013, to discuss the zone change and urban design overlay applications for the Main Street/Gallatin Pike corridor. Approximately 60 people attended the meeting. A separate meeting was held by the Nashville Chamber of Commerce on July 31, 2013, to discuss the applications with the Historic East Nashville Merchants Association.

Based on the comments received from these meetings, changes were made to the UDO. The proposed UDO was amended to include a new alley sign type to improve the visibility of business along rear or side alleys.

MDHA RECOMMENDATION

MDHA staff does not see any conflicts between the Gallatin Pike UDO and MDHA signage guidelines for Gallatin Pike.

STAFF RECOMMENDATION

Staff recommends approval. The Gallatin Pike UDO is consistent with the sign-related goals of the East Nashville Community Plan: 2006 Update.

Mr. Johnson presented the staff recommendation of approval. Items 4a and 4b were heard and discussed together.

Councilmember Scott Davis stated that the UDO directly affects him as well as his constituents and business/property owners. He stated that he is not against the principles of the UDO, however, he is against forcing business/property owners to comply with it without their input and without getting a majority of the business /property owners asking for it and agreeing to it. He inquired as to the speed with which this is taking place. He stated that right now, there is distrust of the council among the property owners because of past zoning issues being crammed down their throat. He noted that 700 parcels are at stake; to ask the property owners to comply without their input is wrong.

Councilman Anthony Davis stated that this UDO is our chance to get our vision and the zoning environment on Gallatin Road a little closer to the reality that is envisioned. He stated that the UDO is a very pro-development move. He clarified that he is open to compromise regarding signage. He also stated that he would like to see some sort of ruling from the commission to be able to move this forward.

Councilman Westerholm spoke in support of staff recommendation of Items 4a and 4b.

Tom Hardin, 519 Fatherland Street, spoke in support of staff recommendation. He stated that the UDO will create a situation where we can move forward and stay in line with what the community has asked for in the past and has associated itself with in the past.

Ron Smith spoke in support of staff recommendation. He stated that he owns two pieces of property on Gallatin Pike and the UDO will improve the zoning on both pieces. He noted that he would like to see some exception made for owners of small properties as some of the properties on Gallatin Pike are only 50' wide and most do not have an alley behind them.

Dorothea Sherwood, 1121 Chester Avenue, spoke in opposition to the application and noted that her primary concern related to the shortened concept of the setback. She asked if the highway needs to be increased for MTA or bus rapid transit. She asked what effect the closer setback would have on an overall widening. She asked if the closer proximity of buildings to the highway would, over a long period of time, create a situation where traffic would cause vibrations and damage to the buildings. She also asked if the closer setback would affect handicapped accessibility to entrances of the buildings.

Mr. Bernhardt clarified that Gallatin Pike has been designed for its ultimate expansion capacity including sidewalks, the greenway between the sidewalk and the buildings, etc.

Clint Camp, 1212 Sunnymead, spoke in opposition to the application. While in favor of the intent of this process as he is a strong proponent of the urban streetscape, he stated that he takes exception to the speed in which the entire process is occurring. He expressed that it would be valuable to have community conversations and expand upon those that were created during the 2006 community plan. He also stated that coordination of this process is vital with NES, Public Works, the Mayor's Office, etc. because this will not be successful unless we can allocate some additional funding through those sources to spur development and implementation.

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

Mr. Haynes inquired how NES utility easements along Gallatin Pike impact the build to line.

Mr. Cuthbertson clarified that NES is willing to work with redevelopment; they are willing to adjust easements with notes in the plan and make sure there is still clearance between overhead transmission lines and building edges.

Mr. Haynes inquired if there is a reason why this process is moving so quickly.

Mr. Bernhardt clarified that staff met with the affected councilmembers. They requested to proceed at a reasonable fashion.

Mr. Haynes stated that for a stretch of road this long, a one size fits all process may not work.

Mr. Bernhardt clarified that this is a very nuanced process, not a one size fits all. He stated that he is not aware of any circumstance where the development intensity has been lowered on any piece of property.

Mr. Adkins asked for clarification on the expansion piece; is it the expansion of intensity or the expansion of the type of use for the property.

Mr. Bernhardt stated that it is expansion of development intensity and from what is now the zoning on the property. He explained that uses are generally the same.

Mr. Adkins stated that it seems some of the concerns have not been addressed, specifically small lots and utilities. He asked if the current utilities allow for buildings to be that close to the street.

Mr. Bernhardt clarified that this is nothing new; typically these are worked out on a case-by-case basis to work around any issues.

Mr. Adkins asked why the standard is 15'.

Mr. Bernhardt stated that it is 5' – 15' to give flexibility. He clarified that when the districts were developed, there was a lot of research in terms of looking at sidewalk cafes, the width of sidewalks, the proximity to bus stops and parking, etc. and it was felt that 5' – 15' worked best for most communities.

Mr. Adkins asked Mr. Bernhardt if he felt this rezoning would not limit any future development.

Mr. Bernhardt stated that he does not think so. He stated that this community is faced with the issue of growth, the desire, in general, to preserve neighborhoods, and limited transportation options. He explained that all those lead to the fact that intensifying the corridor development is going to be critical for the long term economic viability and vitality of this community. In order to increase that, a zoning must be created that will allow the increase, which this does, and facilitate the efficient operation of an alternative transit system and protect the neighborhood. He stated that there may be some circumstances of small lots and those need to be looked at. We have the ability to look at those with them and with the council and make amendments to the UDO as it goes forward.

Mr. Adkins asked for clarification on statistics regarding permits from 2007.

Mr. Bernhardt stated that there have been several meetings and several statements that the SP had stifled development and there had been a tremendous slowdown in development here and relative to other corridors. An analysis was done of the five years that the SP was in effect of Dickerson Road, Franklin Road, Lebanon Road, Murfreesboro Road, and Nolensville Road which basically went from the same point out to what would be an appropriate location. A comparison was done of the number of permits and the value of those permits, then broke that down by mile because each of those corridors is slightly different. What was found is during that time period, Gallatin Pike had the most permits per mile and had the highest value of permits per mile over the other corridors.

Mr. Adkins inquired if there is a way to determine if the permits were remodeling permits or new construction permits.

Mr. Bernhardt stated that there are probably new and remodeling permits in all those cases.

Ms. LeQuire stated that, when we say new buildings would be adhering to these rules, what is the trigger for that. Would it be 50% of value and /or a brand new building?

Mr. Cuthbertson stated that it would be square footage. He clarified that if you have an existing building and you want to add on to that building, even if you are doubling the square footage, as long as your addition does not increase the degree of non-conformity, you can build behind, in front of, or on top of the building. He stated that there is not a trigger at which point your additions have to meet the build to zone. Increasing the use is different than expanding a nonconforming building. At no point if it is a building addition will we say that you have to meet the build do. It's applicable to the building, not the use.

Ms. LeQuire asked if we are in coordination with the BZA on what some of these examples would be.

Mr. Bernhardt clarified that this is not a new process; this is the way it is done everywhere else in the county. He explained that this is a standard zoning district that is applied every day and has the same nonconforming standards and triggers anywhere in the county.

Mr. Bernhardt stated that this is a rezoning to straight zoning districts. He noted that the UDO is primarily a sign UDO but it has some flexibility if we want to go in and do some design standards that are not necessarily in there now. He explained that the language on the bill is broad enough to be able to look at some of those things on the small lots.

Ms. LeQuire inquired how FAR matches with the parking requirements and if those two things are being coordinated on this stretch.

Mr. Bernhardt clarified that all UZO parking standards apply to any of the properties in the UZO. At some intensity level, there will have to be structured parking.

Ms. LeQuire stated this might be a place to consider allowances that go case by case when we talk about smaller sites.

Ms. LeQuire expressed concerns regarding utilities and clearance.

Mr. Bernhardt stated that we try to work with NES to get the interpretation as close as possible. If it won't work, then it will have to be moved back.

Ms. LeQuire stated that this seems really positive; all of the big issues of what we are wishing for and trying to pursue are in here. She noted that there was a huge involvement of the community to develop the community plan and this is implementing that plan.

Dr. Cummings spoke regarding the letter from H.G. Hill Realty stating concerns with development on Gallatin Pike being very costly and asked if we have been able to satisfy this developer.

Mr. Bernhardt stated that there has not been a discussion with H. G. Hill but there might be some sign specific issues and possibly some other issues to work through.

Dr. Cummings expressed concerns regarding the timing of the process and inquired if we went through the process of notification and if the community and developers had an opportunity for input.

Mr. Gee stated that he has heard comments that perhaps this process has been rushed. He stated that he is not sure why we need to rush through this. The property owners should have a seat at the table, especially when we've got property owners who have taken advantage of some of the more urban zoning changes that we've made and have built and really understand the importance of building in a more urban, pedestrian friendly fashion and have done that in areas where the market was ready for it. He stated that there is often a tipping point of when the market is ready to be able to support this type of development and while there might be parts of this stretch that the market has tipped, there might be parts of it where it hasn't. Mr. Gee asked if this could be done in smaller pieces; can there be certain types of exceptions for smaller lots. He noted that he takes H.G. Hills and other property owners' comments very seriously on this rezoning and he is not sure the entire corridor is ready. He stated that he would like to see us go through a process where the property owners are at the table and there are multiple meetings and discussions where we may end up with what planning staff and the community plan is recommending.

Ms. LeQuire asked if an area is not ready, is someone going to come along and tear down a building and build a new project there anyway. She stated that we are talking about new construction; if a developer who has analyzed a location, picked a city and spot to develop, and are going to build a new building has put that kind of investment in, what makes it not ready.

Mr. Gee stated the property value, cost of the land and rents, and construction costs all go into the equation to determine whether it's viable. He clarified that he was referring to the market tipping point is when the rents can support new construction, price of the land, etc. The tipping point is different for different uses. He stated that when we get letters from property owners that have done it in the areas where the market has tipped, we should take that seriously and slow down the process and maybe only look at portions of the corridor.

Mr. Bernhardt stated that staff has worked with H.G. Hill on a lot of their projects and used 12 South as an example. He stated that, in his opinion, 12 South was only able to be done because the zoning was in place to allow them to do that. He stated that part of this is to put in place, especially if you are at the tipping point, the ability for a developer and a property owner to do the right thing as opposed to being forced to do something that they don't have to do such as a rezoning process to get the project going. He stated that there are some small lot situations that we will work with the council members and the public on.

Mr. Gee stated that he would like to ask staff to get with the individual property owners that have these types of concerns.

Mr. Bernhardt stated that staff would work with them on signage issues.

Mr. Haynes noted that with the new build to, construction costs will be more expensive because you'll have less back of house. He stated that if a respected developer like H.G. Hill is saying, through their letter, that the cost structure doesn't work, then it gives him room for pause. He stated that maybe we are trying to tackle too much.

Mr. Clifton stated that from a planning standpoint, does this proposal make sense compared to the other option of CS. He noted that there has been a lot of concern about rushing to judgment; however, this is a reflection of the discussions of six years ago. He expressed confidence in the council members' ability to work through, think through, negotiate through, and take the temperature of their citizens and property owners and weave it into their final product specific changes that are needed. Mr. Clifton expressed agreement with Mr. Bernhardt in that he does not think some of what has been built would have been built had they needed to rezone. He noted that there are a lot of discussions that need to take place, although not necessarily here, maybe at council. He expressed concerns with going back to CS zoning.

Mr. Gee stated that he is saying that perhaps there are elements of this five mile stretch that might be considered different. There may be certain uses that could have certain standards applied through the UDO that would give exceptions. He expressed concern that the property owners might not fully understand what is still possible. He stated that if we are going to force the buildings to the street, we should make sure there are certain opportunities that can work in the market and that we want to see in the community. Mr. Gee stated that while the spirit of what we are doing is consistent with the community plan, he isn't sure all the details have necessarily been thought through for certain uses and certain areas.

Mr. Clifton stated that some further changes might be made at the council level.

Ms. Susan Jones clarified that if the board does not take action, the legislation that has been proposed is not pending. If the board does take action, it will then become pending.

Mr. Clifton expressed concerns with reinstating CS zoning.

Mr. Adkins stated that he would feel more comfortable if all the council members were together in support of this. He suggested a deferral to try and work out the differences.

Mr. Bernhardt stated that he does not think there is anything that can be gained by deferral. He noted that Commissioner Gee's points could all be dealt with and staff would be very opposed to going into the level of detail that he is referring to.

Mr. Gee stated that if the staff were to sit down with the property owners, there may be some clarity. What is the harm in deferring this to make sure that our constituents on 700 properties are not confused?

Mr. Bernhardt stated that the problem is getting the property owners to sit down and talk. He noted that meetings have been attended, information has been sent out; other than walking the corridor, it's difficult to do. He clarified that there are certain cases that we are aware of and we are working through those. He stated that the council members have the capacity to know if this is ready to go or not. If it isn't, they can hold it up. If Councilman Scott Davis does not think his district is ready, he can amend it out. Mr. Bernhardt clarified that there is not much more the planning commission can do.

Mr. Gee noted that his concern is that it will take 27 votes at council to get it passed. He stated that there is one council member and a very important property owner and influential community member against this. A deferral would get the commission more comfortable with it and talking to the property owners and making sure people aren't confused and understand what they can and can't do under this may yield a different result. Then only 21 votes would be needed.

Mr. Adkins moved and Mr. Gee seconded the motion to defer to the August 22, 2013 Planning Commission meeting with the Public Hearing to remain open.

Ms. LeQuire asked for clarification on what the commission wants to learn by the next meeting to help them make a decision.

Mr. Adkins stated that it is up to the council members to get with the property owners to address their concerns.

Mr. Leeman pointed out that council members have informed staff of plans to hold more community meetings before this is finished at council.

The vote was taken. (6-1) Dr. Cummings voted against.

Mr. Gee stated that he would like to see some of the property owners that have expressed specific concerns meet with staff and make sure their concerns are valid.

Mr. Adkins stated that he would like to hear from the council members.

Council Lady Bennett clarified that there are community meetings planned. She also noted that H.G. Hill has attended every meeting so far.

Chairman McLean scheduled a public meeting for a Planning Commission Work Session on August 22 at 2:30 p.m. to get feedback from staff and council members.

Mr. Haynes left at 6:30 p.m.

Mr. Adkins moved and Mr. Gee seconded the motion to defer to the August 22, 2013 Planning Commission meeting with the Public Hearing to remain open.

Resolution No. RS2013-147

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013UD-003-001 is **Deferred to the August 22, 2013, Planning Commission meeting with the public hearing to remain open. (6-1)**

J. PLANNING COMMISSION ACTIONS

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

Subdivision: Final Plats

5. 2013S-105-001

BURCHWOOD, RESUB LOT 28

Map 072-10, Parcel(s) 070
Council District 05 (Scott Davis)
Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 1017 Burchwood Avenue, approximately 710 feet west of Gallatin Pike, zoned R6 (0.41 acres), requested by Shane Stratton, owner; Patrick Coode and Company, LLC, applicant.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Final plat to create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 1017 Burchwood Avenue, approximately 710 feet west of Gallatin Pike, zoned R6 (0.41 acres).

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *The R6 district would permit a maximum of 3 duplex lots for a total of 6 units.*

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The proposed two-lot subdivision would create two single-family lots on the site. The lots have the following land area:

- Lot 1: 0.14 Acres (6,311 SF); Frontage length: 84.75 feet
- Lot 2: 0.27 Acres (11,895 SF); Frontage length: 45.03 feet

There is an existing dwelling on the site. The subdivision request intends to keep the existing dwelling in its current location. Because of this, the proposed lots are not equal in size. The interior lot line has been placed to allow the existing dwelling to maintain its required side setbacks.

ANALYSIS

For infill subdivisions in R and RS zoning districts that are in areas that are previously subdivided and predominantly developed, lots must be generally compatible with surrounding lots. For determining compatibility in Neighborhood General (NG) policy areas, the Subdivision Regulations state that the lots must be consistent in terms of community character. The definition of community character from the Subdivision Regulations is shown below:

Community Character – The image of a community or area defined by such factors as its built environment, natural features and open space elements, types of housing, infrastructure, and the type and quality of public facilities and services. It is the intent of Neighborhood Maintenance areas to preserve the general character of the neighborhood as characterized by its development pattern, building form, land use and associated public realm. These areas will experience some change over time but efforts should be made to retain the existing character...

The proposed subdivision is consistent with the community character of the surrounding area. Lot sizes for both lots will remain above the minimum lot size required by the R6 zoning district. The current R6 zoning district would permit a duplex on the site. Because the site is outside of the Urban Zoning Overlay, the two units within the duplex can be detached, which would result in a similar layout to the proposed subdivision. Because the policy is a single-family detached policy, a note will be required on the plat to restrict development on both lots to single-family only.

Driveway access

Because one of the two lots will have a lot frontage of less than 50 feet, a shared driveway is required. However, the Subdivision Regulations allow the Planning Commission to waive this requirement when existing conditions would prevent a shared access drive. The subdivision layout anticipates keeping the existing house on the site. The current layout of the existing house, with a driveway on its east side, would not allow a shared access drive to Lot 1 because the house and backyard within the Lot 2 would not allow the extension of the access to Lot 2.

Sidewalks

Because the subdivision is located within the Urban Services District, sidewalks are required. However, because there is no sidewalk network present on Burchwood Avenue, the subdivision is eligible for a \$500 contribution to the sidewalk fund in lieu of sidewalk construction.

STORMWATER RECOMMENDATION

Final plat returned for corrections

- Cite the correct FEMA panel number to plat (228 F).

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 and grass strip.
- Indicate and label the existing EOP.
- Label and dimension the ROW at the property corners.

WATER SERVICES RECOMMENDATION

Applicant must submit an application for an availability study.

STAFF RECOMMENDATION

Staff recommends deferral of this request to the August 22, 2013, Planning Commission meeting. Approval with a condition is recommended if the application is approved by Metro Water Services prior to the August 8, 2013, Planning Commission meeting. The subdivision meets the requirements of the Subdivision Regulations including consistency with community character.

CONDITIONS

1. Prior to recordation of the plat, a note shall be added to the plat limiting development to single-family detached only.
2. Sidewalks are required along the Burchwood Avenue frontage of the proposed subdivision. Prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - Construct sidewalk and have it accepted by Public Works,
 - Submit a bond application and post a bond with the Planning Department,
 - Submit payment in-lieu of construction to the Planning Department. The in-lieu contribution for this subdivision would be \$500.
 - 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.
3. Prior to recordation, the correct FEMA panel number shall be added to the plat.
4. 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.
5. Prior to recordation, the plat shall be revised to indicate and label the existing edge of pavement.
6. Prior to recordation the right of way shall be labeled and dimensioned at the property corners on the plat.

Resolution No. RS2013-148

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-105-001 is **Approved with conditions. (6-0)**

CONDITIONS

1. **Prior to recordation of the plat, a note shall be added to the plat limiting development to single-family detached only.**
2. **Sidewalks are required along the Burchwood Avenue frontage of the proposed subdivision. Prior to final plat recordation, one of the options must be chosen related to sidewalks:**
 - **Construct sidewalk and have it accepted by Public Works,**
 - **Submit a bond application and post a bond with the Planning Department,**
 - **Submit payment in-lieu of construction to the Planning Department. The in-lieu contribution for this subdivision would be \$500.**
 - **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.**
3. **Prior to recordation, the correct FEMA panel number shall be added to the plat.**
4. **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.**
5. **Prior to recordation, the plat shall be revised to indicate and label the existing edge of pavement.**
6. **Prior to recordation the right of way shall be labeled and dimensioned at the property corners on the plat.**

6. 2013S-123-001

BRANSFORD REALTY COMPANY WESTMORELAND PLACE, RESUB LOTS 70-71

Map 104-15, Parcel(s) 011-012
Council District 18 (Burkley Allen)
Staff Reviewer: Greg Johnson

A request for final plat approval to create three lots on properties located at 2509 and 2511 Natchez Trace, approximately 375 feet south of Ashwood Avenue, zoned RS7.5 (0.7 acres), requested by Celia Amy Hall, owner; HFR Design, Inc., applicant.

Staff Recommendation: Approve.

APPLICANT REQUEST

Final plat to create three lots.

Final Plat

A request for final plat approval to create three lots on properties located at 2509 and 2511 Natchez Trace, approximately 375 feet south of Ashwood Avenue, zoned RS7.5 (0.7 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 4 lots.*

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The proposed three-lot subdivision would create three single-family lots. For infill subdivisions in R and RS zoning districts that are in areas that are previously subdivided and predominantly developed, lots must be generally compatible with surrounding lots. For determining compatibility in Residential Medium (RM) density policy areas, the Subdivision Regulations state that the lots must not exceed the recommended densities of the policy areas. The RM policy recommends residential densities within the range of 4-9 dwelling units per acre. With approval of the proposed subdivision, the density of the surrounding block will remain under nine dwelling units per acre.

The subdivision is served by an alley. A note has been added to the plat requiring vehicular access from the alley and prohibiting direct driveway access to Natchez Trace. The subdivision is served by existing sidewalk along the Natchez Trace frontage.

The lots have the following land area:

- Lot 1: 0.24 Acres (10,500 SF)
- Lot 2: 0.24 Acres (10,500 SF)
- Lot 3: 0.24 Acres (10,500 SF)

STORMWATER RECOMMENDATION

Final plat approved

PUBLIC WORKS RECOMMENDATION

No exceptions taken

- 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.

STAFF RECOMMENDATION

Staff recommends approval of the subdivision. The request meets the requirements of the Subdivision Regulations and the Zoning Code.

Mr. Johnson presented the staff recommendation of approval.

Council Lady Allen stated that most of the lots on this street are 60' so the neighbors have reason to be concerned. She stated that she has spoken with the owner and developer about the concerns – largely what would go onto these lots if the current homes are destroyed. A community meeting has been discussed to come up with mutually agreeable street elevations that would be in character with the homes that are there. She stated that she is willing to work with the developer on good faith.

Ginger Hausser, 2510 Natchez Trace, spoke in support of Council Lady Allen's comments and requested a two week deferral.

Chairman McLean asked Council Lady Allen if she was in support of a deferral.

Council Lady Allen stated that while she would love a deferral, she is willing to keep her word to take the developer at his word to hold a community meeting to come up with mutually agreeable street elevations.

Mr. Clifton moved and Dr. Cummings seconded the motion to close the Public Hearing. (6-0)

Mr. Clifton moved and Mr. Adkins seconded the motion to approve staff recommendation. (6-0)

Resolution No. RS2013-149

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-123-001 is Approved. (6-0)

Subdivision: Performance Bonds

7. 2013B-012-001

AUTUMN OAKS, PHASE 10A

Map 181, Part of Parcel(s) 274

Council Districts 31 (Fabian Bedne)

Staff Reviewer: David Edwards

A request to post a new performance bond for property located at Autumn Crossing Way (unnumbered) and Oakfield Grove, east of Nolensville Pike, zoned R20, to permit the developer to move forward with recording the final plat to create 21 lots associated with this performance bond, requested by Kevin Hyneman, Investment Properties, LLC, developer.

Staff Recommendation: Approve

APPLICANT REQUEST

New performance bond for Autumn Oaks, Phase 10A.

Performance Bond

A request to post a new performance bond for property located at Autumn Crossing Way (unnumbered) and Oakfield Grove, east of Nolensville Pike, zoned One and Two-Family Residential (R20), to permit the developer to move forward with recording the final plat to create 21 lots associated with this performance bond.

ANALYSIS

This is a request to post a new performance bond for Autumn Oaks, Phase 10A. The property included in the performance bond is located within the Autumn Oaks Planned Unit Development (PUD) east of Nolensville Pike at Oakfield Grove.

The Planning Commission adopted a policy on May 14, 2009 requiring that the Planning Department staff not administratively approve applications, including those for bonds, for any development within the same PUD as another phase with a breached performance agreement with expired security. This applies where the breach has occurred by the same developer, or by a separate developer.

The Autumn Oaks PUD has another bonded section with a breached performance agreement. The bond for Autumn Oaks, Phase 8B (Subdivision No. 2010S-065-001) was originally posted in February 2011, by developer FAPAO, LLC. The bond for Phase 8B was called in June 2012, because the developer had not been approved for a release or an extension of the bond.

A demand letter dated June 11, 2012, was sent to American Safety Casualty Insurance Company, the surety company providing the bond for Autumn Oaks, Phase 8B. The surety company was given two weeks to submit proceeds from the bond to the Planning Department, or the case would be forwarded to the Metropolitan Department of Law. The surety company did not pay on the bond, and the case was turned over to Metro Legal on June 28, 2012.

The developer for Autumn Oaks, Phase 10A submitted a bond application in April 2013, requesting to post a new performance bond for Phase 10A. The application was reviewed and bond amounts set by Public Works, Stormwater, and Water Services. The developer submitted an executed Performance Agreement and Letter of Credit for the performance bond in July 2013. The Metropolitan Department of Law reviewed and approved the Performance Agreement and Letter of Credit in July 2013.

Staff has determined that Phase 10A is not dependent on Phase 8B for infrastructure or roadway connections. Staff has also determined that the developer of Phase 8B is in no way connected to the developer of Phase 10A.

PUBLIC WORKS RECOMMENDATION

Approve new bond request. Bond amount is \$104,000.

STORMWATER RECOMMENDATION

Approve new bond request. Bond amount is \$41,000.

WATER SERVICES RECOMMENDATION

Approve new bond request. Bond amount for sewer is \$36,000, and bond amount for water is \$32,000.

TOTAL BOND AMOUNT: \$213,000		
<u>Dept/Agency</u>	<u>Action</u>	<u>Bond Amt.</u>
Public Works	Approve New	\$104,000
Stormwater	Approve New	\$41,000
Sewer (Metro)	Approve New	\$36,000
Water (Metro)	Approve New	\$32,000

STAFF RECOMMENDATION

Staff recommends approval of the new performance bond for Phase 10A.

Approved (6-0), Consent Agenda

Resolution No. RS2013-150

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013B-012-001 is **Approved. (6-0)**

K. OTHER BUSINESS

7. Employee contract renewal for Felix Castrodad.

Approved (6-0), Consent Agenda

Resolution No. RS2013-151

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Felix Castrodad is **Approved. (6-0)**

9. Historic Zoning Commission Report
10. Board of Parks and Recreation Report
11. Executive Committee Report
12. Executive Director Report

13. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

August 8, 2013

MPC Meeting

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

August 22, 2013

MPC Meeting

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

September 12, 2013

MPC Meeting

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

M. ADJOURNMENT

The meeting adjourned at 6:30 p.m.

Chairman

Secretary