



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, August 9, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(Between Lindsley Avenue and Middleton Street)

Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

The Planning Commission guides growth and development as Nashville and Davidson County evolve into a more socially, economically and environmentally sustainable community, with a commitment to preservation of important assets, efficient use of public infrastructure, distinctive and diverse neighborhood character, free and open civic life, and choices in housing and transportation.

Commissioners Present:

Jim McLean, Chairman
Stewart Clifton, Vice Chair
Hunter Gee
Judy Cummings
Jeff Haynes
Derrick Dalton
Phil Ponder
Andree LeQuire
Councilmember Phil Claiborne

Staff Present:

Rick Bernhardt, Executive Director
Doug Sloan, Assistant Executive Director
Ann Hammond, Planning Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Cindy Wood, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Brian Sexton, Planner I
Michelle Hollingsworth, Office Support Rep III
Susan Jones, Legal

Commissioners Absent: Greg Adkins

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 Denise Hopgood 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 4:00 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve the agenda. (8-0)

C. APPROVAL OF JULY 26, 2012 MINUTES

Mr. Ponder moved and Mr. Gee seconded the motion to approve the July 26, 2012 minutes. (8-0)

D. RECOGNITION OF COUNCILMEMBERS

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

E. ITEMS FOR DEFERRAL / WITHDRAWAL

3a. 2005UD-008-001

HAMILTON HILLS (CANCELLATION OF A PORTION)

3b. 2012Z-017PR-001

3300 MURFREESBORO PIKE

Councilman Claiborne moved and Mr. Dalton seconded the motion to approve the Deferred Items. (8-0)

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.

4. Amendment #4 to Contract # L-2268 between the Metropolitan Government of Nashville and Davidson County and PB Americas, Inc. for General Planning

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

G. PREVIOUSLY DEFERRED ITEMS

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

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).

Community Plan Amendments

1a. 2012CP-010-002

GREEN HILLS-MIDTOWN PLAN AMENDMENT

Map 104-06, Parcel(s) 298-299
Council District 18 (Burkley Allen)
Staff Reviewer: Cynthia Wood

A request to amend the Green Hills-Midtown Community Plan: 2005 Update to change the Land Use Policy from Residential Low-Medium Density (RLM) to T4 Neighborhood Maintenance (T4 NM) with an Infill Area policy for properties located at 407 and 409 31st Avenue South, approximately 440 feet west of Natchez Trace (0.67 acres), requested by Lowen & Associates, LLC, applicant, Emma Bishop, owner. (See also Specific Plan Proposal No. 2012SP-009-001).

Staff Recommendation: Approve T4 Urban Neighborhood Maintenance with an Infill Area

APPLICANT REQUEST

Change policy from Residential Low Medium to T4 Neighborhood Maintenance with an Infill Area.

Minor Plan Amendment

A request to amend the Green Hills-Midtown Community Plan: 2005 Update to change the Land Use Policy from Residential Low-Medium Density (RLM) to T4 Neighborhood Maintenance (T4 NM) with an Infill Area policy for properties located at 407 and 409 31st Avenue South approximately 440 feet west of Natchez Trace (0.67 acres).

Current Land Use Policy

Residential Low Medium Density (RLM) accommodates residential development within a density range of about two to four dwelling units per acre.

Proposed Land Use Policy

T4 Urban Neighborhood Maintenance (T4 NM) with Infill Area 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.

A community plan may establish "Infill Areas" within Neighborhood Maintenance areas. Infill Areas are places within established neighborhoods where vacant, underutilized, or land in a nonresidential use could redevelop. Examples could include an undeveloped farm, a former country club or church, etc. Infill Areas are different from Neighborhood Evolving areas because Infill Areas are generally smaller and interior to Neighborhood Maintenance areas. Infill Areas may have different Building Forms than the rest of the Neighborhood Maintenance area. If the Community Plan includes an Infill Area, it will have clearly identified boundaries and guidance on the desired residential development pattern. Special consideration will also be given to how to blend the edges of the Infill Area into the surrounding neighborhood.

COMMUNITY PARTICIPATION

Although this is a minor plan amendment, a community meeting was held by the Planning Department on May 21, 2012. It was attended by approximately 25 people from the surrounding Hillsboro-West End neighborhood. Most attendees spoke and expressed various concerns about the impacts of the proposed policy and the accompanying Specific Plan application. Of particular concern was the proposed density of the development, which has been lowered since the community meeting through a reduction in the number of units from eleven to nine. Attendees were mainly concerned that:

- the proposed density would crowd the site, resulting in undesirable views from surrounding properties and the potential for parking to spill over onto neighboring streets;
- the proposed density was too much higher than the surrounding neighborhood;
- potential traffic and parking impacts on surrounding streets because there are some (most notably 32nd Avenue North) adjacent streets that are narrow enough that passage around parked cars can be challenging; and
- potential negative impacts on the historic character of the Hillsboro-West End neighborhood.

Despite this, some attendees understood that the site could appropriately support a somewhat denser residential development policy than the more interior parts of the neighborhood since it faces on a major transportation corridor (31st Avenue North / Blakemore Avenue / Wedgewood Avenue).

BACKGROUND

The site is along a major arterial street and is within walking distance (app. 1,500 feet) of the proposed East-West Connector Bus Rapid Transit route, specifically one of the planned stations at 31st Avenue North and West End Avenue. Blakemore Avenue (the name of the street at this specific site) is currently served by an MTA bus (Route 11 – West End to Belmont). The street is classified as a T4-M-AB5-UM – an urban, mixed use, arterial-boulevard proposed for five lanes and use as a transit route (urban, multi-modal corridor, or UM). The street currently contains the planned number of lanes (5). The site is located across the street from Vanderbilt University, near Vanderbilt Medical Center and is less than a mile of Hillsboro Village.

The Hillsboro-West End neighborhood is designated as a National Register Historic District and most of it is within a Neighborhood Conservation Overlay zoning district. The neighborhood has an established development pattern and character that is important to maintain. The site is within the Hillsboro West End National Register District and abuts the Hillsboro-West End Neighborhood Conservation Overlay. New development needs to be compatible with and complementary of existing development in terms of building form and massing.

Neighborhood density averages in the range of 6-7 housing units per acre although there are both higher and lower density developments scattered throughout the neighborhood. The most common housing types are single and two family homes. There are other housing types present in the neighborhood at various locations, ranging from large houses with multiple units to townhouses and small apartment buildings. The subject site is an oddly shaped parcel in comparison with other properties in the surrounding area.

ANALYSIS

Because of its highly urban and accessible location, the site is appropriate for higher density development than the neighborhood average as well as for a variety of housing types, with single family detached housing likely to be the least appropriate choice. In addition, placing a higher density development on this site provides the opportunity to establish a development transition between the single- and two-family homes behind the site (interior to the neighborhood) and the busy street in front of it. This transition can serve as a form of buffering for the quieter environment that is most of the Hillsboro-West End neighborhood.

Staff analysis reveals that the Hillsboro-West End neighborhood is clearly an urban maintenance neighborhood in terms of its age, development pattern, recent development activity, and the vision of its residents. Because of this, a T4 Urban Neighborhood Maintenance policy is appropriate for this site as well as the surrounding neighborhood. For this particular property it is also appropriate to apply an Infill Area designation, which is a designation in the Community Character Manual that allows for flexibility in developing unusual sites such as the subject site.

STAFF RECOMMENDATION

Staff recommends approval of T4 Urban Neighborhood Maintenance policy with an Infill Area as described below. Staff recommends the T4 NM with an infill area to acknowledge that this is a unique site that can support infill and contribute to housing choice and capitalize on transit investments, while not establishing a significantly higher density.

Area 10-T4-NM-01

Green Hills-Midtown's T4 Urban Neighborhood Maintenance Area 1 is referenced as 10-T4-NM-01 on the accompanying map. It applies to a portion of the Hillsboro-West End neighborhood. In this area, the following Special Policies apply. Where the Special Policy is silent, the guidance of the T4 Urban Neighborhood Maintenance policy applies.

Infill Area 01 – Blakemore Village Site

Infill area IA 01 is located at 407 and 409 31st Avenue South. Infill development is appropriate in this location because of the existing access and frontage on 31st Avenue North, a T4-M-A5-UM arterial street, the opportunity to provide additional housing choice in the area, and the site's access to existing and proposed transit service and to Midtown. This infill area is referred to as IA 01 in the policies below and on the accompanying map. Infill development should be guided by the following design principles.

Design Principle: Access

- Vehicular access is from adjacent alleys. Pedestrian access is provided from the alleys and the street as well as the site's open space network.

Design Principle: Building Form (Mass, Orientation, Placement)

- Development in IA 01 with other than detached single family residential building types should be implemented through urban or design-based zoning, such as a residential Alternative Zoning District or Specific Plan, to ensure appropriate design. It is especially important that buildings and their primary entrances face 31st Avenue South. It is also important that building heights and massing be complementary to and compatible with surrounding historic structures and compatible noncontributing structures.
- Usable open space features that are complementary to the urban environment and provide multiple benefits are provided on the site and are integral elements of the overall development design.

Historically Significant Sites or Features

The site is within the Hillsboro West End National Register District and abuts the Hillsboro-West End Neighborhood Conservation Overlay. Because of the historical character of the area, property owners are encouraged to work with the Metropolitan Historical Commission to protect and preserve surrounding historic features and sites through compatible and complementary design of development in Infill Area IA 01. See pages 18-22 of the Green Hills-Midtown Community Plan: 2005 Update for a listing of historic features.

Ms. Woods presented the staff recommendation of approval.

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

Mr. Gee moved and Dr. Cummings seconded the motion to approve Item 1a. (5-4) Mr. Haynes, Mr. Dalton, Mr. Ponder, and Councilmember Claiborne voted against. The motion failed as six votes are required to pass.

Resolution No. RS2012-156

"BE IT RESOLVED by The Metropolitan Planning Commission that . 2012CP-010-002 is DISAPPROVED Motion to Approve Failed 5-4. [Community Plan Amendments require six affirmative votes]Mr. Gee moved and Dr. Cummings seconded the motion to approve Item 1a. (5-4) Mr. Haynes, Mr. Dalton, Mr. Ponder, and Councilmember Claiborne voted against. The motion failed as six votes are required to pass

1b. 2012SP-009-001

BLAKEMORE VILLAGE

Map 104-06, Parcel(s) 298-299
Council District 18 (Burkley Allen)
Staff Reviewer: Greg Johnson

A request to rezone from RS7.5 to SP-R zoning properties located at 407 and 409 31st Avenue South, approximately 440 feet west of Natchez Trace (0.67 acres) and within the Hillsboro-West End Historic District and I-440 Impact Overlay District, to permit nine residential units, requested by Lowen & Associates LLC, applicant, Emma P. Bishop, owner. (See also Community Plan Amendment Proposal No. 2012CP-010-002)

Staff Recommendation: Approve with conditions if the associated policy amendment is approved and disapprove without all conditions

APPLICANT REQUEST

Zone change to permit nine residential dwelling units

SP Zone Change

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan – Residential (SP-R) zoning properties located at 407 and 409 31st Avenue South, approximately 440 feet west of Natchez Trace (0.67 acres) and within the Hillsboro-West End Historic District and I-440 Impact Overlay District, to permit nine residential units.

Existing Zoning

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

I-440 Impact Overlay – The property is within subarea 1-B of the overlay district. Policies within this overlay apply to zone change proposals that have been determined by Council to be related to the presence and or operational effects of Interstate 440.

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

Development of the SP will meet several Critical Planning Goals. Utilizing an oddly-shaped, largely-vacant site along a major street for residential development is a strong example of infill development. The multi-family units exemplify compact building design that is complementary to surrounding development while increasing variety of housing choice in the surrounding area. Detached multi-family units are proposed, which will provide a good transitional building type between 31st Avenue and the largely single-family neighborhood to the south. The identification of 31st Avenue as a walkable street will be improved by the placement of building frontages facing the street and parking at the rear of the lot. Multi-family development is also likely to increase the demand for transit users along a current transit corridor adjacent to a major university.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Current policy

Residential Low-Medium (RLM) is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Proposed Land Use Policy

T4 Urban Neighborhood Maintenance (T4 NM) 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.

Consistent with Policy?

Yes, the proposed SP is consistent with the T4 NM infill policy and will preserve the general character of the surrounding neighborhood by maintaining the existing block structure, organizing the proposed residential units to face 31st Avenue, and placing the associated parking to the rear of the lot. The proposed residential density of approximately 13.5 dwelling units per acre will remain within the recommended density of the proposed T4 NM policy.

PLAN DETAILS

The site is located on a triangular site comprised of two lots surrounded by two alleys and 31st Avenue. There is an existing dwelling along the west property line, and the remainder of the site is vacant. Within the proposed SP, vehicular access to the site is provided by two alleys that connect to 31st and 32nd Avenues adjacent to the site. Parking for all of the units is provided along these alleys along the side and rear of the site. This site layout with parking along alleys characterizes the street and alley network of the surrounding area.

In terms of site layout and building form, the SP mediates between the detached residential building types of the neighborhood to the south, while placing compact multi-family development along 31st Avenue, an arterial road. The site plan shows the placement of nine multi-family dwelling units along the 31st Avenue street frontage. This layout appropriately incorporates a relatively compact form of residential development while maintaining the consistency of street frontage through building façades and the placement of parking away from street frontages. While the proposed units are considered to be multi-family dwellings because they are on one lot, their detached form and two-story height are two characteristics that are consistent with surrounding development to the south.

The site is in a National Register Historic District, and is adjacent to the locally-designated Hillsboro-West End conservation zoning district. Historic Commission staff has submitted comments stating that the existing dwelling on the site is a contributing structure to the National Register District and would ideally be maintained. However, because the site is not within a local district, there are no requirements for development related to the Historic Zoning Commission, and no protections for existing structures. The SP proposes development of a similar scale and building type to development within the adjacent conservation overlay. A landscaped courtyard is located along the rear of the site to separate the dwellings along the 31st Avenue frontage from the rear alley and from the dwellings across the alley to the south.

The project is located within Sub Area 1-F the I-440 Impact Overlay. This overlay was originally implemented to avoid adverse impacts caused by land use changes encouraged by the introduction of Interstate 440. The I-440 Impact Overlay requires the Planning Commission to advise Council on the applicability of impact area policies. The site is located on the edge of the I-440 Overlay boundary along 31st Avenue along an existing major street that runs parallel to Interstate 440. The closest interchange with Interstate 440 is approximately three-quarters of a mile away on West End Avenue. As described above, the applicant has designed the project to be compatible with the adjacent single-family neighborhood to the south. Due to the distance of the property to Interstate 440 and the scale of the project, which is compatible in building height and size to the adjacent neighborhood, Planning staff finds and recommends that the policies of the I-440 Impact Overlay are not applicable to this zone change.

STORMWATER RECOMMENDATION

- Add correct parcel identification number to plans (map 104-06).
- Add 78-840 Note to plans:
- (Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
- Add Preliminary Note to plans:
- (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)
- Add Access Note to plans:
- (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans:
- (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)

PUBLIC WORKS RECOMMENDATION

Approve with Conditions

1. Widen the north end of alley #646 on the west side to provide consistent width (approximately 15 feet of pavement) to the ramp connection to 31st Avenue.
2. Prior to final development plans document that sight distance is adequate per AASHTO standards at Alley #606 and 31st Avenue.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.67	4.94 D	3 L	29	3	4

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 ()	0.67	-	11 U	106	9	12

Traffic changes between maximum: **RS7.5** 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
-	-	-	-	+77	+6	+8

METRO HISTORICAL COMMISSION

The existing dwelling on the site is located within the Hillsboro-West End National Register Historic District and is considered to be a contributing structure to that district. We encourage the preservation of all contributing historic structures, but recognize that there are no requirements to do so. If the existing residence is demolished, we encourage the applicants/owners to save and donate any salvageable items from the existing dwelling prior to demolition.

Regarding the proposed policy change, we would concur with the proposed T4 Urban Neighborhood Maintenance policy.

SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 0 High

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Of these, Eakin Elementary has been identified as being over capacity by the Metro School Board. There is capacity for elementary students within the cluster. This information is based upon data from the school board last updated October 2011.

STAFF RECOMMENDATION

With approval of the associated policy amendment, staff recommends approval with conditions for the SP. If the associated policy amendment is disapproved, staff recommends disapproval of the SP. The SP is consistent with the T4 NM policy and is in an appropriate location for an incremental increase in density. The form of the proposed development will ensure the compatibility of the additional density within the existing neighborhood.

CONDITIONS

1. The notes listed above by Metro Stormwater shall be added to the preliminary SP plan.
2. The comments listed above from Metro Public Works shall be addressed by the SP.
3. Land uses shall be limited to residential development as shown on the site plan.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to 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.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

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

Dr. Cummings arrived at 4:18 p.m.

Jim Harrison, project engineer, spoke in support of staff recommendation.

Jim Lowen, applicant, spoke in support of staff recommendation and noted decreased density from 11 to 9 units.

Shawn Henry, 315 Deaderick Street, spoke in support of staff recommendation and stated that it's an effective transition, provides a good sound buffer, negligible increase in traffic, and is an asset to the neighborhood.

Everett Lowe, 1502 18th Ave South, spoke in support of staff recommendation.

Tom Cash, 3104 Acklen Avenue, spoke against staff recommendation and stated no neighborhood support for this change.

Jan Bushing, 2804 Natchez Trace, spoke against staff recommendation and expressed that there is no infrastructure in place to support this change.

Linda (last name unclear), Blair Blvd, spoke against staff recommendation noting inappropriate density.

Hunter Moore, 2115 Natchez Trace, spoke against staff recommendation and expressed concern with changing the community plan for less than one acre of land, no neighborhood support.

Michelle Miller, 3003 Blakemore Ave, spoke against staff recommendation.

Arthur Doak, 2807 Blakemore Ave, spoke against staff recommendation and expressed concern with setting a precedent as well as inappropriate density.

Council Lady Allen noted concerns with changing the community plan and stated lack of neighborhood support.

Miriam Mimms, 2410 Blair Blvd, spoke against staff recommendation and expressed concern with lack of infrastructure and increased traffic.

Douglas Pasto-Crosby, 3004 Blakemore Ave, spoke against staff recommendation due to inappropriate density.

Aiden Hoyle, 3102 Blakemore, spoke against staff recommendation in that the proposal does not keep with the character of the neighborhood.

Russ Ann (name unclear), 3005 Blakemore, spoke against staff recommendation and stated that the current community plan is a good one, concerned with increased traffic.

John Brittle, 5474 Franklin Pike Circle, spoke in support of staff recommendation and expressed that this is the kind of housing that we need

Peter Lindstrom, 2706 Fairfax Ave, spoke against staff recommendation due to inappropriate density.

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

Mr. Haynes asked if the applicant has a rendering of what the units will look like from the street.

Mr. Johnson stated that the applicant submitted a rendering with their first application with 11 units, but nothing current.

Mr. Dalton expressed concerns with density and consistency with the surrounding area.

Mr. Clifton requested clarification of Metro Storm Water's approval.

Steve Mishu, Metro Storm Water, stated that this development will be required to separate storm water and sanitary throughout the site.

Mr. Clifton and staff discussed current and prior zoning.

Mr. Gee spoke in support and stated that this area makes a lot of sense as there is infrastructure, transit, sidewalks, etc.

Dr. Cummings asked staff for clarification on what makes this zoning change a minor one versus a major one?

Ms. Wood clarified that going from one residential category to another residential category is considered to be a minor plan amendment, but going from a residential to a commercial or mixed use would be a major plan amendment because you are moving to a totally different environment

Dr. Cummings stated that this is an ideal spot for this type of infill.

Mr. Ponder inquired if there is another example anywhere in the neighborhood of what this will look like.

Mr. Bernhardt stated that he suggests staff not recommend that this look like other high density developments along Blakemore.

Mr. Ponder stated that this project does not seem to fit with the character of the neighborhood.

Councilmember Claiborne also stated that this doesn't fit with the character of the neighborhood, seems like a spot zoning,

Mr. Gee moved and Dr. Cummings seconded the motion to approve Item 1a. (5-4) Mr. Haynes, Mr. Dalton, Mr. Ponder, and Councilmember Claiborne voted against. The motion failed as six votes are required to pass.

Mr. Clifton moved and Mr. Haynes seconded the motion to disapprove Item 1b. (9-0)

Resolution No. RS2012-157

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-009-001 is **DISAPPROVED. (9-0)**
The Proposed SP district is not consistent with the current Residential Low-Medium land use policy.

A 10 minute break was taken.

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

2a. 2012SP-023-001

BURTON HILLS

Map 131-06-0-A, Parcel(s) 001
Council District 25 (Sean McGuire)
Staff Reviewer: Jason Swaggart

A request to rezone from the R15 to SP-O district for property located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) and within a PUD Overlay, to permit office uses, requested by Barge Cauthen & Associates, applicant, for EP Real Estate Fund, L.P., owner. (See also Planned Unit Development Proposal No. 18-84P-001)

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Rezoning property from R15 to SP and amend PUD overlay to permit office uses.

Zone Change

A request to rezone from the One and Two Family Residential (R15) to Specific Plan – Office (SP-O) district for property located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) and within a PUD Overlay, to permit office uses.

Amend PUD

A request to amend a portion of the Burton Hills Commercial Planned Unit Development Overlay District located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 AC) zoned One and Two Family Residential (R15) and proposed for Specific Plan – Office (SP-O), to permit a seven-story, 110,000 square foot office building and structured parking where a four-story, 54,000 square foot office building and structured parking were previously approved and increase the total floor area for office uses in the overlay from 550,000 square feet to 660,000 square feet.

Existing Zoning

The site is zoned R15 and is part of the larger Burton Hills Planned Unit Development (PUD) overlay district. The PUD permits office uses only on this site.

Proposed Zoning

Specific Plan-Office (SP-O) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes office uses.

CRITICAL PLANNING GOALS

- Promotes Compact Building Design
- Supports Infill Development
- Supports Walkable Neighborhoods

The proposed request promotes compact building design and supports infill development which supports walkability. The request will permit a taller building than previously permitted with structured parking, increasing the intensity of development on the site which is located in a developed area where infrastructure is in place. The area contains a variety of housing options and numerous amenities and services which will provide housing choices and services within walking distance of the subject location.

GREEN HILLS/ MIDTOWN COMMUNITY PLAN

Office Concentration (OC) policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (Residential Mixed Housing density) are also an appropriate secondary use.

Consistent with Policy?

Yes. The proposed zoning and PUD amendment will permit additional office uses, which is consistent with the Office Concentration land use policy.

PUD Overlay History

The Burton Hills Planned Unit Development was originally approved in 1984 and included office, multi-family, single-family amenities and a church. The overall plan was approved under the previous zoning code (COMZO). COMZO did not require overlays to be consistent with the base zoning district, which is the reason why this office use currently has a residential base zoning district. There have been many revisions to the overall PUD in the past. The plan was last amended by Council in 1998, for 550,000 square feet of office uses within the overall PUD. The last revision was approved by the Planning Commission in 2007 and increased the overall floor area for office uses in the overall PUD to 604,000 square feet. The last revision did not require Council approval because the overall floor area was not increased over ten percent of the overall floor area that was approved by Council in 1998.

PLAN DETAILS

The subject site is a small portion of the larger PUD. The site currently includes a three-story, 120,000 square foot office building and associated surface parking. *The primary intent of this request is to increase the overall floor area for office uses on the subject site by adding a seven-story 110,000 square foot office building where a four-story, 54,000 square foot office building was previously approved (this is in addition to the existing 120,000 SF office building).* The plan also proposes minor revision to an existing surface parking lot. The request will increase the overall floor area for office uses on the site to 230,000 square feet and 660,000 square feet for the overall PUD. Since the request increases the floor area over ten percent (605,000 SF) of the floor area that was last approved by Council (1998), the zoning requires Council approval. PUD amendments must meet current zoning requirements. Today's zoning code requires that overlays be consistent with their base zone district; therefore, the PUD application is tied to a zone change for a Specific Plan district that will regulate bulk standards (setback, height, floor area, etc.).

Proposed SP-O Zoning

The proposed SP-O is a regulatory zoning which will regulate bulk standards and parking standards similar to any other zoning district. The standards under the proposed SP are as follows:

- Permitted Uses: All uses permitted by the ORI zoning district
- Minimum Lot Area: None
- Maximum FAR: 0.7 (structure parking does not count towards FAR)
- Maximum ISR: 0.9
- Maximum Building Height: 90 feet
- Front Yard Setback: 35 feet from public ROW (Hillsboro Pike and Burton Hills Blvd)
- Side Yard Setback: 10 feet from all shared property lines
- Rear Yard Setback: 10 feet from all shared property lines
- Parking: 3 spaces per 1,000 square feet

The proposed SP also requires that development meet current tree density requirements. Any standards not specifically called out in the SP will fall under the ORI base zoning district. The proposed SP is similar to other office district in the zoning code. For example it will permit a FAR slightly under what is permitted in the OL zoning district and an ISR consistent with ORI. The major difference in the proposed SP district and other office zoning districts is that it permits a maximum building height of 90 feet at the setback where the maximum height for office districts is 65 feet at the setback and includes a slope of height control plane. The height control plane permits additional height as a building steps away from a required setback.

Site Plan

The plan calls for one new office building and the rearrangement of an existing parking lot. As proposed the new office building will be located near the intersection of Hillsboro Pike and Burton Hills Boulevard. It will be seven stories in height with 110,000 square feet of office space and another 120,000 square feet of structured parking. Surface parking is also provided. Access to the site will be from Burton Hills Boulevard. No direct access is proposed to Hillsboro Pike.

STAFF ANALYSIS

The proposed PUD amendment and zone change are consistent with the Office Concentration land use policy and meet two critical planning goals. These changes will provide for additional corporate office space which is needed in Davidson County. The additional office space will provide opportunities for new jobs in a growing area that can provide housing options and numerous amenities and services for future tenants.

Staff has received objections for the proposal from tenants in the office building to the south of the proposed building. The primary complaint is that the proposed building will block views of downtown. Staff has looked into this issue and staff understands that the proposed building will rise above the existing office building and will block views. While the proposed building will block views, staff finds that the need for high-quality corporate office space in Davidson County coupled with the fact that the proposed site location meets several critical planning goals outweighs this issue.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. All driveway ramps should be ST-324.
3. Indicate solid waste plan – dumpster and recycling container locations with SU-30 turn template.
4. Modify signalized intersections on Hillsboro Rd to provide video detection and provide pedestrian facilities at northern signal.
5. Submit parking analysis. Modify median opening at relocated eastern driveway.

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.75	-	54,000 SF*	831	115	140

*FAR regulated by PUD Overlay

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.77	-	110,000 SF*	1436	203	203

*FAR regulated by PUD Overlay (does not include existing floor area)

Traffic changes between maximum: **R15** and proposed **SP-O**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+56,000	+605	+88	+63

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions as they are both consistent with the land use policy for the site and meet several critical planning goals.

CONDITIONS

2012SP-023-001

1. Uses in the SP are limited to office uses and all other uses permitted by the ORI zoning district.
2. No final site plan is required for this SP District as long as the PUD overlay remains. If the overlay is canceled then any new redevelopment will require a final site plan for the SP.
3. 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 ORI zoning district as of the date of the applicable request or application.

4. 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.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

18-84P-001 (PUD Amendment)

1. This approval does not include any signs. Signs in this planned unit development must be approved by the Metro Department of Codes administration. For the purposes of review all signs shall be consistent with the ORI zoning district.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 2a and 2b were heard and discussed together.

Mr. Clifton stated that this deserves more discussion and moved to defer to the September 27, 2102 Planning Commission meeting with the Public Hearing to be reopened for new information only. (7-0-1)

Resolution No. RS2012-158

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-023-001 is DEFERRED to the September 27,2012 Planning Commission Meeting.

2b.18-84P-001

BURTON HILLS (AMENDMENT)

Map 131-06-0-A, Parcel(s) 001
 Council District 25 (Sean McGuire)
 Staff Reviewer: Jason Swaggart.

A request to amend a portion of the Burton Hills Commercial Planned Unit Development Overlay District located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 AC) zoned One and Two Family Residential (R15) and proposed for Specific Plan – Office (SP-O), to permit a seven-story, 110,000 square foot office building and structured parking where a four-story, 54,000 square foot office building and structured parking were previously approved and increase the total floor area for office uses in the overlay from 550,000 square feet to 660,000 square feet, requested by Barge Cauthen & Associates, applicant, for EP Real Estate Fund, L.P., owner. (See also Planned Unit Development Proposal No. 2012SP-023-001)

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Rezone property from R15 to SP and amend PUD overlay to permit office uses.

Zone Change

A request to rezone from the One and Two Family Residential (R15) to Specific Plan – Office (SP-O) district for property located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) and within a PUD Overlay, to permit office uses.

Amend PUD

A request to amend a portion of the Burton Hills Commercial Planned Unit Development Overlay District located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 AC) zoned One and Two Family Residential (R15) and proposed for Specific Plan – Office (SP-O), to permit a seven-story, 110,000 square foot office building and structured parking where a four-story, 54,000 square foot office building and structured parking were previously approved and increase the total floor area for office uses in the overlay from 550,000 square feet to 660,000 square feet.

Existing Zoning

The site is zoned R15 and is part of the larger Burton Hills Planned Unit Development (PUD) overlay district. The PUD permits office uses only on this site.

Proposed Zoning

Specific Plan-Office (SP-O) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes office uses.

CRITICAL PLANNING GOALS

- Promotes Compact Building Design
- Supports Infill Development
- Supports Walkable Neighborhoods

The proposed request promotes compact building design and supports infill development which supports walkability. The request will permit a taller building than previously permitted with structured parking, increasing the intensity of development on the site which is located in a developed area where infrastructure is in place. The area contains a variety of housing options and numerous amenities and services which will provide housing choices and services within walking distance of the subject location.

GREEN HILLS/ MIDTOWN COMMUNITY PLAN

Office Concentration (OC) policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (Residential Mixed Housing density) are also an appropriate secondary use.

Consistent with Policy?

Yes. The proposed zoning and PUD amendment will permit additional office uses, which is consistent with the Office Concentration land use policy.

PUD Overlay History

The Burton Hills Planned Unit Development was originally approved in 1984 and included office, multi-family, single-family amenities and a church. The overall plan was approved under the previous zoning code (COMZO). COMZO did not require overlays to be consistent with the base zoning district, which is the reason why this office use currently has a residential base zoning district. There have been many revisions to the overall PUD in the past. The plan was last amended by Council in 1998, for 550,000 square feet of office uses within the overall PUD. The last revision was approved by the Planning Commission in 2007 and increased the overall floor area for office uses in the overall PUD to 604,000 square feet. The last revision did not require Council approval because the overall floor area was not increased over ten percent of the overall floor area that was approved by Council in 1998.

PLAN DETAILS

The subject site is a small portion of the larger PUD. The site currently includes a three-story, 120,000 square foot office building and associated surface parking. *The primary intent of this request is to increase the overall floor area for office uses on the subject site by adding a seven-story 110,000 square foot office building where a four-story, 54,000 square foot office building was previously approved (this is in addition to the existing 120,000 SF office building).* The plan also proposes minor revision to an existing surface parking lot. The request will increase the overall floor area for office uses on the site to 230,000 square feet and 660,000 square feet for the overall PUD. Since the request increases the floor area over ten percent (605,000 SF) of the floor area that was last approved by Council (1998), the zoning requires Council approval. PUD amendments must meet current zoning requirements. Today's zoning code requires that overlays be consistent with their base zone district; therefore, the PUD application is tied to a zone change for a Specific Plan district that will regulate bulk standards (setback, height, floor area, etc.).

Proposed SP-O Zoning

The proposed SP-O is a regulatory zoning which will regulate bulk standards and parking standards similar to any other zoning district. The standards under the proposed SP are as follows:

- Permitted Uses: All uses permitted by the ORI zoning district
- Minimum Lot Area: None
- Maximum FAR: 0.7 (structure parking does not count towards FAR)
- Maximum ISR: 0.9
- Maximum Building Height: 90 feet
- Front Yard Setback: 35 feet from public ROW (Hillsboro Pike and Burton Hills Blvd)
- Side Yard Setback: 10 feet from all shared property lines
- Rear Yard Setback: 10 feet from all shared property lines
- Parking: 3 spaces per 1,000 square feet

The proposed SP also requires that development meet current tree density requirements. Any standards not specifically called out in the SP will fall under the ORI base zoning district. The proposed SP is similar to other office district in the zoning code. For example it will permit a FAR slightly under what is permitted in the OL zoning district and an ISR consistent with ORI. The major difference in the proposed SP district and other office zoning districts is that it permits a maximum building height of 90 feet at the setback where the maximum height for office districts is 65 feet at the setback and includes a slope of height control plane. The height control plane permits additional height as a building steps away from a required setback.

Site Plan

The plan calls for one new office building and the rearrangement of an existing parking lot. As proposed the new office building will be located near the intersection of Hillsboro Pike and Burton Hills Boulevard. It will be seven stories in height with 110,000 square feet of office space and another 120,000 square feet of structured parking. Surface parking is also provided. Access to the site will be from Burton Hills Boulevard. No direct access is proposed to Hillsboro Pike.

STAFF ANALYSIS

The proposed PUD amendment and zone change are consistent with the Office Concentration land use policy and meet two critical planning goals. These changes will provide for additional corporate office space which is needed in Davidson County. The additional office space will provide opportunities for new jobs in a growing area that can provide housing options and numerous amenities and services for future tenants.

Staff has received objections for the proposal from tenants in the office building to the south of the proposed building. The primary complaint is that the proposed building will block views of downtown. Staff has looked into this issue and staff understands that the proposed building will rise above the existing office building and will block views. While the proposed building will block views, staff finds that the need for high-quality corporate office space in Davidson County coupled with the fact that the proposed site location meets several critical planning goals outweighs this issue.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. All driveway ramps should be ST-324.
3. Indicate solid waste plan – dumpster and recycling container locations with SU-30 turn template.
4. Modify signalized intersections on Hillsboro Rd to provide video detection and provide pedestrian facilities at northern signal.
5. Submit parking analysis. Modify median opening at relocated eastern driveway.

Maximum Uses in Existing Zoning District: R15

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.75	-	54,000 SF*	831	115	140

*FAR regulated by PUD Overlay

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.77	-	110,000 SF*	1436	203	203

*FAR regulated by PUD Overlay (does not include existing floor area)

Traffic changes between maximum: **R15** and proposed **SP-O**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+56,000	+605	+88	+63

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions as they are both consistent with the land use policy for the site and meet several critical planning goals.

CONDITIONS

2012SP-023-001

1. Uses in the SP are limited to office uses and all other uses permitted by the ORI zoning district.
2. No final site plan is required for this SP District as long as the PUD overlay remains. If the overlay is canceled then any new redevelopment will require a final site plan for the SP.
3. 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 ORI zoning district as of the date of the applicable request or application.
4. 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.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

18-84P-001 (PUD Amendment)

1. This approval does not include any signs. Signs in this planned unit development must be approved by the Metro Department of Codes administration. For the purposes of review all signs shall be consistent with the ORI zoning district.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 2a and 2b were heard and discussed together.

Ms. LeQuire out at 5:55 p.m.

Mr. Ponder out at 5:55 p.m.

Ms. LeQuire in at 5:56 p.m.

Tom Harwell (applicant), 3514 Hampton Ave, spoke in support of staff recommendation.

William Hastings, 127 3rd Ave S, spoke in support of staff recommendation and stated that infrastructure is in place to support this density, traffic study wasn't even required.

Amy Burch, RPM Transportation Consultants, spoke in support of staff recommendation and noted that the traffic study showed a negligible traffic increase.

Ed Davis, Burton Hills HOA, spoke for information purposes only and noted that the majority of the homeowners wish to remain neutral at this time as it will allow for continued dialog with the developer.

Ralph Knapp, Jefferson Square HOA, stated concern with the walkability of this project due to lack of sidewalks; would like Public Works to look at this, possibly extend the bus line.

Tom White, 315 Deaderick St, spoke against staff recommendation and requested either deferral or dismissal.

Chuck Archerd, 604 Holt Lane, spoke against staff recommendation.

Robert Bell Jr., 1075 Hendersonville Road, spoke against staff recommendation and stated pride in the current tenant base.

Robert Bell spoke against staff recommendation and stated that the seven story building will block the view of the current building as well as produce a \$4/square foot reduction in rental rate.

Jeff Heinze, 1935 21st Ave S, spoke against the proposal and stated that it will ruin the current tenant's view.

Joe Carpenter, 1935 21st Ave S, spoke against staff recommendation and asked for deferral or dismissal.

John Frame spoke against staff recommendation.

Margo Chambers, 3803 Princeton Ave, spoke against staff recommendation.

Jack Tenzel, 408 Clifton Place, spoke against staff recommendation due to traffic and safety concerns.

Richard Stuttaford, 402 Clifton Place, spoke against staff recommendation and noted that the Councilman has not spoken with the residents.

Marlene Gale, 30 Belcaro Circle, spoke against staff recommendation.

Patricia Collins, 36 Belcaro Circle, spoke against staff recommendation due to traffic concerns.

Cynthia Stoker, 33 Belcaro Circle, spoke against staff recommendation due to concerns with increased traffic, noise, and green space reduction.

Mr. Dalton out at 6:33 p.m.

Sharlene Bohannon, 41 Belcaro Circle, spoke against staff recommendation due to concerns with traffic, noise, pollution, lighting, and safety.

Jennye Greene, 10 Belcaro Circle, spoke against staff recommendation and stated that this is not the right building in the right place.

Mr. Dalton in at 6:35 p.m.

Julia DeHart, 12 Thorndale Court, spoke against staff recommendation due to increased traffic concerns.

Judith Ginn, 713 Summerwind Circle, spoke against staff recommendation due to concerns with increased density and traffic. Also noted that she is mystified that the Councilman would recommend this without meeting with the residents first.

Christine Pason spoke against staff recommendation and noted that the Councilman never spoke with the residents.

Ryan Bivil, 605 Ackland Place, spoke against staff recommendation and stated that residents were not considered.

Kevin Seale, 465 Cumberland Place, spoke against staff recommendation.

Martin Lipke, 602 Ackland Place, spoke against staff recommendation and noted that the Councilman has never spoken with the residents.

Brian Blankenship, 40 Burton Hills Blvd, spoke against staff recommendation due to concerns with increased traffic and disruptive construction.

Chris Murphree, 10 Burton Hills Rd, spoke against staff recommendation.

Tom Harwell, applicant, stated a commitment to figuring out the traffic issue.

Erica Garrison stated that this design makes good planning sense and asked for approval.

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

Mr. Clifton inquired if there was anything unusual about the 2007 PUD revision.

Mr. Swaggart stated there was nothing unusual as notices are not given on PUD revisions.

Mr. Gee inquired about the height of Building 4.

Mr. Bernhardt clarified that the plan approved by council allows up to 6 stories.

Councilman Claiborne asked for clarification on the 1984 PUD revision and also stated that the PUD approved by council in 1998 is different than the 1984 PUD. Several different changes happened in 1998. Asked legal about the bindings of the PUD.

Mr. Leeman stated that the northern most building at that time was the building behind the lake. More research would have to be done to determine if the conditions that Mr. White handed out to the commission are the actual conditions approved by the Commission or Council for this case. The approval letter that was handed out by Mr. White from 1984 did not include conditions and the 1998 amendment had no additional conditions.

Mr. Bernhardt stated that the existing ordinance allows the Planning Commission to approve up to a 10 percent to what council approves.

Councilmember Claiborne stated that more work needs to be done before a decision is made.

Mr. Dalton expressed agreement with Councilman Claiborne in that there are still some unknowns and more work needs to be done before a decision is made.

Mr. Haynes recused himself.

Ms. LeQuire asked for clarification on the increased amount.

Mr. Bernhardt stated that the Planning Commission, under this ordinance, is authorized 605,000 square feet. They are asking for an amendment to rezone the property to allow a new total of 660,000. If council approved that, it would allow 660,000 plus the potential for 10 percent of 660,000.

Mr. Clifton stated that this deserves more discussion and moved to defer to the September 27, 2102 Planning Commission meeting with the Public Hearing to be reopened for new information only. (7-0-1)

Councilman Claiborne requested dialogue between the parties to iron out some difference prior to the September 27, 2012 Planning Commission meeting.

Resolution No. RS2012-159

"BE IT RESOLVED by The Metropolitan Planning Commission that **18-84P-001** is **DEFERRED** to the **September 27,2012 Planning Commission Meeting**.

Zone Changes

3a. 2005UD-008-001

HAMILTON HILLS (CANCELLATION OF A PORTION)

Map 164, Parcel(s) 044

Council District 33 (Robert Duvall)

Staff Reviewer: Greg Johnson

A request to cancel a portion of the Hamilton Hills Urban Design Overlay District located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road, zoned RM9 and RM20 and proposed for CS (29.9 acres), requested by George Ellis Thomas, owner. (See also Zone Change Proposal No. 2012Z-017PR-001)

Staff Recommendation: Defer to the September 13, 2012, Planning Commission meeting, or disapprove

Deferred to the September 13, 2012 Planning Commission meeting. (8-0)

The Metropolitan Planning Commission DEFERRED 2005UD-008-001 to the September 13, 2012 Planning Commission Meeting. (8-0)

3b. 2012Z-017PR-001

3300 MURFREESBORO PIKE

Map 164, Parcel(s) 044

Council District 33 (Robert Duvall)

Staff Reviewer: Greg Johnson

A request to rezone from the RM9 and RM20 districts to the CS district property located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road (29.9 acres), and located within the Hamilton Hills Urban Design Overlay District, requested by George Ellis Thomas, owner. (See also Urban Design Overlay District Proposal No. 2005UD-008-001)

Staff Recommendation: Defer to the September 13, 2012, Planning Commission meeting, or disapprove

Deferred to the September 13, 2012 Planning Commission meeting. (8-0)

The Metropolitan Planning Commission DEFERRED 2012Z-017PR-001 to the September 13, 2012 Planning Commission Meeting. (8-0)

J. PLANNING COMMISSION ACTIONS

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

No Cases on this Agenda

K. OTHER BUSINESS

4. Amendment #4 to Contract # L-2268 between the Metropolitan Government of Nashville and Davidson County and PB Americas, Inc. for General Planning

Resolution No. RS2012-159

“BE IT RESOLVED by The Metropolitan Planning Commission that the Amendment #4 to Contract # L-2268 between the Metropolitan Government of Nashville and Davidson County and PB Americas, Inc. for General Planning is APPROVED. (8-0)

5. Historic Zoning Commission Report
 6. Board of Parks and Recreation Report
 7. Executive Committee Report
 8. Executive Director Report
 9. Legislative Update
-

L. MPC CALENDAR OF UPCOMING MATTERS

August 23, 2012

Work Session

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

MPC Meeting

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

August 30, 2012

Community Meeting

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

September 13, 2012

MPC Meeting

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

M. ADJOURNMENT

Mr. Haynes out at 7:17 p.m.

Mr. Gee out at 7:17 p.m.

The meeting was adjourned at 7:27 p.m.

Chairman

Secretary