



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, December 13, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chair
Stewart Clifton, Vice Chair
Hunter Gee
Jeff Haynes
Greg Adkins
Derrick Dalton
Phil Ponder
Councilmember Phil Claiborne
Andree LeQuire

Staff Present:

Rick Bernhardt, Executive Director
Kelly Adams, Admin Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Kathryn Withers, Planner III
Joni Priest, Planner III
Anita McCaig, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Scott Morton, Planner II
Tifinie Capehart, Planner II
Duane Cuthbertson, Planner II
Ben Miskelly, Planner I
Amy Diaz-Barriga, Planner I
Susan Jones, Legal

Commissioners Absent: Judy Cummings

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
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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 3:59 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Councilmember Claiborne seconded the motion to adopt the agenda. (9-0)

C. APPROVAL OF NOVEMBER 8, 2012 MINUTES

Mr. Clifton moved and Mr. Gee seconded the motion to approve the November 8, 2012 minutes. (9-0)

D. RECOGNITION OF COUNCILMEMBERS

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. 2012SP-028-001

GREEN AND LITTLE

3. 74-79P-009

BL2012-302 / JOHNSON
NASHBORO VILLAGE (SITE 15)

4. 2012S-130-001

NOELTON

Councilmember Claiborne moved and Mr. Ponder seconded the motion to approve the Deferred Items. (9-0)

F. CONSENT AGENDA

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

5. 2012CP-007-001

WEST NASHVILLE PLAN AMENDMENT

7. 2012CP-014-003

DONELSON-HERMITAGE-OLD HICKORY PLAN AMENDMENT

8. 2012SP-034-001

ACKLEN PARK COTTAGES

9. 2012Z-029PR-001

4223 ASHLAND CITY HIGHWAY & ASHLAND CITY HIGHWAY (UNNUMBERED)

11. 2012NL-002-001

BL2012-327 / WESTERHOLM
THE ICM FOUNDATION

13. 18-84P-002

BURTON HILLS OFFICE BUILDING

14. 2012S-152-001
GARAFOLA ACRES

15. 2012S-160-001
SALEM GARDENS

16. Amendment #1 to Contract #L-2781 between the Nashville Civic Design Center and the Nashville-Davidson County Metropolitan Planning Commission (on behalf of the Nashville Area MPO).

18. Employee contract renewals for Craig Owensby, Brenda Bernards, Tifinie Capehart, Mary Beth Stephens, and Kyle Lampert

Mr. Clifton moved and Mr. Adkins seconded the motion to approve Items 5, 7, 9, 11, 13, 14, 15, 16, and 18. (9-0)

Mr. Clifton moved and Mr. Adkins seconded the motion to approve Item 8. (8-0-1) Chairman McLean recused himself.

G. PREVIOUSLY DEFERRED ITEMS

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

Specific Plans

1. 2012SP-028-001

GREEN AND LITTLE

Map 117-10, Parcel(s) 115-116 Map 117-14, Parcel(s) 042
Council District 25 (Sean McGuire)
Staff Reviewer: Greg Johnson

A request to rezone from OR20 to SP-MU zoning properties located at 2400 Crestmoor Road and at 3813 and 3815 Cleghorn Avenue, at the southwest corner of Crestmoor Road and Cleghorn Avenue (2.09 acres), permitting all uses of the MUG-A district except those uses specified on the plan as prohibited, and utilizing most bulk standards of the MUG-A district, requested by Gresham Smith and Partners, applicant, Green & Little, L.P. Et Al and GLCZ Cleghorn, L.P., owners.

Staff Recommendation: Defer to January 10, 2013, Planning Commission meeting

Deferred to the January 10, 2013 Planning Commission meeting. (9-0)

The Metropolitan Planning Commission Deferred 2012SP-028-001 to the January 10, 2013, Planning Commission meeting. (9-0)

2. 2012SP-032-001

NASHVILLE WEST END

Map 092-16, Parcel(s) 234, 238, 242-245
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Greg Johnson

A request to rezone from MUI-A to SP-MU zoning properties located at 204 and 208 21st Avenue South and at 2003, 2005, 2007 and 2009 Division Street, at the northeast corner of Grand Avenue and 21st Avenue South (1.75 acres), to permit a mixed-use development containing a hotel, multifamily, office and commercial uses, requested by Littlejohn Engineering Associates, applicant, LaGasse Family Partners, LLC, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit 19-story development with residential, hotel, retail, and restaurant uses.

Preliminary SP

A request to rezone from Mixed Use Intensive-Alternative (MUI-A) to Specific Plan-Mixed Use (SP-MU) zoning properties located at 204 and 208 21st Avenue South and at 2003, 2005, 2007 and 2009 Division Street, at the northeast corner of Grand Avenue and 21st Avenue South (1.75 acres), to permit a mixed-use development containing a hotel, multi-family, office and commercial uses.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

This proposal meets several critical planning goals. Meeting the requirements of the MUI-A zoning district for building setbacks, the development will have relatively short street setbacks with building entrances along the street frontages and parking placed away from street frontages, improving upon the walkable design of the surrounding streets. The project will replace existing office and retail buildings, which will intensify development on an infill site. Use of the site is optimized using structured parking that includes above-ground parking and shared parking requirements, allowing for the compact integration of uses. The proposed multi-family dwelling units will provide additional housing choice within the surrounding community. Located along a bus line, the development will add residents to use public transportation and non-residential uses to provide a destination for public transportation users.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

T5 Center Mixed Use Neighborhood Area 2 (T5 MU) is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include the County's major employment centers, representing several sectors of the economy including health care, finance, retail, the music industry, and lodging.

Consistent with Policy?

Yes. The T5 MU policy was approved earlier this year through the Midtown Plan, which examined building form throughout the Midtown area. A special policy was approved within this area along Broadway and 21st Avenue to permit maximum building heights of up to twenty stories. It adds that punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meet the policy. The hotel portion of this SP would reach a maximum height of 19 stories. The site and building design, with its first floor retail space along the street frontage and the placement of parking away from street frontage, meets the general design intent of the T5 MU policy.

REQUEST DETAILS

This SP includes approximately 598,480 square feet of hotel, retail, restaurant, and residential uses.

Building height

The development is designed as two separate elements, a hotel component on the northern half of the site and a residential component on the southern half. Due to the design of the development, these hotel and residential elements will appear as two separate buildings along the Broadway/21st Avenue street frontage. The residential portion of the development has a height of 15 stories and approximately 200 feet. The hotel portion is also approximately 200 feet in height, but includes 17 stories.

The building design meets the MUI-A requirements of the Zoning Code except for building height, which establishes a maximum height of 15 stories in 150 feet. The Midtown Plan, which was approved early this year, recommends building heights of up to 20 stories within this portion of the study area. Based on this recommendation, the proposed building height is consistent with the approved land use policy.

Above-ground structured parking is included as part of the SP. According to the SP, 635 parking spaces are provided, which is equal to the minimum required by the Zoning Code for the proposed land uses.

Signage

A signage plan was submitted with the SP proposal. Ten different sign types are proposed throughout the development. Specific recommendations for changes to the signage plan are listed below:

- Upper facade signs

The sign proposal includes blade and flat wall signs for the upper facades of the development. Blade signs are two-sided signs that are attached to the building with sign faces oriented perpendicularly to the building face. The hotel will have a blade sign on the Broadway frontage and a wall sign on the 20th Avenue frontage. The residential building will have two wall signs on the 21st Avenue frontage. The SP appropriately limits the placement and size of these upper-façade signs.

- Lower façade signs: Several types of building signs are proposed for the first few levels of the building facades. The placement of these signs is appropriate because these signs can interact appropriately with street traffic in front of the site down the street along Broadway and 21st Avenue. Additional illumination requirements will ensure appropriate interaction of these signs with adjacent residential and hotel units.

Flat signs and awning signs are proposed along the first floor frontage. The flat signs are intended to advertise first floor tenants. These signs are aligned on the first floor. To be consistent with typical signage permitted in the Zoning Code, these signs shall be limited to a maximum of two per tenant along each façade. Awning signs can be considered appropriate signs in addition to the standard sign requirements as long as they are modest in size. Awning signs shall have a maximum size of ten square feet each and shall not be back-lit from behind the awning. Several small blade signs and flat building signs are also proposed on first floor of the bank building as small decorative elements in the facade. These signs also shall not be illuminated.

- **South façade:** Sign Type 8 is a flat wall sign that is listed at 1,296 square feet. The sign proposal includes three of these signs on the lower levels of the south façade intended to cover a blank portion of the building wall on the exterior of the parking structure. Placing signage in this area could provide a unique opportunity for a highly visible combination of advertisement and art while covering a blank portion of the façade. However, these could also be intrusive signs if internally-illuminated. Requirements directed toward lighting, text, and logo size will promote signage in this area that is compatible to the surrounding area.

Staff recommends approval of these signs with the following conditions:

1. Off-site advertisement is permitted in this sign area.
2. Internal illumination of this sign area is prohibited. Any illumination of this sign area shall be external and directed from above the sign area.
3. The intent of these signs is to offer an opportunity to provide an artistic presentation, but to allow a supporting commercial message. Therefore, any letters, words, logos, or other commercial identification shall be limited to a maximum of ten percent of each sign.

Street/Alley Improvements

The SP site plan shows the intent for a general redesign of the intersections of Broadway with 20th and 21st Avenues. Specific improvements include a widened sidewalk along the SP frontage and a widened alley at the back of the site to allow for the expected increase in car traffic and deliveries to the site. The proposed improvements have been reviewed by Public Works whose comments and recommendations are shown below.

ANALYSIS

Other than the proposed building height of the development and some of the signage requirements, the SP complies with the requirements of the MUI-A district. The proposed building height is consistent with the land use policy of the Midtown Plan. The proposed signage is appropriate in coordination with the building design and the intent for walkable street frontages.

Public improvements and a traffic impact study have been reviewed and approved by Public Works whose comments are shown below, and have been incorporated into the recommended conditions of approval.

METRO HISTORICAL COMMISSION RECOMMENDATION

There are two historic properties located within the area of this zone change proposal. The commercial building located at 2007 Division Street (092-16-243) is Worthy of Conservation. The apartment building located at 2009 Division Street (092-16-242) is eligible for listing in the National Register of Historic Places as part of a multiple property listing for historic apartment buildings in Nashville. We [Metro Historical Commission staff] believe it to be eligible for listing in the National Register as an individual property, as well.

The site plans accompanying the zone change proposal suggest the future demolition of both buildings. We encourage the applicant to retain the historic buildings and incorporate them into a future project.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- All modifications within the public ROW are to be per the approved TIS.
- The final site design shall ensure appropriate design to accommodate truck turning movements.
- Developer needs to fill out MPW access easement agreement for the 2.5 foot access easement, contact Scott McCormick for a copy of this document.
- Additional comments will follow with the review of the construction documents.

In accordance with the September 2012 traffic impact study (TIS), the following conditions shall be required:

Broadway and 21st Avenue South

1. Realign the eastbound approach of 21st Avenue South to intersect with Broadway at a 90-degree angle. Provide three travel lanes including one exclusive left turn lane, one through lane, and one exclusive right turn lane. The right turn lane shall be channelized onto a new through lane on 21st Avenue South by a raised island with yield control for pedestrians.
2. The northbound approach of 21st Avenue South shall include two through lanes. With the submittal of final construction plans, modifications may be required to the proposed to the eastern curb line to ensure appropriate lane widths for northbound traffic in the curved section of Broadway.
3. The southbound approach of Broadway shall include one left turn lane with approximately 50 feet of dedicated storage and one through lane.
4. The southbound roadside curb line on Broadway shall be designed to accommodate a bus pull-off at the intersection.
5. The project site access shall be provided as the fourth leg of the intersection and shall have separate LT and RT exiting lanes and one entering lane. Align the entering lane with the eastbound through lane of 21st Avenue South.

6. The developer shall signalize the intersection including pedestrian signals for crossing Broadway and 21st Avenue South and communications interconnect.
7. The new traffic signal shall be incorporated into the signal system and coordinated along Broadway/21st Avenue South.
8. Protected/permissive left turn signal phasing shall be provided for the southbound approach of Broadway and the eastbound (realigned) approach of 21st Avenue South. Permissive signal phasing shall be provided for the westbound Site Access approach.
9. Pedestrian crosswalks shall be provided for each leg of the intersection.
10. Any valet services in the proposed motor court, if provided, shall be located internal to the site.

Broadway and Division Street

1. Modify Division Street to provide a two lanes entering the intersection (LT and RT) and a wide receiving lane as shown on the approved plan.
2. Construct an eastbound right turn lane. The right turn lane shall include approximately 65 feet of storage and 55 feet of taper.
3. Modify the pavement markings on Broadway between Division Street and 21st Avenue South to provide a continuous two-way left-turn lane with dedicated left turn storage at 21st Avenue.
4. Modify the westbound approach of Broadway to provide a separate left turn lane and through lane. The left turn lane shall include approximately 75 feet of storage and 90 feet of taper.
5. The existing mid-block pedestrian crosswalk and flasher on Broadway shall be relocated to the east side of Division Street.
6. Provide marked pedestrian crosswalks for the east and south legs.

Hotel Access

1. The hotel porte-cochere shall be designed for one-way operation, with entering access from Broadway and exiting access onto Division Street.
2. The exit shall be designed to restrict left turns onto Division Street by providing a "No Left Turn" sign and a raised median on Division Street.

Division Street and 20th Avenue

1. Provide new all-way stop-control at the intersection.
2. The on-street parking on the west side of 20th Avenue between Division Street and Chet Atkins Place shall be removed.
3. Provide pavement markings at the intersection to include pedestrian crosswalks and stop lines for all approaches.

21st Avenue South and Grand Avenue

1. Provide a dedicated southbound left turn lane on 21st Avenue between the realigned intersection with Broadway and the existing intersection of Grand Avenue.

20th Avenue South and Garage Access (Entering)

1. Construct the garage access on 20th Avenue with two entering lanes and no exiting lanes. The 20th Avenue access shall be for entering traffic only.
2. Any access-control gates shall be located internal to the garage and a minimum of 25 feet from the back of sidewalk or public right-of-way.

Alley and Garage Access (Exiting)

1. Exiting access for the parking structure shall be provided onto alley #447.
2. Widen alley #447 between 20th Avenue and Grand Avenue and dedicate ROW as shown on the approved preliminary SP plans.

Maximum Uses in Existing Zoning District: MUI-A

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	5 F	381,150 SF	3738	548	506

Maximum Uses in Proposed Zoning District: SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	1.75	-	118,400 SF 165 Rooms	1472	99	98

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.75	-	19,320 SF	865	23	68

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurants (932)	1.75	-	19,810 SF	2519	229	221

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family (220)	1.75	-	350 Units	2245	176	211

Traffic changes between maximum: **MUI-A** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3363	-21	+92

SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Eakin Elementary and West End Middle schools have been identified as being over capacity by the Metro School Board. There is capacity for elementary and middle school students within the cluster.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposal is consistent with the T5 MU land use policy and the design standards of the Midtown Plan of 2012. Additionally, the proposed public improvements have been reviewed by Public Works whose comments are included as conditions of approval.

CONDITIONS

1. Except as specifically conditioned below, proposed signs shall follow the requirements of the MUI-A zoning district.
2. Individual first-floor tenants shall be permitted up to two Type 1 flat wall signs along their tenant spaces along the Broadway/21st Avenue frontage. Each sign shall have a maximum square footage of 96 square feet or 15 percent of the area of the tenant space that the sign is placed on, whichever is less. If one tenant occupies a space with more than 140 linear feet of street frontage along the 21st Avenue street frontage, that tenant may display up to three signs with a maximum square footage of 96 square feet for each sign and 200 total square feet.
3. Sign types 3 and 4 (four square foot blade and flat signs) within the signage program shall not be illuminated.
4. Sign type 8 on the south building façade shall be permitted to display off-site advertisement. Internal illumination of this sign type is prohibited. Any illumination of this sign area shall be external and directed at the sign from above the sign area. Any letters, words, logos, or other commercial identification shall be limited to a maximum of ten percent of each sign.
5. Awning signs shall have a maximum size of ten square feet and shall not be back-lit from underneath the awning.
6. The placement of up to two flat wall signs with a combined square footage of up to 200 square feet on the 21st Avenue façade of the residential building is permitted. No portion of these signs may extend above the top of the roof or parapet wall, whichever is greater. The placement of these signs will be reviewed at final site plan.

7. Internally-illuminated blade signs shall have an opaque sign background area. Internal illumination shall include letters and logos only.
8. Individual signs may be modified by the Planning Commission at final site plan review if the intent of the preliminary SP sign program is met.
9. Land uses within this SP shall be limited to multi-family residential, retail, restaurant, bar or nightclub, business service, personal care service, general office, leasing and sales office, hotel, and all uses permitted under the MUI-A zoning district.
10. Development shall comply with all Public Works' conditions listed above.
11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Jeff Beidl, 941 N. Meridian, spoke in support of the application.

Amy Burch, RPM Transportation Consultants, spoke in support of the application and stated that the proposed development will have minimal impact to traffic in the area.

Phillip Percy, Littlejohn Engineering, spoke in support of the application.

Erica Garrison spoke in support of the application and noted that they will continue to work with any property owners that have issues.

Council Lady Gilmore spoke in support of the application and stated that she would like to see this project continue to move forward.

Sydney McCann, 900 20th Ave S, spoke in opposition to the application and stated concerns with increased height, traffic, and congestion.

Elaine Blake, 900 20th Ave S, spoke in opposition to the application and stated concerns with increased traffic. Also noted that she thought the next meeting was not going to be held until January.

Lydia Jones, 621 Westview Ave, spoke in opposition to the application and requested to defer until adequate information could be received from the developer; was told that this would not be on the agenda until January.

Donald Seitz, 900 20th Ave S, spoke in opposition to the application and noted that he was just informed of this meeting two days ago; he was under the impression that the next meeting was in January.

Andy Moatz, 900 20th Ave S, spoke in opposition to the application due to lack of information from the developer, privacy concerns, and height/proximity of the tower.

Erica Garrison noted that the height only changed in a minor way and stated that they would be happy to go out for another community meeting if necessary.

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

Mr. Haynes spoke in support of the application and stated that we need projects like this in order for Nashville to continue to move forward in a positive manner.

Ms. LeQuire spoke in support of the application and expressed appreciation for the willingness to work with the community.

Mr. Clifton stated support of the application due to the similarity of what is already in the area.

Mr. Gee spoke in support of the application.

Mr. Dalton out at 4:38 p.m.

Mr. Ponder stated that this is a perfect project for this area and spoke in support of the application.

Mr. Dalton in at 4:40 p.m.

Councilmember Claiborne spoke in support of the application.

Mr. Haynes moved and Mr. Dalton seconded the motion to approve with conditions. (9-0)

Resolution No. RS2012-234

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-032-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

The proposal is consistent with the T5 MU land use policy and the design standards of the Midtown Plan of 2012.

CONDITIONS:

- 1. Except as specifically conditioned below, proposed signs shall follow the requirements of the MUI-A zoning district.**
- 2. Individual first-floor tenants shall be permitted up to two Type 1 flat wall signs along their tenant spaces along the Broadway/21st Avenue frontage. Each sign shall have a maximum square footage of 96 square feet or 15 percent of the area of the tenant space that the sign is placed on, whichever is less. If one tenant occupies a space with more than 140 linear feet of street frontage along the 21st Avenue street frontage, that tenant may display up to three signs with a maximum square footage of 96 square feet for each sign and 200 total square feet.**
- 3. Sign types 3 and 4 (four square foot blade and flat signs) within the signage program shall not be illuminated.**
- 4. Sign type 8 on the south building façade shall be permitted to display off-site advertisement. Internal illumination of this sign type is prohibited. Any illumination of this sign area shall be external and directed at the sign from above the sign area. Any letters, words, logos, or other commercial identification shall be limited to a maximum of ten percent of each sign.**
- 5. Awning signs shall have a maximum size of ten square feet and shall not be back-lit from underneath the awning.**
- 6. The placement of up to two flat wall signs with a combined square footage of up to 200 square feet on the 21st Avenue façade of the residential building is permitted. No portion of these signs may extend above the top of the roof or parapet wall, whichever is greater. The placement of these signs will be reviewed at final site plan.**
- 7. Internally-illuminated blade signs shall have an opaque sign background area. Internal illumination shall include letters and logos only.**
- 8. Individual signs may be modified by the Planning Commission at final site plan review if the intent of the preliminary SP sign program is met.**
- 9. Land uses within this SP shall be limited to multi-family residential, retail, restaurant, bar or nightclub, business service, personal care service, general office, leasing and sales office, hotel, and all uses permitted under the MUI-A zoning district.**
- 10. Development shall comply with all Public Works' conditions listed above.**

11. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
13. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
14. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Planned Unit Developments

3. 74-79P-009

BL2012-302 / JOHNSON
NASHBORO VILLAGE (SITE 15)
Map 135, Parcel(s) 418
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, zoned R10 (3.46 acres), to permit neighborhood retail uses not to exceed one story, where 27,600 square feet of commercial uses were previously approved, requested by Councilmember Karen Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: Defer Indefinitely

Deferred Indefinitely (9-0)

The Metropolitan Planning Commission Indefinitely Deferred 74-79P-009. (9-0)

Subdivision: Final Plats

4. 2012S-130-001

NOELTON
Map 118-09, Parcel(s) 180
Council District 25 (Sean McGuire)
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create five lots on property located at 3400 Lealand Lane, at the southeast corner of Lealand Lane and Noelton Avenue (1.42 acres), zoned R10, requested by Clifford O. Richmond, owner, Patrick Coode and Company, LLC, surveyor.

Staff Recommendation: Defer to January 10, 2013, Planning Commission meeting

Deferred to the January 10, 2013 Planning Commission meeting. (9-0)

The Metropolitan Planning Commission Deferred 2012S-130-001 to the January 10, 2013 Planning Commission meeting. (9-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

Community Plan Amendments

5. 2012CP-007-001

WEST NASHVILLE PLAN AMENDMENT

Map 103-02, Parcel(s) 032-035
Council District 20 (Buddy Baker)
Staff Reviewer: Anita Mccaig

A request to amend the West Nashville Community Plan: 2009 Update by changing the Community Character Policy from Suburban Neighborhood Evolving (T3 -NE) to Urban Mixed Use Neighborhood (T4-MU) policy for properties located at 200, 202, 204 and 206 Ocoola Avenue, at the northeast corner of Ocoola Avenue and Burgess Avenue (0.91 acres), requested by the Metro Planning Department, applicant, D.H.J. Associates and Somers Properties, LLC, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Change the policy from Suburban Neighborhood Evolving to Urban Mixed Use Neighborhood.

Amend the Community Plan

A request to amend the West Nashville Community Plan: 2009 Update by changing the Community Character Policy from Suburban Neighborhood Evolving (T3 -NE) to Urban Mixed Use Neighborhood (T4-MU) policy for properties located at 200, 202, 204 and 206 Ocoola Avenue, at the northeast corner of Ocoola Avenue and Burgess Avenue (0.91 acres).

BACKGROUND

On April 24, 2012, the Planning Commission recommended approval of a zone change from R6 (One and Two Family Residential) to SP (Specific Plan) for office-type uses for the properties at 200, 202, 204 and 206 Ocoola Avenue. The motion adopted by the Planning Commission included a directive that staff prepare a "housekeeping" amendment to the community plan to bring the land use policy for these four properties in conformance with the approved SP zoning.

As this is a housekeeping amendment, no community meeting is required. However, notice of the public hearing was sent to the area Councilmember, property owners within 500 feet of the Ocoola properties, and area neighborhood associations.

WEST NASHVILLE COMMUNITY PLAN

Current Policy

Suburban Neighborhood Evolving (T3-NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing – challenges that were not faced when the original classic suburban neighborhoods were built.

Proposed Policy

Urban Mixed Use Neighborhood (T4-MU) policy is intended to preserve, enhance or create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

ANALYSIS

These four properties are located on the northeastern corner of Ocoola Avenue and Burgess Avenue. To the north and east are commercial and office uses; to the west and south are residential uses of varying densities. In addition, the properties are located at the junction of three policy categories – Suburban Neighborhood Evolving, Suburban Mixed Use Corridor, and Urban Mixed Use Neighborhood.

The recent rezoning of the properties to Specific Plan for office-type uses is not consistent with the residential-only Suburban Neighborhood Evolving policy. This amendment is an expansion of the adjacent Urban Mixed Use Neighborhood (T4-MU) policy to recognize the recently approved office rezoning. The T4-MU policy is consistent with the approved zoning and the planned land use on the properties. These properties with their lower intensity office-type uses can serve as a transition between the adjacent residential uses and the adjacent mixed use along White Bridge Road to the east and along Oceola Avenue to the north. In the *Community Character Manual* (CCM), language is included with Mixed Use policy that describes appropriate transitions with adjacent policy areas.

STAFF RECOMMENDATION

Staff recommends approval of the Urban Mixed Use Neighborhood (T4-MU) policy.

Since appropriate transition language is included in the CCM, there are no special policies associated with either of the policy areas in the *West Nashville Community Plan: 2009 Update* that need to be added with the proposed amendment.

Approved (9-0), Consent Agenda

Resolution No. RS2012-235

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-007-001 is **Approved**.

6a. 2012CP-011-001

SOUTH NASHVILLE PLAN AMENDMENT

Map 119-13, Parcel(s) 286
Council District 16 (Tony Tenpenny)
Staff Reviewer: Anita Mccaig

A request to amend the South Nashville Community Plan: 2007 Update and its accompanying Nolensville Pike Corridor Detailed Neighborhood Design Plan by changing the Detailed Land Use Policy, Single-Family Attached and Detached in Neighborhood General (SFAD in NG), to Transition or Buffer in Neighborhood General (TB in NG) policy for property located at 316 Tanksley Avenue, approximately 240 feet east of Nolensville Pike (0.26 acres), requested by Snyder Engineering, PLLC, applicant, Andrew Ford, Lee Ford and Thomas Ford, Jr., owners (See also Specific Plan Proposal No. 2012SP-029-001).

Staff Recommendation: Disapprove or defer indefinitely

APPLICANT REQUEST

Change the land use policy from Single-Family Attached and Detached in Neighborhood General to Transition or Buffer in Neighborhood General.

Major Plan Amendment

A request to amend the South Nashville Community Plan: 2007 Update and its accompanying Nolensville Pike Corridor Detailed Neighborhood Design Plan by changing the Detailed Land Use Policy Single-Family Attached and Detached in Neighborhood General (SFAD in NG) to Transition or Buffer in Neighborhood General (TB in NG) policy for property located at 316 Tanksley Avenue, approximately 240 feet east of Nolensville Pike (0.26 acres).

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

Current Policy

Single-Family Attached and Detached in Neighborhood General (SFAD in NG) policy is a detailed land use policy. NG policy is intended to meet a spectrum of housing needs that is carefully arranged, not randomly located. SFAD policy adds more detail to the NG policy by calling for a mixture of single-family housing that varies based on the size of the lot and the placement of buildings, either stand-alone single-family housing or attached single-family housing, such as townhomes.

Proposed Policy

Transition or Buffer in Neighborhood General (TB in NG) policy, another detailed land use policy, is intended to provide a transition from intense commercial activity to a more residential character. Uses should complement adjacent residential in overall scale, character and function, but may have a limited commercial or mixed-use component.

BACKGROUND

The property at 316 Tanksley is located on the north side of Tanksley, east of Nolensville Road. It has been residentially zoned for decades, although it appears a residential structure has never been built on it. The property was recently acquired by a tire recapping business (that is located across Tanksley, on the south side). However, the business has been using the property for years to store their rubber materials in tractor-trailer trucks. The property owners have requested a plan amendment and rezoning in order to legally use this property. Their plans include constructing a 1,200 square foot storage building for the materials and parking spaces for employees.

The South Nashville Community Plan was last updated in 2007. As part of that update process, the community, the councilmember and Planning staff completed a detailed neighborhood design plan for the section the Nolensville Pike corridor that includes this area of Tanksley Avenue. The *Nolensville Pike Corridor Detailed Neighborhood Design Plan* (DNDP), adopted in 2007, provides guidance, on a parcel-by-parcel basis for the appropriate land use and development character based upon the neighborhood's goals and objectives.

The overarching goal of the Nolensville Pike Corridor DNDP is to shape the corridor into a walkable community with a mix of shopping, dining, entertainment, residential and employment opportunities. This would transform the corridor from one that mainly serves people passing through into one that contains uses that serve the surrounding neighborhoods.

Adjacent to the corridor, along its length, are predominantly single-family neighborhoods. In strategic locations, the decision was made to buffer the commercial corridor from the adjacent single-family residential through applying a policy that allows for higher density housing but retains residential uses. Higher density housing not only serves as a transition but also provides additional residences for more consumers to support improved commercial. Beyond those benefits, providing more housing opportunities also helps achieve the community's desire to enhance the pedestrian environment and increase transit and bicycle usage.

COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on November 12, 2012. It was attended by approximately 35 people from the surrounding Glenclyff Neighborhood, including the area councilmember. Several attendees expressed various concerns about the business's current impact to the community and future impact if the property were rezoned. Attendees were mainly concerned that the:

- proposed rezoning, if approved, would allow commercial to intrude into the adjacent residentially-zoned single-family neighborhood;
- proposed rezoning, if approved, would set a precedent for other businesses to expand into residential areas in other locations along the Nolensville Road corridor;
- business impacts the adjacent residential area on a daily basis by continually moving goods and people back and forth across Tanksley Avenue from the main business to the parcel in question and often blocks the street and creates a dangerous situation (moving goods back and forth across Tanksley Avenue would continue if the rezoning is approved);
- business is not aesthetically pleasing and often there is trash, debris and outdoor storage on their properties; and
- business allows employees and customers to park on Tanksley Avenue, blocking the street, as well as parking on the sidewalk along Nolensville Road and creating a hazard.

Despite these concerns, some attendees thought that perhaps some of the unsightly existing conditions on the 316 Tanksley property could be improved with the property being rezoned and cleaned up – including the construction of a storage building, a paved parking area with defined parking spaces for employees, and landscaping and a masonry wall buffering this use from the adjacent single-family residential property. Others disagreed, including several nearby neighbors along Tanksley Avenue, for the reasons above, and they remained more concerned about the proposed uses not being a quality transition, as envisioned by the Nolensville Pike DNDP, to the adjacent residential area.

ANALYSIS

The property at 316 Tanksley Avenue is located between a commercial business (currently an auto parts store that is in the process of relocating to another building) and a single-family residential house. Even though the property at 316 Tanksley does not currently contain a house, it remains zoned residential.

To the south of this property, along Tanksley Avenue, is another single-family house. On Collier Avenue, one block north of Tanksley Avenue, businesses along Nolensville Pike have extended parking lots into residential areas over the years by replacing houses with parking areas. The expansion of commercial related parking areas concerns some community members. While the existing tire-recapping business provides a needed service, one of the objectives of the Nolensville Pike DNDP is to discourage auto-oriented uses near residential neighborhoods. Allowing an auto-oriented use to expand further into the residential neighborhood is even more troubling, especially with the community's focus on preserving residential character.

Approving this plan amendment at this time may create negative implications for other properties in the area. Without a clearly defined boundary to limit any commercial expansion, the potential exists for fragmented business expansion into the adjacent residential neighborhoods. In the future, it may be possible to have strategic, defined areas that allow some business expansion, especially in areas where the depth of commercial lots along corridors is extremely shallow. However, that discussion needs to occur as part of the larger discussion of commercial corridors and nodes, including appropriate depth. This larger discussion will

occur as part of the Nashville General Plan update. Decisions regarding business expansion into residential areas should not be made on a case-by-case basis in the absence of overall guiding principles.

Guidance for appropriate transitions between the corridor's commercial uses and single-family residential areas is provided in the Nolensville Pike Corridor DNDP. The DNDP envisions denser housing options, such as townhomes and cottages while retaining residential uses, that provide design and operational elements transitioning from a retail/commercial environment to single-family residential environment. Although it can be theorized that the applicant's proposal creates a better-designed site than what currently exists, a larger issue still remains. This proposal violates the vision for this community by allowing a commercial use to extend into the residential neighborhood, even if the site plan and operations are constrained and modified through the accompanying SP application. Any area of transition, whatever its ultimate extent, is made stronger by maintaining the character, scale, and function of the adjacent residential environment and needs to be held to a standard of compatibility.

STAFF RECOMMENDATION

Staff recommends disapproval of the request due to conflict with the community vision and precedent for the larger community that will be set if this expansion is allowed at this location. It may be possible to defer the plan amendment and accompanying rezoning request indefinitely until the larger issue of commercial property depth along Nashville's corridors can be analyzed, discussed, and guidance provided as part of the Nashville General Plan update.

Items 6a and 6b were presented and heard together.

Ms. McCaig presented the staff recommendation of disapproval or deferral.

Tony Sneider, applicant representing the property owner, spoke in support of the application.

Thomas Ford, owner, spoke in support of the application.

Anna Page, 222 Wheeler Ave, spoke in opposition to the application and stated that Tire Recappers has outgrown their location and she does not want to set a precedent for more commercial encroachment.

Janis Sontany, 199 Chilton Street, spoke in opposition to the application due to safety concerns.

Irene Kelley, 262 Collier Ave, spoke in opposition to the application due to setting a precedent and encroachment into the neighborhood.

Dee Dee Brickner, 4016 Copeland Drive, spoke in opposition to the application.

Mike Freeman, 264 Tanksley Ave, spoke in opposition to the application.

Sherah Carney, 307 Tanksley Ave, spoke in opposition to the application.

Austin Growe, 306 Tanksley Ave, spoke in opposition to the application.

Councilmember Tenpenny spoke in support of the application and noted that this would give the first true buffer between Nolensville Road and the neighborhood.

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

Councilmember Claiborne expressed hesitation to go against the Community Plan.

Mr. Ponder spoke in support of staff recommendation of disapproval.

Mr. Clifton spoke in support of staff recommendation of disapproval.

Mr. Adkins moved and Mr. Dalton seconded the motion to disapprove. (9-0)

Resolution No. RS2012-236

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-011-001 is **Disapproved. (9-0)**

6b. 2012SP-029-001

TANKSLEY AVENUE

Map 119-13, Parcel(s) 286
Council District 16 (Tony Tenpenny)
Staff Reviewer: Duane Cuthbertson

A request to rezone from RS10 to SP-A zoning and for final site plan approval for property located at 316 Tanksley Avenue, approximately 240 feet east of Nolensville Pike (0.26 acres), to permit accessory vehicle parking and a one-story, approximately 1,200 square foot accessory storage building, requested by Snyder Engineering, PLLC, applicant, Andrew Ford, Lee Ford and Thomas Ford, Jr., owners (See also Community Plan Amendment Proposal No. 2012CP-011-001).

Staff Recommendation: Disapprove or defer indefinitely

APPLICANT REQUEST

Permit automobile parking and warehouse uses.

Preliminary and final SP

A request to rezone from Single-Family Residential (RS10) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 316 Tanksley Avenue, approximately 240 feet east of Nolensville Pike (0.26 acres), to permit accessory vehicle parking and a one-story, approximately 1,200 square foot accessory storage building.

Existing Zoning

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

Proposed Zoning

Specific Plan – Auto (SP-A) 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 automobile uses.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

Single-Family Attached and Detached in Neighborhood General (SFAD in NG) policy is a detailed land use policy. NG policy is intended to meet a spectrum of housing needs that is carefully arranged, not randomly located. SFAD policy adds more detail to the NG policy by calling for a mixture of single-family housing that varies based on the size of the lot and the placement of buildings, either stand-alone single-family housing or attached single-family housing, such as townhomes.

Proposed Policy

Transition or Buffer in Neighborhood General (TB in NG) policy, another detailed land use policy, is intended to provide a transition from intense commercial activity to a more residential character. Uses should complement adjacent residential in overall scale, character and function, but may have a limited commercial or mixed-use component.

Consistent with Policy?

The proposed SP is not consistent with the existing policy. The proposed SP is consistent with the proposed land use policy however the staff recommendation for the accompanying plan amendment is to disapprove or defer indefinitely until the larger issue of commercial property depth along Nashville's corridors can be analyzed and discussed, and guidance provided as part of the Nashville General Plan update.

PLAN DETAILS

This SP request proposes to establish a parking lot and a 1,200 square foot storage/warehouse building on an undeveloped residential lot. The lot is located on a local street (Tanksley) between the Nolensville Pike commercial corridor to the west and a single-family residential neighborhood to the east. The applicant operates a tire recapping facility to the southwest of the subject property at the corner of Nolensville Pike and Tanksley Avenue. The applicant currently uses the residentially zoned subject lot, illegally, to park vehicles and store materials in trailers. The applicant would like to permit the parking of employee vehicles on the site as well as store materials related to the tire recapping business in the proposed storage building.

Site Plan

The SP proposes to establish a 13 space paved parking area on the subject property. A one story 1,200 square foot storage building will be located at the rear of the site in the northeast corner. The storage building will be constructed of block material. A ten foot landscape area and a six foot tall masonry wall will separate the parking area from the adjacent residential property to the east. A landscaped area as well as a masonry wall will also separate the parking area from the street. Vehicular access will be limited to a 24 foot wide drive from Tanksley Avenue. A planted and irrigated strip will provide physical separation between the subject property and the adjacent commercial property to the west.

The uses proposed with this SP will be limited to automobile parking and warehouse (storage of materials inside the proposed storage building). Inoperable vehicles and tractor trailers will not be permitted to be stored on the subject property with this SP.

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.

STAFF RECOMMENDATION

Staff recommends disapproval as the proposed SP is not consistent with the existing Land Use Policy for the subject property or defer indefinitely with the accompanying plan amendment (2012CP-011-001) until the larger issue of commercial property depth along Nashville's corridors can be analyzed, discussed, and guidance provided as part of the Nashville General Plan update.

CONDITIONS (if approved)

1. This SP shall permit automobile parking and warehouse uses only. All storage on the site, other than operable vehicles, shall be within an enclosed building.
2. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Items 6a and 6b were heard and discussed together.

Mr. Cuthbertson presented the staff recommendation of disapproval or deferral.

Tony Sneider, applicant representing the property owner, spoke in support of the application.

Thomas Ford, owner, spoke in support of the application.

Anna Page, 222 Wheeler Ave, spoke in opposition to the application and stated that Tire Recappers has outgrown their location and she does not want to set a precedent for more commercial encroachment.

Janis Sontany, 199 Chilton Street, spoke in opposition to the application due to safety concerns.

Irene Kelley, 262 Collier Ave, spoke in opposition to the application due to setting a precedent and encroachment into the neighborhood.

Dee Dee Brickner, 4016 Copeland Drive, spoke in opposition to the application.

Mike Freeman, 264 Tanksley Ave, spoke in opposition to the application.

Sherah Carney, 307 Tanksley Ave, spoke in opposition to the application.

Austin Growe, 306 Tanksley Ave, spoke in opposition to the application.

Councilmember Tenpenny spoke in support of the application and noted that this would give the first true buffer between Nolensville Road and the neighborhood.

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

Councilmember Claiborne expressed hesitation to go against the Community Plan.

Mr. Ponder spoke in support of staff recommendation of disapproval.

Mr. Clifton spoke in support of staff recommendation of disapproval.

Mr. Adkins moved and Mr. Dalton seconded the motion to disapprove. (9-0)

Resolution No. RS2012-237

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-029-001 is **Disapproved. (9-0)**

The proposed SP is not consistent with the existing Single-Family Attached and Detached in Neighborhood General land use policy.

7. 2012CP-014-003

DONELSON-HERMITAGE-OLD HICKORY PLAN AMENDMENT

Map 053-07, Parcel(s) 011

Council District 11 (Darren Jernigan)

Staff Reviewer: Tifinie Capehart

A request to amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update to change the Land Use Policy from Single-Family Detached in Neighborhood General to District Office Concentration policy for property located at 1813 Golf Club Road, at the northeast corner of Golf Club Road and Old Hickory Boulevard (0.64 acres), requested by the Metro Planning Department, applicant, David Holmes, owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Change policy from Single-Family Detached in Neighborhood General to District Office Concentration

Amend the Community Plan

A request to amend the Donelson – Hermitage – Old Hickory Community Plan: 2004 Update to change the Land Use Policy from Single-Family Detached in Neighborhood General to District Office Concentration policy for property located at 1813 Golf Club Road, at the northeast corner of Golf Club Road and Old Hickory Boulevard (0.64 acres).

BACKGROUND ANALYSIS

This community plan amendment is a housekeeping amendment being undertaken by the Planning Staff at the direction of the Metro Planning Commission. On September 27, 2012, the Metro Planning Commission approved a zone change from R15 Residential (One and Two Family minimum 15,000 square foot lot) to Specific Plan - Commercial District (SP-C) to permit a building contractor supply use (greenhouses) and accompanying office use on property located at 1813 Golf Club Road. This plan amendment will make the community plan policy consistent with the new zoning.

CRITICAL PLANNING GOALS

N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Current Policy

Single-Family Attached and Detached in Neighborhood General (SFAD in NG) policy is a detailed land use policy. NG policy is intended to meet a spectrum of housing needs that is carefully arranged, not randomly located. SFAD policy adds more detail to the NG policy by calling for a mixture of single-family housing that varies based on the size of the lot and the placement of buildings, either stand-alone single-family housing or attached single-family housing, such as townhomes.

Proposed Policy

District Office Concentration (D-OC) policy is intended to preserve, enhance, and create districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities as characterized by development patterns, building form, land use, and associated public realm.

D-OC is typically applied to a collection of properties with similar land uses that operate to form a district, however in this instance the policy is applied to one property at the northeast corner of Golf Club Road and Old Hickory Boulevard. The application D-OC policy is appropriate in this location because it provides an appropriate transition from the Old Hickory Boulevard corridor to the residential neighborhood behind the corridor. The subject property is also adjacent to an existing medical office that is zoned OR20. The application of D-OC on the subject property sets an appropriate precedent for the application of D-OC policy on the medical office property in the future.

COMMUNITY NOTIFICATION

Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 500 feet of the subject site.

STAFF RECOMMENDATION

Approve.

Approved (9-0), Consent Agenda

Resolution No. RS2012-238

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-014-003 is **Approved. (9-0)**

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

8. 2012SP-034-001

ACKLEN PARK COTTAGES

Map 104-01, Parcel(s) 374-375
Council District 24 (Jason Holleman)
Staff Reviewer: Duane Cuthbertson

A request to rezone from R6 to SP-R zoning properties located at 414 and 416 Acklen Park Drive, approximately 360 feet west of Park Circle (0.83 acres), to permit 8 residential units, requested by Dale & Associates, applicant, Kenneth T. Saunders et ux and Grace and Billy McKay, owners.

Staff Recommendation: Approve with conditions, including the revised conditions from Metro Public Works, and disapprove without all conditions

APPLICANT REQUEST

Permit eight detached residential units.

Preliminary SP

A request to rezone from One and Two Family Residential (R6) to Specific Plan-Residential (SP-R) zoning properties located at 414 and 416 Acklen Park Drive, approximately 360 feet west of Park Circle (0.83 acres), to permit a maximum of eight residential units.

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.

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

This SP enables the needed flexibility to provide additional housing on two pie shaped residential lots containing considerably more depth and area than many similarly zoned lots in the surrounding area. The development will introduce sidewalks onto a street that serves as a connection to a more densely developed area east of I-440.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

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

Consistent with Policy?

Yes. The proposed development provides housing on the property in a manner that is consistent with the policy. The RM policy permits a density up to nine dwelling units per acre. The RM policy area of the surrounding neighborhood including the subject property currently has a density of 6.5 dwelling units per acre. The proposed development would raise the neighborhood's density to 6.7 dwelling units per acre, well under the density threshold set by the policy. The proposed development will maintain the character and scale of the surrounding neighborhood.

PLAN DETAILS

This SP request proposes eight detached single-family dwellings on the two residential parcels in place of the two existing single-family dwellings. The properties are located in the bend of Acklen Park Drive near the middle of the block and abut a railroad right-of-way to the west. The surrounding neighborhood consists predominantly of single-family detached homes however there is a 12 unit multi-family building located on the same block to the south. There are also duplexes found in the surrounding neighborhood

Site Plan

The SP proposes eight detached single-family dwellings, all surrounding a central courtyard. The two dwellings fronting Acklen Park Drive will be oriented to the street, front entries facing and façade's aligned with the street, in a manner consistent with the existing pattern found in the neighborhood.

As proposed the site density is approximately 9.6 units per acre. The following bulk standards would apply:

Max Units – 8

Max FAR – 60 percent (42 percent proposed)

Max ISR – 70 percent (59 percent proposed)

Front Yard Setback – 30 feet*

Side Yard Setback – 10 feet (25 feet setback along the railroad)

Rear Yard Setback – 20 feet from property line

Max Height – Buildings fronting Acklen Park Drive shall be limited in height to 25 feet at the bottom of the eave and 35 feet at the top of the roof. For all other buildings the maximum building height shall be 35 feet at the bottom of the eave and 45 feet at the top of the roof.

**The plan permits covered porches, stoops and balconies to encroach into established setbacks up to six feet. The plan permits bay windows to encroach into established setbacks up to two feet.*

Vehicular access to the development will be limited to two points of a one-way wrap around driveway. The parking provided on-site exceeds the number of spaces required by code and will be located attached in the rear of the dwellings or on site behind the dwellings fronting the street. A sidewalk will be established along the Acklen Park Drive frontage in front of a proposed knee-wall.

Staff Analysis

As stated above the request is consistent with the areas RM land use policy. The plan supports infill development, helps to promote a walkable neighborhood and provides for a wider range of housing options in the area while maintaining the general character found in the neighborhood. The intent of the SP is to maintain the single-family residential pattern found along Acklen Park Drive while accommodating additional density on the property.

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Sylvan Park Paideia Design Center, West End Middle School, and Hillsboro High School. Sylvan Park is identified as under capacity. This information is based upon data from the school board last updated November 2012.

PUBLIC WORKS RECOMMENDATION

Project is under review.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Attached/Detached (210)	0.83	7.71 D	7 U*	67	6	8

*Accounts for six lots with one duplex unit permitted by zoning.

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
Single-Family Detached (210)	0.83	-	8 U	77	6	9

Traffic changes between maximum: **R6** 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
-	-	-	+1	+10	0	+1

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The request is consistent with the site's Residential Medium land use policy and meets several critical planning goals.

CONDITIONS

1. Uses within the SP shall be limited to a maximum of eight residential units.
2. The requirements of the Public Works Department shall be met.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Public Works Department staff has provided two conditions of approval related to the approval of the Preliminary SP.

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. Provide signage and striping for the entrance per discussion with EOR M. Garrigan.

Staff Recommendation: Approve with conditions, including the revised conditions of the Public Works Department.

Approved with conditions, including the revised conditions from Metro Public Works, and disapproved without all conditions. (8-0-1), Consent Agenda

Resolution No. RS2012-239

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-034-001 is **Approved with conditions, including the revised conditions from Metro Public Works, and disapprove without all conditions. (8-01)**

The request is consistent with the site's Residential Medium land use policy and meets several critical planning goals.

CONDITIONS

- 1. Uses within the SP shall be limited to a maximum of eight residential units.**
- 2. The requirements of the Public Works Department shall be met.**
- 3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
- 4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
- 5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
- 6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.**

Public Works Department staff has provided two conditions of approval related to the approval of the Preliminary SP.

- 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. Provide signage and striping for the entrance per discussion with EOR M. Garrigan.**

Staff Recommendation: Approve with conditions, including the revised conditions of the Public Works Department.

Zone Changes

9. 2012Z-029PR-001

4223 ASHLAND CITY HIGHWAY & ASHLAND CITY HIGHWAY (UNNUMBERED)

Map 069, Parcel(s) 061, 077

Council District 01 (Lonnell Matthews, Jr.); 02 (Frank R. Harrison)

Staff Reviewer: Jason Swaggart

A request to rezone from IWD and RS15 to AR2a zoning for properties located at 4223 Ashland City Highway and Ashland City Highway (unnumbered), approximately 1,900 feet east of Stewarts Lane and partially located within the Floodplain Overlay District (53.41 acres), requested by Robert and Melinda Mills, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Rezone from IWD and RS15 to AR2a.

Zone Change

A request to rezone from Industrial Warehousing and Distribution (IWD) and Single-Family Residential (RS15) to Agricultural and Residential (AR2a) zoning for properties located at 4223 Ashland City Highway and Ashland City Highway (unnumbered), approximately 1,900 feet east of Stewarts Lane and partially located within the Floodplain Overlay District (53.41 acres).

Existing Zoning

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

Single-Family Residential (RS15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

Floodplain Overlay District (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

CRITICAL PLANNING GOALS

N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Natural Conservation (NCO) policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Residential Low (RL) policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Consistent with Policy?

Yes, both the Natural Conservation and the Residential Low land use policies support the requested AR2a zoning. Staff would note that Mineral Extraction is permitted within the AR2a district as a Special Exception. While the policies do not support Mineral Extraction, a use is not tied to this application nor does the application process require a use to be specified.

METRO SCHOOL BOARD REPORT

This request represents a downzoning and will not create any additional school students.

STORMWATER RECOMMENDATION

Ignore

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

*Since this request represents a downzoning then no traffic table was prepared

STAFF RECOMMENDATION

Since the proposed AR2a zoning district is consistent with the land use policies, staff recommends that the request be approved.

Approved (9-0), Consent Agenda

Resolution No. RS2012-240

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-029PR-001 is **Approved. (9-0)**"

10. 2012Z-031PR-001
MURFREESBORO PIKE (UNNUMBERED)

Map 164, Parcel(s) 121
 Council District 33 (Robert Duvall)
 Staff Reviewer: Greg Johnson

A request to rezone from AR2a to CS zoning property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Pin Hook Road (1.6 acres), requested by Stephen J. Kozy, owner.

Staff Recommendation: Disapprove

APPLICANT REQUEST
Rezoning from AR2a to CS

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Commercial Service (CS) zoning for property located at Murfreesboro Pike (unnumbered), at the southeast corner of Murfreesboro Pike and Pin Hook Road (1.6 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

ANTIOCH - PRIEST LAKE COMMUNITY PLAN

T3 Mixed Use Corridor (T3 CM) is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

No. Although many of the commercial uses permitted in CS zoning are not necessarily inconsistent with the land use policy, the Community Character Manual requires a plan based zoning district such as an SP or an overlay district such as a UDO to ensure that the design characteristics of the land use policy are carried out as intended by the Antioch-Priest Lake Community Plan. Until a site plan is submitted to accompany the zone change request, the zone change request is premature.

A plan based zoning district or overlay will ensure that design elements of the land use policy are carried out. Specific design issues include:

- The placement of parking away from street frontages.
- The orientation of buildings and building entrances to street frontages.
- The placement of landscaping along street frontages.
- Appropriate sizing and illumination of signage for proposed uses.
- Connectivity of internal walkways to street frontages.

PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development

Typical Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.6	0.5 D	1L	10	1	2

Typical Uses in Proposed Zoning District: **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Retail (814)	1.6	0.168 F	11,708 SF	539	17	50

Traffic changes between typical: **AR2a** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+529	+16	+48

Maximum Uses in Existing Zoning District: **AR2a**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	1.6	0.5 D	1L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Strip Retail (814)	1.6	0.6 F	41,817 SF	1827	41	122

Traffic changes between maximum: **AR2a** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1817	+40	+120

STAFF RECOMMENDATION

Staff recommends disapproval of the zone change request. Consistency with the T3 CM land use policy cannot be determined for this request until a site plan for the proposed development is submitted through an SP zone change or a design-based overlay zoning district.

Mr. Johnson presented the staff recommendation of disapproval.

Pat McDonald, spoke in support of the application.

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

Mr. Adkins spoke in support of deferral due to lack of a site plan.

Mr. Gee left at 5:31 p.m.

Mr. Clifton spoke in support of deferral.

Councilmember Claiborne spoke in support of deferral.

Mr. Adkins noted that the MPC is not opposed, they just need a site plan.

Mr. Adkins moved and Mr. Clifton seconded the motion to defer to the January 10, 2013 Planning Commission meeting. (8-0)

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-031PR-001 is **Deferred to the January 10, 2013, Planning Commission meeting. (8-0)**

Neighborhood Landmark Overlays

11. 2012NL-002-001

BL2012-327 / WESTERHOLM

THE ICM FOUNDATION

Map 093-04, Parcel(s) 050

Council District 06 (Peter Westerholm)

Staff Reviewer: Brenda Bernards

A request to apply a Neighborhood Landmark Overlay District on property located at 608 Shelby Avenue, opposite Boscobel Street (0.26 acres), zoned R8, requested by The ICM Foundation, owner, and the Metro Historical Commission, applicant.

Staff Recommendation: Approve

APPLICANT REQUEST

Apply a Neighborhood Landmark Overlay District

Neighborhood Landmark Overlay District

A request to apply a Neighborhood Landmark Overlay District on property located at 608 Shelby Avenue, opposite Boscobel Street (0.26 acres), zoned One and Two Family Residential (R8).

Existing Zoning

One and Two Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots.

Proposed Zoning

Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

CRITICAL PLANNING GOALS

N/A

PROPERTY HISTORY

The property at 608 Shelby Avenue was acquired by the East View Church of Christ to accommodate the growing congregation. The church was completed in 1951 and served the East Nashville community for almost 60 years. The church was both a place of worship and the provider of community services consistent with the mission of the church. When the church's attendance was reduced to 12 to 15 members, the property was donated to the Inner-City Ministry Foundation (ICM). This foundation continues to use the building to serve the adjacent community.

CRITERIA FOR CONSIDERATION

Under Section 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that "has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood." To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are as follows:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

As noted above, this church has been in place since 1951. The congregation, and now the ICM Foundation, has served the neighborhood for that time. Rezoning this property to a district that would permit commercial uses would be inconsistent with the surrounding residentially zoned properties. Retaining the building will preserve a recognizable structure within this neighborhood.

Section 17.40.160 of the Zoning Code requires that Neighborhood Landmarks meet the following six criteria:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the Neighborhood Landmark is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the Neighborhood Landmark designation and return the district to the base zoning district prior to the application of the district.
5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate Neighborhood Landmark Plan as a means of preserving the designated feature.
6. All other provisions of this section have been followed.

STAFF FINDING

The purpose of this Neighborhood Landmark is to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. By placing a Neighborhood Landmark District Overlay on this property, the structure can be preserved. With the ability to adaptively reuse the site, improvements and maintenance to the structure can be made and any nuisances a commercial use may have on the adjoining properties can be mitigated.

Based on the criteria outlined in the Zoning Code, this property meets the standards to be considered as a landmark. However, staff recommends that the Commission also consider what information surrounding neighbors bring to the public hearing since the neighbors may be able to provide additional insight into the history and relevance of the site.

HISTORIC ZONING COMMISSION

The MHZC staff recommends approval of the rezoning as the use does not require any alterations to the existing building and will allow the Church to operate their business in a manner that is more appropriate for the neighborhood.

STAFF RECOMMENDATION

Staff recommends that the Neighborhood Landmark District be approved. The proposed District meets the criteria for consideration found in the Zoning Code. Staff also recommends that the Commission consider what information surrounding neighbors bring to the public hearing since the neighbors may be able to provide additional insight into the history and relevance of the site.

Approved (9-0), Consent Agenda

Resolution No. RS2012-242

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012NL-002-001 is **Approved. (9-0)**

The proposed District meets the criteria for a neighborhood landmark in the Zoning Code.

J. PLANNING COMMISSION ACTIONS

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

Urban Design Overlays: final site plans

12. 2012DT-001-001

1201 BROADWAY

Map 093-09, Parcel(s) 160

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Scott Morton

A request to appeal the Downtown Code Design Review Committee's disapproval of a modification request for elimination of the required zero to ten foot build-to-zone, for property located at 1201 Broadway, at the southwest corner of Broadway and 12th Avenue South (0.77 acres), requested by GPD Group, applicant, for McDonald's, owner.

Staff Recommendation: Disapprove the appeal of the decision of the Downtown Code Design Review Committee to modify the required zero to ten foot build-to-zone

APPLICANT REQUEST

Appeal the decision to disapprove a DTC modification request

Downtown Code appeal

A request to appeal the Downtown Code Design Review Committee's disapproval of a modification request for elimination of the required zero to ten foot build-to-zone, for property located at 1201 Broadway, at the southwest corner of Broadway and 12th Avenue South (0.77 acres).

Existing Zoning

Downtown Code (DTC) is designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown. The common goals for the DTC district include the efficient use of land capitalizing on a high level of services, reduced reliance on the automobile with enhanced usage of mass transit, and the creation of a vibrant and safe pedestrian streetscape. In order to create a more sustainable Downtown, the DTC emphasizes regulating the height, bulk and location of a building and the context of the building in relationship to its surroundings or other nearby buildings.

Guiding Principles of the Downtown Code

- Ensure that Downtown remains the civic, commercial and entertainment center for Nashville, Middle Tennessee, and the Southeast.
- Provide opportunities for continued growth while preserving and enhancing the character that inspires residents and businesses to move downtown.
- Create strategic mixed use to facilitate Downtown's transformation into a 24/7 community.
- Create and nurture urban neighborhoods.
- Create active, attractive streets and streetscapes.
- Protect and reuse historic structures and districts.
- Create environmentally sustainable and energy efficient development.
- Create "great spaces" throughout Downtown for the enjoyment of citizens and visitors.
- Provide for improved mobility in and through Downtown to support other principles for healthy growth in Downtown.

Existing Policy

Mixed Use Subdistrict in Downtown Community Plan.

Key Goals. To develop a balanced, low- to mid-rise , mixed use neighborhood within Gulch Subdistrict 1 that will:

- Create a pedestrian-friendly streetscape by using urban design practices that complement the neighboring cultural/entertainment and open space uses.
- Support ridership on transit corridors.
- Achieve a pedestrian-friendly, active streetscape, by requiring all buildings on Broadway Ave. and 12th Ave. S. have active retail or high volume office uses with direct street access doors on the first floor.
- Provide parking within structures, underground, or behind buildings.
- Locate parking entrances to accommodate vehicular accessibility without sacrificing pedestrian safety, comfort and accessibility. Alley access to parking is strongly preferred. It is the intent of this objective to provide the most pedestrian-friendly environment possible on streets in this sub-district while still permitting access to properties.
- Minimize the effect of parking entrances and their impact on the quality of the pedestrian environment.
- Place buildings to the property line except when recesses are required for widening sidewalks, outdoor dining, courtyards and architectural arcades.

MODIFICATIONS TO THE DTC STANDARDS

Based on site-specific issues, an applicant may seek modifications to the DTC standards. Any standard within the DTC may be modified, insofar as the intent of the standard is being met, the modification results in better urban design for the neighborhood as a whole, and the modification does not impede or burden existing or future development of adjacent properties.

The DTC, the Downtown Plan and any other policies and regulations from governing agencies shall be consulted when considering modifications. Modifications may be approved by Planning staff, the Downtown Code Design Review Committee (DTC DRC) or the Planning Commission.

- **Minor modifications** – deviations of 20 percent or less – may be approved by Planning Staff.
- **Major modifications** – deviations of more than 20 percent – and modifications of standards without numbers may be approved by the DTC Design Review Committee. Any determination made by the DTC Design Review Committee regarding DTC standards may be appealed to the Planning Commission.

The DRC is comprised of eight voting members consisting of design professionals with degrees and/or several years of experience in architecture, landscape architecture, planning or urban design. The committee consists of members nominated by the Chamber of Commerce, Civic Design Center, Downtown Partnership and the Urban Residents Association. Additionally, one member is appointed by each of the Mayor's office, the Vice-Mayor on behalf of the Metro Council, the Historic Commission and the Planning Commission.

REQUEST DETAILS

The applicant requested major modifications and therefore the DTC Design Review Committee was convened to review the modification requests. The following modifications were presented to the DRC and the following determinations (in **BOLD**) were made by the DRC.

1) Build-to Zone

DTC Requirement: Required Build-To Zone (Primary and Secondary Streets) = 0 –10 feet

Modification Request: Eliminate the required build-to zone. Building is setback beyond required build-to zone with an access lane and parking between the building and street frontage.

DRC Decision: Unanimously Denied

2) Lot Frontage

DTC Requirement: Façade Width (Primary and Secondary Streets) = 80 percent of lot frontage minimum. Remaining lot frontage may be used for pedestrian amenities and shall not be used for parking.

Modification Request: Eliminate the required lot frontage requirement for both Broadway Avenue and 12th Avenue South street frontages. Lot frontage is used for an access lane and parking.

DRC Decision: Unanimously Approved

3) Building Height

DTC Requirement: The minimum building height in the DTC shall be 25 feet. The minimum ground floor height (floor-to-floor) = 14 feet from grade

Modification Request: Reduce the overall minimum building height from 25 feet to 18 feet 9 inches.

DRC Decision: Unanimously Approved

4) Windows

DTC Requirement:

Min. Ground Floor glazing:

Principle frontage = 40 percent

Minor Frontage = 30 percent

Modification Request: Reduce the Principle frontage glazing requirement from 40 percent to 20 percent.

DRC Decision: Unanimously Approved

5) Parking and Access

DTC Requirement:

- Parking areas adjacent to public streets and open space shall be separated from the edge of the right-of-way and / or property line by a perimeter landscape strip a minimum of 5 feet in width which shall be landscaped per the standards of this section.
- Parking areas shall be separated from adjacent side lot lines by a perimeter landscape strip a minimum of 5 feet in width, which shall be landscaped per the standards of this section.
- Trees shall be installed at a rate of one tree for every 30 feet of frontage. Spacing may be adjusted with the approval of the Urban Forester based upon tree species, the presence of utilities, and the dimensions of the planting strip.
- Evergreen shrubs and trees shall be installed at appropriate spacing to fully screen vehicles to a minimum height of two and one-half feet.

Modification Request: Eliminate the required 5 foot perimeter landscape strip on the South property line to preserve existing retaining wall adjacent to the public alley R.O.W. Compliance cannot be reviewed for the remaining Parking and Access requirements until a revised landscape plan is submitted from the applicant.

DRC Decision: Unanimously Approved

6) Street Trees

DTC Requirement:

Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of 50 feet or in accordance with the regulations of Metro departments and agencies.

Modification Request: Eliminate the street tree requirement.

DRC Decision: Unanimously Denied

APPLICANT LETTER OF PURPOSE

Below is the text from the Letter of Purpose received from the applicant with the modification application:

After meeting with the DRC to discuss alternate layouts and then later investigating the issue further in-house, the resolution was that a design layout which met both the build-to requirement and maintained the necessary circulation needed to allow our establishment a positive sales flow cannot work. After researching similar restaurants and project sites in other regions and states, data has shown that in order to remain open as a business with continued growth, locating the building in the center of the project site is the best option. Additionally, locating the building per the 10' max setback requirement will cause safety issues with the required access we'll need from Broadway and then existing out onto 12th Avenue.

Though a rehab/remodel is possible, we would prefer to move forward with an approved rebuild of the project as we have it designed. Currently, the building sits closed and unoccupied due to fire damage that occurred late last year. This not only hurts sales internally, but also displays a negative impact for the downtown Nashville area and its patrons.

SUPPORTING DOCUMENTATION / SITE ANALYSIS

Accompanying this staff report are illustrative exhibits including case studies of urban McDonald's prototypes in EXHIBIT A and alternative site-specific design scenarios that demonstrate DTC compliance in EXHIBIT B. Additionally, the proposed site plan submitted by the applicant is provided in EXHIBIT C.

The peer review case studies (EXHIBIT A) were conducted to determine if innovative, urban site plans were being developed elsewhere in the country and if the projects were located in a similar urban context as the Nashville site. Staff's research uncovered several successful, innovative, urban McDonald's developments across the country that would meet the goals and objectives of the DTC, including the required build-to zone. The development sites represented in the case studies are all unique and contain different property dimensions and constraints. Based on this study, staff determined that more analysis was needed for the Nashville site to specifically determine if the site would physically allow an urban design that complied with the DTC and met the applicant's program needs.

Through a detailed design exercise, staff developed two conceptual design scenarios (EXHIBIT B) for the McDonald's site that focus on meeting the applicant's program goals and creating a plan that would comply with the DTC's standards. Within both schemes, the goal was to match the applicant's submitted site plan by providing the same amount of parking (or greater), providing a double-drive through with increased vehicle stacking, and providing other required programmatic elements.

1. Conceptual Design A orients the bulk of the building towards Broadway Avenue with vehicular access to the site provided from 12th Avenue South. The building addresses Broadway more prominently in this scheme with access limited to one entry along 12th Avenue South.

2. Conceptual Design B orients the bulk of the building towards 12th Avenue South. This design allocates two vehicular access points, including one on Broadway Ave. and 12th Avenue South. Site accessibility is enhanced in this scheme but the building orientation does not address the primary street (Broadway Avenue).

Both designs have unique qualities and represent an urban model that meets the program needs of the applicant and the goals, objectives and standards of the DTC.

STAFF ANALYSIS

- The DTC Design Review Committee granted 4 of the 6 modifications that were requested by the applicant. The applicant is choosing to appeal the decision of the DRC for one of the two requests that were denied.

- The DTC requires a 0-10 ft. build-to-zone on this property. Staff believes that approval of this modification would not meet the goals and objectives of the Downtown Code. Furthermore, the modification would not result in better urban design for the neighborhood as a whole, which is required for modification consideration. In the nearly three years of DTC zoning, all modification requests have been approved by planning staff or the DRC. Staff and the DRC have worked with applicants when modifications are needed to ensure that the goals and objectives of the DTC are met and a site-specific solution is achieved. The approval of this modification request would significantly compromise the following "Guiding Principles" of the Downtown Code:

- Create and nurture urban neighborhoods.
- Create active, attractive streets and streetscapes.
- Create "great spaces" throughout Downtown for the enjoyment of citizens and visitors.
- Provide for improved mobility in and through Downtown to support other principles for healthy growth in Downtown.

Staff and the DRC believe that granting this modification jeopardizes the integrity of the Downtown Code and undermines the trust the community has placed in the code to ensure quality urban design that creates a more urban, walkable, pedestrian friendly environment for the downtown community.

STAFF RECOMMENDATION

Staff recommends that the appeal of the decision of the Downtown Code Design Review Committee to modify the required zero to ten foot build-to-zone be disapproved.

Mr. Morton presented the staff recommendation of disapproval of the appeal of the decision of the Downtown Code Design Review Committee to modify the required zero to ten foot build-to zone.

Council Lady Gilmore spoke in support of staff recommendation and noted that the Design Review Committee's decision to deny must be upheld.

Ben Mosley, architect, discussed and clarified the Design Review Committee's decision and stated that they feel the intent of the Downtown Code's standards must be upheld to maintain the integrity of the zoning and the vision for growth.

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

Mr. Bernhardt stated that three factors must be found in order to be in compliance with the Code:

1. Intent of the standard is being met.
2. The modification results in a better urban design for the neighborhood as a whole.
3. Does not impede or burden current or future development of adjacent properties.

Tom White, representing McDonalds, spoke in support of the proposal.

David Koellein, 1344 Rosa L. Parks Blvd, spoke in opposition to the application and noted that the Downtown Code is a win-win for development and for urban design.

Tom White, on rebuttal, stated that there is not one intent of the Code that is not being met by this site.

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

Mr. Haynes spoke in agreement with Mr. White and stated that a vehicular site can't be made in to a pedestrian friendly site overnight; will vote in support of the application.

Mr. Dalton asked staff if truck turning movements had been analyzed.

Mr. Morton clarified that the staff plans are conceptual.

Mr. Bernhardt clarified that staff's intent in providing alternatives was to show that there are different ways to design the site.

Mr. Bernhardt clarified that this is a code discussion, not a policy discussion. There are very specific standards and the Commission is acting in a quasi-judicial role in this case. The Commission needs to determine if the intent of the Code is being met, including if the specific standards of the code are being met.

Ms. LeQuire asked what could be done to make this more pedestrian friendly than it is today. Did the applicant consider something that was to the build-to zone that had a flow that could work, and if so, why is that not an option we are seeing as a potential presentation?

Mr. White stated that every possible option was considered and they are completely open to any concept that would not be a pedestrian/vehicular problem for this site, but they don't feel that there is one.

Mr. Clifton stated that the MPC is being asked to overrule a Design Review Committee decision that a diverse group of people voted unanimously that this would violate the Code. The applicant has the right to rebuild as it was. The benefit would be that it would not be in conflict with the Downtown Code and it would not set a precedent for throwing out the Downtown Code recommendations anytime someone wants to. Mr. Clifton spoke in support of staff recommendation and stated that the point has been made that this is a pedestrian designation as well as vehicular.

Mr. Ponder stated agreement with Mr. Clifton and spoke in support of staff recommendation.

Councilmember Claiborne spoke in support of staff recommendation and noted that the traffic pattern needs to be addressed.

Mr. Bernhardt clarified that the applicant has a lot of options if they choose to do something to the existing building.

Mr. Clifton moved and Mr. Ponder seconded the motion to uphold the decision of the Downtown Code Design Review Committee to deny the requested modification to the required zero to ten foot build-to zone. (6-1) Mr. Haynes voted against.

Resolution No. RS2012-243

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012DT-001-001 Uphold the decision of the Downtown Code Design Review Committee to deny the requested modification to the required zero to ten foot build-to-zone. (6-1)

Planned Unit Developments: final site plans

13. 18-84P-002

BURTON HILLS OFFICE BUILDING

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

A request to revise the preliminary plan for a portion of the Burton Hills Planned Unit Development Overlay District on property located at 1 Burton Hills Boulevard, at the southeast corner of Burton Hills Boulevard and Hillsboro Pike (9.17 acres), zoned SP, to permit the addition of a one-story parking deck and to reduce the height of an approved office building from four stories to three stories, requested by Barge Cauthen & Associates, applicant, for EP Real Estate Fund, L.P., owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Revise preliminary PUD overlay to permit a one story parking deck and to reduce the height of an office building from four stories to three.

Revise PUD

A request to revise the preliminary plan for a portion of the Burton Hills Planned Unit Development Overlay District on property located at 1 Burton Hills Boulevard, at the southeast corner of Burton Hills Boulevard and Hillsboro Pike (9.17 acres), zoned SP, to permit the addition of a one-story parking deck and to reduce the height of an approved office building from four stories to three stories.

Existing 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

N/A

PLAN DETAILS

The subject site is a small portion of the larger PUD. It currently includes a three-story, 120,000 square foot office building and associated surface parking. Council recently approved a PUD amendment and SP zoning for the subject site which permits an additional four story office building. *The current proposal is to revise the plan by lowering the height of the office building from four stores to three and to add a single story parking deck.*

The plan calls for a three story, 110,000 square foot office building where a four story 110,000 square foot office building was previously approved. While the proposal contains the same floor area one level of parking has been removed. The plan also calls for a single story parking deck at the eastern end of the site. The proposed deck will be located in an area which currently contains surface parking. While the proposed parking deck will provide a second level of parking the topography of the site will place the top of the deck at a similar elevation as Burton Hills Boulevard.

Staff Analysis

Staff is recommending approval with conditions. There are no changes proposed that would be in conflict with the Council approved plan. Accordingly, this request is being considered as a revision (minor modification) and does not require Council approval. Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, and is provided below for review.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.

2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:

a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;

- b. The boundary of the planned unit development overlay district is not expanded;
- c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
- d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. As proposed staff has no issues with the request, and staff finds the plan consistent with concept of the Council approved plan.

CONDITIONS

1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-244

"BE IT RESOLVED by The Metropolitan Planning Commission that 18-84P-002 is **Approved with conditions. (9-0)**

CONDITIONS

- 1. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
- 2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
- 3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.**
- 4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.**

Subdivision: Final Plats

14. 2012S-152-001

GARAFOLA ACRES

Map 094-02, Parcel(s) 085.01, 084-085
Council District 06 (Peter Westerholm)
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create four lots on properties located at 1707, 1709 and 1711 Sevier Street, at the northwest corner of Sevier Street and S. 18th Street (0.51 acres), zoned RS5, requested by JGLAC, LLC, owner, S & A Surveying, Inc., surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Create four lots

Final Plat

A request for final plat approval to create four lots on properties located at 1707, 1709, and 1711 Sevier Street, at the northwest corner of Sevier Street and S. 18th Street (0.51 acres) zoned Residential Single Family (RS5).

Existing Zoning

Residential Single-family (RS5 District) 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.

REQUEST DETAILS

The applicant proposes to create four single-family residential lots on property currently consisting of three platted lots accommodating one single-family dwelling. The existing house will be demolished. Each proposed single-family residential lot will contain more than 5,000 square feet of area.

Vehicular access to proposed Lots 1, 2 and 3 will be limited to one joint driveway easement across the rear from South 18th Street. Vehicular access to Lot 4 will be limited to the abutting alley to the north. No vehicular access will be permitted to the properties from Sevier Street to the south.

As the property is located within the Urban Services District (USD) sidewalks are required on Sevier Street and South 18th Street. However, as there is not an existing sidewalk network abutting or near the property the applicant is provided the opportunity to contribute to the sidewalk fund in-lieu of constructing the required sidewalks.

WATER SERVICES RECOMMENDATION

Approved

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If the in-lieu of contribution is not paid then construction drawings for the sidewalk construction must be approved by MPW prior to final plat sign off.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapprove without all conditions.

CONDITIONS

1. Sidewalks are required along the property frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a) Submit a bond application and post a bond with the Planning Department,
 - b) Construct sidewalk and have it accepted by Public Works,
 - c) Submit a contribution in-lieu of construction to the Department of Public Works. The in-lieu contribution for this subdivision would be \$500.
 - d) Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department, or
 - e) Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
2. Prior to plat recordation, the applicant shall satisfy and comply with comments from Public Works.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-245

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-152-001 is **Approved with conditions. (9-0)**

CONDITIONS

1. Sidewalks are required along the property frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a) Submit a bond application and post a bond with the Planning Department,
 - b) Construct sidewalk and have it accepted by Public Works,
 - c) Submit a contribution in-lieu of construction to the Department of Public Works. The in-lieu contribution for this subdivision would be \$500.
 - d) Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (2-A), in a location to be determined in consultation with the Public Works Department, or
 - e) Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
2. Prior to plat recordation, the applicant shall satisfy and comply with comments from Public Works.

15. 2012S-160-001

SALEM GARDENS

Map 081-08, Parcel(s) 494-495
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Greg Johnson

A request for final plat approval to create four lots on properties located at 1633 and 1635 6th Avenue North, at the southwest corner of Garfield Street and 6th Avenue North, zoned MUN (0.42 acres), requested by Salem Garden, LLC, and Christina Ricks, owners, Dean Design Group, surveyor.

Staff Recommendation: Approve with conditions including a revised condition from Water Services

APPLICANT REQUEST

Create four lots

Final Plat

A request for final plat approval to create four lots on properties located at 1633 and 1635 6th Avenue North, at the southwest corner of Garfield Street and 6th Avenue North, zoned Mixed Use Neighborhood (MUN) (0.42 acres).

Existing Zoning

Mixed Use Neighborhood (MUN) is intended for a low intensity mixture of residential, retail, and office uses.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This subdivision plat proposes four lots along Garfield Street. Currently, the land within the plat boundary consists of two lots facing 6th Avenue North.

Three of the four lots have a proposed width of 40 feet along Garfield Street. The corner lot has a width of 52.5 feet. The plat includes a joint access that will provide vehicle access from the alley along the western boundary of the plat to all four lots.

The subdivision complies with applicable requirements of the Subdivision Regulations and the Zoning Code. The plat boundary is within the MUN zoning district, which permits residential and some non-residential land uses. With development of the proposed lots, a landscape buffer will be required along the south property line that is shared with the RS7.5 zoning district. The plat includes a 20 foot deep area along the south property line that is reserved for the buffer.

STORMWATER RECOMMENDATION

Preliminary SP approved (Stormwater only)

PUBLIC WORKS RECOMMENDATION

No exception taken

WATER SERVICES RECOMMENDATION

We [Metro Water Services] must hold our plat review until the necessary construction plans have been submitted and approved. Please submit these plans as a new construction project.

STAFF RECOMMENDATION

Staff recommends deferral of this application to the January 10, 2013, Planning Commission meeting. If Metro Water Services approves the plat prior to the December 13, 2012 Planning Commission meeting, staff recommends approval with a condition.

CONDITION

1. Prior to recording of the plat, a note shall be added restricting vehicular access to the 20 foot access easement connected to the alley. No other vehicular access points shall be permitted.

Metro Water Services has added a condition of approval related to the Salem Gardens subdivision request.

Water Services condition

Show existing water mains on the plat.

Staff Recommendation: Approve with conditions, including a revised condition from Water Services.

Approved with conditions including a revised condition from Water Services (9-0), Consent Agenda

Resolution No. RS2012-246

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-160-001 is **Approved with conditions including a revised condition from Water Services. (9-0)**

CONDITION

1. **Prior to recording of the plat, a note shall be added restricting vehicular access to the 20 foot access easement connected to the alley. No other vehicular access points shall be permitted.**

Metro Water Services has added a condition of approval related to the Salem Gardens subdivision request.

Water Services condition

Show existing water mains on the plat.

Staff Recommendation: Approve with conditions, including a revised condition from Water Services.

K. OTHER BUSINESS

16. Amendment #1 to Contract #L-2781 between the Nashville Civic Design Center and the Nashville-Davidson County Metropolitan Planning Commission (on behalf of the Nashville Area MPO).

Approved (9-0), Consent Agenda

Resolution No. RS2012-247

“BE IT RESOLVED by The Metropolitan Planning Commission that Amendment #1 to Contract #L-2781 between the Nashville Civic Design Center and the Nashville-Davidson County Metropolitan Planning Commission (on behalf of the Nashville Area MPO) is **Approved. (9-0)**

17. FTA 5303 Grant Contract between TDOT and Metropolitan Planning Commission (on behalf of the Nashville Area MPO) for the period of July 1, 2011 through June 30, 2016.

Mr. Adkins moved and Mr. Haynes seconded the motion to approve. (9-0)

Resolution No. RS2012-248

“BE IT RESOLVED by The Metropolitan Planning Commission that FTA 5303 Grant Contract between TDOT and Metropolitan Planning Commission (on behalf of the Nashville Area MPO) for the period of July 1, 2011 through June 30, 2016 is **Approved. (9-0)**

18. Employee contract renewals for Craig Owensby, Brenda Bernards, Tifinie Capehart, Mary Beth Stephens, and Kyle Lampert.

Approved (9-0), Consent Agenda

Resolution No. RS2012-249

“BE IT RESOLVED by The Metropolitan Planning Commission that Employee contract renewals for Craig Owensby, Brenda Bernards, Tifinie Capehart, Mary Beth Stephens, and Kyle Lampert is **Approved. (9-0)**

19. Historic Zoning Commission Report
20. Board of Parks and Recreation Report
21. Executive Committee Report
22. Executive Director Report
23. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

December 13, 2012

MPC Meeting

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

January 10, 2013

MPC Meeting

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

January 16, 2013

American Planning Association web-based seminar – Zoning for Small Scale Businesses

3pm to 4:30pm, 800 Second Ave. South, 2nd Floor, Metro Office Building, Nashville Conference Room

M. ADJOURNMENT

The meeting adjourned at 6:46 p.m.

Chairman

Secretary