



# **METROPOLITAN PLANNING COMMISSION**

## **DRAFT MINUTES**

**Thursday, February 28, 2013**

**4:00 pm Regular Meeting**

**700 Second Avenue South**

(between Lindsley Avenue and Middleton Street)  
Howard Office Building, Sonny West Conference Center (1st Floor)

### **MISSION STATEMENT**

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

Commissioners Present:  
Jim McLean, Chair  
Stewart Clifton, Vice Chair  
Hunter Gee  
Judy Cummings  
Phil Ponder  
Greg Adkins  
Andree LeQuire  
Councilmember Phil Claiborne

Staff Present:  
Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Doug Sloan, Assistant Executive Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Bob Leeman, Planning Manager II  
Jennifer Carlat, Planning Manager II  
Kathryn Withers, Planner III  
Carrie Logan, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Duane Cuthbertson, Planner II  
Amy Diaz-Barriga, Planner I

Commissioners Absent: Derrick Dalton, Jeff Haynes

**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

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

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

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

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

### **Writing to the Commission**

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

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

### **Speaking to the Commission**

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

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

### **Legal Notice**

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



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# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

## B. ADOPTION OF AGENDA

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

## C. APPROVAL OF FEBRUARY 14, 2013 MINUTES

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve the February 14, 2013 minutes. (6-0)

## D. RECOGNITION OF COUNCILMEMBERS

Councilmember Baker spoke in support of Item 6.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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**No Cases on this Agenda**

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## F. CONSENT AGENDA

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

1. **2013Z-007TX-001**  
NONCONFORMING LOT AREA
2. **2007SP-081G-06**  
MT LAUREL RESERVE
3. **2008SP-030U-10**  
ABE'S GARDEN AT PARK MANOR
4. **2008SP-031U-11**  
MERCURY NORTH
7. **2013Z-003PR-001**  
BL2013-372 / GILMORE
9. **15-82P-001**  
JACKSON BUSINESS PARK
10. **80-77P-001**  
NASHVILLE CHRISTIAN TOWERS
11. **2008S-061U-12**  
BRENTWOOD BRANCH ESTATES (CONCEPT PLAN EXTENSION #4)
12. **2013S-023-001**  
PLEASANT HILL, RESUB RESERVE PARCEL B
13. Employee contract amendments for Jennifer Carlat and Kathryn Withers

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

Dr. Cummings and Mr. Stewart arrived at 4:10 p.m.

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## G. PREVIOUSLY DEFERRED ITEMS

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

### Zoning Text Amendments

#### 1. 2013Z-007TX-001

##### NONCONFORMING LOT AREA

Staff Reviewer: Carrie Logan

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.40.670, pertaining to bulk standards for single-family structures on lots containing less than the minimum required lot area and adding a reference to Table 17.12.020.D, requested by the Metro Planning Department, applicant.

**Staff Recommendation: Approve**

##### APPLICANT REQUEST

**Bulk standards for nonconforming residential lots**

##### ZONING TEXT AMENDMENT

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.40.670, pertaining to bulk standards for single-family structures on lots containing less than the minimum required lot area and adding a reference to Table 17.12.020.D.

##### CRITICAL PLANNING GOALS

N/A

##### EXISTING ZONING CODE

Currently, within the R, RS, RM, RM-A, AR2a and AG districts, a single-family structure may be constructed on a legally created lot that contains less than the required minimum lot area, provided the lot contains a minimum area of 3,750 square feet and existed prior to the effective date of the current code. The bulk standards that currently apply to the lot are those of the zoning district, no matter the actual size of the lot. In both the existing and proposed Zoning Code, lots that are nonconforming in area, but are zoned One and Two Family, are only permitted single family structures.

##### PROPOSED ZONING CODE

This text amendment was first heard by the Planning Commission on January 24, 2013, and only addressed minimum side setbacks. During the public hearing, the community expressed concerns about long, narrow and tall single family structures being built in neighborhoods. In response, the Planning Commission deferred the text amendment for further study.

The proposed text amendment makes two housekeeping and one substantive change to this section of the code. First, as the section deals with three types of nonconforming lots, residential, agricultural and industrial, it has been broken into three subsections for greater clarity. Second, as Table 17.12.020.D Alternative Zoning Districts includes minimum lot sizes, a reference to this table has been added to this section.

The substantive change would apply the bulk standards of the district in which the lot size would be conforming. If the side setback of the applied district is different from the zoning district, then the height of the structure is limited to 35 feet, including the foundation. For example:

Zoning District	Lot Size	Applied District	Change in Side Setback	Height Limitation
RS15	12,500 sq. ft.	RS10	Yes	Yes
R8	7,500 sq. ft.	R6	No	No
R6	4,000 sq. ft.	RS3.75	Yes	Yes

Staff is recommending approval of the changes to the applicable bulk standards because it will apply more appropriate bulk standards to already buildable lots that are nonconforming. Applying the current side setbacks to a smaller lot often results in

long, narrow and tall structures. Using bulk standards that are appropriate to the actual lot size will enable the development of structures more fitting to the lot size. The addition of a maximum height also protects neighborhoods from homes being built that are out of character with the lot size.

Staff recommends approval of the Revised bill, below: [Revised Bill was handed out to the Commission at the meeting]

**Ordinance No. \_\_\_\_\_**

**An Ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Section 17.40.670, pertaining to bulk standards for single-family structures on lots containing less than the minimum required lot area and adding a reference to Table 17.12.020.D. (Proposal No. 2013Z-007TX-001)**

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

Section 1. Section 17.40.670, Nonconforming Lot Area, is hereby amended by deleting it in its entirety and replacing it with the following new Section 17.40.670”

“The following provisions shall apply to legally created lots less than the required minimum lot area.

A. Single Family Structures in Residential and Agricultural Districts. Within the R, RS, RM, RM-A, AR2a and AG districts, a single-family structure may be constructed on a legally created lot that contains less than the minimum lot area required by Tables 17.12.020A, 17.12.020B, 17.12.020C or 17.12.020D, provided the lot contains a minimum area of three thousand seven hundred fifty square feet and existed prior to the effective date of the ordinance codified in this title. Single Family Structures in R, RS, RM, RM-A districts shall comply with the bulk standards of the district within the same classification of zoning district (R and RS, RM or RM-A) in which the lot area would be conforming. If the application of these bulk standards results in a change in the **minimum** side setback, then the height of the single family structure shall be limited to 35 feet, including foundation height. **Lots less than 5,000 square feet shall build to the 3’ side setback for at least 25% of the depth of the structure beginning at the street setback.**

B. Two Family Structures in Agricultural Districts. A two-acre or larger lot (or parcel) in the AG district legally created prior to the effective date of the ordinance codified in this title shall be permitted a two-family structure.

C. Industrial Districts. A nonconforming lot in a IWD, IR or IG district that was legally created prior to the effective date of the ordinance codified in this title shall have all development and use opportunities otherwise afforded by this title.”

Section 2. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Approved (6-0), Consent Agenda

**Resolution No. RS2013-37**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-007TX-001 is **Approved as revised. (6-0)**

**The text amendment will apply more appropriate bulk standards to already buildable lots that are nonconforming. Applying the current side setbacks to a smaller lot often results in long, narrow and tall structures. Using bulk standards that are appropriate to the actual lot size will enable the development of structures more fitting to the lot**

size. The addition of a maximum height also protects neighborhoods from homes being built that are out of character with the lot size.

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## H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

### **No Cases on this Agenda**

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## I. RECOMMENDATIONS TO METRO COUNCIL

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

### **Specific Plans**

#### **2. 2007SP-081G-06**

##### **MT LAUREL RESERVE**

Map 128, Parcel(s) 038

Council District 22 (Sheri Weiner)

Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (R) district known as "Mt. Laurel Reserve", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at Hicks Road (unnumbered), (36.25 acres), approved to permit the development of 129 townhomes via Council Bill BL2008-321 approved on January 22, 2009, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District inactive and direct staff to prepare a report to the Council recommending the property be rezoned to RS80**

#### **APPLICANT REQUEST**

**Four year SP review to determine activity.**

#### SP Review

The periodic review of an approved Specific Plan District known as "Mt. Laurel Reserve", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at Hicks Road (unnumbered), (36.25 acres), approved to permit the development of 129 townhomes via Council Bill BL2008-321 approved on January 22, 2009.

#### Zoning Code Requirement

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

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

#### **DETAILS OF THE SP DISTRICT**

The Mt. Laurel Reserve SP is approved for 129 3-bedroom townhomes. The plan also proposes recreational uses to include a clubhouse, pool, walking trail, gazebo and picnic area. The building standards for the plan specify a maximum height of three stories, and side and rear setbacks of 5 feet and 20 feet, respectively. The site is accessed from Hicks Road. All units will have direct vehicle access to a private drive. A total of 323 parking spaces would be required by the Zoning Code, and the plan shows a total of 340 parking spaces, which also includes guest parking.

The site is severely constrained by steep slopes and problem soils. Slopes on the property are in excess of 25 percent and the units have been clustered within the flattest part of the site along the ridgeline to limit disturbance of the topography. Two types of sensitive soils are also present on the site, Bodine-Sulfura and Dellrose Cherty-Silt.

A preliminary site plan was provided with the SP amendment to permit 129 townhomes. A slope stability analysis report was provided with this plan, which documented the recommended limits of construction. A final site plan has not been approved for the amended SP.

### **SPECIFIC PLAN REVIEW**

Staff conducted a site visit on January 18, 2013. There was no evidence of development activity on the property. Aerial images showed some disturbance to the site since the establishment of the SP. Stormwater confirmed that the owner was given permission to install erosion control measures. Stormwater also confirmed that the owner never completed the installation of the erosion control measures, and grading permits were never issued. The Urban Forester confirmed that the owner removed trees, but never obtained a tree removal permit, which is the first step in the grading permit process. Removing trees, with or without a permit, would not constitute activity in terms of the 4-year review process.

The property recently changed owners in August of 2012. The new owners met with planning staff on February 7, 2013, and confirmed that they do not have documentation of activity from the previous owner. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

### **FINDINGS OF INACTIVITY**

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

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

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

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

### Permits on Hold

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

### **ANALYSIS**

This property is located within the Bellevue Community Plan. This Community Plan has been updated since the approval of the SP. The SP was amended by Council on January 20, 2009, and the Community Plan was update in January 2012. Previously, the land use policy was Residential Low Medium which is intended for residential uses at a range of two to four units per acre. At 3.56 units per acre, this plan fit within the policy.

When the Bellevue Community Plan was updated, the land use policy for this property changed significantly to respond to environmental disasters that had occurred in the Bellevue Community area and, in general, environmental concerns about development on steep slopes. In May 2010, there were a series of landslides on steeply sloped properties in the Bellevue area. The intent of the change in policy was to help protect the community against future natural disasters. The new land use policy is Conservation (CO) which does not support the intensity of development proposed in the Mt. Laurel Reserve SP district. Within the Bellevue Community Plan, this project is included on a list of developments that are approved and that, if requests for amendments are considered, should be evaluated as to how the development could be changed to bring it into greater conformance with the CO policies.

As this SP is no longer consistent with the land use policy in place, this SP is no longer appropriate for the site and area. The Bellevue community discussed opportunities to bring this, and other properties in similar situations, into compliance with the new land use policy:

*"The CO policy in the Bellevue Community area is applied in part with the intention of protecting the community against further natural disasters such as floods and landslides and related problems. Within the CO area, there are properties that have been rezoned to allow higher intensity residential, commercial and mixed-use development. Some of these proposed developments do not meet the standards of the CO policy and could be detrimental to existing environmentally sensitive features. If no*

*amendments or changes are sought to these proposed developments, then what has been approved can be built without the guidance of the Bellevue Community Plan or the CO policy. If, however, amendments are sought to the adopted development, then the CO policy and the Bellevue Community Plan may provide guidance on how to change the development to create less impact on the environmentally sensitive features. Furthermore, some of the development approved in the area includes Planned Unit Developments (PUDs) and Specific Plans (SPs), each of which is eligible for periodic review and potential revision or amendment. An amendment could be used to bring these proposed developments into closer conformance with the policy. Such measures – to amend approvals to provide more sensitive treatment of environmental features – should be pursued whenever possible.”*

Due to the steep slopes and problem soils on this property, this property, if built upon, should be developed at a much lower density that reduces the impact of development. As this area is appropriate for residential uses, and low density residential development is supported in the CO policy, staff recommends that the property be rezoned to RS80. RS80 allows for single family residential development and requires a minimum lot size of 80,000 square feet. Given the acreage of this property (36.25 acres), a maximum of 19 lots would be permitted under the RS80 zoning.

#### Recommendation to Council

If the Planning Commission agrees with the staff assessment that the SP is inactive and the current land use policy should be applied, staff will prepare a written report of the Commission's determination of inactivity and the recommendation to Council to rezone this property to RS80.

#### **STAFF RECOMMENDATION**

Staff recommends that the Mt. Laurel Reserve SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that the property be rezoned to RS80.

Find the SP District inactive and direct staff to prepare a report to the Council recommending the property be rezoned to RS80. (6-0), Consent Agenda

#### **Resolution No. RS2013-38**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-081G-06 is Found to be inactive and direct staff to prepare a report to the Council recommending the property be rezoned to RS80. (6-0)**

### **3. 2008SP-030U-10**

#### **ABE'S GARDEN AT PARK MANOR**

Map 116-03, Parcel(s) 015, 027  
Council District 24 (Jason Holleman)  
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (MR) district known as "Abe's Garden at Park Manor", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 115 Woodmont Boulevard, (7.41 acres), approved for an independent living, assisted-care and nursing home facility comprised of a proposed 2-story south building containing a senior day-care facility and 80 beds, an existing 7-story central tower containing 32 beds and 85 units, and a proposed 10-story north tower containing 99 units via Council Bill BL2008-364 approved on January 22, 2009, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District active**

#### **APPLICANT REQUEST**

**Four year SP review to determine activity.**

#### SP Review

The periodic review of an approved Specific Plan District known as "Abe's Garden at Park Manor", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 115 Woodmont Boulevard, (7.41 acres), approved for an independent living, assisted-care and nursing home facility comprised of a proposed 2-story south building containing a senior day-care facility and 80 beds, and a proposed 10-story north tower containing 99 units via Council Bill BL2008-364 approved on January 22, 2009.

#### Zoning Code Requirement

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

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



## DETAILS OF THE SP DISTRICT

The SP district, and its preliminary site plan, was approved with conditions including the limitations on its permitted uses to be independent living, assisted-care, nursing home facilities, and a senior day care. The SP includes 395,085 square feet of new construction and provides 240 parking spaces, as required by the Zoning Code. It defines a maximum building height of 150 feet, and a maximum density of 34 dwelling units per acre. A 100 foot minimum rear setback is defined on the SP to recognize the presence of the Sugartree Creek floodplain adjacent to the rear property line. The site is accessed from Woodmont Boulevard at an existing access drive.

Staff conducted a site visit on January 18, 2013. There was no evidence of development activity on the property. Codes, however, confirmed that the property had active building permits for renovations to the interior of the existing 7-story building.

The owners were contacted, and expressed that the renovations to the existing 7-story building relate to the SP, and are the first step in the sequence of work to complete the SP. Their response and justification for activity is as follows:

"The approved sp included an assisted living component. Even though not an addition, converting an existing floor to Assisted Living was a \$2m project that recently completed construction and is now occupied. This was a component that needed to be completed before beginning construction on Abe's Garden, since revenues from it and the existing independent living component, make it possible to construct Abe's Garden.

In addition, in response to your request for below for further clarification, the existing Park Manor facility will become an integral part of Abe's Garden and is not a separate facility. The same administrative and programming staff serves all programs and part of Abe's Garden will include plan changes to about 1/4 of the existing Park Manor 1<sup>st</sup> floor to accommodate these functions. They have also been making improvements in the kitchen and mechanical systems to prepare for the Abe's Garden Addition as well."

Staff reviewed the preliminary site plan, and verified that the SP includes an assisted living component. Moreover, the SP outlines the locations for assisted living, and the only location identified for assisted living is in the existing building, which was formerly an independent living facility. The SP also identifies a three-story dining hall planned as an extension of the existing 7-story tower. Therefore, staff has determined that the renovations were required as the first phase to meet the proposed plans of the SP, and support the findings that the SP is active.

## STAFF RECOMMENDATION

Staff recommends that the Abe's Garden at Park Manor SP be found to be active.

Find the SP District active (6-0), Consent Agenda

### **Resolution No. RS2013-39**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-030U-10 is **Found to be Active. (6-0)**

## 4. 2008SP-031U-11

### MERCURY NORTH

Map 106-01, Parcel(s) 055, 057  
Council District 19 (Erica S. Gilmore)  
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (R) district known as "Mercury North", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 811 Elm Hill Pike and at 416 Murfreesboro Pike, (0.37 acres), approved for a boarding house with 32 living units with kitchens in an existing 32 room motel facility via Council Bill BL2008-363 approved on January 22, 2009, review initiated by the Metro Planning Department.

**Staff Recommendation: Find the SP District complete**

### APPLICANT REQUEST

**Four year SP review to determine activity.**

#### SP Review

The periodic review of an approved Specific Plan District known as "Mercury North", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 811 Elm Hill Pike and at 416 Murfreesboro Pike, (0.37 acres), approved for a boarding house with 32 living units with kitchens in an existing 32 room motel facility via Council Bill BL2008-363 approved on January 22, 2009.

#### Zoning Code Requirement

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

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

#### **DETAILS OF THE SP DISTRICT**

The Mercury North SP was approved to allow the development of a boarding house with 32 living units with kitchens. Staff visited the site on January 18, 2012. There is a boarding house operating on the property, consistent with the approved SP plan.

#### **STAFF RECOMMENDATION**

Staff recommends that the Mercury North SP be found to be complete.

Find the SP District complete (6-0), Consent Agenda

#### **Resolution No. RS2013-40**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-031U-11 is **Found to be Complete. (6-0)**

### **5. 2013SP-008-001**

#### **CATHEDRAL HOMES PARK**

Map 094-02, Parcel(s) 143-145  
Council District 06 (Peter Westerholm)  
Staff Reviewer: Greg Johnson

A request to rezone from RS5 to SP-R zoning for properties located at 1801, 1805 and 1807 Sevier Street, at the northeast corner of Sevier Street and S. 18th Street (0.7 acres), to permit up to ten detached single-family dwelling units, requested by Garafola Properties, LLC, applicant, James I. Johnson Et ux, owner.

**Staff Recommendation: Approve with conditions**

#### **APPLICANT REQUEST**

**Preliminary SP to permit ten detached residential dwellings**

##### Preliminary SP

A request to rezone from One and Two Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for properties located at 1801, 1805 and 1807 Sevier Street, at the northeast corner of Sevier Street and S. 18th Street (0.7 acres), to permit up to ten detached single-family dwelling units.

##### **Existing Zoning**

One and Two Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre.

##### **Proposed Zoning**

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

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

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

The SP is an example of infill development that will use existing infrastructure on a previously- developed lot. The SP plan uses elements of compact building with relatively short interior building setbacks and shared parking. The combination of new sidewalks along the street frontages and the placement of dwellings along street frontages will help to improve the walkability of the neighborhood.

##### **EAST NASHVILLE COMMUNITY PLAN**

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

Consistent with Policy?

The proposal for ten dwellings is within the density range recommended by the Neighborhood General policy. Additionally, the layout meets the design intent of NG policy with the placement of dwellings along street frontages. Although the site plan currently meets these basic aspects of the policy, the preliminary details of the design have not been completed to meet the requirements of Metro Stormwater, Public Works, and Fire Departments.

**PLAN DETAILS**

The plan shows a layout of ten detached dwellings placed along the Sevier Street and 18<sup>th</sup> Street South street frontages. Included in the plan are conceptual building elevations illustrating the intent for façade design. Pedestrian connectivity is provided by the SP. All dwellings include a pedestrian connection to the adjacent street frontage where new sidewalks are proposed. Walkways are shown throughout the site connecting dwellings to parking and to street frontages. An additional walkway will need to be provided along the east side of the site to connect the dwellings to parking on the east side of the proposed detention area. This is addressed by a condition of approval.

The combination of street and on-site parking will meet the parking requirements of the Zoning Code. On-site parking is provided along the alley to north of the site. Additional on-street parking is shown along Sevier Street.

**ANALYSIS**

Although the residential density proposed through this SP would be somewhat higher than the surrounding neighborhood, the density of the development (14.3 dwellings per acre) is within the recommended density of the Neighborhood General policy. Several design aspects of the development would allow it to maintain consistency with surrounding lots in terms of the single-family detached building form, the building setback along Sevier Street, and the placement of parking along the alley at the rear of the site. Additionally, the site has good access to public open space with VinnyLinks Golf Course at Shelby Park across the street to the south, and a public picnic area located 500 feet to the west.

**FIRE MARSHAL RECOMMENDATION**

**Approved**

- Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1. {2006 IFC B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m2) shall be 1,000 gallons per minute (3785.4 L/min) for a duration of 2 hours.}
- 1,000 gpm @ 20 psi required, 644 gpm @ 20 psi provided per Metro Water 1/16/13 Fire sprinklers required.
- Approved per letter from Michael Garafola dated 2/21/13 that fire sprinklers will be installed if flow data is not adequate. (Flow data will be determined at permitting.)

**STORMWATER RECOMMENDATION**

Approved

**PUBLIC WORKS RECOMMENDATION**

**Approved with conditions**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Remove designation to permeable concrete within the ROW. Paving cross section to be standard concrete.
- With further development plans the 5 foot ADA compliant path of travel must be maintained within the ROW.
- Alley widening to be per MPW ST-263.
- With further development plans the site stormwater will not be allowed to sheet flow or be channelized over the public sidewalks.
- Provide parking per Metro Code

Maximum Uses in Existing Zoning District: **RS5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.7	7.41 D	5 L	48	4	6

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family (220)	0.7	-	10 U	67	6	7

Traffic changes between maximum: **RS5** 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
-	-	-	+5	+19	+2	+1

**SCHOOL BOARD REPORT**

Projected student generation      Elementary      Middle      High

Students would attend Kirkpatrick Elementary School, Bailey Middle School, or Stratford High School. Of these schools, only Kirkpatrick Elementary has been identified as being over capacity by the Metro School Board. However, this development is not anticipated to generate additional students beyond the expected student generation under the current zoning district.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions. The proposal is consistent with the Neighborhood General policy of the East Nashville Community Plan. The SP will meet several critical planning goals related to compact building design and infill development.

**CONDITIONS (if approved)**

- Individual lots within this SP shall have a minimum size of 2,800 square feet.
- Add a note to the proposed building elevations stating that the elevations are conceptual and are intended to illustrate the basic intent of final building design. The Planning Commission shall approve final site plans consistent with the conceptual elevations.
- A walkway connecting the dwellings along Sevier Street to the parking area shall be provided along the east side of the site.
- Permitted uses shall be limited to a maximum of ten single-family detached dwellings.
- For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.
- 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.
- Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

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

David Grisson, 1807 Electric Avenue, spoke in opposition to the application due to concerns regarding the density of the

development.

David Patrelli, 1806 Electric Avenue, spoke in opposition to the application due to concerns regarding the density of the development.

Jeremy Walker, applicant, spoke in support of the application and noted that the new homes would fit with the character of the existing homes; would like to increase the density in this area.

John Golf, Engineer, spoke in support of the application.

David Grisson stated that he has not seen anything other than single family homes going in to this area.

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

Councilmember Claiborne inquired about the height of the current homes as well as the lot sizes. He also inquired as to whether there was any discussion at the January meeting regarding making this development less dense.

Applicant clarified that there was no discussion regarding decreasing the density at the January meeting.

Mr. Ponder inquired about current zoning and proposed density.

Mr. Johnson clarified that the proposed 14 units per acre is still within the land use policy recommendation.

Mr. Ponder stated that this looks like a good plan.

Mr. Gee stated that these opportunities are good to increase the density in our neighborhoods; they are similar to some of the cottage developments that have been approved by the Commission.

Mr. Clifton spoke in support of the application and stated that this is a rezoning that is well within the plan and on the edge of the neighborhood with on street parking.

Ms. LeQuire spoke in support and stated that it's an exciting project.

**Mr. Clifton moved and Mr. Gee seconded the motion to approve with conditions. (8-0)**

**Resolution No. RS2013-41**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-008-001 is Approved with conditions. (8-0)**

**The proposed SP is consistent with the density recommendations and design principles of the Neighborhood General policy.**

**CONDITIONS (if approved)**

- 1. Individual lots within this SP shall have a minimum size of 2,800 square feet.**
- 2. Add a note to the proposed building elevations stating that the elevations are conceptual and are intended to illustrate the basic intent of final building design. The Planning Commission shall approve final site plans consistent with the conceptual elevations.**
- 3. A walkway connecting the dwellings along Sevier Street to the parking area shall be provided along the east side of the site.**
- 4. Permitted uses shall be limited to a maximum of ten single-family detached dwellings.**
- 5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.**
- 6. 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.

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

## 6. 2013SP-011-001

### WATTS LANE

Map 103-01, Parcel(s) 153  
Council District 20 (Buddy Baker)  
Staff Reviewer: Greg Johnson

A request to rezone from R6 to SP-MU, and for final site plan for property located at 813 Watts Lane, approximately 120 feet west of Neighborly Avenue (1.57 acres), to permit light manufacturing and single-family residential uses, requested by Larry Maxwell and Miriam Richardson, owners.

**Staff Recommendation: Disapprove**

### APPLICANT REQUEST

**Permit light manufacturing and single-family residential uses**

#### Preliminary and Final SP

A request to rezone from One and Two Family Residential (R6) to Specific Plan – Mixed Use (SP-MU) and for final site plan for property located at 813 Watts Lane, approximately 120 feet west of Neighborly Avenue (1.57 acres), to permit light manufacturing and single-family residential uses.

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

N/A

### WEST NASHVILLE COMMUNITY PLAN

T3 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.

#### Consistent with Policy?

No. The proposed SP would permit non-residential land uses in a policy area that is intended for residential-only development.

### REQUEST DETAILS

A cabinet-making business occupies the site within a building of approximately 4,500 square feet. The business has operated in this location since before 1960. Although the business is classified as a light manufacturing use, which is not permitted under the R6 zoning district, it is classified by the Codes Administration Department as a legally non-conforming use. This SP would allow the current use to be a permitted use. According to the applicant, this is necessary in order to secure financing for the business. The applicant originally submitted a zone change request to the Commercial Service (CS) district, but worked with Planning staff to generate an SP that would further limit the proposed uses.

The intent of the SP is to permit as few uses as possible beyond the residential uses permitted by the R6 district. Because the current use falls under the light manufacturing classification, the SP permits only that classification in addition to residential. Light manufacturing would permit the current use and other similar uses that involve the manufacture of previously prepared materials. As stated in the Zoning Code, typical light manufacturing uses include paper imprinting, leather products, jewelry, food and bakery products, and non-alcoholic beverages.

The SP limits the amount of permitted square footage of the light manufacturing uses to 5,000 square feet, which is slightly more square footage than currently exists. Additionally, the SP prohibits outdoor storage and commercial signage. Existing landscaping exists along the property boundaries on three sides, providing a buffer whose maintenance is required by the SP.

#### **ANALYSIS**

The site is surrounded by residential development on all sides. Although the SP seeks to limit the permitted uses to permit only the current non-conforming light manufacturing use and residential uses that would be permitted by the R6 zoning district, rezoning for non-residential uses in this location is not recommended by the T3 NE land use policy.

Under the current R6 zoning district, the business could continue to operate and even expand. However, the legal non-conforming status would stop after 30 months of inactivity, and uses would have to follow the R6 district. Rezoning the property to SP to allow this use would make this a conforming property for perpetuity even if the current owner were to cease operations and sell it to a new owner.

#### **PUBLIC WORKS RECOMMENDATION**

No exception taken

A traffic table was not created because the most intense use permitted by the SP already exists on the site (light manufacturing).

#### **SCHOOL BOARD REPORT**

A school board report was not generated for this SP because it would not increase the amount of residential development that is currently permitted.

#### **STAFF RECOMMENDATION**

Staff recommends disapproval of this SP because the proposed light manufacturing use is not consistent with the T3 Suburban Neighborhood Evolving policy.

#### **CONDITIONS (if approved)**

1. Uses in this SP shall be limited to light manufacturing and single-family residential. The property may be subdivided into a maximum of three lots in accordance with R6 zoning and in accordance with the Subdivision Regulations at the time of subdivision.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by 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.

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 conditions for traffic impact study

1. Uses in this SP shall be limited to the current light manufacturing use and single-family residential. The property may be subdivided into a maximum of three lots in accordance with R6 zoning and in accordance with the Subdivision Regulations at the time of the subdivision.

Mr. Johnson presented the staff recommendation of disapproval.

Larry Maxwell, applicant, spoke in support of the application and clarified that the request for rezoning to commercial is only so the bank will allow a line of credit which will help keep the business running.

Bernard Pickney, 4604 Dakota Ave, spoke in opposition to the application and noted concerns with decreasing property values if commercial is brought in to residential.

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

Mr. Adkins spoke in support of the application and noted that many times banks will not lend money because of zoning.

Mr. Clifton noted that he would not be in support of this without the SP, but the SP guarantees that the next owner cannot put something radically different here; in support of the application.

Mr. Gee inquired if it's possible to tie zoning to a specific business or owner.

Mr. Bernhardt stated that it has to be tied to the use, not the business.

Dr. Cummings spoke in support of the application.

Mr. Ponder stated concerns with the property values of the surrounding properties and noted that the best thing to do would be to start the business in another location.

Councilmember spoke in support of the application for containment reasons only as the current zoning would allow more expansion than the proposed zoning.

Mr. Bernhardt clarified that the conditions of rezoning will be much more limiting than the current nonconforming status.

**Mr. Adkins moved and Mr. Clifton seconded the motion to approve with conditions, including the amended condition limiting the use. (7-1) Mr. Ponder voted against.**

**Resolution No. RS2013-42**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-011-001 is **Approved with conditions, including an amended condition limiting the use to the existing cabinet shop only and uses permitted by R6. (7-1)****

**The SP is more consistent with the T3 Neighborhood Evolving policy than the current R6 zoning district because the SP would restrict expansion of the current light manufacturing use more than the R6 district and would permit residential development consistent with policy if the current use ceases.**

**CONDITIONS (if approved)**

**1. Uses in this SP shall be limited to the existing cabinet shop use only and uses permitted by R6 zoning. The property may be subdivided into a maximum of three lots in accordance with R6 zoning and in accordance with the Subdivision Regulations at the time of subdivision.**

**2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the R6 zoning district as of the date of the applicable request or application.**

**3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by 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.

## **Zone Changes**

### **7. 2013Z-003PR-001**

BL2013-372 / GILMORE  
Map 092-16, Parcel(s) 057  
Council District 19 (Erica S. Gilmore)  
Staff Reviewer: Greg Johnson

A request to rezone from CF to MUI-A zoning for property located at 2007 Terrace Place, approximately 175 feet west of 20th Avenue South (0.97 acres), requested by the Metro Planning Department, applicant, Vanderbilt University, owner.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST**

**Zone change from CF to MUI-A**

#### Zone Change

A request to rezone from Core Frame (CF) to Mixed Use Intensive – Alternative (MUI-A) zoning for property located at 2007 Terrace Place, approximately 175 feet west of 20th Avenue South (0.97 acres).

#### **Existing Zoning**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business District.

#### **Proposed 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.

#### **CRITICAL PLANNING GOALS**

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

The MUI-A district will require development with buildings placed along street frontages and parking to the side and behind buildings. This will promote walkable neighborhoods with strong pedestrian connectivity.

#### **GREEN HILLS-MIDTOWN COMMUNITY PLAN**

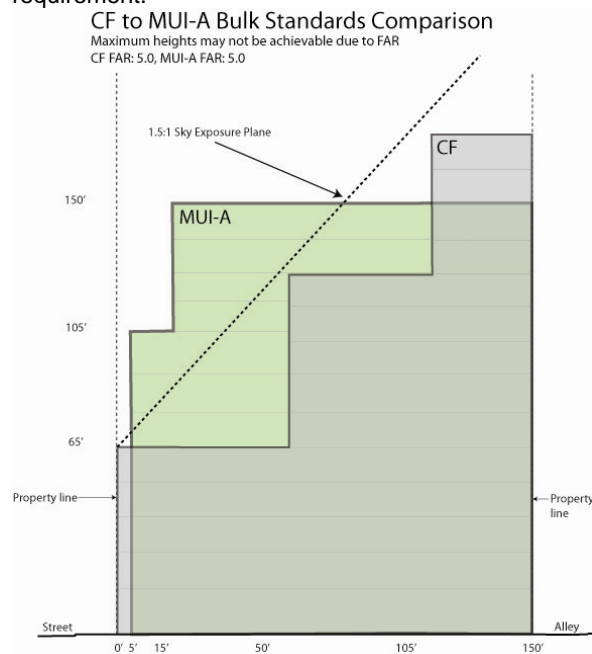
T5 Center Mixed Use Neighborhood (T5 MU) T5 MU policy is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use 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 Midtown Plan was approved by the Planning Commission in 2012. In this plan, the T5 MU policy includes a recommendation to permit building heights of up to 20 stories within this policy. The proposed MUI-A zoning district would permit up to 15 stories, and is consistent with the form-based recommendations of the Midtown Plan with additional

requirements related to the placement of building form along street frontages. The current CF zoning district has the same FAR rights as MUI-A, but does not include building placement requirements like build-to zones or a maximum height requirement.

District	FAR	Maximum Height	Front Setback
CF	5.0	65 feet at setback, unlimited within sky exposure plane	No front setback required
MUI-A	5.0	7 stories in 105 feet at build-to line; 10 stories in 150 feet after 15 foot step back.	15 foot maximum setback



### Comparison of building height standards in CF and MUI-A zoning districts

#### REQUEST DETAILS

This property was included in the original Midtown zone change application that was approved by the Planning Commission on July 26, 2012. This property was removed from the zone change proposal during the Council process due to concerns about how the proposed zoning district would affect the existing historic building on the site that currently serves as Vanderbilt's Community, Neighborhood, and Government Relations building. Because the proposed MUI-A zoning district requires building placement along street frontages with parking to the side or rear of buildings, this zoning district would provide development regulations that are more consistent with the existing building than the current CF district. Outside of building placement requirements, the CF and MUI-A districts have identical allowances for building square footage.

The Council bill related to this zone change request includes a requirement for Planning staff to prepare an Urban Design Overlay District by December 3, 2013:

*Section 3. Be it further enacted, that the Metropolitan Planning Department staff shall prepare Urban Design Overlay Zoning Districts (UDOs) to achieve the goals of the Midtown Community Plan Update and other public policy goals. Such UDOs shall provide additional development incentives in exchange for a higher level of building and site design in regard to the provision of additional pedestrian amenities, context sensitive considerations, the provision for work force housing and historic preservation, and other community goals or by the purchase of transfer development rights. The Metropolitan Planning Department staff shall further submit proposed legislation to the Metropolitan Council to provide for the transfer of development rights from historic properties deemed appropriate by the Metropolitan Historic Zoning Commission. The Planning Department staff shall prepare such UDO and transfer of development rights legislation, and plans for incentivizing the construction of work force housing to the Metropolitan Council not later than December 3, 2013.*

Other proposed zone changes within the Midtown Plan boundary were deferred with the intent of completing this UDO prior to their consideration before Council. Because this proposed zone change will not increase the development rights currently permitted, and because the requirement for the UDO is included in the Council bill, this zone change can be considered prior to consideration of the UDO.

#### PUBLIC WORKS RECOMMENDATION

- Traffic study may be required at time of development.

Because the proposed zone change will not increase development rights on the site, a traffic table was not generated.

#### SCHOOL BOARD REPORT

Because this zone change would not increase the amount of residential development that could occur on the site, a school board report was not generated.

## STAFF RECOMMENDATION

Staff recommends approval. The proposed MUI-A zoning district is consistent with the policies of the Midtown Plan and will not increase development rights from the current CF zoning district.

Approved (6-0), Consent Agenda

### **Resolution No. RS2013-43**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-003PR-001 is **Approved. (6-0)**

**The proposed MUI-A zoning district is consistent with the policies of the Midtown Plan and will not increase development rights from the current CF zoning district.**

## **Neighborhood Conservation Overlays**

### **8. 2013NHC-001-001**

BL2013-370 / GILMORE

#### **SALEMTOWN NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT**

Council District 19 (Erica Gilmore)

Staff Reviewer: Greg Johnson

A request to apply the provisions of the Salemtown Neighborhood Conservation Overlay District to properties located along 3rd Avenue North, 4th Avenue North, 5th Avenue North, 6th Avenue North, 7th Avenue North, Buchanan Street, Coffee Street, Garfield Street and Hume Street (71.0 acres), requested by the Metro Historic Zoning Commission and Councilmember Erica Gilmore, applicants, various property owners.

**Staff Recommendation: Approve with amended boundary and disapprove without amended boundary**

#### **APPLICANT REQUEST**

##### **Apply Neighborhood Historic Conservation Overlay**

##### Neighborhood Historic Conservation Overlay

A request to apply the provisions of the Salemtown Neighborhood Conservation Overlay District to properties located along 3rd Avenue North, 4th Avenue North, 5th Avenue North, 6th Avenue North, 7th Avenue North, Buchanan Street, Coffee Street, Garfield Street and Hume Street (71.0 acres).

#### **Existing Zoning**

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

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

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

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.

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

Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

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

#### **Proposed Zoning**

Neighborhood Conservation Overlay Districts (NHC) are geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development.

#### **CRITICAL PLANNING GOALS**

- Preserves Historic Resources

The NHC is intended to preserve historic structures within the Salemtown neighborhood through the implementation of development guidelines by the Metro Historic Zoning Commission and staff.

## **NORTH NASHVILLE COMMUNITY PLAN**

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots 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.

T4 Urban Neighborhood Center (T4 NC) is intended to preserve, enhance, and create urban neighborhood centers that are compatible with the general character of urban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T4 Urban Neighborhood Centers are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, civic and public benefit land uses, with residential only present in mixed use buildings. T4 Urban Neighborhood Centers serve urban neighborhoods within a 5 minute walk.

### Consistent with Policy?

All three policies identify the need to preserve historic features within the Salemtown neighborhood. However, some of the proposed guidelines associated with the overlay may not be compatible with non-historic properties within the T4 NE policy, especially with respect to building height.

After discussing this rezoning application with Planning Department staff, the Historic Zoning Commission staff has recommended reducing the size of the district to incorporate a smaller portion of the Salemtown neighborhood with the highest percentage of historic properties. This smaller boundary would remove most of the T4 NE policy from the NHC. With an amendment to the Council bill to reduce the size of the boundary as proposed by Historical Commission staff, the NHC will be consistent with the community policies.

## **REQUEST DETAILS**

The Metro Historic Zoning Commission (MHZC) considered this application at its February 20, 2013, meeting and recommended approval with an amendment to reduce the boundary of the district proposed in the Council bill. The following background information from the Metro Historical Commission staff was available in the staff report to the MHZC:

### ***Metro Historical Commission staff recommendation***

#### ***Analysis and Findings:***

*The portion proposed for an overlay is a smaller portion of the overall area that is considered the Salemtown neighborhood which extends between I-65 and Hume Street and 3rd and 7th Avenues. This area was chosen based on the fact that it has the heighest concentration of historic properties. Within the proposed boundaries, fifty one (51%) are contributing structures to the historic character of the district, fourteen percent (14%) are vacant, and thirty-five percent (35%) are non-contributing. The properties considered for the Neighborhood Conservation Zoning Overlay consists of properties zoned R6, CN and MUN.*

*Much of the land that is now Salemtown was originally hunting grounds that were acquired by David McGavock after he moved from Virginia to Fort Nashborough in 1786. He acquired property in Davidson County on both the north and south sides of the Cumberland River. His sons Dr. David T. and Lysander McGavock inherited the land from their father. Dr. D.T. McGavock who subdivided the first portion, between Hume and Buchanan Streets, and 4th Avenue North (Cherry Street) and 5th Avenue North (Summer Street) in 1855. The development of this area was a time of growth for Nashville. The city had just added gas street lamps and begun construction on the State Capitol and a suspension bridge across the Cumberland River.*

*Development for the rest of Salemtown would have to wait until after the Civil War. Just three years after the area was incorporated into Nashville's city limits in 1865, Dr. McGavock expanded his initial subdivision north along 4th Avenue. Soon after, he developed the North Nashville Real Estate Company and in 1870 platted the area between Clay and Monroe Streets and Buena Vista Street and 5th Avenue (formerly Summer Street..) In 1904 Downtown street names changed to numbered streets: 4<sup>th</sup> Avenue North was Cherry Street and 5th Avenue North was Summer Street.*

*By 1897 the area was approximately 35% developed with the greater density close to downtown. The development was mainly residential with single- and two-family homes. An exception was a two-story tenement house (demolished) located at 1713-1715 4<sup>th</sup> Avenue North (Cherry Street). In addition, a small amount of industry was scattered throughout the residential area. The 1897 Sanborn map shows two steam powered soap companies: the D.F. Brown soap factory at the corner of 3rd Avenue (College Street) and Hume Street and Kaphan Soap located mid-block between Buchanan and Garfield Streets. An 1881 an*

ad for Kaphan states that there brands are "Extra Olive," Mottled German," and "Champion" and that they deliver anywhere in the city. There were also two slaughter houses: A slaughter house and sausage kitchen was located at the corner of Buchanan Street and 4th Avenue North (College Street) and Chas Hoff Slaughter House at the corner of 5th Avenue North (Summer Street) and Buchanan Street. With the exception of the American Rule Manufacturing complex located at 1807 3rd Avenue North (College Street) industry was gone from the neighborhood by 1914.

Salemtown has always been home to the working-class. In 1910, some typical jobs included domestic, general laborer, clerk, grocer and bottle maker. By 1950, the occupations were similar and included laborers for brick, carpentry, shoe and chemical companies and Werthan Bag, as well as grocers, firemen and an interior decorator. At least as early as 1910, the neighborhood was racially mixed with approximately 25% of its residents being African-American. It has always been a neighborhood of transition with very few of the families in residence in 1910 remaining in 1950. Rental property was often included within the main structure or in the rear. In 1950, almost half of the homes were rented rather than owner-occupied. Today, approximately 20% of the residents are owner occupied.

The name of the neighborhood and when the name was adopted is unknown. It was possibly associated with the Salem A.M.E. church; however, current members do not believe that is the case. Other residents believe it came from an influx of individuals from the Salem, North Carolina area. Although the name "Salemtown" does not appear in written histories of the area, residents have been using the name for at least two generations.

### **Architectural Style and Form**

The architectural styles are simple with several common house forms evident. One prominent form is a "shotgun" house, which is a long, narrow, one-story building derived from a Yoruba housing type via Haiti and later from Louisiana. It was most popular in urban areas after the Civil War. Examples in Salemtown have either a front porch, a long side porch with the entrance towards the back of the porch, or a recessed entrance.

Other common forms found in the district are gabled-ells which have an "L" shaped footprint and simple sidegabled buildings which typically have a shed-roof full porch, a centered gabled partial-width porch, no porch, or a recessed entrance. Hipped roof bungalows are also seen throughout the district and typically have a full-width porch or a "cutaway" porch within the main body of the building.

All these forms are seen with a variety of styles, mainly Italianate, Queen Anne Colonial Revival, and Craftsman styles. Duplexes in the neighborhood are typically side-by-side with two front entrances and one or two front porches. With one exception, all historic dwellings are one or one and one-half stories tall.

### **[Metro Historical Commission staff] Recommendation**

The potential neighborhood conservation zoning meets section 17.36.120.A.3 as it contains a significant amount of architecturally important buildings that embody the distinctive characteristics of their type and period and because the neighborhood is the greatest collection of turn-of-the-century worker housing remaining in the Metro area.

[Metro Historical Commission] Staff suggests the Commission recommend to Metro Council that the Neighborhood Conservation Zoning Overlay be applied to the Salemtown neighborhood and that adoption of the design guidelines be deferred for continued neighborhood discussion.

To be considered as an NHC a district must meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

### **METRO HISTORIC ZONING COMMISSION RECOMMENDATION**

On February 20, 2013, the Metro Historic Zoning Commission recommended approval of the Salemtown Neighborhood Conservation Zoning Overlay with a revised boundary to reduce the size of the district proposed in Council bill BL2013-370 to include only properties along 4<sup>th</sup> Avenue North and 5<sup>th</sup> Avenue North between Garfield Street and Interstate 65.

### **PUBLIC WORKS RECOMMENDATION**

No comments

### **STAFF RECOMMENDATION**

Staff recommends approval of the NHC with an amendment to the Council bill (BL2013-370) to change the boundary of the district to include properties along 4<sup>th</sup> and 5<sup>th</sup> Avenues between Interstate 65 and Garfield Street. Staff recommends disapproval without this amendment. This amendment is necessary to ensure that NHC will be compatible to the T4 Neighborhood Evolving policy with respect to non-contributing properties and structures.

Mr. Johnson presented the staff recommendation of approval with amended boundary and disapproval without amended boundary.

Robin Zeigler, Metro Historic Commission, stated that she is available for questions.

Mr. Gee requested that Ms. Zeigler give a brief overview of the Council Lady's support and some explanation why the boundary is proposed to be reduced in size.

Ms. Zeigler stated that the boundary reduction is based on the greatest concentration of historic properties to allow for new development. Council Lady Gilmore has been supportive of this and agrees with the revised boundaries.

Molly McClure, 1813 4<sup>th</sup> Ave North, spoke in support of the revised boundary.

Bruce Oldham, 1187 Peninsula Ave in Gallatin, spoke in opposition and noted that he finally sees new construction on this block; some of the restrictions may stop some of the new development.

Felix (unsure of last name), spoke in opposition to the revised boundary.

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

Mr. Clifton spoke in support of the application.

Mr. Gee asked Ms. Zeigler for a clarification of Historic Preservation Overlay versus Neighborhood Conservation Overlay.

Mr. Adkins stated that the Historical Commission has done a good job, makes sense to reduce it to focus on more historical area, good compromise, important for all commissions to communicate as technicalities cause major construction delays and other delays.

**Mr. Gee moved and Mr. Ponder seconded the motion to approve with amended boundary and disapprove without amended boundary. (8-0)**

Mr. Clifton left at 5:09 p.m.

#### **Resolution No. RS2013-44**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013NHC-001-001 is **Approved with amended boundary and disapproved without amended boundary. (8-0)**

**The proposed amendment to the boundary is consistent with the policies of the North Nashville Community Plan, and is necessary to ensure that the overlay will be compatible to the T4 Neighborhood Evolving policy area with respect to non-contributing properties and structures.**

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## **J. PLANNING COMMISSION ACTIONS**

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

### **Planned Unit Developments: Final Site Plans**

#### **9. 15-82P-001**

##### **JACKSON BUSINESS PARK**

Map 175, Parcel(s) 143

Council District 33 (Robert Duvall)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Jackson Business Park Commercial Planned Unit Development Overlay District located at 3001 Owen Drive, at the southwest corner of Owen Drive and Old Hickory Boulevard (5.99 acres), zoned AR2a, to permit a 32,000 square foot addition to an existing distributive/wholesale business, requested by Lukens Engineering Consultants, applicant, for Athens Distributing Co. of Nashville, owner.

**Staff Recommendation: Approve with conditions**

## APPLICANT REQUEST

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

#### Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Jackson Business Park Commercial Planned Unit Development Overlay District located at 3001 Owen Drive, at the southwest corner of Owen Drive and Old Hickory Boulevard (5.99 acres), zoned AR2a, to permit a 32,000 square foot addition to an existing 60,484 square foot distributive/wholesale business.

#### **Existing Zoning**

Agricultural/Residential (AR2a)/Commercial PUD Overlay. *The current uses in this PUD are not typically permitted in the AR2a zoning district; however, under the previous zoning code Planned Unit Developments did not require a base zone change, while the permitted uses are those uses outlined on the PUD plan approved by the Metro Council in the enacting ordinance.*

#### **CRITICAL PLANNING GOALS**

N/A

#### **PLAN DETAILS**

The purpose of this request is to revise a portion of the Jackson Business Park Planned Unit Development Overlay (PUD). The PUD is located on the west side of Old Hickory Boulevard, just north of Interstate-24 in southeast Davidson County. The PUD was originally approved in 1982 under the previous zoning code, COMZO for 788,000 square feet of various commercial, warehousing, and light industrial uses.

#### Site Plan

The plan calls for a 32,000 square foot expansion. The expansion is for a warehouse and will provide a cover for an existing loading dock. The expansion will be located on the west side of the existing building. The existing building is 60,484 square feet so the overall floor area with the proposed addition will be 92,484 square feet. The addition will require minor site alterations but no parking areas are impacted. As proposed a total of 74 parking spaces are required and 89 spaces are shown. Access to the site will remain at its current location on Owen Drive. New sidewalks are shown along Old Hickory Boulevard.

#### **ANALYSIS**

Staff is recommending approval with conditions. There are no changes proposed that would be in conflict with the Council approved plan. The current build out in the PUD is approximately 386,106 square feet and the proposed expansion would not bring the total floor area within the PUD anywhere near the Council approved 788,000 square feet. 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**

Approve with conditions

- 1. Add perforated riser to the live pool orifice.
- 2. Provide the Plan Review and Grading permit fee of \$825.
- 3. Provide the Maintenance agreement and recording fee.

**PUBLIC WORKS RECOMMENDATION**

Approved with conditions

- 1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- 2. With the construction documents indicate the solid waste and recycling plan for the site.

**STAFF RECOMMENDATION**

Staff recommends that the request be approved with conditions. The proposed request meets all zoning requirements.

**CONDITIONS**

- 1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
- 2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
- 3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
- 4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (6-0), Consent Agenda

**Resolution No. RS2013-45**

"BE IT RESOLVED by The Metropolitan Planning Commission that 15-82P-001 is **Approved with conditions. (6-0)**

**CONDITIONS**

1. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.**
2. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.**
3. **This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
4. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
5. **Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.**
6. **The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.**
7. **A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.**

**10. 80-77P-001**

**NASHVILLE CHRISTIAN TOWERS**

Map 106, Parcel(s) 113  
 Council District 16 (Tony Tenpenny)  
 Staff Reviewer: Duane Cuthbertson

A request to revise the preliminary plan and for final site plan approval for the Nashville Christian Towers Residential Planned Unit Development Overlay District located at 100 Foothill Court, approximately 1,040 feet south of Plus Park Boulevard (3.15 acres), zoned RM40, to permit the construction of a parking deck, requested by Perry Engineering, LLC, applicant, for Nashville Christian Towers, Inc., owner.

**Staff Recommendation: Approve with conditions**

**APPLICANT REQUEST**

**Permit the construction of a parking deck.**

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a Nashville Christian Towers Residential Planned Unit Development Overlay District located at 100 Foothill Court, approximately 1,040 feet south of Plus Park Boulevard (3.15 acres), zoned Multi-Family (RM40), to permit the construction of a parking deck.

#### Existing Zoning

RM40 District – RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

#### **CRITICAL PLANNING GOALS**

N/A

#### **REQUEST DETAILS**

This is a request to revise the preliminary PUD plan and for final site plan approval for the Nashville Christian Towers PUD. The proposal contemplates the addition of a two level parking garage in place of an existing surface parking lot located southwest of the existing twelve story residential building.

The Nashville Christian Towers PUD was originally approved by Council in May, 1977. The PUD has not since been amended or revised. The approved PUD provided for the construction of a 175 unit high rise residential building for the elderly. The approved PUD indicates a layout as it currently exists including an 87 space parking area surrounding the building.

#### Plan Details

The proposed plan calls for the construction of a two level parking garage located southwest of the existing twelve story residential tower. No building additions are proposed in this plan. The proposed parking garage will be placed over one of the site's existing parking areas and will utilize existing site access from Murfreesboro Pike to the north. The garage construction will eliminate a vehicular access to the site from the abutting church site to the east.

The parking garage will increase the provision of parking on the site by 32 spaces; from 78 parking spaces to 110 parking spaces. The garage will provide a covered pedestrian connection between the residential tower and a two story recreational/accessory building located to the southwest.

#### Analysis

The proposed parking garage will be constructed into a steep slope at the south-southwest end of the property. The significant elevation change places the proposed garage at a much lower elevation than abutting residential dwellings to the south. That change in elevation should mitigate any potential impact.

The proposed plan, while showing the construction of a two story structure, does not alter the basic concept of the last Council approved plan and meets all zoning requirements. Council approval will not be required for this revision to the PUD plan as it does not propose any building floor area expansion or represent a major alteration to the Council approved plan.

#### **STORMWATER RECOMMENDATION**

Approve with conditions

1. Please submit the Grading Permit Fee of \$500 made payable to Metro Water Services.
2. Please submit a signed and notarized Inspection and Maintenance Agreement. The I & M Agreement, Long Term Maintenance Plan, BMP Checklists and Exhibit Drawings need to be submitted on either 8-1/2" x 11 " or legal size paper and must be loose, not bound.
3. Please submit the Dedication of Easement document to record the drainage easements for the public storm infrastructure and underground water quality and detention system.
4. Please size the drainage easements for the public storm pipes using Table 6-2 and OSHA Soil Category B from the Stormwater Management Manual, Volume 1. The easement widths are based on invert depths of the pipes.
5. Provide Note on Erosion Control Plan requiring contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting. Control of other site wastes such as discarded building materials, chemicals, litter, and sanitary wastes that may cause adverse impacts to water quality is also required by the Grading Permittee. Location of and/or notes referring to these BMP's shall be shown on the EPSC Plan.
6. All pipes used for drainage must be either CMP, RCP, or HDPE, no PVC. Please change all PVC to a suitable pipe material.
7. Provide detail of Contech Stormfilter on detail sheet.
8. Provide detail of the underground detention system on detail sheet.
9. Provide 3 sets of plans.

#### **WATER SERVICES RECOMMENDATION**

Construction plans are in review.

#### **PUBLIC WORKS RECOMMENDATION**

Approved with conditions

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

**STAFF RECOMMENDATION**

Defer to March 14, 2013, Planning Commission meeting. Approve with conditions if Metro Water recommends approval prior to the February 28, 2013, Planning Commission meeting.

**CONDITIONS (if approved)**

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
7. Water and sewer approval contingent on construction and completion of Metro Water Project # 13-SL-13. No bond will be assigned.

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

Approved with conditions including an additional Water Services condition. (6-0), Consent Agenda

**Resolution No. RS2013-46**

"BE IT RESOLVED by The Metropolitan Planning Commission that 80-77P-001 is **Approved with conditions, including an additional Water Services condition. (6-0)**

**CONDITIONS (if approved)**

1. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.**
2. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.**
3. **This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
4. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
5. **Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.**

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

7. Water and sewer approval contingent on construction and completion of Metro Water Project # 13-SL-13. No bond will be assigned.

## **Subdivision: Concept Plans**

### **11. 2008S-061U-12**

#### **BRENTWOOD BRANCH ESTATES (CONCEPT PLAN EXTENSION #4)**

Map 160, Parcel(s) 123 Map 160-08, Parcel(s) 046, 048 Map 160-08-0-A, Parcel(s) 010

Council District 04 (Brady Banks); 26 (Chris Harmon)

Staff Reviewer: Jason Swaggart

A request to permit the extension of an approved concept plan for one year from its expiration date of March 27, 2013, for the Brentwood Branch Estates Subdivision for 8 single-family clustered residential lots located at 501 Broadwell Drive, Hill Road (unnumbered) and at Trousdale Drive (unnumbered), zoned RS20 (4.42 acres), requested by Michael and Sharon Yates, owners.

**Staff Recommendation: Approve the extension of the Concept Plan approval to February 28, 2014**

#### **APPLICANT REQUEST**

**Concept plan extension.**

#### Concept plan extension

A request to permit the extension of an approved concept plan for one year from its expiration date of March 27, 2012, for the Brentwood Branch Estates Subdivision for 8 single-family clustered residential lots located at 501 Broadwell Drive, Hill Road (unnumbered) and at Trousdale Drive (unnumbered), zoned Single-Family Residential (RS20).

#### **Existing Zoning**

RS20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

#### **CRITICAL PLANNING GOALS**

N/A

#### **PLAN DETAILS**

#### Concept plan extension

This is a request to extend concept plan approval for Brentwood Branch Estates, a major subdivision. The request is to extend the approval for one year, to February 28, 2014. The properties included in the concept plan are located on the south side of Broadwell Drive in the Crieve Hall area. The concept plan was approved for eight single-family cluster lots by the Planning Commission on March 27, 2008. If the extension is granted, this will be the fourth extension to the original approval of the subdivision. The last extension was granted by the Commission on February 23, 2012.

According to the applicant, progress has been made in developing the subdivision as approved including:

1. Mandatory Referral process initiated (withdrawn due to a determination that it wasn't necessary).
2. Complete boundary and topographic survey.
3. Eighty percent construction drawing set, including detailed storm water calculations, hydraulic flood analysis and cut/fill calculations for flood plain disturbance.
4. Plans initially submitted to Stormwater for sufficiency review prior to placing the project on hold.

The applicant estimates that over \$25,000 has been spent on submittal, development, design and consultant fees. The applicant also states that over \$50,000 was spent to acquire additional land to complete the boundary of the concept plan and that this land would not have needed to be purchased without concept plan approval.

#### **STAFF ANALYSIS**

The subdivision meets all Zoning Code requirements and received previous approval from the Planning Commission. Since the concept plan meets zoning, has previous approvals, and the applicant has made progress in developing the subdivision, staff recommends that the Planning Commission extend the concept plan approval for one year.

#### **STORMWATER RECOMMENDATION**

Approved with conditions (Stormwater):

1. Construction plans have expired. Construction plans will need to be re-evaluated prior to construction.

## **PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken

## **STAFF RECOMMENDATION**

Staff recommends that the concept plan be extended to February 28, 2014.

Approved the extension of the Concept Plan approval to February 28, 2014. (6-0), Consent Agenda

### **Resolution No. RS2013-47**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2008S-061U-12 **Approves the extension of the Concept Plan approval to February 28, 2014. (6-0)**

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## **Subdivision: Final Plats**

### **12. 2013S-023-001**

#### **PLEASANT HILL, RESUB RESERVE PARCEL B**

Map 033-14, Parcel(s) 102 Map 042, Parcel(s) 057

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create one lot and remove the reserve status on property located at Green Acres Drive (unnumbered) and on a portion of property at 249 Green Acres Drive, opposite Nella Drive, zoned RS20 (0.48 acres), requested by Shirley Arnold, owner, Weatherford & Associates, LLC, surveyor.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST**

**Final plat to create one lot.**

#### Final Plat

A request for final plat approval to create one lot and remove the reserve status on property located at Green Acres Drive (unnumbered) and on a portion of property at 249 Green Acres Drive, opposite Nella Drive, zoned RS20 (0.48 acres).

#### **Existing Zoning**

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

#### **CRITICAL PLANNING GOALS**

N/A

#### **PLAN DETAILS**

##### Final Plat

This is a request to create one single-family lot. The proposed lot consists of a platted reserve parcel and a portion of a larger unplatted parcel. As proposed the lot will be 21,004 square feet (0.48 Acres). Access to the lot will be directly from Green Acres Drive. Sidewalks are not required because the lot is in the General Service District and is not located within an area with a sidewalk priority index.

##### Reserve Parcel

The reserve parcel is within the Pleasant Hill Addition Subdivision which was recorded in 1960. The subdivision includes several reserve parcels. The plat does not indicate why the parcels are reserved but contains the following note:

Reserved areas as shown heron are not individual building sites and are to be used by adjoining properties only and approved by the Planning Commission.

#### **STAFF ANALYSYS**

The reserve parcels are located adjacent to larger non-platted land. It is staff's belief that the reserve parcels are intended to be used with the redevelopment of the larger non-platted parcels, which is consistent with the current proposal. The proposed 21,000 square foot lot meets all Zoning and Subdivision Regulation requirements. Because the remaining area of the unplatted parcel is greater than five acres, State Law does not require it to be platted. Since the request meets all requirements, then staff recommends that the request be approved.

#### **STORMWATER RECOMMENDATION**

Approved

**PUBLIC WORKS RECOMMENDATION**

Approve with conditions

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

**STAFF RECOMMENDATION**

Staff recommends the request be approved as the proposed lot is consistent with all Subdivision Regulations and Zoning requirements.

Approved (6-0), Consent Agenda

**Resolution No. RS2013-48**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-023-001 is **Approved. (6-0)**

**K. OTHER BUSINESS**

13. Employee contract amendments for Jennifer Carlat and Kathryn Withers

Approved (6-0), Consent Agenda

**Resolution No. RS2013-49**

"BE IT RESOLVED by The Metropolitan Planning Commission that employee contract amendments for Jennifer Carlat and Kathryn Withers is **Approved. (6-0)**

14. Historic Zoning Commission Report
15. Board of Parks and Recreation Report
16. Executive Committee Report
17. Executive Director Report
18. Legislative Update

**L. MPC CALENDAR OF UPCOMING MATTERS**

**February 28, 2013**

Work Session

2:30- General Plan Update

3:00- SoBro Plan Presentation

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

**February 28, 2013**

MPC Meeting

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

**March 11, 2013**

General Plan Meeting-NashvilleNext Speakers' Series

Modern Cities as Engines of Economic Opportunity and Social Progress- Dr. Henry Cisneros, Chairman, CityView

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

**March 14, 2013**

MPC Meeting

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

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## M. ADJOURNMENT

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The meeting adjourned at 6:04 p.m.

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Chairman

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Secretary