



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, January 12, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

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

Commissioners Present:

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

Staff Present:

Rick Bernhardt, Executive Director
Jennifer Regen, Development Relations Manager
Craig Owensby, Public Information Officer
David Edwards, Development Finance Officer
Dennis Corrieri, Planning Technician I
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Cindy Wood, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Brian Sexton, Planner I
Tifinie Capehart, Planner II
Doug Sloan, Legal
Marie White, Planning Technician II

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County

800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300

p: (615) 862-7190; f: (615) 862-7130

Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:04pm.

B. ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Ponder seconded the motion to adopt the revised agenda as presented. (10-0)

C. APPROVAL OF DECEMBER 8, 2011 MINUTES

Councilmember Claiborne stated his name was incorrectly placed with Item 9 on the consent agenda portion of the December 8, 2011, Planning Commission minutes instead of Councilmember Bennett, and requested this be corrected to read BL2011-47/Bennett. Mr. Bernhardt stated the minutes will be corrected and verification of this correction sent to Councilmember Claiborne.

Mr. Dalton moved and Mr. Hayes seconded the motion to approve the December 8, 2011, Planning Commission minutes with this correction. (10-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Tenpenny and Councilmember Stanley were in attendance, each choosing to hold comments until needed.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1a. 2011SP-024-001
MEADOWS DOWNS

1b. 2011CP-013-004
ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE

2. 2011CP-013-005
ANTIOCH PRIEST LAKE COMMUNITY PLAN AMENDMENT

3. 2011SP-028-001
BL2011-71 / BAKER
TOWNS AUTO SALES

4. 134-84P-001
DEVON HILLS

5. 2011S-102-001
KENILWOOD

24. 74-79P-002
NASHBORO VILLAGE

25. 2008S-048U-05
RIVERSIDE DRIVE

Mr. Clifton asked if it was Planning staff's request to defer item #25. Mr. Leeman clarified the deferral was at the applicant's request.

Mr. Ponder moved and Mr. Dalton seconded the motion to approve the deferred and withdrawn items. (10-0)

F. CONSENT AGENDA

6. **2007SP-084U-05**
10TH AND RUSSELL
7. **2007SP-118U-05**
VENITA AXLEY TOWNHOMES
8. **2007SP-126U-11**
A & W UPHOLSTERY
9. **2007SP-146G-02**
GRACE ADULT HOMES ASSISTED LIVING FACILITY
10. **2007SP-147G-02**
ELITE GATE COMPANY
11. **2007SP-150G-14**
EVANS HILL
12. **2007SP-151U-13**
BRIGHT POINTE
13. **2007SP-155U-14**
TAXI USA OF TENNESSEE
14. **2007SP-156U-12**
NATIONAL COLLEGE
15. **2007SP-159U-07**
CAMERON CAR WASH
16. **2007SP-162U-05**
WINBERRY PLACE
17. **2007SP-163U-13**
LAVERGNE SUPER SPEED WASH
18. **2007SP-165G-04**
MYATT DRIVE - ANDERSON LANE
- 20a. **96-81P-002**
RED CAP INDUSTRIES
- 20b. **2012SP-003-001**
RED KAP INDUSTRIES
- 21a. **2005P-030-003**
RAVENWOOD COMMUNITY
- 21b. **2012Z-003PR-001**
RAVENWOOD
22. **2011NL-002-001**
209 DANYACREST

23. **103-79P-003**
RIVERFRONT SHOPPING CENTER
26. **2012S-008-001**
PLAN OF LOCKELAND, RESUB LOTS 88 & 89
27. **Appointments to the Hillsboro Village Urban Design Overlay Advisory Committee**
28. **Exclusion of, including parent companies and subsidiaries of, American Southern Insurance Company, Bond Safeguard Insurance Company, Lexon Insurance Company, and National Grange Mutual Insurance Company, from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations.**

Mr. Ponder moved and Mr. Gee seconded the motion to approve the consent agenda. (10-0)

G. PREVIOUSLY DEFERRED ITEMS

Community Plan Amendments

- 1a. **2011CP-013-004**
ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE
Map 149, Parcel(s) 026
Council District 28 (Duane A. Dominy)
Staff Reviewer: Tifine Capehart

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to change the land use policy from Residential Low-Medium Density (RLM) to T3 Neighborhood Evolving (NE) and Conservation (CO) for property located at 2158 Una Antioch Pike, requested by Anderson, Delk, Epps and Associates, Inc., applicant, Pamela Meadows, owner. (See also Specific Plan Case # 2011SP-024-001).

The Metropolitan Planning Commission DEFERRED 2011CP-013-004 to the January 26, 2012, Planning Commission meeting at the request of the applicant. (10-0)

- 1b. **2011SP-024-001**
MEADOWS DOWNS
Map 149, Parcel(s) 026
Council District 28 (Duane A. Dominy)
Staff Reviewer: Greg Johnson

A request to rezone from R10 to SP-MR zoning property located at 2158 Una Antioch Pike, approximately 1,915 feet south of Murfreesboro Pike (8.9 acres) and within the Floodplain Overlay District, to permit a maximum of 100 dwelling units within an assisted living and/or nursing facility, requested by Anderson, Delk, Epps and Associates Inc., applicant, Pamela Meadows, owner. (See also Community Plan Amendment Case # 2011CP-013-004)

The Metropolitan Planning Commission DEFERRED 2011SP-024-001 to the January 26, 2012, Planning Commission meeting at the request of the applicant. (10-0)

2. **2011CP-013-005**
ANTIOCH PRIEST LAKE COMMUNITY PLAN AMENDMENT
Map 162, Parcel(s) 026, 028, 029, 031, 126
Map 163, Parcel(s) 068-071, 334
Council District 32 (Jacobia Dowell)
Staff Reviewer: Cynthia Wood

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to change the land use policy from Industrial and Distribution (IN) to Natural Conservation (NCO) and Residential Low-Medium (RLM) for various properties located along Antioch Pike, Blue Hole Road and Hickory Hollow Parkway, requested by the Metro Planning Department, applicant, various property owners.

The Metropolitan Planning Commission DEFERRED 2011CP-013-005 to the January 26, 2012, Planning Commission meeting at the request of the applicant. (10-0)

Specific Plans

3. 2011SP-028-001

BL2011-71 / BAKER

TOWNS AUTO SALES

Map 091-13, Parcel(s) 355

Council District 20 (Buddy Baker)

Staff Reviewer: Greg Johnson

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 5909 Charlotte Pike, approximately 1,235 feet west of Ocoola Avenue (0.75 acres), to permit auto repair, automobile sales (used) and all other uses permitted by the CS District, requested by Hamid Rabiee, applicant, Carl and Denise Guye, owners.

The Metropolitan Planning Commission DEFERRED 2011SP-028-001 to the January 26, 2012, Planning Commission meeting at the request of the applicant. (10-0)

Planned Unit Developments

4. 134-84P-001

DEVON HILLS

Map 143, Parcel(s) 050

Council District 34 (Carter Todd)

Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Devon Hills Residential Planned Unit Development district located at 2816 Old Hickory Boulevard, approximately 500 feet north of Highway 100, zoned RM4 (49.66 acres), approved for a multifamily development, requested by Councilmember Carter Todd, applicant, Colonial Properties Services, Inc., owner.

Staff Recommendation: WITHDRAW

The Metropolitan Planning Commission WITHDREW 134-84P-001 at the request of the applicant. (10-0)

Subdivision: Final Plats

5. 2011S-102-001

KENILWOOD

Map 132-07, Parcel(s) 071

Council District 16 (Tony Tenpenny)

Staff Reviewer: Brian Sexton

A request for final plat approval to create four lots and dedicate easements on property located at 4200 Kenilwood Drive, approximately 1,450 feet north of Sidco Drive, zoned IWD (8.0 acres), requested by Douglas Durr, owner, Cherry Land Surveying, Inc., surveyor.

The Metropolitan Planning Commission DEFERRED 2011S-102-001 to the January 26, 2012, Planning Commission meeting at the request of the applicant. (10-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

Specific Plans

6. 2007SP-084U-05

10TH AND RUSSELL

Map 083-09, Parcel(s) 207

Council District 06 (Peter Westerholm)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "10th and Russell", to determine its completeness pursuant to Section 17.40.106.l of the Metro Zoning Code (Review of a Development Plan), for property located at 205 South 10th Street (0.89 acres), approved for 53,851 square feet containing three retail units and 39 residential units via Council Bill BL2007-1510 effective on July 25, 2007, and amended to permit 54,000 square feet containing three retail units and 44 residential units via Council Bill BL2007-9 effective on November 29, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MU) district known as "10th and Russell", to determine its completeness pursuant to Section 17.40.106.l of the Metro Zoning Code (Review of a Development Plan), for property located at 205 South 10th Street (0.89 acres), approved for 53,851 square feet containing 3 retail units and 39 residential units via Council Bill BL2007-1510 effective on July 25, 2007, and amended to permit 54,000 square feet containing three retail units and 44 residential units via Council Bill BL2007-9 approved on November 20, 2007.

Zoning Code Requirement Section 17.40.106.l of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 10th and Russell SP was originally approved for three retail units, and 39 residential units. This was amended by the Council and the SP is approved for three retail units and 44 residential units. The plan calls for a three-story mixed use building with retail and office on the ground floor and residences above.

SPECIFIC PLAN REVIEW Staff conducted a site visit in December 2011. The three-story mixed use building has not been constructed.

The applicant did not respond to the letter requesting details of activity. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

FINDING 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.l.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. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan This property is within the East Nashville Community Plan. The land use policy is Neighborhood Center (NC) with a special policy that required a community meeting prior to a hearing at the Planning Commission. At the time this matter was considered, Special Policy 2 was met. The three-story, mixed-use building is consistent with the NC policy as it creates a walk-to area with small-scale office, retail, and residential uses.

Amendments/Rezoning As the SP is consistent with the NC land use policy and the requirements of Special Policy 2 were met, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION Staff recommends that the 10th and Russell SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is

recommended on this property.

Find the SP INACTIVE, and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property, *Consent Agenda* (10-0)

Resolution No. RS2012-1

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-084U-05 is approved, FINDING THE SP INACTIVE and directing staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (10-0)”

7. 2007SP-118U-05

VENITA AXLEY TOWNHOMES

Map 083-07, Parcel(s) 090

Council District 06 (Peter Westerholm)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Venita Axley Townhomes", 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 942 Riverside Drive (1.07 acres), approved for three attached single-family townhomes and one existing single-family home via Council Bill BL2007-20 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (R) district known as "Venita Axley Townhomes", 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 942 Riverside Drive (1.07 acres), approved for three attached single-family townhomes and one existing single-family home via Council Bill BL2007-20 approved on November 20, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 Venita Axley SP is approved for three townhouse units and a single family residence. At the time the Planning Commission recommended approval of this SP, the Commission also amended the land use policy from Residential Low Medium (RLM) to Neighborhood Center (NC). The density of the SP at eight units per acre exceeded the two to four units per acres of the RLM policy. Due to its location at the intersection of Riverside Drive and Rosebank Avenue, higher density development is appropriate and the NC policy was applied.

SPECIFIC PLAN REVIEW Staff conducted a site visit in December 2011. There did not appear to be any construction activity on the site apart from the single-family residence that was in place at the time of the approval of the SP. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

The owner responded to the letter with a phone call and confirmed no activity had taken place. The staff preliminary assessment of inactivity remains in place.

FINDING 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. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan This property is within the East Nashville Community Plan. The land use policy was amended with the Planning Commission recommendation of approval of the SP to NC. The SP continues to meet the goals and objectives of the East Nashville plan:

The East Nashville Plan promotes the preservation and enhancement of neighborhood retail nodes. The placement of NC policy will work to enhance the existing neighborhood center. It will provide a residential component while creating a more defined edge between the existing neighborhood center and surrounding residential.

Amendments/Rezoning As the SP is consistent with the NC policy of the East Nashville Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION Staff recommends that the Venita Axely SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP INACTIVE, and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property, *Consent Agenda* (10-0)

Resolution No. RS2012-2

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-118U-05 is approved, FINDING THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (10-0)"

8. 2007SP-126U-11

A & W UPHOLSTERY

Map 133-05, Parcel(s) 052

Council District 16 (Tony Tenpenny)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MNR) district known as "A & W Upholstery", 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 429 Veritas Street (0.34 acres), approved for an existing 2,800 square foot building to be used for one single-family dwelling unit, a general office or a light manufacturing/general retail and an upholstery shop via Council Bill BL2007-10 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP COMPLETE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MNR) district known as "A & W Upholstery", 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 429 Veritas Street (0.34 acres), approved for an existing 2,800 square foot building to be used for one single-family dwelling unit, a general office or a light manufacturing/general retail and an upholstery shop via Council Bill BL2007-10 approved on November 20, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 was approved for an existing 2,800 square foot building to be used for one single-family dwelling unit, a general office or light manufacturing/general retail and an upholstery shop. Staff visited the site in December 2011.

The site is developed and operating in conformance with the conditions of the SP ordinance.

STAFF RECOMMENDATION Staff recommends that the A&W Upholstery SP be found to be complete.

Find the SP COMPLETE, *Consent Agenda* (10-0)

Resolution No. RS2012-3

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-126U-11 is approved, FINDING THE SP COMPLETE. (10-0)”

9. 2007SP-146G-02

GRACE ADULT HOMES ASSISTED LIVING FACILITY

Map 032, Parcel(s) 204

Council District 03 (Walter Hunt)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Grace Adult Homes Assisted Living Facility", 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 1420 Old Hickory Boulevard (3.86 acres), approved for an assisted living facility via Council Bill BL2007-25 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (R) district known as "Grace Adult Homes Assisted Living Facility", 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 1420 Old Hickory Boulevard (3.86 acres), approved for an assisted living facility via Council Bill BL2007-25 approved on November 20, 2007.

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 purpose of the Grace Adult Homes Assisted Living SP was to allow for an assisted living facility in two phases. Staff visited the site in December 2011. Phase I of the facility has been constructed.

STAFF RECOMMENDATION Staff recommends that the Grace Adult Homes Assisted Living SP be found to be active as Phase I has been completed and is occupied.

Find the SP ACTIVE, *Consent Agenda* (10-0)

Resolution No. RS2012-4

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-146G-02 is approved, FINDING THE SP ACTIVE. (10-0)”

10. 2007SP-147G-02

ELITE GATE COMPANY

Map 033, Parcel(s) 298

Council District 10 (Doug Pardue)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "Elite Gate Company", 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 Dickerson Pike (unnumbered) (3.23 acres), approved for 13,400 square feet of commercial sales and service uses in three buildings via Council Bill BL2007-22 adopted on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MU) district known as "Elite Gate Company", 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 Dickerson Pike (unnumbered) (3.23 acres), approved for 13,400 square feet of commercial sales and service uses in three buildings via Council Bill BL2007-22 adopted on November 20, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 Elite Gate Company SP is approved for an existing residence to be used for general office uses, and allows for two new 6,000 square foot buildings at the rear of the site to be used for a fence/gate assembly facility. The SP also allows a small portion of the site to be used for outdoor storage. The SP also anticipated that the property may redevelop in the future and would need to be consistent with the standards of the MUL zoning district and consistent with the MU policy. Development standards including commercial and residential setbacks, height limits, massing and scale requirements and streetscape requirements were identified in the SP.

SPECIFIC PLAN REVIEW Staff conducted a site visit in December 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

The owner did not respond to the letter. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

FINDING 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. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan This property is within the Parkwood/Union Hill Community Plan and the policy is Mixed-Use (MU). The SP provides the opportunity for a mix of uses on the property which will allow for future development consistent with the MU policy. The SP zoning provides a framework for redevelopment of the property because the plan calls for future uses and development consistent with MUL zoning. This moves this property towards the policy by providing for a mix of uses, rather than only commercial uses along Dickerson Pike, and a mix of uses, rather than just residential, on the rear portion of the site. The SP provides standards for future redevelopment that will create a more pedestrian oriented, horizontally and vertically mixed development.

Amendments/Rezoning As the SP is consistent with the MU policy of the Parkwood/Union Hill Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION Staff recommends that the Elite Gate Company SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property, *Consent Agenda* (10-0)

Resolution No. RS2012-5

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-147G-02 is approved, FINDING THE SP INACTIVE and directing staff to prepare a report to the Council to continue the implementation of the development plan adopted and that no rezoning is recommended on this property. (10-0)”

11. 2007SP-150G-14

EVANS HILL

Map 086, Parcel(s) 113, 327, 348 Map 087, Parcel(s) 025, 195

Council District 12 (Steve Glover)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MR) district known as "Evans Hill", 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 1209 and 1213 Tulip Grove Road and at Tulip Grove Road and Valley Grove Drive (unnumbered), (72.01 acres), approved for 340 dwelling units consisting of 159 townhouses and 181 single-family lots via Council Bill BL2007-35 adopted on December 4, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MR) district known as "Evans Hill", 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 1209 and 1213 Tulip Grove Road and at Tulip Grove Road and Valley Grove Drive (unnumbered), (72.01 acres), approved for 340 dwelling units consisting of 159 townhouses and 181 single-family lots via Council Bill BL2007-35 adopted on December 4, 2007.

DETAILS OF THE SP DISTRICT The Evans Hill SP is approved for 159 townhouses and 181 single-family lots. Lots are arranged in a logical way to minimize disturbance of environmentally sensitive lands, provide accessible and usable open space, and create a well-connected street system.

SPECIFIC PLAN REVIEW Staff conducted a site visit in December 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

Owner Response The current owner purchased the property in May 2011 and responded with the following:

"I just recently purchased this property from Wilson Bank and Trust in May, 2011. I have also taken the steps to purchase additional property that enters this SP located on Tulip Grove Road that currently consists of 11 lots that have all utilities, road, curb, gutters, and retention ponds. This project has been under the watchful eye of Wamble and Associates and we currently have the "As-Builts" for this project ready to be submitted to Metro Planning for approval on the bonds.

The next step has been taken to apply for funding that would allow us to start construction on the 11 lots that we currently have completed. This progress will enable us to actively market and sell lots located within the SP. We currently have several potential buyers that we are aggressively working that could be an immediate sale for this SP property.

Upon my analysis of the SP, I feel the general plan and compatibility fits well, and is consistent with the character of the community. I do not feel that any amendments to the SP should be necessary at this time.

To recap, in the very short time I have owned this property, I have been working diligently to get this project up and running. I have invested a tremendous amount of time and money on this project and see progress every day. We have recently moved some of our heavy equipment to the site in preparation for the next phase of activity.

With this being said, I ask that the Planning Commission take into consideration the aggregate of actions I have taken on this SP within the very short time of ownership and grant me an "ACTIVE" status on this SP."

Although the work on the adjacent property will provide access to the SP, it is not part of the SP district and cannot be used to determine activity within the SP.

FINDING 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

- 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. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan This property is within the Donelson/Hermitage/Old Hickory Community Plan and the policies are Residential Low Medium (RLM) and Residential Medium (RM). The density of the SP falls within what is envisioned with the two policies. The plan provides a community oriented development and provides for needed street connections within the area.

Amendments/Rezoning As the SP is consistent with the RLM and RM policies of the Donelson/Hermitage/Old Hickory Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION Staff recommends that the Evans Hill SP be found to be inactive, and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property, *Consent Agenda* (10-0)

Resolution No. RS2012-6

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-150G-14 is approved, **FINDING THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (10-0)"**

12. 2007SP-151U-13

BRIGHT POINTE

Map 164, Parcel(s) 106-109, 212
Council District 33 (Robert Duvall)
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MR) district known as "Bright Pointe", 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 3781, 3791, 3799 and 3803 Pin Hook Road and at Pin Hook Road (unnumbered), (19.29 acres), approved for 42 multifamily units and 57 single-family lots via Council Bill BL2007-32 adopted on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MR) district known as "Bright Pointe", 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 3781, 3791, 3799 and 3803 Pin Hook Road and at Pin Hook Road (unnumbered), (19.29 acres), approved for 42 multifamily units and 57 single-family lots via Council Bill BL2007-32 adopted on November 20, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 Bright Pointe SP is approved for 42 multi-family units and 57 single-family lots arranged on public streets. The multi-family units front Pin Hook Road and Post Oak Drive. The single-family lots are 3,600 and 4,000 square feet. While these lots are small, they provide a transition between the multi-family housing and the existing single-family development.

SPECIFIC PLAN REVIEW Staff conducted a site visit in December 2010. There did not appear to be any construction activity on the site. When the 90 day letter to alert a property owner was sent out, it was returned by the post office. At the time the letter requesting details of activity was to be sent, staff made various attempts to contact the property owners of record. This included contacting the original applicant and the property owner's representative who had signed the original application. Neither party had an address more current than the one shown in the assessor's records. The letter was not sent out.

As staff was unable to contact the owner, the staff's preliminary assessment of inactivity remains in place.

FINDING 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.l.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. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan This property is within the Antioch/Priest Lake Community Plan and there are two land use policies in place. The first is Neighborhood Center (NC) and the second is Neighborhood General (NG). The single-family and multi-family are both appropriate uses for these policies. This plan provides an interconnected street network and unit placement consistent with both policies.

Amendments/Rezoning As the SP is consistent with the NC and NG policies of the Antioch/Priest Lake Community Plan, at this time the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION Staff recommends that the Bright Pointe SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property, *Consent Agenda* (10-0)

Resolution No. RS2012-7

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-151U-13 is approved, **FINDING THE SP INACTIVE and directing staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended of this property. (10-0)**"

13. 2007SP-155U-14

TAXI USA OF TENNESSEE

Map 094, Parcel(s) 043

Council District 15 (Phil Claiborne)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (A) district known as "Taxi USA of Tennessee", to determine its completeness pursuant to Section 17.40.106.l of the Metro Zoning Code (Review of a Development Plan), for property located at 1510 Lebanon Pike, (1.77 acres), approved for automobile convenience, vehicular rental/leasing, vehicular sales and service, limited, and all other uses permitted by the CS zoning district via Council Bill BL2007-13 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP COMPLETE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (A) district known as "Taxi USA of Tennessee", 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 1510 Lebanon Pike, (1.77 acres), approved for automobile convenience, vehicular rental/leasing, vehicular sales and service, limited, and all other uses permitted by the CS zoning district via Council Bill BL2007-13 approved on November 20, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 was approved for automobile convenience, vehicular rental/leasing, vehicular sales and service, limited, and all other uses permitted by the CS zoning district. Staff visited the site in December 2011. There is a taxi service company operating on the property consistent with the standards of the SP ordinance.

STAFF RECOMMENDATION Staff recommends that the Taxi USA of Tennessee SP be found to be complete.

Find the SP COMPLETE, *Consent Agenda* (10-0)

Resolution No. RS2012-8

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-155U-14 is approved, **FINDING THE SP COMPLETE. (10-0)"**

14. 2007SP-156U-12

NATIONAL COLLEGE

Map 162, Parcel(s) 105

Council District 31 (Fabian Bedne)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (O) district known as "National College", 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 1638 Bell Road (6.64 acres), approved for a business school via Council Bill BL2007-26 approved on December 4, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP COMPLETE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (O) district known as "National College", 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 1638 Bell Road (6.64 acres), approved for a business school via Council Bill BL2007-26 approved on December 4, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 was approved for a business school. Staff visited the site in December 2011. There is a business school on the property. The site is developed consistent with the standards of the SP ordinance.

STAFF RECOMMENDATION Staff recommends that the National College SP be found to be complete.

Find the SP COMPLETE, *Consent Agenda* (10-0)

Resolution No. RS2012-9

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-156U-12 is approved, **FINDING THE SP COMPLETE. (10-0)"**

15. 2007SP-159U-07

CAMERON CAR WASH

Map 103-02, Parcel(s) 060
Council District 24 (Jason Holleman)
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (A) district known as "Cameron Car Wash", 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 306 White Bridge Pike (0.37 acres), approved for a car wash facility via Council Bill BL2007-11 approved on December 04, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP COMPLETE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (A) district known as "Cameron Car Wash", 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 306 White Bridge Pike (0.37 acres), approved for a car wash facility via Council Bill BL2007-11 approved on December 04, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 was approved for a car wash facility. Staff visited the site in December 2011. There is a car wash facility operating on the property and the property is developed consistent with the standards of the SP ordinance.

STAFF RECOMMENDATION Staff recommends that the Cameron Car Wash SP be found to be complete.

Find the SP COMPLETE, *Consent Agenda* (10-0)

Resolution No. RS2012-10

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-159U-07 is approved, **FINDING THE SP COMPLETE. (10-0)"**

16. 2007SP-162U-05

WINBERRY PLACE

Map 082-03, Parcel(s) 461-464
Council District 05 (Scott Davis)
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "Winberry Place", 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 927, 929, 1001 and 1003 Lischey Avenue (0.74 acres), approved for mixed use development via Council Bill BL2007-14 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MU) district known as "Winberry Place", 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 927, 929, 1001 and 1003 Lischey Avenue (0.74 acres), approved for mixed use development via Council Bill BL2007-14 approved on November 20, 2007.

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 Winberry Place SP was initially approved to permit six single-family homes, three townhome units, and a two-story mixed-use building. With final site plan approval the SP was revised to permit eight residential units (four single-family homes and four townhomes) and 4,500 square feet of commercial space. The final site plan for Phase I of the commercial building has been

approved. The building is constructed and a beauty shop and a barber shop are in operation. An application for final site plan for the residential portion of the SP is currently under review.

STAFF RECOMMENDATION Staff recommends that the Winberry Place SP be found to be active as the commercial building has been constructed and is occupied and the final site plan for the residential portion of the SP is currently under review. In addition, the commercial and townhouse portions of the SP remain appropriate for the Mixed-use in Neighborhood Center land use policy and the single-family residential portion remains appropriate for the Single-Family Detached and Mixed Housing in Neighborhood General land use policies of the East Nashville Community Plan.

Find the SP ACTIVE, *Consent Agenda* (10-0)

Resolution No. RS2012-11

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-162U-05 is approved, **FINDING THE SP ACTIVE. (10-0)**”

17. 2007SP-163U-13

LAVERGNE SUPER SPEED WASH

Map 175-08, Parcel(s) 051

Council District 33 (Robert Duvall)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (A) district known as "LaVergne Super Speed Wash", 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 4201 Hurricane Creek Boulevard (1.0 acres), approved for a car wash facility via Council Bill BL2007-24 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP COMPLETE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (A) district known as "LaVergne Super Speed Wash", 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 4201 Hurricane Creek Boulevard (1.0 acres), approved for a car wash facility via Council Bill BL2007-24 approved on November 20, 2007.

Zoning Code Requirement Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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 was approved for a car wash facility. Staff visited the site in December 2011. There is a car wash facility operating on the property and the site is developed consistent with the standards of the SP ordinance.

STAFF RECOMMENDATION Staff recommends that the Lavergne Super Speed Wash SP be found to be complete.

Find the SP COMPLETE, *Consent Agenda* (10-0)

Resolution No. RS2012-12

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-163U-13 is approved, **FINDING THE SP COMPLETE. (10-0)**”

18. 2007SP-165G-04

MYATT DRIVE - ANDERSON LANE

Map 043-06, Parcel(s) 083-086, 105, 106, 349

Map 043-07, Parcel(s) 001, 033, 034, 046-057, 062, 065-068, 071, 072, 089-093, 115-117, 121, 123-128, 130

Map 043-11, Parcel(s) 034-035, 037, 039-047, 057-062, 130-140, 149-155, 188, 189, 194

Council District 09 (Bill Pridemore)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "Myatt Drive-Anderson Lane", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for various properties abutting Myatt Drive

from State Route 45 (Old Hickory Boulevard) to Anderson Lane, and abutting Anderson Lane from May Drive to Rio Vista Drive (33.19 acres), approved for mixed uses along Myatt Drive and mixed housing types along Anderson Lane via Council Bill BL2007-21 approved on November 20, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity

SP Review The periodic review of an approved Specific Plan (MU) district known as "Myatt Drive-Anderson Lane", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for various properties abutting Myatt Drive from State Route 45 (Old Hickory Boulevard) to Anderson Lane, and abutting Anderson Lane from May Drive to Rio Vista Drive (33.19 acres), approved for mixed uses along Myatt Drive and mixed housing types along Anderson Lane via Council Bill BL2007-21 approved on November 20, 2007.

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 plan is intended to implement several goals that relate to the detailed land use policies adopted that were adopted in May 2007. These goals remained in place with the update of the Madison Plan in 2009. The goals include:

- To provide for the daily needs of residents and visitors by providing pedestrian friendly neighborhood centers in strategic locations along the corridor.
- To encourage walking, cycling, and transit as viable transportation options, by providing a mix of uses and promoting construction of a system of sidewalks and transit shelters.
- To improve the aesthetics and economic viability of the corridor by using zoning to discourage land uses perceived to have a negative impact on the surrounding community.
- To provide parking for those who live, work, and shop in the study area in a manner that does not dominate the street and is sensitive to the pedestrian environment.
- To soften the visual impact of new development and provide a greater level of comfort for pedestrians.
- To prevent visual clutter from signage along the corridor.

While there has only been limited activity within the SP it remains appropriate for T4-Urban Mixed Corridor, T4-Urban Neighborhood Center, and T4-Urban Residential Corridor land use policies of the Madison Community Plan.

STAFF RECOMMENDATION Staff recommends that the Myatt Drive-Anderson Lane SP be found to be active.

Find the SP ACTIVE, *Consent Agenda (10-0)*

Resolution No. RS2012-13

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-165G-04 is approved, **FINDING THE SP ACTIVE. (10-0)**”

19. 2012SP-001-001

BL2011-81 / PARDUE

WHOLESALE, INC.

Map 034-02, Parcel(s) 025

Council District 10 (Doug Pardue)

Staff Reviewer: Greg Johnson

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 1809 Gallatin Pike, approximately 250 feet north of Myatt Drive (4.93 acres), to permit automobile sales (used), automobile service, automobile repair, and all other uses permitted by the CS District, requested by Dale & Associates, applicant, Steve and Jenelle Brewster, owners.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Permit automobile sales (used), automobile service, automobile repair, and all other uses permitted by CS district

Preliminary and Final SP A request to rezone from Commercial Service (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 1809 Gallatin Pike, approximately 250 feet north of Myatt Drive (4.93 acres), to permit automobile sales (used), automobile service, automobile repair, and all other uses permitted by the CS District.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

MADISON COMMUNITY PLAN

Existing Policy

T5 Super Regional Center (T5 SR) T5 SR policy is intended to enhance super regional centers, encouraging their redevelopment as intense mixed use areas that are intended to serve the Middle Tennessee region, with supporting land uses that create opportunities to live, work, and recreate. T5 Super Regional Centers are pedestrian friendly areas, generally located at the intersection of two arterial streets, and contain commercial, mixed use, residential and civic and public benefit land uses. T5 Super Regional Centers serve communities within a reasonable driving distance or a 5 to 10 minute walk. Intensity is generally placed within boundaries not exceeding ½ mile in diameter and transitional uses placed within boundaries not exceeding 1 mile in diameter measured from the prominent intersection.

Consistent with Policy? The T5 Super Regional Center (T5 SR) policy allows a variety of residential and non-residential development and emphasizes articulation of a street wall along public streets in order to create a strong pedestrian environment. Because of this intent, approval of the proposed SP should include improvement to the Gallatin Pike street frontage using a landscaped area to provide street articulation. In accordance with the T5 SR policy, Planning staff recommends the MUL zoning district for future development on the site. MUL is more consistent with the recommended land uses and building form of the T5 SR policy than the CS zoning district.

PLAN DETAILS In 2006, a Council bill removed most automobile-related uses from the list of uses permitted under the CS zoning classification. This SP request proposes to have used auto sales several other automobile-related uses added back to the uses permitted for the subject property.

Existing conditions and site plan The applicant intends to operate used car sales use on the subject property, which recently housed a car dealership. A site plan was submitted with the SP application showing the intent to reuse the existing site essentially under its current conditions. Most of the site is covered by paved surface for vehicle parking and display. The site includes several buildings for vehicle sales and related functions.

Street frontage The lack of proposed improvements to the Gallatin Pike street frontage is the basis for the disapproval recommendation from Planning staff. SP zoning districts for auto uses are reviewed with the intent to improve the street frontage of each district. The site's current frontage features a continuous driveway access along its 322 foot Gallatin Pike frontage. A change in pavement color and a row of parking lot lamps are the only elements that signal a transition from the site to the public street.

The site is located adjacent to two other auto-related uses along Gallatin Pike, including another auto dealership. Outside of this small number of auto-related uses, all other businesses and properties along this stretch of Gallatin Pike include a landscaped area along the street frontage that provides distinct separation between the street and private property, while also serving the function of limiting driveway access to Gallatin Pike.

Signage An existing pole sign exists at the front of the property. The applicant intends to reuse this sign for the proposed business. Surrounding sites include pole signs of similar height and size. A condition of approval has been added to require removal of the sign if it fails to qualify for protection under the Zoning Code as a nonconforming sign. If the sign is removed, any new ground signs shall be limited to the height and sign size standards of the MUL zoning district.

PUBLIC WORKS RECOMMENDATION

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. If any sidewalks are required to be constructed Public Works would require these improvements be constructed so that the proposed back of sidewalk be placed on the existing ROW on the north side and continue with the existing single white line along Gallatin Pike. Proposed sidewalks should be constructed as per ST-210. If sidewalks are constructed the driveway ramps will need to be reconstructed as ST-325.
3. Identify parking per metro code. Identify outdoor display area with curb barrier along Gallatin Pk.

STAFF RECOMMENDATION Staff recommends disapproval of the SP request. The design of the proposed auto use is not consistent with the design intent of the T4 SR land use policy to provide articulation of street frontage along Gallatin Pike.

CONDITIONS

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
2. The existing ground sign may be re-faced for the proposed auto use. If the existing ground sign fails to qualify for protection under the Zoning Code as a nonconforming sign, or is removed voluntarily, any new ground signs shall meet the requirements of the MUL zoning district.
3. This SP shall permit automobile sales (used), automobile service, and automobile repair in addition to all uses permitted by the CS zoning district.
4. The following note shall be added to the site plan: Auto related uses shall be consistent with the approved site plan. Minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the CS zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. 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.

Mr. Johnson presented the staff recommendation of disapproval to the Planning Commission.

Roy Dale, of Dale & Associates, representing the applicants, asked the Commission to consider approval of the application.

Tom White, representing the applicants, spoke in support of the application and asked that the Commission approve the project with the clarification that there be a 25% trigger for conditions to be mandated.

Mr. Dalton moved and Mr. Clifton seconded the motion to close the public hearing. (10-0)

Chairman McLean asked about the application's status through the Metro Council. Mr. Dale stated the application has received 2nd reading approval by Metro Council and required suspension of the rules with no objections.

Councilmember Claiborne clarified the bill has passed 2nd reading, but that it has not been through the committee process, and stated making an exception to a rule for this application opens the door for other applications to request an exception. Councilmember Claiborne stated he is undecided on whether to approve or disapprove.

Mr. Ponder asked staff for clarification regarding the auto SP district policy description.

Mr. Johnson discussed the definition and evolution of the auto SP district policy.

Mr. Ponder inquired about a knee wall as an alternative option to separation between lot and street. Mr. Bernhardt stated a knee wall or other separation might be consistent with and would not undermine the SP district policy. Mr. Bernhardt also stated a grassy separation would also be consistent with the SP and would allow postponing landscaping until a larger bit of work is completed.

Mr. Ponder asked Mr. Sloan if approval of this application would affect other businesses and set a precedent. Mr. Sloan stated it would not affect other auto dealerships unless they discontinued and later restarted their auto businesses but would set a precedent. Mr. Bernhardt, Mr. Sloan, and Chairman McLean discussed the definition of used car sales lots, new auto sales lots, and the timeframe for grandfathering in both types.

Ms. Cummings stated she is in favor of some type of separation between the street and the property, but does not want to set precedent by approving the applicant's request at this time. She spoke in favor of a grassy border along the property.

Mr. Clifton asked for clarification of staff suggestions. Mr. Johnson stated setting conditions of approval was not possible without proper streetscaping.

Mr. Clifton stated he is sympathetic to the applicant but that Metro Council set the policy and does not feel comfortable making exceptions to it.

Mr. Gee inquired about sidewalks along the property. Mr. Johnson explained sidewalks are not required at this time.

Mr. Gee cited parking spaces at the front of the property as one of the possible reasons for prior policy changes. Mr. Gee asked about the direction this application will take at the Metro Council.

Mr. Sloan and Mr. Bernhardt discussed the legislative path of the application, the addition of conditions to a recommendation, and how that might affect the legislative outcome at Council.

Mr. Gee asked Mr. White to clarify his previous statement of the Councilmember's intent with this bill at Council.

Mr. White stated he believed the bill will pass on the 3rd reading at Council based on discussion with the Councilmember. Mr. White also stated the applicant would agree to put in sidewalks and greenery at a 25% increase in square footage or at redevelopment point.

Mr. Haynes stated he feels the original policy may not examine larger lot auto dealerships, and spoke in favor of approving the application.

Mr. Dalton spoke in agreement with Mr. Haynes, stating he is open to minor exceptions and would like to find a solution so that the applicant can move forward with his proposal.

Mr. Adkins stated he is in favor of the application, that it is the same land use as previous, and is in agreement with the applicant's proposed 25% development suggestion.

Ms. LeQuire stated she is sympathetic to the applicant but is undecided about an exception, and questioned Public Works recommendation.

Mr. Bernhardt stated that retaining the history and policy of the SP district is consistent, but that some separation could be designed that would not limit display areas. Ms. LeQuire stated she would consider the auto SP district if a separating wall were put in place.

Mr. Hayes asked about the passing of the auto SP policy. Mr. Bernhardt clarified the rezoning is required in this case for used auto sales since the previous use was for new auto sales.

Mr. Sloan stated the SP policy is specific in defining auto lots, and because this application is changing uses, it is therefore affected by the new policy. Mr. Sloan and Mr. Bernhardt discussed the origin and basis of the statute.

Mr. McLean inquired about the types of separation possible. Mr. Bernhardt clarified types of separation consistent with the policy.

Mr. Cummings stated she is sympathetic to separation issues, and believes this is an opportunity to improve existing issues.

Mr. Dale stated he is in favor of some type of curb placement, and asked that these conditions be added to the 25% redevelopment point.

Mr. Ponder inquired about curb sizes. Mr. Dale stated curbs would be at least 18 inches in width, but that a wall would be on the right-of-way and his applicant would not be in favor.

Mr. Ponder asked for clarification on whether cars on the lot would be over the right-of-way. Mr. Dale stated this is the existing situation.

Mr. Haynes moved and Mr. Dalton seconded the motion to approve the application with a curb, not a knee wall.

Mr. Bernhardt clarified that this and the other conditions would apply at a 25% redevelopment point. Mr. McLean restated that the conditions would take affect at the 25% point.

Motion carried, (9-1). Clifton – opposed.

Approve with conditions and disapprove without conditions, including the following conditions:

1. That an extruded curb or other barrier shall be constructed along the front property line to provide a separation from the parked cars and the travel way and to allow a maximum of two access points onto Gallatin Pike, and
2. That, the expansion of 25 percent or more of total floor area of the originally approved site plan shall trigger the requirement for the construction of a sidewalk and the installation of a minimum 15 foot wide landscaped area along the front property line with a continuous row of shrubs and ornamental trees planted every 20 feet along its length and disapprove without all conditions of approval.

Resolution No. RS2012-14

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-001-001 is APPROVED WITH CONDITIONS AND DISAPPROVE WITHOUT CONDITIONS. (9-1)

Conditions of Approval:

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
2. The existing ground sign may be re-faced for the proposed auto use. If the existing ground sign fails to qualify for protection under the Zoning Code as a nonconforming sign, or is removed voluntarily, any new ground signs shall meet the requirements of the MUL zoning district.
3. This SP shall permit automobile sales (used), automobile service, and automobile repair in addition to all uses permitted by the CS zoning district.
4. The following note shall be added to the site plan: Auto related uses shall be consistent with the approved site plan. Minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the CS zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. 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.
9. That an extruded curb or other barrier shall be constructed along the front property line to provide a separation from the parked cars and the travel way and to allow a maximum of two access points onto Gallatin Pike, and
10. That, the expansion of 25 percent or more of total floor area of the originally approved site plan shall trigger the requirement for the construction of a sidewalk and the installation of a minimum 15 foot wide landscaped area along the front property line with a continuous row of shrubs and ornamental trees planted every 20 feet along its length and disapprove without all conditions of approval.

With the proposed conditions of approval, including the requirement for an extruded curb along the front property line and future streetscape improvements, the proposed SP will be consistent with the T5 Super Regional Center land use policy.”

20a. 2012SP-003-001

RED KAP INDUSTRIES

Map 031, Parcel(s) 112

Council District 03 (Walter Hunt)

Staff Reviewer: Greg Johnson

A request to rezone from OR20 to SP-IND district property located at 554 Hickory Hills Boulevard, approximately 1,000 feet north of Old Hickory Boulevard (25.0 acres), to permit a building expansion to a maximum of 295,000 square feet to an existing building containing 219,425 square feet, containing distributive business, warehouse and light manufacturing uses., requested by J & S Construction, applicant for Red Kap Industries Inc., owner. (See also Planned Unit Development Case # 96-81P-002).

Staff Recommendation: APPROVE the SP WITH CONDITIONS and DISAPPROVE without all conditions of approval.

Approve with conditions and disapprove without all conditions of approval, *Consent Agenda* (10-0)

[Note: Items #20a and #20b were discussed by the Planning Commission at the same time. See Item #20b for staff report, actions, and resolutions.]

20b. 96-81P-002

RED CAP INDUSTRIES

Map 031, Parcel(s) 112

Council District 03 (Walter Hunt)

Staff Reviewer: Greg Johnson

A request to cancel the Red Cap Industries Industrial Planned Unit Development Overlay District located at 554 Hickory Hills Boulevard, approximately 1,000 feet north of Old Hickory Boulevard, zoned OR20 and proposed for SP (25.0 acres), requested by J & S Construction, applicant, for VF Imagewear Red Cap Industries Inc., owner. (See also Specific Plan Case # 2012SP-003-001).

Staff Recommendation: APPROVE the PUD cancellation if the SP is approved.

APPLICANT REQUEST - Expand existing warehouse/distribution and light manufacturing uses

Zone change A request to rezone from Office-Residential (OR20) to Specific Plan – Industrial (SP-IND) district property located at 554 Hickory Hills Boulevard, approximately 1,000 feet north of Old Hickory Boulevard (25.0 acres), to permit a building expansion to a maximum of 295,000 square feet to an existing building containing 219,425 square feet, containing distributive business, warehouse and light manufacturing uses.

Planned Unit Development (PUD) A request to cancel the Red Cap Industries Industrial Planned Unit Development Overlay District located at 554 Hickory Hills Boulevard, approximately 1,000 feet north of Old Hickory Boulevard, permitting industrial and warehouse uses, zoned OR20 and proposed for SP (25.0 acres).

Existing Zoning

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

Proposed Zoning

SP-IND District - Specific Plan-Industrial 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 industrial uses.

CRITICAL PLANNING GOALS N/A

PARKWOOD/UNION HILL COMMUNITY PLAN

Commercial Mixed Concentration (CMC) CMC policy is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics.

Consistent with Policy? Yes. CMC policy is intended to permit a wide range of commercial development of both consumer goods and services and employment. The range of land uses recommended by the CMC policy includes the proposed business distribution, warehouse, and light manufacturing land uses.

ZONE CHANGE The property is currently within the OR20 zoning district and has a PUD overlay for the current warehouse/ distribution and light manufacturing land uses. The owner of the existing business is proposing to enlarge the existing building and requests an SP zone change in order to permit this expansion. The request includes cancellation of the current PUD overlay.

The site plan shows proposed additions to the east and south sides of the existing building. These proposed expansions comprise of approximately 67,000 square feet. The expansion of the current use includes minor revisions to parking areas. Access to the site will not change under the proposed SP zone change.

Landscape buffers and parking As proposed, the site plan demonstrates compliance with requirements of the Zoning Code for parking and landscaping buffers. Because the property is located adjacent to a residential zone to the east and north, a type D landscape buffer will be required along these property lines. The intent to install this buffer is shown on the site plan. These buffers are identified on the plan.

The buffer along the east property line coincides with a public utility easement. Prior to receiving final SP approval, the applicant must receive approval from applicable Metro departments and utility agencies to plant the required buffer within the easement. If the applicant cannot secure approvals from these departments, the buffer will need to be redesigned. Depending on the extent of the changes to the site plan to incorporate this redesign, an amendment to the SP may be required.

Trailer storage Although truck parking is typically included within the definition of the current distributive nature of the current land use, the site plan lists temporary trailer storage as a permitted use on the site, which has approximately 60 truck parking spaces.

Permitted land uses Although the applicant intends to continue the current distributive business/warehouse/light manufacturing use on the site, the SP proposes additional permitted uses from the CS and IWD zoning districts that will be adaptable to the site configuration and compatible to adjacent residential development. These permitted uses include printing and publishing, inventory stock, custom assembly, laundry plant, and business service. Land uses from these zoning districts that are considered less compatible with residential development, such as rock quarry and heavy manufacturing, are specifically listed as prohibited land uses.

Signage The site includes one existing monument-style ground sign at the southern driveway entrance to the site. The SP application does not propose additional ground signs. Additional ground signs may be permitted using the ground sign spacing requirements of the MUL zoning district. Any future ground signs within the SP shall be monument-style signs with a maximum size of 32 square feet and a maximum height of 6 feet.

PLANNED UNIT DEVELOPMENT

Plan Details The existing PUD approval includes the existing site layout. Because the applicant wishes to expand the existing building by more than 10%, an amendment to the PUD would be required. In addition, a zone change to a district that is compatible with the current land uses would be required. Instead of requesting a base zone change and a PUD amendment, the applicant has opted to request an SP zone change with a PUD cancellation. The SP zone change includes a site plan for expansion of the current use, which nullifies the need for a PUD amendment.

STORMWATER RECOMMENDATION Amendment to preliminary approved. Approved construction drawings will be required prior to Final PUD approval.

PUBLIC WORKS RECOMMENDATION

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. Label and dimension existing ROW on Hickory Hills Boulevard.
3. Provide solid waste plan (dumpsters, recycling, pickup schedule, etc.)
4. Demonstrate via turn templates that turnaround for waste disposal vehicle is sufficient to allow for SU-30 vehicle turning movements.
5. Construct left turn lane on Old Hickory Blvd; submit construction drawings for PW approval. Or submit access study to determine roadway improvements.

Maximum Uses in Existing Zoning District: OR20

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehouse / Distribution(150)	25	-	219,452 SF*	782	66	71

*Floor area controlled by PUD

Maximum Uses in Proposed Zoning District: SP-IND

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehouse / Distribution(150)	25	-	286,208 SF*	1019	86	92

*Floor area controlled by PUD

Traffic changes between Maximum: OR20 and proposed SP-IND

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 66,756 SF	+237	+20	+21

STAFF RECOMMENDATION Staff recommends approval of the SP with conditions and disapproval without the Planning Commission required conditions. Staff recommends approval of the PUD cancellation if the SP is approved. With conditions, the proposed SP will be consistent with the current land use policy and will be compatible with surrounding development.

SP CONDITIONS

1. Any future ground signs within the SP shall be monument-style signs with a maximum size of 32 square feet and a maximum height of 6 feet.

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

Approve the SP with Conditions and Disapprove without Conditions and Approve the PUD cancellation, *Consent Agenda* (10-0)

Resolution No. RS2012-15

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-003-001 is **APPROVED THE SP WITH CONDITIONS AND DISAPPROVE THE SP WITHOUT CONDITIONS. (10-0)**

Conditions of Approval:

1. Any future ground signs within the SP shall be monument-style signs with a maximum size of 32 square feet and a maximum height of 6 feet.
2. Prior to final SP approval, a utility easement encroachment agreement to permit the concurrent location of the public utility easement and the landscape buffer along the east property line, signed by all applicable Metro departments and agencies, shall be submitted to Metro Planning.
3. The development shall comply with conditions of approval from Metro Public Works.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

With conditions, the proposed SP will be consistent with the current land use policy and will be compatible with surrounding development.”

Resolution No. RS2012-16

“BE IT RESOLVED by The Metropolitan Planning Commission that 96-81P-002 is **APPROVED. (10-0)**

With the approved SP zoning district, the PUD overlay is no longer needed.”

Zone Changes

21a. 2012Z-003PR-001

RAVENWOOD

Map 085, Part of Parcel(s) 007
Council District 14 (James Bruce Stanley)
Staff Reviewer: Jason Swaggart

A request to rezone from the AR2a district to RS10 district a portion of property located at 1176 Stones River Road, north of Stone Hall Boulevard (4.9 acres), requested by Civil Site Design Group, applicant, for E. Phillips Development on behalf of Ravenwood Country Club LLC, owner. (See also Planned Unit Development Overlay Case # 2005P-030-003)

Staff Recommendation: APPROVE

Approve, *Consent Agenda* (10-0)

[Note: Items #21a and #21b were discussed by the Planning Commission at the same time. See Item #20b for staff report, actions, and resolutions.]

21b. 2005P-030-003

RAVENWOOD COMMUNITY

Map 085, Part of Parcel 007, Parcel 213
Council District 14 (James Bruce Stanley)
Staff Reviewer: Jason Swaggart

A request to amend a portion of the Ravenwood Residential Planned Unit Development Overlay District located on the north side of Stones River Road northwest of Lebanon Pike zoned RM6 and RS10 to add approximately 4.9 acres zoned AR2a and proposed for RS10 to the overlay and change the layout for a portion of the overlay to permit a total of 337 residential units within the entire overlay, requested by Civil Site Design Group, applicant, for E. Phillips Development on behalf of Ravenwood Country Club LLC, owner. (See also zone change Case # 2012Z-003PR-001)

Staff Recommendation: APPROVE PUD amendment WITH CONDITIONS

APPLICANT REQUEST - Rezone property for single-family lots and add to rezoned property into PUD overlay and revise overlay layout.

Zone change A request to rezone from Agricultural and Residential (AR2a) district to Single-Family Residential (RS10) district a portion of property located at 1176 Stones River Road, north of Stone Hall Boulevard (4.9 acres).

Amend PUD A request to amend a portion of the Ravenwood Residential Planned Unit Development Overlay District located on the north side of Stones River Road northwest of Lebanon Pike zoned Multi-Family Residential (RM6) and Single-Family Residential (RS10) to add approximately 4.9 acres zoned Agricultural/Residential (AR2a) and proposed for Single-Family Residential (RS10) to the overlay and change the layout for a portion of the overlay to permit a total of 337 residential units within the entire overlay.

Existing Zoning

AR2a District - Agricultural/Residential requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

Proposed Zoning

RS10 District - RS10 requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units

per acre.

CRITICAL PLANNING GOALS N/A

DONELSON/HERMITAGE COMMUNITY PLAN

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

Consistent with Policy? Yes. The proposed RS10 zoning district and the associated PUD amendment are consistent with the density requirements for the RLM land use policy.

REQUEST DETAILS The applicant requests are to

- (1) rezone approximately 4.9 acres from AR2a to RS10,
- (2) to amend the Ravenwood Community Planned Unit Development (PUD) by incorporating the area proposed to be rezoned to RS10 into the PUD boundary, and
- (3) to permit modifications to the overall layout from the last approved PUD plan. (Items 2 and 3 relate to the PUD amendment).

The area proposed to be rezoned and added into the PUD is land that is currently part of the Ravenwood Country Club. This area is an open field (golf course) that includes no improvements such as structures or roads.

The Ravenwood PUD was originally approved by Metro Council in February of 2006, for a maximum of 337 residential units consisting of 185 single-family lots and 152 townhomes. Since that approval the overall site plan has been revised and final site plans have been approved for sections of phase one. Portions of phase one have been constructed and homes have been built and are occupied.

Site Plan The proposed amendment calls for a total of 337 residential units consisting of 185 single-family lots and 152 townhomes. This is a cluster lot PUD and lots have been clustered down to the RS5 (5,000 square feet) district. Access to the development is from Lebanon Road. The plan provides for future connections to adjacent property to the north. The plan calls for a formal amenity area.

Staff Analysis The proposed overall unit count is consistent with the original council approved plan. Both the proposed zoning and plan amendment are consistent with the land use policy on this property. The proposed PUD amendment also meets all zoning code requirements. While the layout of the proposed plan differs from the original plan, it remains consistent with the overall development scheme of the original. The layout of the proposed plan provides for adequate circulation within the development, and it provides for future connections to undeveloped land to the north. The plan also provides a location for a formal amenity area. Since the proposed RS10 district is consistent with the property's land use policy, and the proposed PUD is generally consistent with the original approved PUD and meets all zoning requirements, staff is recommending approval of both requests.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION Approve with conditions

1. Lot configuration show is not consistent with the approved construction drawings. Submit revised construction plans to MPW.

STAFF RECOMMENDATION Staff recommends approval of the zone change as it is consistent with the sites land use policy. Staff recommends approval of the PUD amendment because it is mostly consistent with the originally approved PUD and meets all zoning code requirements. Staff recommends disapproval of the PUD amendment if staff conditions are not included.

PUD CONDITIONS

1. All Conditions of BL2005-892 shall apply where applicable.
2. Revised construction plans shall be submitted to Public Works as applicable.
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. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approve with conditions, *Consent Agenda* (10-0)

Resolution No. RS2012-17

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-003PR-001 is **APPROVED. (10-0)**

The zone change request is consistent with the Residential Low-Medium land use policy.”

Resolution No. RS2012-18

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-030-003 is **APPROVED WITH CONDITIONS AND DISAPPROVAL WITHOUT THE CONDITIONS. (10-0)**

Conditions of Approval:

1. All Conditions of BL2005-892 shall apply where applicable.
2. Revised construction plans shall be submitted to Public Works as applicable.
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. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The PUD request is consistent with the originally approved PUD and meets all zoning code requirements.”

Neighborhood Landmark Overlays

22. 2011NL-002-001

209 DANYACREST

Map 085-11, Parcel(s) 005

Council District 14 (James Bruce Stanley)

Staff Reviewer: Jason Swaggart

A request to establish a Neighborhood Landmark Overlay District (NLOD) for property located at 209 Danyacrest Drive, at the northeast corner of Danyacrest Drive and Jenry Drive (2.78 acres), zoned Single-Family Residential (RS15), requested by Dale & Associates, applicant, Don and Christi McEachern, owners.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Apply a Neighborhood Landmark Overlay District

Apply NLO A request to establish a Neighborhood Landmark Overlay District (NLOD) for property located at 209 Danyacrest Drive, at the northeast corner of Danyacrest Drive and Jenry Drive (2.78 acres), zoned Single-Family Residential (RS15).

History This request was originally submitted for approval of the overlay district and concurrent approval of the development plan. Staff recommended approval of the overlay and the development plan at the August 8, 2011, Planning Commission meeting. After the public hearing was closed, the Commission deferred the request indefinitely at the request of the applicant.

While the commission has previously considered a similar request where the overlay and development plan were taken together, the Zoning Code references them as two separate applications. The intent of the separation is to allow for the Commission to first consider the significance of the item intended to be preserved through the overlay prior to considering what may be permitted in the overlay once it has been established. Because of this distinctive separation in the Zoning Code, staff requested that the applicant split the original request into two separate requests consistent with the intent of the Zoning Code. The applicant agreed and the request now is only for approval of the overlay. The development plan will be considered at the next meeting (January 26, 2012).

Existing Zoning

RS15 District - **RS15** requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre. The RS15 zoning would permit approximately seven lots on 2.78 acres.

Proposed Zoning

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

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

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

CRITICAL PLANNING GOALS N/A

CRITERIA FOR CONSIDERATION Section 17.40.160 of the Zoning Code requires that NLOD meet the following six criteria:

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

STAFF FINDING The purpose of this NLOD is to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. According to Historical Commission staff, the property proposed for the NLOD contains a ranch style home built c1950 as the home of A.F. Stanford, a member of the locally significant Stanford family. The home is a good example of the early ranch style, and would be a contributing property in the National Register-eligible Millionaire Row historic district fronting Lebanon Road in Donelson. Millionaire Row has been considered potentially eligible for the National Register for its architectural and historic significance in the Donelson community, and the period of significances would be c1900-1960.

The property itself is also unique in that it is significantly larger than adjacent properties. The property is heavily wooded and coupled with the size of the property it provides a park like sense along the property boundary and at the intersection of Danyacrest Drive and Jerry Drive. If the property were subdivided then it is likely that a majority of the mature trees would be lost and along with it the unique park like feeling the property exudes.

Given the findings of the Historical Commission and the uniqueness of the property, staff finds that the proposed NLOD meets all criteria for consideration of establishment of a NLOD district.

STORMWATER RECOMMENDATION Not Applicable

PUBLIC WORKS RECOMMENDATION No Exceptions Taken

STAFF RECOMMENDATION Staff recommends that the Neighborhood Landmark District be approved. The proposed District meets the criteria for consideration found in the Zoning Code.

Approve, *Consent Agenda* (10-0)

Resolution No. RS2012-19

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011NL-002-001 is **APPROVED. (10-0)**

The proposed District meets the criteria for consideration found in the Zoning Code.”

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

23. 103-79P-003

RIVERFRONT SHOPPING CENTER

Map 053, Parcel(s) 030

Council District 11 (Darren Jernigan)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Riverfront Shopping Center Commercial Planned Unit Development Overlay District located on property at 1252 Robinson Road, at the corner of Robinson Road and Martingale Drive (1.02 acres), zoned R10 and CS, to allow for an approximately 286 foot expansion and tandem drive-thru to an existing fast food restaurant for a total of approximately 3,477 square feet, requested by T-Square Engineering, applicant, for McDonald's Corporation, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit alteration of an existing McDonalds.

Revise Preliminary PUD and Final A request to revise the preliminary plan and for final site plan approval for a portion of the Riverfront Shopping Center Commercial Planned Unit Development Overlay District located on property at 1252 Robinson Road, at the corner of Robinson Road and Martingale Drive (1.02 acres), zoned One and Two Family (R10) and Commercial Services (CS), to allow for an approximately 286 foot expansion and tandem drive-thru to an existing fast food restaurant for a total of approximately 3,477 square feet.

Existing Zoning

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

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single -family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25% duplex lots.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS This is a request to revise the last approved preliminary PUD plan and for final site plan approval for a portion of the Old Hickory Center PUD. The request pertains to parcel 030 which contains a McDonalds. The proposal is to expand the restaurant and add a tandem drive-thru.

The Old Hickory Centre PUD was originally approved by Council in 1979, and was last amended in 2009. The PUD is approved for approximately 92,941 square feet of commercial uses including retail, mini-storage warehouse restaurants (including the McDonalds) and banks, and an approximately 97,000 square foot nursing home.

Plan Details The proposed plan calls for the existing McDonalds to be remodeled. The remodeling also consists of a small expansion and the addition of a tandem drive-thru. The current restaurant is approximately 3,191 square feet. The proposed expansion will be located at the front of the building and is approximately 286 square feet in size and will bring the total floor area to approximately 3,477 square feet. There is currently a single drive-thru and the plan calls for a tandem drive-thru.

Analysis As proposed there are no issues with the request. The proposed plan consists of minor changes and meets all zoning requirements. While an expansion is proposed, it will not to require Council approval as it does not exceed ten percent of the square footage of the approved PUD.

STORMWATER RECOMMENDATION No Stormwater review is required.

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. Provide area and plan for recycling container.

STAFF RECOMMENDATION Staff recommends approval as the request meets all zoning code 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.

Approve with conditions, *Consent Agenda* (10-0)

Resolution No. RS2012-20

"BE IT RESOLVED by The Metropolitan Planning Commission that 103-79P-003 is **APPROVED WITH CONDITIONS. (10-0)**

Conditions of Approval:

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."

24. 74-79P-002

NASHBORO VILLAGE

Map 135, Parcel(s) 306-308, 395
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to revise the preliminary plan for a portion of the Nashboro Village Residential Planned Unit Development Overlay District located on properties located at 171 Bell Road and at 790, 945 and 1998 Nashboro Boulevard, approximately 1,950 feet east of Murfreesboro Pike, (143.49 acres), to allow for a golf course, clubhouse, open space, and/or a public park, zoned R10, RM6, and within the Floodplain Overlay District, requested by Metro Planning Department, applicant on behalf of SPE Go Holdings Inc., owner.

The Metropolitan Planning Commission WITHDREW 74-79P-002 at the request of the applicant. (10-0)

Subdivision: Concept Plans

25. 2008S-048U-05

RIVERSIDE DRIVE

Map 083-11, Parcel(s) 080 Map 083-15, Parcel(s) 193
Council District 06 (Peter Westerholm)
Staff Reviewer: Jason Swaggart

A request to extend the concept plan approval for one year for an 18-lot subdivision on properties located at Riverside Drive (unnumbered), at the northwest corner of Riverside Drive and Huntleigh Drive (6.41 acres), zoned R10, requested by Riverside Development LLC, owner.

The Metropolitan Planning Commission DEFERRED 2008S-048U-05 to the January 26, 2012, Planning Commission meeting at the request of the applicant. (10-0)

Subdivision: Final Plats

26. 2012S-008-001

PLAN OF LOCKELAND, RESUB LOTS 88 & 89

Map 083-10, Parcel(s) 273
Council District 06 (Peter Westerholm)
Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots and a variance to Section 3-4.2.c of the Subdivision Regulations for lot frontage for property located at Forrest Avenue (unnumbered), approximately 150 feet south of Ordway Place, zoned One and Two Family (R6) and located within the Lockeland Springs-East End Neighborhood Conservation Overlay District (0.45 acres), requested by Woodland Street Partners LLC, owner, Stanley K. Draper, surveyor.

Staff Recommendation: APPROVE WITH CONDITIONS and grant a variance to Section 3-4.2.c for lot frontage.

APPLICANT REQUEST - Final plat to create two lots and grant a variance for lot frontage.

Final Plat A request for final plat approval to create two lots and a variance to Section 3-4.2.c of the Subdivision Regulations for lot frontage for property located at Forrest Avenue (unnumbered), approximately 150 feet south of Ordway Place, zoned One and Two Family (R6) and located within the Lockeland Springs-East End Neighborhood Conservation Overlay District (0.45 acres).

CRITICAL PLANNING GOALS/N/A

PLAN DETAILS

Final Plat The applicant requests final plat approval for a two lot subdivision near the intersection of Ordway Place and Lakehurst Drive in East Nashville. The subdivision must receive approval from the Planning Commission because the applicant requests a variance to the Subdivision Regulations for street frontage.

Other than the requirement for street frontage, both proposed lots meet the requirements of the infill subdivisions section of the Subdivision Regulations, as well as applicable requirements of the Nashville Subdivision Regulations and the Metro Zoning Code.

Infill Subdivisions Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally comparable with surrounding lots. The Subdivision Regulations include several criteria for determining whether a plat is consistent with the character of the area, including the density of the subdivision compared to the land use policy. Because the density of the proposed subdivision will be consistent with the underlying NG policy and the proposed housing type will be consistent with the surrounding lots, the lots are considered by the Subdivision Regulations to be in keeping with the character of the surrounding lots.

Variance request Section 3-4.2 of the Subdivision Regulations requires street frontage onto a public street, private street, or common open space for all single-family lots within a subdivision. As proposed, the subdivision does not include street frontage for either lot. The applicant requests a variance to this requirement, citing a topographic hardship on the site. The current R6 zoning district permits a two-family residential building. According to the variance request, the topography on the site would not easily accommodate the larger footprint of a two-family structure. A subdivision would permit the two dwelling units to be placed separately on smaller footprints.

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- c. Because of the particular physical surrounding, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- d. The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

Analysis As noted above, a number of criteria must be met in order for the Planning Commission to allow an exception for a flag lot. The applicant is asking for a variance to permit a subdivision without street frontage. The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area. The subdivision will not increase housing density within the surrounding area and will not affect vehicular access to surrounding properties. Vehicular access to the site is provided by a 20 foot access easement to Lakehurst Drive.
- b. There are no other subdivisions in the immediate area that are experiencing the same situation, and therefore, the conditions for which this variance is sought are unique to this development within this general area.
- c. The variance is requested because of topographic issues on the site. The applicant requests the subdivision to allow a site design that will provide a better fit within the site's grade and existing vegetation.
- d. Currently, a duplex is permitted on the site under the existing R6 zoning district. The applicant has requested the subdivision in order to construct two dwelling units on the site that will fit within the site's topographic constraints better than a larger two-family building with a single footprint. The number of permitted units will not increase with the subdivision. The density will also remain within the recommended density of the Neighborhood General land use policy.

STORMWATER RECOMMENDATION Final plat approved with conditions (Stormwater):

1. Add Access Note to plat.

WATER SERVICES RECOMMENDATION

1. Adjust note 10 to the following: Individual water and/or sewer service lines are required for each parcel. To provide water service to both lots, each owner must install and maintain a long private water service line tying into the Lakehurst Drive public water main. Said arrangement shall consist of individual meters for each lot, approval of Metro Public Works and Metro water permits, and an easement described as follows:

Private Service Line Note: Residential

The owner of Lot #1 is responsible for the installation, operation and maintenance of the private water service line which is located in a 10-foot private water service line easement crossing a portion of Lot #2 as shown on this plat.

2. Show and label existing public water main.
3. Show and label extents of private water service easement, per note #10.
4. Engineer must sign stamp.
5. Clarify alley right-of-way with GIS database provided by Planning.
6. Label the 20 foot Sanitary Sewer Easement as "public."

STAFF RECOMMENDATION Staff recommends approval of the subdivision with conditions and a variance to Section 3-2.2.c for the lot frontage. With the variance, the plat meets all the requirements of the subdivision regulations.

CONDITIONS

1. All required infrastructure shall built or bonded prior to the recording of the plat.
2. Comments from Metro Water Services shall be addressed on the plat prior to its recording.

Resolution No. RS2012-21

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-008-001 is **APPROVED WITH CONDITIONS** and grant a variance to Section 3-4.2.c for lot frontage. (10-0)

Conditions of Approval:

1. All required infrastructure shall built or bonded prior to the recording of the plat.
2. Comments from Metro Water Services shall be addressed on the plat prior to its recording.”

K. OTHER BUSINESS

27. Appointments to the Hillsboro Village Urban Design Overlay Advisory Committee

Resolution No. RS2012-22

“BE IT RESOLVED by The Metropolitan Planning Commission that appointments to the Hillsboro Village Urban Design Overlay Advisory Committee is **APPROVED. (10-0)**”

28. Exclusion of, including parent companies and subsidiaries of, American Southern Insurance Company, Bond Safeguard Insurance Company, Lexon Insurance Company, and National Grange Mutual Insurance Company, from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations.

Resolution No. RS2012-23

“BE IT RESOLVED by The Metropolitan Planning Commission that exclusion of, including parent companies and subsidiaries of, American Southern Insurance Company, Bond Safeguard Insurance Company, Lexon Insurance Company, and National Grange Mutual Insurance Company, from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations is **APPROVED. (10-0)**”

29. Nashville Chamber of Commerce: 20 Years of Partnership

30. Historic Zoning Commission Report

31. Board of Parks and Recreation Report

32. Executive Committee Report

33. Executive Director Report

34. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

January 12, 2012

Work Session

2:30pm, 800 Second Ave. South, Metro Office Building, Nash Room

Topic: Bellevue Community Plan Update

MPC Meeting

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

January 13, 2012

Community Meeting

11:30am, 615 Church Street, Main Library Auditorium

Topic: Proposed changes to the Community Character Manual (CCM) and related changes to the Madison North Nashville, and West Nashville Community Plans.

Community Meeting

4pm, 615 Church Street, Main Library Auditorium

Topic: Proposed changes to the Community Character Manual (CCM) and related changes to the Madison North Nashville, and West Nashville Community Plans.

January 26, 2012

Work Session

3pm, 800 Second Ave. South, Metro Office Building, Nash Room

Topic: Tri-faced Billboards

MPC Meeting

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

M. ADJOURNMENT

Meeting adjourned at 5:28pm.

Chairman

Secretary