



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, January 26, 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 Chairman
Stewart Clifton
Greg Adkins
Jeff Haynes
Phil Ponder
Councilmember Phil Claiborne
Derrick Dalton
Andree LeQuire

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Kelly Armistead, Admin Services Officer III
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Bob Leeman, Planning Manager II
Jennifer Carlat, Planning Manager II
Jennifer Regen, Development Relations Manager
Brenda Bernards, Planner III
Anita McCaig, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Tifinie Capehart, Planner II
Rebecca Ratz, Planner II
Michael Briggs, Transportation Planner
Brian Sexton, Planner I
Doug Sloan, Legal

Commissioners Absent:
Judy Cummings

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission
Metro Planning Department of Nashville and Davidson County

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

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.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:07 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Mr. Gee seconded the motion to adopt the revised agenda. (8-0)

C. APPROVAL OF JANUARY 12, 2012 MINUTES

Mr. Gee moved and Mr. Ponder seconded the motion to approve the January 12, 2012 minutes. (8-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Dominy was in attendance but chose to speak at a later time.

Councilmember Pridemore was in attendance but chose to speak at a later time.

Council Lady Weiner was in attendance but chose to speak at a later time.

Council Lady Johnson asked the commission to defer Item 3 to allow the staff, council, and community to come up with something more in line with an amendment.

Dr. Paul from the Metro Health Department spoke in support of Items 8 and 9.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1a. 2011CP-013-004

ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE

1b. 2011SP-024-001

MEADOWS DOWNS

2. 2011CP-013-005

ANTIOCH PRIEST LAKE COMMUNITY PLAN AMENDMENT

4. 2011Z-019TX-001

BL2011-48 / CLAIBORNE

SIGN: DESTRUCTION OF NON-CONFORMING SIGNS

14. 2004P-028-001

OLD HICKORY COMMONS

Item 3 was requested to be deferred to the Feb 2, 2012 MPC meeting by Councilmember Johnson.

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

F. CONSENT AGENDA

5. 2011SP-028-001

BL2011-71 / BAKER

TOWNS AUTO SALES

6. 2008S-048U-05

RIVERSIDE DRIVE

7. 2011S-102-001

KENILWOOD

11. **2012Z-002TX-001**
BL2012-88 / CLAIBORNE
PRESERVATION PERMIT ECONOMIC HARDSHIP
12. **2006SP-105-002**
H & M MOTORS
13. **2011Z-025PR-001**
105 DULING AVENUE
15. **2011NL-002-002**
209 DANYACREST
16. MOA between the Nashville Area MPO and the Clarksville Urbanized Area MPO regarding cost-sharing for the regional household travel survey being conducted by Westat (per contract L-2672).
17. Employee contract renewal for Anita McCaig.
18. New employee contract for Jennifer Muchow Hill.

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

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).

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED 2011CP-013-004 to the February 9, 2012, Planning Commission meeting. (8-0)

- 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 70 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)

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED 2011SP-024-001 to the February 9, 2012, Planning Commission meeting. (8-0)

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

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.

Staff Recommendation: WITHDRAW

The Metropolitan Planning Commission WITHDREW 2011CP-013-005 at the request of the applicant. (8-0)

Zoning Text Amendments

3. 2011Z-016TX-001

BL2011-30 / JOHNSON

SIGN: TRI-FACE BILLBOARDS

Staff Reviewer: Brenda Bernards

A request to amend Chapter 17.40 of the Metro Zoning Code to prohibit the conversion of nonconforming static billboards to tri- face billboards, requested by Councilmember Karen Johnson, applicant.

Staff Recommendation: APPROVE

The Metropolitan Planning Commission DEFERRED 2011Z-016TX-001 to the February 9, 2012, Planning Commission meeting. (8-0)

4. 2011Z-019TX-001

BL2011-48 / CLAIBORNE

SIGN: DESTRUCTION OF NON-CONFORMING SIGNS

Staff Reviewer: Rebecca Ratz

A request to amend Chapter 17.40 of the Metro Zoning Code relative to the destruction of nonconforming signs, requested by Councilmember Phil Claiborne.

Staff Recommendation: DEFER INDEFINITELY

The Metropolitan Planning Commission DEFERRED INDEFINITELY 2011Z-019TX-001 at the request of the applicant. (8-0)

Specific Plans

5. 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.

Staff Recommendation: APPROVE the SP WITH CONDITIONS and disapprove without conditions

APPLICANT REQUEST - Permit vehicle sales and repair uses 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 5909 Charlotte Pike, approximately 1,235 feet west of Ocoola Avenue (0.75 acres), to permit auto repair, auto sales, used, 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

WEST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

The T4 Urban Mixed Use Neighborhood (T4 MU) policy promotes a combination of residential and non-residential development and would permit an expansion of auto-related land uses on the subject site, subject to the design intent of the land use policy. The T4 MU policy promotes walkable neighborhoods with buildings placed close to the street and with land uses that are appropriate within mixed use neighborhoods. Because of this intent, Planning staff recommends the MUL-A zoning district for future development on the site. Instead of requesting all uses of the CS district, the request should be amended to all uses of the MUL-A district. MUL-A is more consistent with the recommended land uses and building form of the T4 MU 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 auto rental and leasing uses added back to the uses permitted for the subject property.

Site plan

The applicant operates an auto sales use on the property adjacent to the proposed SP site and wishes to expand the business to the site. The SP will only apply to the new lot.

According to the site plan, the expansion of the adjacent business will occupy the existing building and the parking area along Charlotte Pike. The existing building will be used as an accessory office for vehicle financing. The front parking area will be used for visitor and employee parking and for additional vehicle display area. The rear yard area behind the existing building consists primarily of unimproved lawn. The applicant does not intend to improve this area as part of the expansion of the business.

The site currently does not include any physical separation between the front parking area and the street, except for several small parking space barriers. As part of the SP request, the applicant proposes to construct a decorative fence with landscaping along the property frontage. This type of frontage already exists along the frontage of the adjacent auto sales business. Sidewalk will also be extended along the property frontage.

The site plan also illustrates the intent to consolidate access to the auto sales business. The existing driveway to Charlotte Pike on the SP property will be closed. Access to Charlotte Pike will be shared with the adjacent property. Because the current business intends to use two existing lots and remove direct vehicular access from one lot, cross-access must be formalized through either a consolidation plat to combine the two lots or a cross-access easement that grants access to the SP lot.

Parking

The existing building on the site will be used as an accessory office to the primary sales office on the adjacent property. This accessory office will be used as a financing office and will have a maximum of one employee. Because of the minimal use of this building, the required number of parking spaces for this building can be reduced. Five parking spaces, including one accessible parking space, are proposed within the SP. The proposed number of parking spaces is a sufficient number of spaces for the proposed accessory office and vehicle display area on the site.

Signage

According to the SP, no new ground signage is proposed. Signage within the SP shall follow the standards of the MUL-A zoning district.

Future Development

As stated in the policy section, the land use policy in this location allows for a variety of land uses, but envisions a mixed-use neighborhood with a high level of walkability in this location. An auto-related use is acceptable within this policy. However, future redevelopment of the site should be required to meet the form-based intent of the land use policy. Because of this, a condition of approval has been added to include a fall-back zoning district of CS for the current use and a future fall-back zoning district of MUL-A. The future fall-back district will be in-place when the site redevelops or development within the site expands beyond a certain point as specified in the Zoning Code.

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If any construction is required to be completed in the public Right of Way then a permit must be obtained from the Metro Public Works Permit office. Contact MPW Permit office at (615) 862-8782.
- Indicate solid waste plan – dumpster and recycling container locations. Provide turning template for SU-30.

- The existing and proposed sidewalks shown on the plans along Charlotte Pike must be located in the public right of way. Dedicate right of way to fully encompass the public sidewalk. Dedication may be accomplished by instrument.
- Driveway ramp connection to Charlotte Pike to be Public Works Standard ST-325.
- Revise plan to include Public Works standard details ST-210 and ST-325.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary and final SP, and disapproval of the preliminary SP without all conditions of approval.

CONDITIONS

1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, and all other uses permitted by the MUL-A zoning district.
2. Prior to permit approval, a plat combining the SP lot with the adjacent auto sales lot, or a cross- access easement granting access through the adjacent lot to Charlotte Pike, shall be recorded.
3. The preliminary SP shall comply with conditions of approval from Metro Public Works, including the dedication of right-of-way along Charlotte Pike to a minimum distance of 50 feet from centerline as specified by the Major and Collector Street Plan.
4. Ground signage on the SP site shall follow the standards of the MUL-A zoning district.
5. 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-A zoning district. Minor modifications may require a new final site plans 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.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. 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.

Approved the SP with conditions and disapproved without conditions. (8-0), Consent Agenda

Resolution No. RS2012-24

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-028-001 is **APPROVED WITH CONDITIONS, and disapproved without conditions. (8-0)**

Conditions of Approval:

1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, and all other uses permitted by the MUL-A zoning district.
2. Prior to permit approval, a plat combining the SP lot with the adjacent auto sales lot, or a cross- access easement granting access through the adjacent lot to Charlotte Pike, shall be recorded.
3. The preliminary SP shall comply with conditions of approval from Metro Public Works, including the dedication of right-of-way along Charlotte Pike to a minimum distance of 50 feet from centerline as specified by the Major and Collector Street Plan.
4. Ground signage on the SP site shall follow the standards of the MUL-A zoning district.
5. 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-A zoning district. Minor modifications may require a new final site plans 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.

6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. 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.

With the proposed conditions of approval, the proposed SP will be consistent with the T4 Urban Mixed Use Neighborhood land use policy."

Subdivision: Concept Plans

6. 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.

Staff Recommendation: APPROVE concept plan extension to January 26, 2013

APPLICANT REQUEST

Extend concept plan approval.

Final Plat

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 One and Two Family Residential (R10).

Existing Zoning

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

PLAN DETAILS

Concept Plan Extension

This is a request to extend concept plan approval for the Riverside Drive subdivision. The two properties included in the concept plan are located on the west side of Riverside Drive near its southern terminus in East Nashville. The properties are situated between Riverside Drive and the CSX railroad.

The concept plan was approved for 18 single-family lots by the Planning Commission on July 24, 2008. The Planning Commission subsequently extended approval to July 24, 2011. *Had this subdivision been approved under the recently amended regulations, which*

lengthened the term of the concept plan to four years, the request for an extension would not be necessary.

According to a letter from the applicant, the development was stalled due to a property dispute with CSX Railroad which owns the neighboring property to the west. After the dispute was settled the applicant had difficulty moving forward due to the economy. The applicant states that they are now ready to move forward with Phase One. Construction plans for Phase One have been submitted to Metro Water Services for review and all review fees and water and sewer capacities fees have been paid.

STAFF ANALYSIS

The current concept plan meets all Subdivision Regulations, and with the exception of the rear yard setback, it meets all zoning requirements. While the plan does not provide the minimum distance required for the rear yard setback, the Board of Zoning Appeals has granted a variance for the proposed rear yard setback (2008-034). Since the concept plan meets all the requirements, and the applicant has made progress in developing the subdivision, staff recommends that the Planning Commission extend the concept plan approval for one year. Since July 24, 2012, is not a long duration, then staff recommends that the concept plan be extended for one year from the Commission's action and not from the previous expiration date which would be January 26, 2013.

STAFF RECOMMENDATION

Staff recommends that the concept plan be approval be extended to January 26, 2013.

Approved concept plan extension to January 26, 2013. (8-0), Consent Agenda

Resolution No. RS2012-25

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-048U-05 is **APPROVED to January 26, 2013. (8-0)**”

Subdivision: Final Plats

7. 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.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST

Final plat to create four lots and dedicate easements

Final Plat

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 Industrial Warehousing/Distribution (IWD).

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

Final Plat

The applicant is requesting final plat approval for a four lot subdivision and to dedicate easements on the property. Subdivisions of three or more lots must be approved by the Metro Planning Commission.

This industrially-zoned property is between Interstate 65 to the west and the CSX Railroad line to the east. An existing warehouse is located on a portion of the property proposed for Lot 1. There is also an existing warehouse located on a portion of the property proposed for Lot 4. Both warehouses will remain. Access to Lots 1 and 2 is provided along Kenilwood Drive. A note has been placed on the plat creating a cross access easement between Lots 1, 2, 3 and 4 which will provide access to Kenilwood Drive for all four lots.

Public Utility Drainage Easements are proposed on Lots 1, 2 and 3. A new public sewer line is also proposed on Lot 1. Prior to final plat recordation, a bond needs to be in place for the construction of the sewer.

Sidewalks

Sidewalks are not present along Kenilwood Drive. Because the subdivision proposal is located within the IWD zoning district and is not located within the Sidewalk Priority Index, sidewalks are not required.

STORMWATER RECOMMENDATION Final plat approved with conditions (Stormwater):

1. A bond is required prior to plat recordation.
2. Provide revised construction drawings (approved) reflecting 4 lots.
3. Hatch the existing and proposed Drainage Easements (too many existing and proposed easements are making it difficult to decipher).
4. Ensure that the existing water quality unit for lot 71 as well as the new features shown on the revised plans (yet to be submitted) resides within the drainage easements.
5. Cite new Maintenance Agreement number to plat, if necessary.

WATER SERVICES RECOMMENDATION

Final plat approved with conditions (Water Services):

1. Recording of the final plat is contingent upon the construction of Metro Projects #11-SL-92 and #08-WL-70. A Bond is required prior to plat recordation.
2. Provide revised plat addressing agency comments.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

1. Prior to final plat recordation, a bond application shall be submitted and a bond posted with the Metro Planning Department.
2. Prior to final plat recordation, all requirements of Metro Stormwater shall be satisfied.
3. Prior to final plat recordation, all requirements of Metro Water Services shall be satisfied.

Approved with conditions. (8-0), Consent Agenda

Resolution No. RS2012-26

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-102-001 is **APPROVED WITH CONDITIONS. (8-0)**”

Conditions of Approval:

1. Prior to final plat recordation, a bond application shall be submitted and a bond posted with the Metro Planning Department.
2. Prior to final plat recordation, all requirements of Metro Stormwater shall be satisfied.
3. Prior to final plat recordation, all requirements of Metro Water Services shall be satisfied.”

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

8. 2012CP-006-001

CP 6: BELLEVUE: 2011 UPDATE

Map Parcel(s) VARIOUS

Council District 22/Weiner; 35/Mitchell; 20/Baker; 23/Evans; 34/Todd

Staff Reviewer: Anita Mccaig

A request to amend the Bellevue Community Plan, updating the land use policies applied in 2003 to 45,040 acres (including parcels and right-of-way) contained in the Bellevue Community, also referred to as Subarea 6, requested by the Metro Planning Department, applicant.

Staff Recommendation: APPROVE

APPLICANT REQUEST

A request to adopt the Bellevue Community Plan: 2011 Update.

Amend the Community Plan

A request to amend the Bellevue Community Plan, updating the land use policies applied in 2003 to 45,040 acres (including parcels and right-of-way) contained in the Bellevue Community, also referred to as Subarea 6.

CRITICAL PLANNING GOALS

The Bellevue Community Plan Update meets the following critical planning goals through the application of Community Character Policies.

Preserves Sensitive Environmental Features

The Bellevue Community Plan seeks to preserve environmentally sensitive features through the application of Conservation Policy along areas of steep slopes, problem soils, and floodplains and floodways in the Bellevue community. The Conservation Policy encourages the preservation and, where previously disturbed, the remediation of environmentally sensitive features.

Creates Open Space

The Bellevue Community's open space network contains several Metro parks and greenways, State parks, and a portion of one National park (the Natchez Trace Parkway). The Bellevue Community Plan recommends connecting open space areas, providing other unique open spaces in the form of community gardens, providing additional parks, and enhancing open space associated with civic uses such as schools, the library, and the community center.

Creates Walkable Neighborhoods

The Bellevue Community has some suburban neighborhoods and centers that are considered walkable. These areas have a well-connected street network and a mixture of building types. The plan encourages pedestrian infrastructure enhancements through the Suburban Neighborhood Community Character Policies. In non-residential areas, Center and Corridor Community Character Policies provide design guidance on building placement, parking and access in order to enhance the pedestrian environment.

Supports a Variety of Transportation Choices

The Bellevue Community has several major corridors. The Center and Corridor Community Character Policies applied to these streets emphasize multi-modal transportation options that accommodate vehicles, mass transit, bicyclists, and pedestrians.

Provides a Range of Housing Choices

Similar to open space, the Bellevue Community's housing is diverse, ample, and contains a range of price points. To foster creation of strong neighborhoods with a range of housing choices, the Bellevue Community Plan makes the distinction between rural and suburban neighborhoods and between maintenance neighborhoods (where the character is established) and evolving neighborhoods (where additional density and building types will establish character).

Supports Infill Development

The Bellevue Community Plan encourages infill development in its Suburban Center and Corridor policies by including design guidance to assist in providing a greater mix of uses, including some residential uses in these policy areas. Specific comprehensive guidance is given for the redevelopment of the Bellevue Mall.

Preserves Historic Resources

The Bellevue Community contains 300 properties, structures and places that are listed on the National Register of Historic Properties, Eligible for the National Register, or are considered Worthy of Conservation by the Metropolitan Historical Commission. The plan recognizes those historic places and structures through Special Policies, which recommend collaboration with the Metropolitan Historical Commission to coordinate the preservation or adaptive reuse of such structures and/or to minimize impacts to historic properties in the event that development occurs in their vicinity.

Encourages Community Participation

Community participation was encouraged throughout the Bellevue Community Plan Update process and in future implementation. The Bellevue Community Plan promotes the stakeholders' stewardship of the community plan after its adoption by including a detailed section on community-guided implementation. More detail on community participation is provided below.

BELLEVUE COMMUNITY PLAN UPDATE – COMMUNITY PARTICIPATION

Staff conducted eight community meetings between May 5, 2011 and December 1, 2011. The community meetings included workshops to develop and assess the vision and goals, concept plan, community character policy plan, and the open space and transportation plans. Open house meetings allowed stakeholders to speak informally with planners and ask questions regarding the community character policies, the open space network and the transportation system.

Notification of community meetings was listed on the Planning Department's website and made public through television and newspaper media as well as through community email lists. An initial postcard was mailed to over 17,000 property owners in the Bellevue Community. Staff sent out newsletters, placed flyers in apartment complexes, and sent letters to each known neighborhood association offering to attend their meetings. Staff spoke at meetings of the Bellevue Chamber of Commerce to reach business owners and worked closely with area Council members. Over 330 people have participated in the community meetings.

Regular email reminders and updates were sent to stakeholders throughout the process. Information was continually posted to the Bellevue Plan Update web page which received over 2,550 hits.

Notification of the January 26, 2012 Metro Planning Commission Public Hearing for consideration of the Bellevue Community Plan Update was sent by email and by U.S. Postal mail to those who participated in the update process. The public hearing was also listed on the Planning Department's website and made public through newspaper media.

BELLEVUE COMMUNITY CHARACTER POLICIES

The Bellevue Community Plan Update is the fourth plan to use the Community Character Manual (CCM) and its Community Character Policies. The Community Character Policies emphasize the character of development, encourage sustainable development and design, and link transportation and land use.

Conservation Community Character Policies

Conservation Policy is applied to environmentally sensitive areas – steep slopes, floodways and floodplains, and unstable soils. The Conservation Policies encourage the preservation of undeveloped environmentally sensitive areas, the improvement of previously approved site plans if the opportunity is available, and the remediation of environmentally sensitive areas that have been disturbed. Conservation Policy has been applied to 76 percent (34,626 acres) of the land in the Bellevue community, which has environmentally sensitive features.

Steep slopes and unstable soils are found throughout the Bellevue community while floodway and floodplain areas are found along the Cumberland River, Harpeth River, South Harpeth River and numerous streams and creeks. The Conservation Policy also includes prominent viewsheds to assist in preserving the character and scenic quality of the community. Conservation Policy has also been placed on areas that have been developed in the hope that, over time, any disturbed features may be remediated as redevelopment occurs. Lastly, Conservation Policy has also been applied to areas that were inundated during the 2010 May flood.

Open Space Community Character Policies

Open Space Policy in the Bellevue Community includes Natural Open Space, Rural Open Space and Suburban Open Space. These include four neighborhood parks, one community park, the regional Warner Park system, three state parks, the national Natchez Trace Parkway and several greenways. Open Space policies in the Bellevue Community account for five percent (2,448 acres) of land in the Bellevue Community.

Bellevue stakeholders expressed general satisfaction with the open space/park system. As a result, the Open Space Policies build on the goals of the Nashville Open Space Plan and encourage the enhancement of existing open space, more connections between open spaces, and the pursuit of unique open space opportunities such as community gardens. There are also additional open space opportunities throughout the Conservation Policy areas, especially in floodplain areas, to add to the open space system by creating additional greenways. In addition to encouraging open space throughout the Conservation Policy areas, Potential Open Space Policy has been applied in several general areas where additional open space is needed. Bellevue stakeholders enjoy the existing greenway segments in the community and look forward to an expanded network with the completion of the Harpeth River Greenway system.

Neighborhood Community Character Policies

The Bellevue Community has a diverse selection of rural and suburban neighborhoods, ranging from large rural lots to smaller suburban lots, where Neighborhood Community Character Policies have been applied. While the community is predominantly single-family, Bellevue also has areas of townhomes and stacked flats. These residential areas account for 14 percent (6,583 acres) of land in the Bellevue Community.

The Neighborhood Community Character Policies applied throughout the Rural and Suburban Transect areas encourage either the maintenance or evolution of neighborhoods over time. Residential neighborhoods (the majority of the community) that are stable and that need only minor changes over time should be maintained while neighborhoods where considerable changes are more appropriate are considered evolving. In all cases, the residential policies applied throughout the Bellevue Community encourage some level of housing choice and better connectivity to centers, corridors and open space.

Center Community Character Policies

Centers in the Bellevue Community exist in Rural and Suburban Transect categories. These center areas account for one percent (611 acres) of land in the Bellevue Community. Centers in the Bellevue Community are distinctive due to their location at prominent intersections and interstate interchanges and along the periphery of adjacent residential areas. However, a stronger pedestrian environment and more diverse offering of retail and services could enhance their appeal to residents and visitors.

The Loveless Café area along Highway 100 is a Rural Neighborhood Center, while the Eddie's Market area along Highway 70 and the Bellevue Town Center and Pizza Perfect area along Old Harding Pike are Suburban Neighborhood Centers. Suburban Community Center Policies have been applied to the Biltmore area at McCrory Lane and I-40, the center at Highway 70 and Old Hickory Boulevard, the center at Highway 100 and Old Harding Pike, the area at Charlotte Pike and River Road, and the Bellevue mall area at Highway 70 and I-40.

The Center Community Character Policies encourage the enhancement of commercial centers into mixed use centers while not expanding beyond their compact footprint. Community stakeholders repeatedly stated that they would like to see older commercial centers revitalized. Therefore, rather than expanding commercial centers or creating new center areas, infill and redevelopment of existing, underutilized commercial areas is the preference in the Bellevue Community. Several of the centers in the Bellevue Community require considerable enhancement in order to create lively, mixed use areas of activity as envisioned by the policy.

Corridor Community Character Policies

A mixed use corridor contains land uses ranging from residential to commercial. The uses may be vertically mixed in a stand-alone building or designed as a mixture of uses on a single site. Suburban Mixed Use Corridor Policies have been applied along Charlotte Pike from the I-40/Charlotte Pike interchange to the River Road/Old Charlotte Pike intersection; Old Hickory Boulevard at the Interstate 40 interchange; and

a small portion of Old Hickory Boulevard north of Highway 70. These policies cover less than one half of one percent (169 acres) of land in the Bellevue Community.

These mixed use corridors should serve transportation functions as safe and accessible throughways for daily travelers while also accommodating land uses that create sustainable and complete neighborhoods and serving as destinations. The Corridor Community Character Policies encourage development that supports multiple transportation modes – vehicles, transit, bicycles and pedestrians.

District Community Character Policies

District Community Character Policies in the Bellevue Community are applied to areas of single-use development. These policies cover less than one percent (395 acres) of land in the Bellevue Community. Impact District Policies are applied to the rock quarry on River Road and Charlotte Pike, the Harpeth Valley utility station on River Road, and the Tennessee Valley Authority utility station on Coley Davis Road. District Office Concentration Policy has been applied to an area at the intersection of Sawyer Brown Road and Highway 70S.

District Community Character Policies encourage appropriate transitions to the neighborhood surrounding them. More intrusive uses should be well buffered and separated from less intense areas.

BELLEVUE TRANSPORTATION NETWORK

The Bellevue Community Transportation Plan's strategy is to create a more complete transportation network by providing recommendations to improve streets, sidewalks, bikeways, multi-use paths, greenways and transit.

The Bellevue Community Plan is tied to recommendations in the recently updated Major and Collector Street Plan (MCSP). The MCSP focuses on creating context-sensitive, complete streets – streets that are designed to reflect their context (rural, suburban, urban) and that are accessible to multiple users (pedestrians, cyclists, transit, vehicles). Some recommendations in the Bellevue Community Plan have necessitated some changes to the Bellevue arterials and collectors in the MCSP. These amendments to the MCSP are to be considered at this same Planning Commission meeting.

The Bellevue Community Plan includes all the Bellevue-related roadway projects found in the Regional Transportation Plan (RTP) and in the Transportation Improvement Projects (TIP). The Bellevue Community Plan took into consideration the long-range plans of the Metropolitan Planning Organization (MPO) and the Metro Transit Authority (MTA).

The Bellevue Community Plan recommends multi-use paths that serve both pedestrians and bicyclists along Old Hickory Boulevard from I-40 to north of Highway 70S; along Old Hickory Boulevard from Highway 70S to Highway 100; and along Highway 100 from Warner Parks to the Natchez Trace. Sidewalks are recommended along portions of Bellevue Road, Baugh Road, Charlotte Pike, Collins Road, Hicks Road, Highway 70S, Old Harding Pike, Poplar Creek Road and Todd Preis Road. Bike lanes are recommended along segments of Charlotte Pike, Davidson Drive, Highway 96, Highway 100, McCrory Lane, Old Harding Pike, Poplar Creek Road, River Road and Temple Road.

The Bellevue Community Plan also makes several recommendations for street and pedestrian connections in the Bellevue Community. Recommended street connections include connecting Morton Mill Road and River Bend Way if new development occurs, connecting Avondale Park Boulevard to Newsom Station Road if future development occurs, connecting Woodland Way and Dogwood Trail to any new development, extending Brenner Drive and Eller Lane to the south if new development occurs, and extending Collins Road to the west if new development occurs. Recommended pedestrian connections that cross the Harpeth River include connecting General George Patton Road to Morton Mill Road and connecting Footpath Terrace to Highway 100.

Metro Greenways is continuing construction on several additional segments of the Harpeth River Greenway. The Bellevue Community Plan recommends new systems of greenways in the Boone Trace and Riverwalk subdivisions and in the Avondale Park and Coley Davis areas that would connect to the Harpeth River Greenway system.

Two ridge trails are also proposed in the Bellevue area. One would connect Radnor Lake State Park with the Cumberland River Greenway system and extends through the eastern portion of the Bellevue area. The other ridge trail would connect the Cumberland and Harpeth River Greenways.

ANALYSIS OF APPROVED DEVELOPMENTS

As part of this plan update, Metro Planning staff analyzed previous development approvals, including rezonings, planned unit developments and subdivisions. The community requested an analysis to show where additional development has already been approved, but has not yet been constructed. The Bellevue Community Plan contains a detailed section of this analysis and also includes an explanation in each policy area where previously approved developments are located. This approach was used to encourage re-design of the older site plans to develop in a more sensitive way and incorporate sensitive environmental features as community amenities whenever possible.

REDEVELOPMENT OF THE BELLEVUE CENTER MALL

Another community priority is redevelopment of the Bellevue Center Mall site, which has only one store operating. Planning staff gathered ideas from the community and worked with the property owner and their redevelopment team. The community plan incorporates design scenarios, ranging from suburban to an urban town center, that illustrate some of the important design concepts for consideration as the property redevelops.

COLLABORATION WITH OTHER METRO DEPARTMENTS

As part of this plan update, Metro Planning staff continued its partnership with the Metro Health Department, working with the community to increase its health and sustainability as part of community meetings and policy discussions. The Bellevue Community Plan includes

sections that discuss the importance of active communities and healthy living and strategies to achieve these in Bellevue.

Metro Planning staff partnered with the Metro Stormwater to discuss water quality and quantity issues, especially the protection of headwater areas. Quality headwater areas are vital to the watershed as these areas absorb large amounts of rain, slow down water runoff, and filter water to improve water quality. In addition to these areas being placed in Conservation Policy, the Bellevue Community Plan includes language that emphasizes protecting headwater areas. The community plan also includes the list of impaired streams to call attention to their need for restoration.

STAFF RECOMMENDATION Staff recommends approval.

Ms. McCaig presented the staff recommendation of approval.

Mr. Dalton in at 4:22 p.m.

Council Lady Sherry Weiner spoke in support of staff recommendation and praised staff for their work.

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

Ms. LeQuire expressed her excitement and support of staff recommendation.

Mr. Adkins spoke in support of staff recommendation and thanked staff for all their hard work.

Mr. Dalton spoke in support of staff recommendation.

Mr. Gee thanked the staff and community and spoke in support of staff recommendation.

Mr. Clifton spoke in support of staff recommendation.

Mr. Ponder spoke in support of staff recommendation.

Councilmember Claiborne spoke in support of staff recommendation and thanked the staff and community for their hard work.

Councilmember Claiborne moved and Mr. Dalton seconded the motion to approve staff recommendation. (9-0)

Resolution No. RS2012-27

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-006-001 is **APPROVED, including a minor addition to a Special Policy for Area 06-T3-NM-07. (9-0)**

Minor Addition: ‘There is a vacant property at 7986 Coley Davis Road (Map/Parcel 14100008600) whose zoning is CL (limited commercial) with an existing Commercial Planned Unit Development (PUD) overlay. Additional commercial zoning along Coley Davis is not appropriate and further intensification of this zoning is not recommended.’ ”

9. 2012CP-000-001

MAJOR AND COLLECTOR STREET PLAN

Staff Reviewer: Michael Briggs

A request to amend the adopted Major and Collector Street Plan designations for the Bellevue Community Plan area and other areas as outlined in Davidson County, Metro Planning Department, applicant

Staff Recommendation: APPROVE Bellevue-related amendments. Defer amendments addressing errors and local streets county-wide to February 23, 2012, Planning Commission meeting.

APPLICANT REQUEST

Amend the Major and Collector Street Plan

Major and Street Collector Plan Amendment

A request to amend the adopted Major and Collector Street Plan designations for the Bellevue Community Plan area and other areas as outlined in Davidson County.

MAJOR AND COLLECTOR STREET PLAN

The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets (Arterial-Boulevards and Arterial-Parkways) and collectors (Collector-Avenues) that make up the backbone of the city’s transportation system. It is a part of, and implements, *Mobility 2030*, which is the functional plan component of the General Plan for Nashville

and Davidson County.

Need to Amend the Plan

Implementing Complete Streets: Major and Collector Street Plan of Metropolitan Nashville, A Component of Mobility 2030 was adopted on April 24, 2011. As an element of the General Plan, the MCSP should be amended as updates occur to each Community Plan to reflect change that has occurred in the communities and to respond to future planned growth, development, and preservation.

ANALYSIS

There are three broad categories of amendments for the MCSP at this time:

1. **Bellevue Streets** – The Bellevue Community Plan update was recently completed. The update revealed the need to amend some of Bellevue's major and collector street designations, so the MCSP policies coordinate with the new policies in the *Bellevue Community Plan: 2011 Update*.
2. **Fixing Errors** – Since the adoption of the MCSP in April 2011, Planning staff have found errors in the document; primarily errors where the street classification does not reflect existing street conditions.
3. **Local Streets** – Planning staff will also amend the MCSP to include the right-of-way (ROW) for local streets. This will ensure that ROW is established for these streets as per the current design standards utilized by Metro Public Works.

Major and Collector Street Plan Proposed Amendments Related to Bellevue Community Plan Update

Street	Segment Number	Termini	Adopted MCSP Designation	Bike Infrastructure/ Median	Adopted Standard ROW	Amended MCSP Designation	Bike Infrastructure/ Median	Updated Standard ROW	Recommendation				
									Amend Street Plan	Update Street Plan	Update Sidewalks Plan	Update Greenways Plan	Update Transit Plan
Highway 70S	1	From the south side exit/on ramps to Interstate 40 to Sawyer Brown Road	T5-M-AB4-RM	Planned Bike Lane	95'	T3-M-AB5-RM	Planned Bike Lane	98'	X	X			
	2	From Old Hickory Boulevard to approx. 1/4 mile east of Old Hickory Boulevard	T3-M-AB5-RM	Planned Bike Lane	98'	T3-M-AB5-RM	Multi-Use Path	106'		X	X	X	
	3	From approx 1/4 mile east of Old Hickory Boulevard to Percy Warner Boulevard	T3-R-AB5-5-RM	Planned Bike Lane	98'	T3-R-AB5-5-RM	Multi-Use Path	106'		X	X	X	
Highway 100	4	From the Williamson County Line to Lewis Road	T2-R-AB4-5	Planned Bike Lane	108'	T2-R-AB2-5	Planned Bike Lane	84'	X	X			
	5	From Lewis Road to McCroary Lane	T3-R-AB4-5	Planned Bike Lane	85'	T2-R-AB2-5	Planned Bike Lane	84'	X	X			
	6	From McCroary Lane to Westhaven Drive	T3-M-AB4-5	Planned Bike Lane	85'	T3-M-AB3-5	Multi-Use Path	93'	X	X	X	X	
	7	From Westhaven Drive to Chaffin Drive	T3-R-AB4-5	Planned Bike Lane	85'	T3-R-AB3-5	Multi-Use Path	93'	X	X	X	X	
	8	From Chaffin Drive to Temple Road	T3-M-AB4-5	Planned Bike Lane	85'	T3-M-AB3-5	Multi-Use Path	93'	X	X	X	X	
	9	From Temple Road to Old Hickory Boulevard (western intersection)	T3-R-AB4-5	Planned Bike Lane	85'	T3-R-AB2-5	Multi-Use Path	82'	X	X	X	X	
	10	From Old Hickory Boulevard (western intersection) to Vaughns Gap Road	T3-R-AB4-5	Planned Bike Lane	85'	T3-R-AB4-5	Multi-Use Path	104'		X	X	X	
Charlotte Pike	11	From Sawyer Brown Road to Treemore Village Drive	T3-R-AB2-5		55'	T3-R-AB4-5		77'	X	X			
	12	From Treemore Village Drive to Old Hickory Boulevard	T3-M-AB3-5		66'	T3-M-AB4-5		77'	X	X			
	13	From 1/10 mile west of River Road to River Road	T4-M-AB4-5		81'	T3-M-AB4-5		77'	X	X			
	14	From River Road to west side on/off ramps to Interstate 40	T4-M-AB5		92'	T3-M-AB5		88'	X	X			
	15	Under Interstate 40 overpass	T4-M-AB4	Planned Bike Lane; Median	121'	T3-M-AB4	Planned Bike Lane; Median	117'	X	X			

Major and Collector Street Plan Proposed Amendments Related to Bellevue Community Plan Update

Street	Segment Number	Termini	Adopted MCSP Designation	Bike Infrastructure/ Median	Adopted Standard ROW	Amended MCSP Designation	Bike Infrastructure/ Median	Updated Standard ROW	Recommendation				
									Amend Street Plan	Update Street Plan	Update Sidewalks Plan	Update Greenways Plan	Update Transit Plan
Highway 96	16	From Williamson County Line to Highway 100	T2-R-CA2	Planned Bike Lane	76'	T2-R- AB2	Planned Bike Lane	84'	X	X	X	X	
Old Hickory Boulevard	17	From Highway 100 to approx. 1/4 mile south of Highway 70S	T3-R-AB4-S	Planned Bike Lane; Median	105'	T3-R-AB4-S	<u>Multi-Use Path</u> ; Median	124'		X	X	X	
	18	From approx. 1/4 mile south of Highway 70S to approx. 1/10 mile south of Highway 70S	T3-R-AB5-S	Planned Bike Lane	96'	T3-R-AB5-S	<u>Multi-Use Path</u>	115'		X	X	X	
	19	From approx. 1/10 mile south of Highway 70S to approx. 1/10 mile south of Summit Oaks Drive	T3-M-AB5-S	Planned Bike Lane	96'	T3-M-AB5-S	<u>Multi-Use Path</u>	115'		X	X	X	
	20	From approx 1/10 mile south of Summit Oaks Drive to 1/4 mile south of Tolbert Road	T3-R-AB5-S	Planned Bike Lane	96'	T3-R-AB5-S	<u>Multi-Use Path</u>	115'		X	X	X	
	21	From approx. 1/4 mile south of Tolbert Road to Tolbert Road	T3-M-AB5-S	Planned Bike Lane	96'	T3-R-AB5-S	<u>Multi-Use Path</u>	115'	X	X	X	X	
	22	From Tolbert Road to the south side exit/on ramps to Interstate 40	T3-M-AB5-S	Planned Bike Lane	96'	T3-M-AB5-S	<u>Multi-Use Path</u>	115'		X	X	X	
	23	Under Interstate 40 overpass	T3-M-AB4-S	Planned Bike Lane	85'	T3-M-AB4-S	<u>Multi-Use Path</u>	104'		X	X	X	
	24	From the north side exit/on ramps to Interstate 40 to Charlotte Pike	T3-M-AB5-S	Planned Bike Lane	96'	T3-M-AB5-S	<u>Multi-Use Path</u>	115'		X	X	X	
Avondale Park Boulevard	25	From McCroxy Lane to existing terminus	Local Street			T3-R-PCA2		51'	X	X			
Avondale Park Boulevard Extension	26	From existing terminus of Avondale Park Boulevard to Newsom Station Road				T3-R-PCA2		51'	X	X			
Bellevue Road North	27	From Old Harding Pike to Bellevue Road/Willow Creek Drive	T3-R-CA2		51'	<u>Local Street</u>			X	X			

Major and Collector Street Plan Proposed Amendments Related to Bellevue Community Plan Update

Street	Segment Number	Termini	Adopted MCSP Designation	Bike Infrastructure/ Median	Adopted Standard ROW	Amended MCSP Designation	Bike Infrastructure/ Median	Updated Standard ROW	Recommendation				
									Amend Street Plan	Update Street Plan	Update Sidewalks Plan	Update Greenways Plan	Update Transit Plan
Bellevue Road	28	From Old Harding Pike to approx. 1/10 mile east of Old Harding Pike	Local Street			<u>T3-M-CA2</u>		<u>55'</u>	X	X			
	29	From approx. 1/10 mile east of Old Harding Pike to Bellevue Road North/Willow Creek Drive	Local Street			<u>T3-R-CA2</u>		<u>51'</u>	X	X			
Buffalo Road	30	From Charlotte Pike to Old Charlotte Pike	T3-R-CA2		51'	<u>T2-R-CA2</u>		<u>76'</u>	X	X			
Cabot Drive	31	From Charlotte Pike to approx. 1/4 mile north of Charlotte Pike	T4-M-CA2		59'	<u>T3-M-CA2</u>		<u>55'</u>	X	X			
Davidson Drive	32	From Charlotte Pike to Interstate 40 overpass	T4-M-CA2		59'	<u>T3-M-CA2</u>		<u>55'</u>	X	X			
Newsom Station Road	33	From approx. 1/10 mile west of Settlers Way to approx. 1/5 mile west of Lexington Point Drive	T3-R-PCA2		51'	<u>T3-R-CA2</u>		<u>51'</u>	X	X	X	X	
	34	From approx. 1/10 mile west of railroad underpass to railroad underpass	Local Street			<u>T3-R-CA2</u>		<u>51'</u>	X	X	X	X	
River Road	35	From Charlotte Pike to approx. 800 feet west of intersection	T4-M-AB2-S		67'	<u>T3-M-AB2-S</u>		<u>63'</u>	X	X			
Sawyer Brown Road	36	From Highway 70S to approx. 1/10 mile south of Westfield Drive	T4-M-CA2		59'	<u>T3-M-CA3</u>		<u>66'</u>	X	X			
Temple Road	37	From Highway 100 to Old Harding Pike	T3-M-CA2		55'	<u>T3-M-CA3</u>		<u>66'</u>	X	X			

Major and Collector Street Plan Proposed Amendments Related to Errors and Local Streets

Street	Segment Number	Termini	Adopted MCSP Designation	Bike Infrastructure/ Median	Adopted Standard ROW	Amended MCSP Designation	Bike Infrastructure/ Median	Updated Standard ROW	Recommendation					
									Amend Street Plan	Update Street Plan	Update Sidewalks Plan	Update Greenways Plan	Update Transit Plan	
All Local Streets	1	All Local Streets in Davidson County				Local Street	<u>As Identified in the Strategic Plan for Sidewalks & Bikeways</u>	60'	X	X				
2nd Avenue South	2	From Chestnut Street to approx. 325 feet south of Lafayette Street	T4-R-AB2-UM	Planned Bike Lane	69'	T4-R-AB3-UM	Planned Bike Lane	76'	X	X				
21st Avenue South	3	From Wedgewood/ Blakemore Avenue to Magnolia Boulevard	T4-M-AB4-UM	Planned Bike Lane	91'	T4-M-AB5-UM	Planned Bike Lane	82'	X	X				
Anderson Road	4	From Smith Springs Road to Priest Lake Drive	T3-M-CA3		66'	T3-M-CA2		55'	X	X				
Lafayette Street	5	From Interstate 40 to Peabody Street/7th Avenue South	T6-M-AB6-UM	Planned Bike Lane	117'	T6-M-AB5-UM	Planned Bike Lane	96'	X	X				
Natchez Trace	6	From Fairfax Avenue to Blair Boulevard	T4-R-CA2	Bike Route Existing	51'	T4-R-CA4	Bike Route Existing	73'	X	X				
Old Hickory Boulevard/ Bell Road	7	From approx. 1/3 mile east of Nolensville Pike to approx. 1/10 mile east of the intersection of Old Hickory Boulevard & Bell Road	T3-R-AB7-S & T3-M-AB7-S	Planned Bike Lane	118'	T3-M-AB5-S	Planned Bike Lane	96'	X	X				

COMMUNITY PARTICIPATION

The Bellevue Community Plan Update process included stakeholder and community meetings where the MCSP designations related to Bellevue were discussed and presented. Metro Public Works, MTA, and Metro Greenways were also consulted on the recommended changes to Bellevue and asked to provide comment on the other housekeeping amendments intended to fix errors.

The related updates to the MCSP street designations in Bellevue were included in the draft version posted on the Planning Commission's website for the *Bellevue Community Plan: 2011 Update* in mid-December 2011. Meanwhile the other housekeeping amendments were posted on the Planning Commission's website and those subscribed to the Planning Department's *Development Dispatch* were notified of the amendment package. In addition to the general notifications, e-mail notification was sent to those individuals that participated in the update to the MCSP in 2011. Additional transportation stakeholders and related agency stakeholders were notified via e-mail regarding the housekeeping amendments.

STAFF RECOMMENDATION

Staff recommends approval of the Bellevue-related amendments and deferral of amendments addressing errors and local streets county-wide.

Mr. Briggs presented the staff recommendation of approval.

Mr. Gee moved and Mr. Ponder seconded the motion to approve Bellevue-related amendments. Deferred amendments addressing errors and local streets county-wide to the February 23, 2012 Planning Commission meeting. (9-0)

Resolution No. RS2011-28

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-000-001 is **APPROVED** for Bellevue-related amendments. DEFERRED amendments addressing errors and local streets county-wide to the February 23, 2012, Planning Commission meeting. (9-0)”

10a. 2012CP-013-001

ANTIOCH PRIEST LAKE PLAN AMENDMENT

Map 148, Parcel(s) 066

Council District 28 (Duane A. Dominy)

Staff Reviewer: Tifinie Capehart

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to change the Land Use Policy from Natural Conservation (NCO) and Residential Medium Density (RM) to CO (Conservation) and D-IN (District-Industrial) for property located at Franklin Limestone Road (unnumbered), approximately 1,725 feet east of Antioch Pike (40.18 acres), requested by Clemmons & Associates LLC, applicant, Hickory MC Investments G.P., owner. (See also Specific Plan Case #2012SP-002-001).

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST

Amend the land use policy from Natural Conservation and Residential Medium Density to Conservation and District – Industrial.

Major Plan Amendment

A request to amend the *Antioch-Priest Lake Community Plan: 2003 Update* to change the land use policy from Natural Conservation (NCO) and Residential Medium Density (RM) to Conservation (CO) and District-Industrial (D-IN) for property located at Franklin Limestone Road (unnumbered), approximately 1,725 feet east of Antioch Pike (40.18 acres).RS2012-

CRITICAL PLANNING GOALS

N/A

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

Existing Land Use Policy

Natural Conservation (NCO)

NCO policy is for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

Residential Medium (RM)

RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The predominant development type is single-family homes, although other types of housing, such as townhomes, stacked flats or duplexes, may be appropriate.

Proposed Land Use Policies

Conservation (CO)

CO policy is applied to preserve or enhance environmentally sensitive features, such as floodways, floodplains and steep slopes. CO policy discourages development in these areas.

District Industrial (D-IN)

D-IN policy is intended to preserve, enhance and create industrial districts in appropriate locations, so that they are strategically located and designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses intended in D-IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

BACKGROUND

The applicant's property is approximately 40 acres. In January 2004, the policies on this property were amended from Natural Conservation (NCO), Residential Low-Medium Density (RLM) and Industrial (IND) to the current policies of Natural Conservation (NCO) and Residential Medium Density (RM) at the request of the owner. The NCO policy was applied to protect the floodplain along Mill Creek, and the RM policy, allowing medium density residential, was applied to serve as a transition between the adjacent industrial area to the north and west of this property and the adjacent single-family residential neighborhood to the south and east.

COMMUNITY PARTICIPATION

Planning staff held a community meeting regarding the Community Plan Amendment request on January 10, 2012 with the District Councilmember and stakeholders; approximately 15 people attended the meeting. Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 1,320 feet of the subject site. Stakeholders had numerous questions regarding the proposed asphalt plant and

raised concerns about environmental impacts, odor, blasting impacts on the neighboring community, additional truck traffic with heavy weight on Franklin Limestone Road, access for the proposed development, and the current need for improvements to Franklin Limestone Road.

ANALYSIS

Currently, the site is vacant and covered by trees and vegetation. The northern and western portions of the site are adjacent to Mill Creek and are in the Floodplain Overlay District. The applicant requests that Conservation policy be applied to this area. Portions of the site were flooded during the 2010 flood. Metro Greenways has identified a greenway easement in the floodplain and a greenway is planned along Mill Creek. The applicant is proposing a park or open space for this portion of the site, which is in existing Natural Conservation (NCO) policy.

The remainder of the property does have some areas of steep slopes and problem soils. The Tennessee Department of Environment and Conservation has declared portions of the property a "Conservation Site" and has indicated that the site may contain endangered and rare species. Due to confidentiality, the exact location of these species cannot be mapped.

The applicant proposes access to the property from Franklin Limestone Road with no connections to the adjacent residential neighborhood. Franklin Limestone Road is classified as a T3-M-CA2 (Suburban - Mixed Use - Collector Avenue with two lanes) in the *Major and Collector Street Plan*, which would require 63 feet of right-of-way (ROW). The *Strategic Plan for Sidewalks and Bikeways* proposes future bike lanes on this road. The ROW to accommodate the bike lanes is included in the 63 feet.

This property also falls within the Airport Overlay district for the Nashville International Airport. It places special limits on the heights of buildings in that area because of low flying planes.

The development pattern in the area consists of residential and industrial uses. To the south and east of the site is a large single-family neighborhood. To the west and north of the site is a large industrial area of approximately 1,256 acres. Within this industrial area, approximately 130 acres are identified as vacant by the Metro Property Assessor, not including property the Nashville International Airport owns.

The proposed request would apply CO policy to the vacant floodplain land of Mill Creek (this is the portion of the property that currently has Natural Conservation [NCO] policy) and would apply District – Industrial (D-IN) policy to the remainder of the site (which currently has Residential Medium policy applied to it). In addition to the existing environmentally sensitive features (floodway, floodplain, steep slopes, problem soils, possible endangered species), this area is adjacent to the Mill Creek Greenway and a large residential area. The impact of the industrial uses on the site (and its natural features) as well as the operational impact of the industrial uses on the surrounding neighborhoods, make this an inappropriate site for industrial policy. Due to these reasons, along with the large adjacent heavy industrial area with sufficient vacant land, industrial use on this property is not appropriate. The application of the current NCO and RM policy remains appropriate.

STAFF RECOMMENDATION

Staff recommends disapproval.

Chairman McLean recognized that former Commissioner Tonya Jones was in the audience.

Ms. Capehart presented the staff recommendation of disapproval.

Councilmember Dominy stated support of the Community Plan change as long as it is tied specifically to an SP zoning bill that addresses the concerns of the community.

Tom White, attorney for the applicant, asked the commission to approve the plan and zone change, clarified that the only requested use is the asphalt plant, and noted that the applicant is committed to a greenway and a park if the community wants it.

Claire Norris, 512 Franklin Limestone Road, spoke in support of the proposal and stated that she would rather have the asphalt plant than multi-family.

Pamela Ward, 2101 Mullen Circle, spoke against the proposal and stated concerns with property damage due to blasting, health and safety hazards.

Terron Mercer, 3283 Franklin Limestone Road, spoke against the proposal and stated traffic concerns.

Henry Maupin, 2522 Elm Hill Pike, spoke against the proposal and stated concerns with toxicity, decreased property values, and noise pollution.

Karen Kelley, 632 Franklin Limestone Road, spoke against the proposal and stated concerns with decreased property values and traffic issues.

Sherry Mathieu, 10199 SW 2nd Terrace, Miami, noted that she owns property in this area and spoke against the proposal.

Katt Lillard, 2104 Mullen Circle, spoke against the proposal and stated concerns with decreased property values as well as health concerns.

Kenneth Springs, 4532 Xavier Drive spoke against the proposal and stated concerns with property damage due to blasting as well as health concerns.

Tom White addressed several of the concerns brought forth by the community members and noted that the existing asphalt plant will be shut down when this plant begins operation.

Moved and seconded the motion to close the Public Hearing. (9-0)

Mr. Dalton asked for clarification on the blasting process.

Tom White stated that there would be the same amount of blasting whether it would be an apartment complex or an asphalt plant and noted that pre-blast surveys would be done over a period of time.

Mr. Dalton inquired if there would be any sort of mitigation processes in place to positively impact the smell emitted from the asphalt process.

Mr. White stated that the new plants are more high-tech and they are required to meet EPA requirements. Mr. White also noted that the existing plant has not had one odor complaint.

Mr. Dalton inquired if site of the existing asphalt plant, once shut down, could be reopened as another asphalt plant.

Mr. White expressed a commitment that another asphalt plant will not open on the existing site by his client or anyone else.

Ms. LeQuire stated that the first issue to address is whether or not it's against our policy.

Mr. Gee clarified the blasting and stockpiling process.

Mr. Clifton asked if the existing plant is currently owned by Tom White's client.

Mr. White stated that the plant is owned by his client, but the property is not.

Mr. Clifton noted that we have a decreasing amount of industrial zoned property. He is inclined to support, but will hear what the other commissioners have to say.

Mr. Ponder asked if there are plans to eventually move this plant elsewhere and put residential in.

Mr. White clarified that there are no plans to move this plant as this site is a good policy fit and there are absolutely no plans for residential.

Councilman Claiborne asked for clarification on pre-blasting survey or surveys.

Mr. White clarified that pre-blasting surveys will be offered to anyone within 1000 feet of the blasting site and will only be done if the homeowner wants it.

The commissioners and Tom White discussed the specifics of blasting.

Councilmember Claiborne inquired if the current asphalt plant has the type of scrubbing and filtering devices that the new plant would have.

Mr. White stated that no, the current operation does not have those devices.

Councilmember Claiborne stated that he is fully supportive of the proposal.

Councilmember Claiborne moved and Mr. Adkins seconded the motion to approve with a Special Policy requiring a rezoning to an SP District to address environmental and safety issues. (8-1) Mr. Dalton voted against.

Resolution No. RS2012-29

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-013-001 is APPROVED with a Special Policy requiring a rezoning to an SP District to address environmental and safety issues. (8-1)"

10b. 2012SP-002-001

HICKORY MC INVESTMENTS, G.P. PROPERTY

Map 148, Parcel(s) 066

Council District 28 (Duane A. Dominy)

Staff Reviewer: Jason Swaggart

A request to rezone from RM6 to SP-IND zoning property located at Franklin Limestone Road (unnumbered), approximately 1,725 feet east of Antioch Pike (40.18 acres), and within the Floodplain Overlay District, to permit all uses permitted by the IWD zoning district and a heavy industrial use "asphalt plant" (including blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant), requested by Clemmons & Associates LLC, applicant, Hickory MC Investments G.P., owner. (See also Community Plan Amendment Case # 2012CP-013-001).

Staff Recommendation: DISAPPROVE. If the Planning Commission approves the request then staff recommends that it be approved with all staff conditions.

APPLICANT REQUEST

Permit an asphalt plant and all other uses permitted by IWD zoning district.

Preliminary SP

A request to rezone from multi-family residential (RM6) to Specific Plan- Industrial (SP-IND) zoning property located at Franklin Limestone Road (unnumbered), approximately 1,725 feet east of Antioch Pike (40.18 acres), and within the Floodplain Overlay District, to permit all uses permitted by the IWD zoning district and a heavy industrial use "asphalt plant" (including blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant).

Existing Zoning

RM6 District - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre. *Approximately 241 residential units would be permitted under RM6 (6 x 40.18 acres).*

Proposed Zoning

SP-IN 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

ANTIOCH-PRIEST LAKECOMMUNITY PLAN

Land Use Policies

Natural Conservation (NCO) policy is for mostly undeveloped areas characterized by the widespread presence of steeply sloping terrain, unstable soils, floodplains or other environmental features that are constraints to development at urban or suburban intensities. NCO areas are intended to be rural in character, with very low intensity development.

Residential Medium (RM) policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The predominant development type is single-family homes, although other types of housing, such as townhomes, stacked flats or duplexes, may be appropriate.

Consistent with Policy?

No. Industrial uses proposed by this specific plan are not supported by the Natural Conservation and Residential Medium land use policies. While the applicant has submitted a request to amend the land use policy (2012CP-013-001) to a policy that would support the request, District Industrial, staff is recommending disapproval of the policy amendment. Staff is recommending disapproval of the associated policy amendment because the proposed industrial policy is not compatible with adjacent residential development, permitting uses that could have a significant negative impact on existing residential areas, as well as to environmentally sensitive Mill Creek. The area also has large undeveloped areas within industrial policy so creating more industrial areas at this time is inappropriate.

PLAN DETAILS

Currently, the site is vacant and covered by mature trees and vegetation. The northern and western portions of the site are adjacent to Mill Creek and are in the Floodplain Overlay District.

The proposed SP is a regulatory plan and does not include any specific development proposal. It would permit all uses permitted in the Industrial Warehousing District (IWD) as well as an asphalt plant. It would also permit blasting and crushing of stone for sale/transfer from the site during site preparation for the asphalt plant. Bulk standards would be based on zoning standards for the IWD zoning district. The plan provides additional standards including a 150 foot buffer along the property boundary adjacent to residentially zoned property. IWD zoning would normally only require a 50 foot landscape buffer. The SP also calls for a 20 foot buffer along Franklin Limestone Road.

Portions of the property contain floodway and floodplain associated with Mill Creek and is within the floodplain overlay. As proposed the SP prohibits development within the floodplain and provides appropriate stream buffers required by Metro Stormwater. The SP also identifies approximately six acres (all in floodplain) to be dedicated to Metro Parks. If Metro Parks does not accept the land area then it will remain private open space. The SP will also provide a greenway easement for the development of a future greenway along Mill Creek.

STAFF ANALYSIS

The proposed request is not consistent with the existing RM and NCO land use policies. The area around the subject site contains numerous heavy industrial uses including open mines as well as other asphalt plants. The area also has large areas within industrial policy that are undeveloped. The proposed industrial SP is *not* compatible with the existing adjacent single-family residential neighborhoods. Uses permitted by the proposed SP could have a significant impact on existing residential areas, as well as to environmentally sensitive Mill Creek.

Because there are undeveloped areas with industrial policy that would permit the proposed SP within short distance of the subject site, then it is not appropriate to rezone more property for industrial uses, especially when it could have a significant impact on neighbors and environmentally sensitive areas such as Mill Creek.

STORMWATER RECOMMENDATION

Returned for corrections

- Provide a Site Layout.
- Provide a Water Quality Concept.
- Provide Room for Detention (if necessary).

PUBLIC WORKS RECOMMENDATION

- Construct 3 lane cross section on Franklin Limestone Rd, extended from nearby existing 3 lane cross section with transition per AASHTO and PW standards.
- Construct a 100 ft left turn lane at access drive with transition per MUTCD and AASHTO standards.
- Document & provide adequate sight distance at the proposed access location.
- Public Works supports the applicant's request to relocate the existing truck restriction on Franklin Limestone to the east of the proposed driveway.
- It is anticipated that less than 100 daily trips will be generated by the applicant's proposed use of this site, which (as indicated in the traffic table) is significantly less than what could be constructed under the current zoning and could be handled with fewer access points. Therefore the current proposal does not generate the need for a traffic impact study at this time. Should a Final SP plan be submitted that generates more than 100 daily trips, a traffic impact study may be required.

Maximum Uses in Existing Zoning District: **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential(220)	40.18	6 D	241 U	1603	123	150

*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
Manufacturing (140)	40.18	0.80 F	1,400,192 SF Assumed 250 shift workers in pk hr	683 per 250 employees	117	120

*Floor area controlled by PUD

Traffic changes between Maximum: **RM6** 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
-	-	-	-	NA	-6	-30

STAFF RECOMMENDATION

Staff recommends that the request be disapproved as it is not consistent with the property's land use policies nor is it appropriate given the proximity to single-family neighborhoods, and the fact that there is vacant industrial property within the area. *If the Planning Commission approves the request then staff recommends that it be approved with all staff conditions.*

CONDITIONS

1. This SP shall permit all uses permitted by the IWD zoning district and a heavy industrial use "asphalt plant" (including blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant – temporary mineral extraction).
2. A sign shall be placed on the property at the exit informing drivers that right turns are prohibited.
3. Construct 3 lane cross section on Franklin Limestone Rd, extended from nearby existing 3 lane cross section with transition per AASHTO and PW standards.
4. Construct a 100 ft left turn lane at access drive with transition per MUTCD and AASHTO standards.
5. Document & provide adequate sight distance at the proposed access location.
6. Public Works supports the applicant's request to relocate the existing truck restriction on Franklin Limestone to the east of the proposed driveway.
7. It is anticipated that less than 100 daily trips will be generated by the applicant's proposed use of this site, which (as indicated in the traffic table) is significantly less than what could be constructed under the current zoning and could be handled with fewer access

points. Therefore the current proposal does not generate the need for a traffic impact study at this time. Should a Final SP plan be submitted that generates more than 100 daily trips, a traffic impact study may be required.

8. 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.
9. 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.
10. 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.
11. 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. Swaggart presented the staff recommendation of disapproval.

Mr. Gee moved and Mr. Clifton seconded the motion to approve with conditions including the deletion of "all uses in the IWD district", inclusion of all staff conditions, and the additional conditions added by the applicant at the Planning Commission meeting. (9-0)

Resolution No. RS2012-30

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-002-001 is APPROVED WITH CONDITIONS, including the deletion of "all uses in the IWD district", inclusion of all staff conditions, and the additional conditions added by the applicant at the Planning Commission meeting and disapprove without conditions. (9-0)

Conditions of Approval:

1. The uses of this SP shall be limited to an asphalt plant and associated uses including temporary mineral extraction allowing blasting and crushing of stone for sale/transfer from the site during site preparation for asphalt plant.
2. A site layout, water quality concept and room for detention, if necessary, shall be provide to the Stormwater Management Division with final site plan.
3. Because blasting will take place near Mill Creek which contains endangered species, an environmental impact study shall be required with any final site plan.
4. A sign shall be placed on the property at the exit informing drivers that right turns are prohibited. Vehicles exiting the site shall be prohibited from turning right onto Franklin Limestone Road.
5. A three lane cross section on Franklin Limestone Rd, extended from nearby existing three lane cross section with transition per AASHTO and Public Works standards shall be required.
6. The applicant shall work with Public Works to determine if a four lane cross section at the site entrance is appropriate
7. A 100 foot left turn lane at access drive with transition per MUTCD and AASHTO standards shall be constructed.
8. Adequate sight distance at the proposed access location shall be documented and provided.
9. A Traffic Impact Study may be required if a Final Site Plan is submitted that generates more than 100 vehicle trips per day.
10. A pre-blast survey of all structures within 1,000 feet of the blasting site shall be offered to all property owners.

11. A 150 foot no-build, no-disturb buffer area as shown on the SP plan shall be maintained.
12. A 20 foot landscape buffer along Franklin Limestone Road shall be required.
12. The existing asphalt plant near this SP district which is owned and operated by the owner/operator of this SP district shall cease operation once the new asphalt plant permitted with this SP District becomes operational.
13. 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.
14. 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.
15. 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.
16. 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.

With conditions, the proposed SP will be consistent with the Conservation (CO) and District-Industrial (D-IN) land use policies.”

I. RECOMMENDATIONS TO METRO COUNCIL

Zoning Text Amendments

11. 2012Z-002TX-001

BL2012-88 / CLAIBORNE

PRESERVATION PERMIT ECONOMIC HARDSHIP

Staff Reviewer: Jennifer Regen

A request to modify the Metro Zoning Code, Section 17.40.420.D to add a new subsection 8 "Determination of Economic Hardship" for historic preservation permits, requested by Councilmember Phil Claiborne.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Create a new criterion for demolition of historic buildings/structures.

Zoning Text Amendment

A request to modify the Metro Zoning Code, Section 17.40.420.D to add a new subsection 8 "Determination of Economic Hardship" for historic preservation permits.

CRITICAL PLANNING GOALS

N/A

BACKGROUND

The Metro Historic Zoning Commission was sued for denying a demolition permit. The property owner submitted a request to demolish buildings based on economic hardship. The case went to the State of Tennessee Court of Appeals and the court ruled "...the commission's

denial was not supported by material evidence...” Specifically, the court stated the commission staff had noted in its denial the applicant had a ‘self-created’ hardship. The court said there was no basis for the denial based on that criterion since it did not exist as one of the seven factors set forth in Section 17.40.420.D (Preservation Permit: Determination of Economic Hardship). After receiving the court’s judgment, the Metro Legal Department advised the Metro Historic Zoning Commission to amend the Zoning Code to include the ‘self-created’ hardship factor.

EXISTING ZONING CODE

The Metro Zoning Code identifies seven factors in Section 17.40.420.D the Metro Historic Zoning Commission is to consider when reviewing a request to remove or demolish a historic structure. The seven factors to be considered by the commission are the following:

- 1) Estimated cost of demolition and redevelopment vs. estimated cost of preservation; and
- 2) Report detailing whether structure is suitable for rehab; and
- 3) Estimated market value of property in its current condition vs. estimated market value after rehab and compliance with preservation permit requirements; and
- 4) Opinion as to economic feasibility of rehabbing structure and its reuse; and
- 5) Amount paid for property, date of purchase, relationship between buyer and seller, and any financing terms; and
- 6) Any annual income produced by the property for the prior two years; itemized operating and maintenance expenses for prior two years; depreciation deduction and annual cash flow before and after debt service during prior two years; and,
- 7) Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

PROPOSED AMENDMENT

Bill BL2012-88 proposes to create an eighth factor, the “self-created hardship” factor.

This criterion is similar to one the Board of Zoning Appeals considers when evaluating a variance as provided in Section 17.40.370.C (Variance: Review Standards – Hardship Not Self-Imposed). This new factor would read as follows:

- 8) Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions or inactions of any person having an interest in the property after the effective date of the ordinance codified in this title.

ANALYSIS

The proposed amendment is a needed change to the Zoning Code. This new factor will assist the Metro Historic Zoning Commission’s review of demolition permits. It will enable the Historic Commission to deny a demolition permit, in the future, if a property owner failed to maintain a property in a state of good repair thereby forming a “self-created hardship.” With this factor, the new property owner could demonstrate the prior actions or inactions of the previous owner(s) created the economic hardship necessitating the structure’s demolition, the need for demolition having not been created by the very person trying to invoke the “hardship” factor.

METRO HISTORIC COMMISSION RECOMMENDATION

Approve

METRO CODES ADMINISTRATION RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No exception taken

METRO LEGAL

Legal has reviewed this and believes it is within the authority of the Historical Commission and does not believe that it violates State or Federal law.

STAFF RECOMMENDATION

Staff recommends approval of this text amendment. The existing Zoning Code denies the Metro Historic Zoning Commission the ability to evaluate properly a request to move or demolish a historic structure or building. Requests are made for a variety of reasons, but a typical request is due to rehab economics and feasibility. Without the ability to consider whether a state of disrepair was created by the actions or inactions of current or previous owners, and whether such actions now necessitate the demolition of a structure, the Metro Historic Zoning Commission is unable to protect the county’s historic properties. The amendment raises the bar for evaluating the demolition of historic structures. It will serve to deter those seeking to willfully neglect properties in order to demolish them later. Likewise, it will not punish a new owner, if material evidence can be presented to the Metro Historic Zoning Commission by the new owner, demonstrating the actions or inactions of previous owner(s) created the current economic hardship necessitating the historic building’s demolition.

ORDINANCE NO. BL2012-88

An ordinance defining conditions for hardships for preservation permits reviewed by the Metropolitan Government’s Historic Zoning Commission (Proposal No. 2012Z-002TX-002).

WHEREAS, the Metropolitan Code of Laws does not define what grounds may be considered by Metro’s Historic Zoning Commission for applications for preservation permits; and,

WHEREAS, the best interest of historic preservation is to restrict the use of self-imposed hardships to qualify for preservation permits.

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

Section 1: The Metropolitan Code of Laws 17.40.420(D) is hereby revised by adding subsection (8). This chapter will read as follows:
Chapter 17.40.240

D. Determination of Economic Hardship.

8. Hardship Not Self-Imposed. The alleged difficulty or hardship has not been created by the previous actions or inactions of any person having an interest in the property after the effective date of the ordinance codified in this title.

Section 2: This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Phil Claiborne

Approved. (8-0), Consent Agenda

Resolution No. RS2012-31

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-002TX-001 is **APPROVED. (8-0)**

The new criterion for the demolition of historic buildings will discourage the neglect of properties in historic districts and will add protection for owners that gain ownership without reasonable knowledge of property defects.”

Specific Plans

12. 2006SP-105-002

H & M MOTORS

Map 105-07, Parcel(s) 407

Council District 17 (Sandra Moore)

Staff Reviewer: Brian Sexton

A request to amend the SP District (adopted with Council Bill BL2006-1229) for the previously approved H and M Motors Specific Plan district located at 1525 4th Avenue South, at the northwest corner of 4th Avenue South and Mallory Street (0.44 acres), to permit Auto Sales New, Auto Sales Used, Auto Service and all uses permitted by the MUL-A zoning district and to remove the condition required by BL2006-1229 for a sidewalk along Mallory Street, requested by Tony and Maryan Sarmadi, owners.

Staff Recommendation: APPROVE WITH CONDITIONS, including a revised condition number 1 to exclude auto repair as a permitted use.

APPLICANT REQUEST

Permit Auto Sales New, Auto Sales Used, Auto Service, and all uses permitted by the MUL-A zoning district and remove a condition of BL2006-1229 requiring a sidewalk along Mallory Street.

Amend SP Ordinance

A request to amend the existing Specific Plan-Auto (SP-A) District (adopted with Council Bill BL2006-1229) for the previously approved H & M Motors Specific Plan District located at 1525 4th Avenue South, at the northwest corner of 4th Avenue South and Mallory Street (0.44 acres), to permit Auto Sales New, Auto Sales Used, Auto Service, and all uses permitted by the Mixed Use Limited alternative (MUL-A) zoning district as permitted uses in the SP-A District and remove a condition required by BL2006-1229 for a sidewalk along Mallory Street.

Existing 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 auto uses.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN POLICY

Neighborhood Urban (NU)

NU is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An accompanying Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The amendment adds all other uses permitted in the MUL-A zoning district as additional uses within the SP district. The proposed MUL-A zoning district contains uses and bulk standards that are compatible with the Neighborhood Urban land use policy.

PLAN DETAILS

The H & M Motors Specific Plan District was approved by Metro Council in 2006. The approved plan consists of a one-story 1,781 square foot building. While the SP was approved for automobile sales (used) and automobile services, permission to use the site for other uses in the CS zoning district, as requested by the applicant, was not included in the recommendation of approval by the Planning Commission. This amendment will correct that error and permit uses in the MUL-A zoning district in addition to the auto-related uses already approved by Council. The MUL-A district will allow the property owner a range of uses in addition to the auto uses and will be more consistent with the land use policy than the CS zoning district.

Sidewalks

A condition of the council approved site plan required that sidewalks be constructed or repaired along 4th Avenue South and Mallory Street. While the applicant repaired the sidewalk along 4th Avenue South, a sidewalk was not constructed on Mallory Street. At the time this SP was approved, sidewalks were required on all frontages. Since then, the Planning Commission has adopted a policy that outlines when a sidewalk is required.

The Sidewalk Policy is intended to make the reuse of an existing structure less costly for new business owners. Under the policy, the construction of new sidewalks along the street right-of-way would not be required if the SP district does not propose any new construction, or if the SP proposed a minor expansion to an existing structure. The applicant is reusing the existing building for an auto related use and is not proposing any new construction with this amendment. The applicant's request to remove the council bill condition requiring sidewalks along Mallory Street is consistent with the Planning Commission's Sidewalk Policy. All other conditions of BL2006-1229 shall still apply.

Signs

There are no signs proposed with this amendment. All auto related signage shall be monument style or wall mounted. Monument signs shall have maximum sign area of 48 square feet, and shall not exceed (6) feet in height or (3) feet in height if any portion of the sign is located within 15 feet of a driveway. Wall mounted signs on building faces located up to 50 feet from the property boundary along the public right of way shall have a maximum sign area of 48 square feet. Awning signs shall have a maximum sign area of 50 percent of the surface area of the awning. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

Future Development

In order to provide flexibility for future redevelopment in an Auto SP district, future redevelopment within the district shall meet the standards of a mixed use zoning district consistent with the general plan. The specific district will be determined during the initial review of the zoning application. Minor modifications to the approved site plan may still be approved by the Planning Commission, but new construction shall generally be subject to the prescribed mixed use district. A note shall be added to the site plan that states:

"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 MUL-A 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-A 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."

STAFF RECOMMENDATION

Staff recommends approval with conditions. The MUL-A zoning district contains uses and bulk standards that are compatible with the Neighborhood Urban land use policy.

CONDITIONS

1. This SP is limited to Auto Sales New, Auto Sales Used, Auto Service, and all uses permitted by the MUL-A zoning district.
2. All conditions of the SP adopted with Council Bill BL2006-1229 shall apply except the portion of condition No. 2 that requires the construction and repair of sidewalks along Mallory Street.
3. All auto related signage shall be monument style or wall mounted. Monument signs shall have maximum sign area of 48 square feet, and shall not exceed (6) feet in height or (3) feet in height if any portion of the sign is located within 15 feet of a driveway. Wall mounted signs on building faces located up to 50 feet from the property boundary along the public right of way shall have a maximum sign area of 48 square feet. Awning signs shall have a maximum sign area of 50 percent of the surface area of the awning. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
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 MUL-A 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-A 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.

Approved with conditions, including a revised condition Number 1 to exclude auto repair as a permitted use. (8-0), Consent Agenda

Resolution No. RS2012-32

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-105-002 is **APPROVED WITH CONDITIONS, including a revised condition Number 1 to exclude auto repair as a permitted use. (8-0)**

Conditions of Approval:

1. This SP is limited to Auto Sales New, Auto Sales Used, Auto Service, and all uses permitted by the MUL-A zoning district.
2. All conditions of the SP adopted with Council Bill BL2006-1229 shall apply except the portion of condition No. 2 that requires the construction and repair of sidewalks along Mallory Street.
3. All auto related signage shall be monument style or wall mounted. Monument signs shall have maximum sign area of 48 square feet, and shall not exceed (6) feet in height or (3) feet in height if any portion of the sign is located within 15 feet of a driveway. Wall mounted signs on building faces located up to 50 feet from the property boundary along the public right of way shall have a maximum sign area of 48 square feet. Awning signs shall have a maximum sign area of 50 percent of the surface area of the awning. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs. Signs shall not be back-lit but may be spotlighted, or externally-lit. All light and glare shall be directed on-site to ensure surrounding properties are not adversely affected by increases in direct or indirect ambient light.
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 MUL-A 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-A 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.

The SP is consistent with the Neighborhood Urban land use policy.”

Zone Changes

13. 2011Z-025PR-001

105 DULING AVENUE

Map 043-09, Parcel(s) 259

Council District 09 (Bill Pridemore)

Staff Reviewer: Jason Swaggart

A request to rezone from the OR20 to MUL district property located at 105 Duling Avenue, approximately 195 feet east of Gallatin Pike (0.19 acres), requested by Franklin D. Conley, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Zone change to permit mixed use development

Zone Change

A request to rezone from Office and Residential (OR20) to Mixed-Use Limited (MUL) district property located at 105 Duling Avenue, approximately 195 feet east of Gallatin Pike (0.19 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

MUL District - Mixed Use Limited is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

CRITICAL PLANNING GOALS

N/A

MADISON COMMUNITY PLAN

Land Use Policies

Urban Mixed Use Corridor (T4CM) policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The proposed MUL zoning district permits uses consistent with the policy. It also would permit development consistent with the policy.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- A TIS may be required at development.

Typical 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
General Office (710)	0.19	0.184 F	1,522 SF	54	7	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.19	0.184 F	1,522 SF	54	7	7

Traffic changes between typical: **OR20** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	0	0	0

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
General Office (710)	0.19	0.8 F	6,621 SF	165	22	22

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.19	1 F	8,276 SF	196	26	26

Traffic changes between maximum: **OR20** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1,655 SF	+31	+4	+4

SCHOOL REPORTS

The proposed MUL zoning district will not generate more students than what would be generated by the current OR20 zoning district.

STAFF RECOMMENDATION

Staff recommends that the request be approved as it is consistent with the property's land use policy.

Approved (8-0), Consent Agenda

Resolution No. RS2012-33

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-025PR-001 is **APPROVED. (8-0)**

The MUL zoning district is consistent with the T4 Urban Mixed Use Corridor (T4 CM) land use policy."

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

14. 2004P-028-001

OLD HICKORY COMMONS

Map 175-02-0-B, Parcel(s) 075-086, 088-101, 119-126, 128-130, 208-215, 903, 905, 908-909

Council District 32 (Jacobia Dowell)

Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final approval for a portion of the Old Hickory Commons Residential Planned Unit Development Overlay District located on various properties along Sprucedale Drive, between Beaver Creek Way and Saddle Creek Way (2.11 acres), zoned RM6, to permit 23 single-family lots where 47 multi-family units were previously approved, requested by Anderson, Delk, Epps & Associates Inc., applicant, for Old Hickory Commons LLC, owner. (See also Subdivision Case # 2011S-016-001).

Staff Recommendation: DEFER to the February 9, 2012, Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 2004P-028-001 to the February 9, 2012, Planning Commission meeting. (8-0)

Neighborhood Landmark Overlays: final site plans

15. 2011NL-002-002

209 DANYACREST

Map 085-11, Parcel(s) 005

Council District 14 (James Bruce Stanley)

Staff Reviewer: Jason Swaggart

A request for approval of a Neighborhood Landmark Development Plan for property located at 209 Danyacrest Drive, at the northeast corner of Danyacrest Drive and Jenry Drive (2.78 acres), zoned RS15, to permit a general office (marketing and consulting) use within an existing 4,800 square foot structure, requested by Dale & Associates, applicant, Don and Christi McEachern, owners.

Staff Recommendation: APPROVE WITH CONDITIONS, including conditions added by the applicant January 25, 2012.

APPLICANT REQUEST

Neighborhood Landmark Development Plan to permit an office within an existing building.

Neighborhood Landmark Development Plan

A request for approval of a Neighborhood Landmark Development Plan 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), to permit a general office (marketing and consulting) use within an existing 4,800 square foot structure.

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.*

HISTORY

This request was original 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 25, 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 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 property intended to be preserved through the overlay prior to considering what may happen in the overlay once it has been established. Because of this distinct 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 current request is only for the development plan. The Planning Commission recommended that Council approve the Neighborhood Landmark at the January 12, 2012, meeting. *The development plan cannot be enacted until the landmark overlay has been approved by Council. Since Council will not have approved the overlay by the time the Commission considers this development plan, then any approval must be contingent upon Council approval of the overlay.*

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The development plan calls for the existing home to remain. Proposed uses include single-family residential and general office. The type of office use is limited to Marketing and Consulting. No major improvements are proposed for the existing home. Minor site improvements include the addition of ten formal parking spaces and additional landscaping. The proposed parking spaces will be located on the eastern side of the lot behind the home. Access to the property will remain from the existing driveway on Danyacrest. No signage is proposed for the site.

STORMWATER RECOMMENDATION

No Stormwater permit required

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions.

CONDITIONS

1. Planning Commission approval of the development plan is conditioned upon Council approval of the Neighborhood Landmark Overlay District.
2. The Planning Commission shall approve any changes to the development plan which shall include but not be limited to any exterior alterations to the structure.
3. 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.

Approved with conditions, including conditions added by the applicant January 25, 2012. (8-0), Consent Agenda

Resolution No. RS2012-34

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011NL-002-002 is **APPROVED WITH CONDITIONS, including conditions added by the applicant January 25, 2012. (8-0)**

Conditions of Approval:

1. Planning Commission approval of the development plan is conditioned upon Council approval of the Neighborhood Landmark Overlay District.
2. The Planning Commission shall approve any changes to the development plan which shall include but not be limited to any exterior alterations to the structure.
3. 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.

Additional Conditions added by applicant January 25, 2012:

POOL

- Fencing must be a minimum of 4ft high and must have a lockable gate.
- Fence must remain locked when no one is on the premises.
- Fence must be kept in good repair at all times.
- Pool must be covered during non-seasonal months.

LIGHTING

- Working security lights should be on all corners of the house and by the pool.
- Exterior security lights must be on a timer or sensitivity meter so that they automatically activate at dusk.
- No additional commercial-type lighting is allowed (such as pole lighting of the parking lot); all exterior lighting should be

residential in nature.

LANDSCAPING

- Any additional landscaping should not obstruct the view of traffic entering/exiting the neighborhood.
- Existing landscaping cannot be altered except where the health of the vegetation warrants such alteration.
- The property shall be kept neat, orderly, planted in grass and trimmed at all times.
- Except as outlined in the current proposal, no additional landscaping shall be allowed.
- No additional fencing of the property shall be allowed.

PARKING & VEHICLES

- No commercially marked, wrapped or branded vehicles allowed on the property. Commercially licensed vehicles are acceptable as long as the only indication is the license plate on the vehicle. Vehicles owned by businesses engaged to make normal maintenance and repairs at the property are allowed but only during normal business hours and never overnight.
- No regular (i.e. weekly, monthly) deliveries made with vehicles over 3 axles.
- No more than 15 vehicles allowed on the premises at a time (including vehicles in the garages).
- Except as outlined in the current proposal, no additional parking space or paved area of any kind is allowed.
- Existing paved space must be kept in good repair.
- No "sandwich" or easel/portable signs are allowed.

BUILDINGS

- No commercial signage shall be erected on the exterior of the building.
- No alcohol shall be sold on the premises.
- No window signs are permitted. Hours of operation and emergency phone numbers will be the only exceptions.
- The premises shall not be used for any business venture that would require direct access by customers or commercial vehicles on a regular (daily, Mon-Fri or any other combination of regular working days) basis.
- Hours of operation shall be no earlier than 8:00 am and no later than 6:00 pm."

K. OTHER BUSINESS

16. MOA between the Nashville Area MPO and the Clarksville Urbanized Area MPO regarding cost-sharing for the regional household travel survey being conducted by Westat (per contract L-2672).

Approved. (8-0), Consent Agenda

Resolution No. RS2012-35

"BE IT RESOLVED by The Metropolitan Planning Commission that MOA between the Nashville Area MPO and the Clarksville Urbanized Area MPO regarding cost-sharing for the regional household travel survey being conducted by Westat (per contract L-2672) is **APPROVED. (8-0)**"

17. Employee contract renewal for Anita McCaig.

Approved. (8-0), Consent Agenda

Resolution No. RS2012-36

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Anita McCaig is **APPROVED. (8-0)**"

18. New employee contract for Jennifer Muchow Hill.

Resolution No. RS2012-37

“BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Jennifer Muchow Hill is **APPROVED. (8-0)**”

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

L. MPC CALENDAR OF UPCOMING MATTERS

January 26, 2012

MPC Meeting

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

February 2, 2012

Community Meeting

11:30am & 4pm, 2015 West End Ave, Cathedral of the Incarnation, Fleming Center

Topic: Public discussion of future development & investment in Midtown

February 9, 2012

MPC Meeting

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

February 23, 2012

MPC Meeting

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

M. ADJOURNMENT

The meeting was adjourned at 6:03 p.m.

Chairman

Secretary