



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

Thursday, July 25, 2013

4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

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

Staff Present:

Rick Bernhardt, Executive Director
Jennifer Carlat, Assistant Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Kathryn Withers, Planning Manager II
Cindy Wood, Planner III
Carrie Logan, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Ben Miskelly, Planner II
Amy Diaz-Barriga, Planner I
Susan Jones, Legal

Commissioners Absent: Derrick Dalton

Richard C. Bernhardt, FAICP, CNU-A
Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:00 p.m.

B. ADOPTION OF AGENDA

Mr. Clifton moved and Dr. Cummings seconded the motion to adopt the agenda. (7-0)

C. APPROVAL OF JUNE 27, 2013 MINUTES

Mr. Haynes moved and Councilmember Claiborne seconded the motion to approve the June 27, 2013 minutes. (7-0)

D. RECOGNITION OF COUNCILMEMBERS

Council Lady Johnson spoke in support of Item 11 and thanked the planning staff for their hard work.

Mr. Ponder and Mr. Gee arrived at 4:02 p.m.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. 2013SP-022-001

KIRTLAND COTTAGES

7. 2013Z-019PR-001

15. 2013S-112-001

YOUNG-WOODS, RESUB LOT 6

16. 2013S-109A-001

ABBOTT MARTIN ESTATES, LOTS 1 & 2 AMENDMENT

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

F. CONSENT AGENDA

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

2. 2013S-089-001

WILLIAM WHITE LANDS, RESUB PART OF LOT 4

4. 2013Z-011TX-001

SPECIFIC PLAN

5. 2008SP-024G-12

JENNINGS SPRINGS

6. 2013SP-024-001

NORTH 11TH & SCOVEL

8. 2013Z-024PR-001

BL2013-495 \ LANGSTER

9. 2013Z-025PR-001

BL2013-497 \ DUVALL

11. 2013UD-002-001

BL2013-489 \ 29(JOHNSON), 32(DOWELL), 33(DUVALL)
MURFREESBORO ROAD

12. 1-74P-005

SOUTHEAST DAVIDSON COMMUNITY CENTER (PUD REVISION)

13. 2013S-054-001

BRENTWOOD KNOLL, PH 1, RESUB OPEN SPACE

14. 2013S-111-001

FIRST REVISION OF EASTLAND OAKS, RESERVE PARCEL & EASTLAND ACRES, PARCEL A

17. Employee contract renewal for Lou Edwards.

18. Contract amendment No. 2 to between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC authorizing additional work on the development of booklets stemming from NCDC/UTK studio work.

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

G. PREVIOUSLY DEFERRED ITEMS

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

Specific Plans

1. 2013SP-022-001

KIRTLAND COTTAGES

Map 131-02, Parcel(s) 144
Council District 25 (Sean McGuire)
Staff Reviewer: Greg Johnson

A request to rezone from R15 to SP-R zoning for property located at 4201 Kirtland Road, at the southwest corner of Kirtland Road and Overhill Drive (0.45 acres), to permit up to six residential dwelling units, requested by Dewey Estes Engineering, applicant; Ardavan Afrakhteh, owner.

Staff Recommendation: Defer Indefinitely.

The Metropolitan Planning Commission deferred indefinitely 2013SP-022-001. (9-0)

Subdivision: Final Plats

2. 2013S-089-001

WILLIAM WHITE LANDS, RESUB PART OF LOT 4

Map 071-12, Parcel(s) 343-345
Council District 05 (Scott Davis)
Staff Reviewer: Jason Swaggart

A request for final plat approval to create four lots on properties located at 1701, 1703 and 1705 Lischey Avenue, approximately 1,330 feet south of East Trinity Lane, zoned RS5 (0.8 acres), requested by Rodney and Virginie Jenkins, owners; Byrd Surveying, Inc., applicant.

Staff Recommendation: Approve

APPLICANT REQUEST

Final plat to create four single-family lots.

Final Plat

A request for final plat approval to create four lots on properties located at 1701, 1703 and 1705 Lischey Avenue, approximately 1,330 feet south of East Trinity Lane, zoned Single-Family Residential (RS5) (0.8 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 5 lots*, however, the applicant is seeking four lots, each to contain one single-family home.

CRITICAL PLANNING GOALS

N/A

The site currently contains four lots, so no additional development rights are requested with this proposal.

PLAN DETAILS

The applicant is requesting final plat approval for a four lot subdivision. The subject site already contains four lots, with three fronting onto Lischey Avenue and one onto an unbuilt portion of Marshall Street. This request is a reorganization of the existing lots. The Subdivision Regulations require Metro Planning Commission approval for any subdivision with three or more lots.

The subject site is a little under an acre in size (0.8 AC, 34,848 SF) and is located at the northeast corner of Lischey Avenue and Marshall Street. This portion of Marshall, east of Lischey, is not built. The site is currently vacant and does not include any steep slopes or other environmental constraints.

Final Plat

All lots will front onto Lischey Avenue. The proposed lots will have the following areas and frontages:

- Lot 1: 0.22 Acres (9,448 SF); ~37 FT of frontage
- Lot 2: 0.22 Acres (9,440 SF); ~37 FT of frontage

- Lot 3: 0.22 Acres (9,431 SF); ~37 FT of frontage
- Lot 4: 0.22 Acres (9,273 SF); ~36 FT of frontage

The plat provides coordinated access. As proposed access will be shared between Lots 1 and 2 and between Lots 3 and 4.

Sidewalks

Sidewalks exist along the Lischey Avenue frontage and are required to be maintained during redevelopment of the site.

ANALYSIS

The subdivision meets the requirements of the Subdivision Regulations and Metro Zoning requirements. Because this is an infill subdivision in the Neighborhood General land use policy area, it is required to be consistent with the character of the surrounding area. While the proposed lot frontages will be narrower than any other lot in the immediate area, the area contains a variety of different size lots which could be subdivided into smaller lots. The policy also supports infill development and would support future redevelopment of the larger lots in the area. Further, the proposal is within the density limits of the policy.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends approval. The subdivision complies with the requirements of the Subdivision Regulations and the Zoning Code, and is consistent with the Neighborhood General policy.

Approved (9-0), Consent Agenda

Resolution No. RS2013-128

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-089-001 is **Approved. (9-0)**

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

Community Plan Amendments

3a. 2013CP-010-001

GREEN HILLS-MIDTOWN PLAN AMENDMENT

Map 104-08, Parcel(s) 172-173
 Council District 18 (Burkley Allen)
 Staff Reviewer: Cynthia Wood

A request to amend the Green Hills - Midtown Community Plan: 2005 Update to change the Land Use Policy from Neighborhood General (NG) to T4 Urban Neighborhood Evolving Policy for various properties located between Wedgewood Avenue to the north, Belcourt Avenue to the south, 19th Avenue South to the west, and Magnolia Boulevard to the east (2.35 acres), requested by Barge, Waggoner, Sumner, and Cannon, Inc., applicant; John Holland, Jared Danford, and Mary R. Smith, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Change the policy from Neighborhood General to T4 Urban Neighborhood Evolving.

Amend the Community Plan

A request to amend the *Green Hills - Midtown Community Plan: 2005 Update* to change the Land Use Policy from Neighborhood General (NG) to T4 Urban Neighborhood Evolving (T4 NE) Policy for various properties located between Wedgewood Avenue to the north, Belcourt Avenue to the south, 19th Avenue South to the west, and Magnolia Boulevard to the east (2.35 acres).

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Neighborhood General (NG) policy is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany

proposals in these policy areas, to ensure appropriate design and that the type of development conforms with the intent of the policy.

PROPOSED POLICY

T4 Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

BACKGROUND

The proposed amendment area consists of several properties with primarily multifamily and institutional uses. These properties are adjacent to Hillsboro Village to the west and face single-family and multifamily housing on the north side of Wedgewood Avenue. The applicants' original request is encompassed in the plan amendment area (1708 and 1710 19th Avenue South, 0.44 acres, which is discussed in the zone change item 2013SP-023-001). Staff asked that the amendment area be expanded to take in the adjoining nursing home and multifamily housing, which predate the 2005 community plan update and are developed at higher densities than Neighborhood General policy supports. The applicants have requested a community plan amendment and Specific Plan rezoning in order to construct a multifamily development with more units per acre than can be supported by the existing Neighborhood General policy, which has a limit of twenty units per acre. The requested policy, T4 Urban Neighborhood Evolving, supports residential development at up to forty units per acre with some exceptions supporting higher densities that are detailed in the T4 NE section of the *Community Character Manual*. The current NG policy is part of the *Land Use Policy Application* document, the older of the two policy manuals that are used in the community plans. The proposed T4 NE policy is part of the newer manual, the *Community Character Manual*. The LUPA land use policies contained in the nine pre-CCM community plans (including Green Hills-Midtown) are in the process of having their policies translated to the CCM equivalents.

The Green Hills – Midtown Community Plan was last updated in 2005. There have been four amendments since then. One of the most recent amendments was the Midtown Community Character Plan. This amendment changed a large area between Charlotte and West End Avenues from Land Use Policy Application policies to Community Character Manual policies, including two T4 NE policy areas.

COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on June 25, 2013. The meeting was attended by approximately 20 people including District Councilwoman Burkley Allen. Attendees were concerned about both the proposed SP and the community plan amendment proposal. Many of the concerns centered on the lack of specifics that were provided about the project proposal and the potential broader impacts of the community plan amendment. In addition to this community meeting, the applicant met with some neighborhood residents on a previous occasion.

ANALYSIS

As noted above, the requested policy – T4 NE – allows up to 40 dwelling units per acre, and can support higher densities at strategic locations. The proposed amendment area 10-T4-NE-03 is in a good location for more intense residential development than the T4 NE policy would normally support. This is because the amendment area:

- Provides opportunities to develop needed multifamily housing with smaller units at appropriate locations and relieves pressure to redevelop nearby single- and two-family neighborhoods;
- Is located just off Wedgewood Avenue, an urban arterial street, with bus routes including the university connector;
- Is less than a block away from an MTA stop;
- Adjoins Hillsboro Village, providing goods and services within walking distance;
- Is located between two large universities; and
- Is served by existing urban infrastructure that can be upgraded as necessary as opposed to being in a greenfield area where there is no infrastructure.

STAFF RECOMMENDATION

Staff recommends approval of the plan amendment request.

Ms. Wood presented the staff recommendation of approval. Items 3a and 3b were heard and discussed together.

Todd Jack, developer, spoke in support of the staff recommendation of approval. He clarified that this is not a double density of bedrooms, they are only asking to chop up the walls.

Jay Fulmer, applicant, spoke in support of the staff recommendation of approval. He stated that there have been nine community meetings; parking is the primary issue in this neighborhood.

Council Lady Allen stated that the majority of concerns revolve around parking. She stated that she is not in support of a change to the community plan; that is done through a community consensus and should be made very carefully and with a lot of community input. The current zoning is the highest in Davidson County; not sure what the benefit of allowing an official density increase would be. The community plan needs to stay as is. She stated that she does not feel that the SP is quite there yet; there are still concerns about the total number of units and parking. She would like more time to tweak this either through a deferral or disapproval.

Betty Nixon, 1670 18th Ave S, spoke in opposition to changing the community plan and stated that her concern is that it undermines the neighbors ability to get to a win/win by trading density against important design elements.

Tom Cash, 3104 Acklen Avenue, spoke in opposition to changing the community plan, asking why the neighbors repeatedly have to defend it block by block.

Marty Hansen, 1711 18th Ave S, spoke in opposition to the application.

Pam (last name unclear), 18th Ave S, stated that she hopes that her area does not end up looking like Acklen Avenue. She expressed concerns about the quality of life in Hillsboro Village.

Teresa Seuber, Arlington Court, stated that the proposed building is very tall and parking is a huge concern. She stated that she would like to see the permit parking specifically zoned for their dwelling units.

Ross Seuber, Arlington Court, spoke in support but expressed concerns regarding the parking.

Jay Fulmer requested deferral in order to have more time to work with planning staff and Council Lady Allen.

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

Dr. Cummings moved and Mr. Haynes seconded the motion to defer indefinitely with the public hearing to remain open. (9-0)

Resolution No. RS2013-129

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-010-001 is Deferred indefinitely with the public hearing to remain open. (9-0)

3b. 2013SP-023-001

19TH & BELCOURT

Map 104-08, Parcel(s) 172-173
Council District 18 (Burkley Allen)
Staff Reviewer: Greg Johnson

A request to rezone from RM40 to SP-R zoning for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), to permit up to 36 residential units, requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant; John Holland, Jared Danford and Mary Smith, owners.

Staff Recommendation Defer indefinitely for the proposal to be redesigned to be consistent with the Community Plan, or disapprove.

APPLICANT REQUEST

Preliminary SP to permit 36 multi-family dwellings.

Preliminary SP

A request to rezone from Multi-Family Residential (RM40) to Specific Plan – Residential (SP-R) zoning for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), to permit up to 36 residential units.

Existing Zoning

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 18 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

- This SP, as currently proposed, does not support the creation of walkable neighborhoods.

The site is located adjacent to the Hillsboro Village, a well-recognized and popular mixed use center on Hillsboro Pike. This area is characterized by a high level of pedestrian activity, which is encouraged by existing development that places active uses at street level and removes parking from street level and street frontages.

This project would place the upper-level of a parking structure at ground-level, disrupting the character of surrounding development and creating a precedent of a building with inactive ground floors. The preferred design would have activity on the first floor – windows and doors on to occupied space or stoops – to get “eyes on the street” and enliven the sidewalks around the building.

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Current policy

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

Proposed policy

T4 Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing

Consistent with Policy?

No. As discussed in the staff report for the policy amendment application, the SP does not meet the current NG policy. While it is possible that the proposed density of the SP could be acceptable under the proposed T4 NE policy, the design of the SP does not meet based intent of the policy: to provide a strong relationship between the building and the street frontage. With this critical element absent, the SP is not consistent with the policy.

PLAN DETAILS

The SP includes a five story building with an overall height of approximately 60 feet and a height of 45 feet at the minimum setbacks along 19th and Belcourt Avenues. The top floor is proposed with a step-back, as required by the height plane requirements of the Zoning Code.

On June 20, 2013, the applicant received Special Exception (SE) approval from the Board of Zoning Appeals (BZA) for a shortened street setback along 19th Avenue. This approval allows for the construction of essentially the same building shape that is proposed within the SP. However, the current zoning and the BZA approval only permit 18 dwelling units on the site under the existing RM40 zoning district. Approval of the SP would allow for the interior of the building to be divided into 36 dwelling units. Because SPs can replace bulk and use standards of the Zoning Code, the SP standards would basically replace the SE approval if the zone change is approved.

Parking is provided below the living space within the building footprint. The SP proposes two stories of parking, one above grade at the first floor of the building and one below grade – creating the inactive street frontage described above. The SP includes 54 parking spaces, which meets the minimum parking requirements of the Zoning Code. Access to the parking comes from a vehicular entrance from Belcourt Avenue along the south side of the building. An alley runs along the east side of the site. According to the applicant, the alley could not be used for access to the parking area because of topography issues. A loading zone is located along the alley.

The pedestrian entrance area for the building is located at the southwest corner of the site at the intersection of 19th and Belcourt Avenues. Only one entrance lobby (labeled “amenity area”) is provided. The first floor will be occupied primarily by the top level of a parking structure. The ground level has been designed with multiple doors to the parking area in order to give the building the appearance of an active ground level. It is unclear from the SP application whether or not these doors are functional. If functional, they would provide entry to and from the parking structure, not from occupied residential space.

ANALYSIS

Although the basic building design, including the building shape and façade design, could be constructed today under the current RM40 zoning district, the building design is not consistent with the land use policies that must be reviewed as part of an SP application. One of the goals of the proposed T4 NE policy is to have strong relationships between building entrances and street frontages. With the placement of parking at the first floor of the building, the proposed design does not accomplish that goal. In order to meet the existing or proposed land use policy the building should be redesigned to place living spaces at ground level with entrances that provide access to living space.

STORMWATER RECOMMENDATION

Preliminary SP 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.
- ROW dedications along the alley and along 19th must be recorded prior to approval of the Final SP.
- Garage access to be located at appropriate distance from 19th and Alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.

Maximum Uses in Existing Zoning District: **RM40**

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)	0.44	40 D	17 U	227	13	27

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.44	-	36 U	342	22	38

Traffic changes between maximum: **R6** and proposed **MUN-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+19	+115	+9	+11

SCHOOL BOARD REPORT

Projected student generation existing **RM40** district: 1 Elementary 0 Middle 0 High

Projected student generation proposed **SP** district: 2 Elementary 2 Middle 1 High

The proposed SP zoning district could generate 4 more students than what is typically generated under the existing RM40 zoning district. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School.

Eakin Elementary and West End Middle schools have been identified as over capacity. There is capacity within the cluster for elementary and middle school students. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends indefinite deferral of the SP to allow for the redesign of the proposal to meet design-related community character policies, or disapproval. The design of the SP does not meet the intent of the current or proposed community policies, each of which calls for development to provide a strong relationship between the building and the street frontage and for the placement of parking behind, beside, or under buildings.

CONDITIONS (if approved)

1. Right of way dedications along the alley and along the 19th Avenue South frontage shall be recorded prior to approval of the Final SP.
2. Garage access shall be located at an appropriate distance from 19th Avenue South and the alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.
3. Permitted land uses shall be limited to single-family residential, two-family residential and multi-family residential.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM80-A zoning district as of the date of the applicable request or application.

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

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

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

Mr. Johnson presented the staff recommendation of indefinite deferral or disapproval. Items 3a and 3b were heard and discussed together.

Todd Jack, developer, spoke in support of the staff recommendation of approval. He clarified that this is not a double density of bedrooms, they are only asking to chop up the walls.

Jay Fulmer, applicant, spoke in support of the staff recommendation of approval. He stated that there have been nine community meetings; parking is the primary issue in this neighborhood.

Council Lady Allen stated that the majority of concerns revolve around parking. She stated that she is not in support of a change to the community plan; that is done through a community consensus and should be made very carefully and with a lot of community input. The current zoning is the highest in Davidson County; not sure what the benefit of allowing an official density increase would be. The community plan needs to stay as is. She stated that she does not feel that the SP is quite there yet; there are still concerns about the total number of units and parking. She would like more time to tweak this either through a deferral or disapproval.

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Tom Cash, 3104 Acklen Avenue, spoke in opposition to changing the community plan, asking why the neighbors repeatedly have to defend it block by block.

Marty Hansen, 1711 18th Ave S, spoke in opposition to the application.

Pam (last name unclear), 18th Ave S, stated that she hopes that her area does not end up looking like Acklen Avenue. She expressed concerns about the quality of life in Hillsboro Village.

Teresa Seuber, Arlington Court, stated that the proposed building is very tall and parking is a huge concern. She stated that she would like to see the permit parking specifically zoned for their dwelling units.

Ross Seuber, Arlington Court, spoke in support but expressed concerns regarding the parking.

Jay Fulmer requested deferral in order to have more time to work with planning staff and Council Lady Allen.

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

Dr. Cummings moved and Mr. Haynes seconded the motion to defer indefinitely with the public hearing to remain open. (9-0)

Resolution No. RS2013-130

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-023-001 is Deferred indefinitely with the public hearing to remain open. (9-0)

I. RECOMMENDATIONS TO METRO COUNCIL

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

Zoning Text Amendments

4. 2013Z-011TX-001

SPECIFIC PLAN

Staff Reviewer: Carrie Logan

A request to amend Sections 17.40.105 and 17.40.106 of the Metropolitan Zoning Code pertaining to Specific Plan Districts, requested by the Metro Planning Department, applicant.

Staff Recommendation: Approve

APPLICANT REQUEST Amend the Zoning Code Sections related to the adoption of specific plan zoning districts.

Text Amendment: A request to amend Sections 17.40.105 and 17.40.106 of the Metropolitan Zoning Code pertaining to Specific Plan Districts.

PURPOSE

The specific plan zoning district (SP) was created by BL2005-762, which became effective on September 24, 2005. This enabling legislation set out detailed instances in which a SP could be used. Since that time, the SP has evolved as a zoning tool for property owners and Councilmembers. A recent Court of Appeals decision noted the distinction between the enabling legislation and the current use of the SP. This amendment aligns the SP enabling legislation with the current use of SP zoning districts by:

- clarifying that an application can be submitted by the property owner, Councilmember or Planning Department, which is consistent with other sections of the Zoning Code,
- clarifying that a SP can be for an individual property or a larger area, and
- clarifying that either a conceptual site plan or a regulatory plan is required.

Additionally, this amendment replaces the automatic four year review of SPs, with a process that mirrors the planned unit development review process. This process can be initiated by the Planning Commission, a Councilmember or a property owner with the SP and can find a SP inactive after six years. Removing the automatic review of SPs is consistent with the changes to the enabling legislation to reflect how SPs are currently used. Because SPs have evolved into a tool to address issues across larger areas and to reflect the community plan, there is less need to review them every four years for inactivity.

STAFF RECOMMENDATION

Staff recommends approval.

PROPOSED AMENDMENTS

Language to be deleted is in ~~strike through~~. Language to be added is in **bold**.

17.40.105 - Specific plan—Purpose and intent.

The specific plan (SP) district is an alternative zoning process that may permit any land uses, mixture of land uses, and alternative development standards, ~~as may be required to address the unique characteristics of an individual property or larger area, to achieve consistency with the general plan through a site specific plan.~~ In return, a SP district requires the ~~site~~ specific plan to be designed such that, at a minimum, the location, integration and arrangement of land uses, buildings, structures, utilities, access, transit, parking, and streets collectively avoid monotony, promote variety, and yield a context sensitive development. The ~~site~~ specific plan must comply with the building, fire and life safety codes adopted by the metropolitan government.

17.40.106 - Development plan.

A. Pre-application conference. Prior to the submittal of a rezoning application for the SP district, ~~all~~ applicants are encouraged to meet with the executive director of the planning department or designee for guidance on the proposed development plan and its consistency with the principles and objectives of the general plan.

B. Application submittal. An ~~applicant shall submit a rezoning application~~ **shall be submitted by the property owner, the metropolitan planning commission, or a member of the metropolitan council** ~~for the SP district~~

and shall be accompanied by a development plan in a form and content established by the planning commission, along with **all applicable** a processing fees. The development plan shall consist of written text, exhibits, and plans in a report format that describes existing conditions, the purpose and intent of the ~~site specific~~ SP, the plan's consistency with the principles and objectives of the general plan, ~~a site plan for the development~~, a list of allowable land uses, height and size of proposed building types, **and site-specific development standards and either a conceptual site plan or a regulatory plan for the development.** ~~, and a development phasing and construction schedule.~~ All items must be submitted, at the time of application, for the rezoning application to be deemed complete for review. Any omission of a required submittal item shall be identified, and its reason for omission explained in the development plan, including any application submittal waivers granted by the executive director of the planning department **or designee.**

C. Metropolitan Development and Housing Agency (MDHA) and/or Metro Historic Zoning Commission Action. Any existing or proposed SP district located in whole or in part within a redevelopment district or a historic overlay district shall first be referred to and reviewed by MDHA and/or the Metropolitan Historic Zoning Commission for conformance with the relevant plan or guidelines. Any existing or proposed property for SP district which is, in whole or in part, listed on the National Register of Historic Places, identified as eligible for the National Register of Historic Places, or identified as worthy of conservation shall first be referred to and reviewed by the Metropolitan Historic Zoning Commission staff to determine the effects of the proposed SP district on the historic properties. Each agency shall provide a written recommendation to the planning commission on any aspects of the proposed SP district that would be in conflict with the adopted requirements, guidelines, or standards. Adoption of a SP district shall not relieve any property owner from full compliance with the adopted regulations and guidelines of the applicable redevelopment or historic overlay guidelines. Within a SP district, all development shall be consistent with the requirements of the SP district as well as any adopted redevelopment or historical overlay district, whichever is more restrictive.

D. Metro planning commission action. The planning commission shall review a proposed SP district application for conformance and consistency with the development plan's stated purpose and intent and the principles and objectives of the general plan. The planning commission shall act to provide a recommendation on the application. Within ten working days of an action, the commission's resolution shall be transmitted in writing to the applicant, the metro clerk, the zoning administrator and all other appropriate governmental departments.

E. Council consideration. The metropolitan council shall consider an ordinance establishing a SP district and its associated development plan according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map).

F. Changes to a SP District. An application to modify a SP district, in whole or in part, shall be filed with, and considered by, the planning commission according to the provisions of this section. The metropolitan council shall approve any proposed change in the geographic boundary of a SP district, the modification of specific performance criteria, development standards, land uses, development types or other requirements as shown, described, illustrated, identified, or noted on the last council-approved development plan. These changes shall be considered by the metropolitan council according to the procedures of Article III of this chapter (Amendments to the Official Zoning Map). That portion of a SP plan being amended by the metropolitan council shall adhere to all provisions of this code.

G. Final site plan. All final site plans shall conform ~~with to~~ the SP development plan, and shall be submitted in conformance with Section 17.40.170.B of this title. Approval shall be based on a finding that the final site plan conforms ~~with to~~ the approved development plan. Where the development plan approved by the metropolitan council is of such detail for a specific land use, phase, or area of development that the submittal of a final site plan would essentially duplicate the applicable portion of the approved development plan, the executive director of the planning department **or designee** may waive the submittal of a final site plan. In such cases, an applicant shall proceed to the Codes Department and apply for all required construction permits.

H. Development approvals and permits. Approval of a SP district does not relieve ~~an applicant~~ **a property owner** of any subdivision plat, final site plan, building permit, or other metro department reviews and approvals. Except as specifically provided for in the individual SP ordinance, all development shall be undertaken in conformance with adopted departmental rules and procedures. Where specific amendments to departmental rules and procedures have been included in the adopted SP ordinance, all reviews and permits shall only be issued in conformance with the provisions of the approved SP development plan~~-H~~; however, no rule or procedure amendment shall be implemented if it would vacate or violate any federal or state requirement and all applications must fully comply with Chapter 15.64, "An Ordinance for Stormwater Management" as well as the adopted subdivision regulations.

I. Review of a development plan.

1. **Authorization to Review.** The metropolitan planning commission is authorized to review any SP, or portion thereof, to determine whether development activity has occurred within six years from the date of the latter of initial enactment, subsequent amendment, or re-approval by the metropolitan council, and, if determined inactive in accordance with subsection 4.a. of this section, to recommend legislation to the council to re-approve or amend the SP or rezone the property.
2. **Initiation.** Review of a SP or portion thereof to determine inactivity may be initiated by the metropolitan planning commission
 - a. On its own initiative,
 - b. By written request of a member of the metropolitan council, or
 - c. By written request of a property owner within the area of the SP requested for review.
 - d. **Notice of Review.** Within five business days of the initiation of a review, the planning commission shall send written notice to the district councilmember(s) for the district(s) in which the SP is located, to the zoning administrator, and to the owner(s) of property in the portion of the SP to be reviewed.
3. **Metropolitan Planning Commission Procedure.** Within 90 days from the initiation of its review, the planning commission shall hold a public hearing in accordance with the planning commission's adopted Rules and Procedures to concurrently consider if the SP or portion thereof should be classified as inactive and, if found inactive, provide a recommendation to the metropolitan council on legislation to re-approve or amend the SP or rezone the property.
 - a. **Determination of Inactivity.** To determine that a SP or portion thereof is inactive, the planning commission shall establish each of the findings below. The planning commission may also take into consideration the aggregate of actions, if any, taken within the prior 12 months to develop the portion of the SP under review.
 - i. Six or more years have elapsed since the latter of
 - (1) The effective date of the initial enacting ordinance of the SP,
 - (2) The effective date of any ordinance approving an amendment to the SP,
 - (3) The effective date of any ordinance re-approving or amending a SP after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or
 - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and
 - ii. Construction has not begun on the portion of the SP under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the SP under review; clearing, grading, the storage of

building materials, or the placement of temporary structures shall not constitute beginning construction, and

- iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the SP approval.
- b. **Recommendation to Metropolitan Council.** If the planning commission determines that the SP or portion thereof under review is inactive, the commission shall recommend legislation to the metropolitan council to re-approve or amend the SP or rezone the property, or portion thereof that is determined to be inactive. In recommending legislation, the planning commission shall:
 - i. Determine whether the existing SP is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans adopted by the metropolitan government.
 - ii. Recommend legislation to re-approve or amend the SP or rezone the property, including as required:
 - (1) The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
 - (2) Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.
- c. **When Inactivity Is Not Established.** If the planning commission determines that the SP or portion thereof under review does not meet the criteria of Section 17.40.106.I.3.a for inactivity, the SP review is concluded, the limitations of subsection 5 are terminated, and a re-review of the SP shall not be initiated in the manner of subsection 2 of this section for 12 months following the commission's determination.
4. **Metropolitan Council Consideration.** The procedures of Article III of this chapter (Amendments) shall apply to metropolitan council consideration of ordinance(s) to:
 - a. Re-approve the existing SP,
 - b. Amend the SP, or
 - c. Rezone the property.
 - d. Decline to take action by ordinance. If the metropolitan council does not act to re-approve or amend the SP or rezone the property within six months of receipt of the planning commission's recommended legislation, the property may be developed in accordance with the development plan last approved by the metropolitan council, or subsequently revised by the planning commission.
5. **No grading permit nor any building permit for new building construction shall be issued within the SP or portion thereof for which a review has been initiated until the earlier of:**
 - a. The metropolitan council's final action to re-approve or amend the SP or rezone the property, or
 - b. Six months following the planning commission's submission of a recommendation to the metropolitan council, or the deadline for that submission should the commission fail to act.

~~The specific plan district is not intended for speculative development projects, but represents the applicant's firm intention to develop according to a master development plan in a single development operation, or in a phased series of development operations according to a development schedule submitted in accordance with Section 17.40.106.B. The planning commission shall review each development plan within a SP district four years from the date on which it was~~

~~approved by the metropolitan council, and every four years hence until the development plan has been deemed by the planning commission to be complete according to the approved development concept.~~

~~The planning commission shall review each development plan within a SP district to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review shall be undertaken. If the review determines that the project is inactive then the planning commission shall review the development plan within the SP district, per subsection 2 below, to determine its continued appropriateness.~~

- ~~1. Once the planning commission's review of an inactive project has commenced, no grading permit, nor any building permit for new building construction shall be issued for the development plan, or for any phase(s) of the development plan, until the development plan is reviewed by the planning commission and the metropolitan council takes final action as outlined in subsection 3.~~
- ~~2. A written report to the metropolitan council shall be prepared by the planning commission which reflects its findings on issues a. and b. below and its recommendation on whether the SP district should remain on the property, whether any amendments to the approved SP district are necessary, or whether the property should be rezoned to another zoning district. Failure of the planning commission to provide the metropolitan council with a recommendation within ninety days from the initiation of the review shall be considered a recommendation to retain the existing development plan without alteration. The planning commission report shall include findings on the following issues:
 - ~~a. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and~~
 - ~~b. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.~~~~
- ~~3. Within six months of the planning commission's deadline for submitting a recommendation regarding the continued appropriateness of the development plan, the council may take final action to retain the existing development plan, amend the development plan, or cancel the specific plan district and rezone the property to an appropriate base zoning district. Otherwise the property may be developed in accordance with the development plan last approved by the metropolitan council until such time as the council takes action to alter the zoning of the property.~~
- ~~4. The procedures of Article III of this chapter and the rules and procedures of the metropolitan planning commission shall apply to deliberations and decisions on inactive development plans.~~

Approved (9-0), Consent Agenda

Resolution No. RS2013-131

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-011TX-001 is **Approved. (9-0)**

This amendment aligns the SP enabling legislation with the current use of SP zoning districts by clarifying that an application can be submitted by the property owner, Councilmember or Planning Department, which is consistent with other sections of the Zoning Code; clarifying that an SP can be for an individual property or a larger area; and clarifying that either a conceptual site plan or a regulatory plan is required.

Specific Plans

5. 2008SP-024G-12

JENNINGS SPRINGS

Map 187, Parcel(s) 009, 154, 155, 178

Council District 31 (Fabian Bedne)

Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (MR) district known as "Jennings Springs", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 6943 and 6947 Burkitt Road and Burkitt Road (unnumbered), (46.63 acres), approved for 64 single-family units, 80 attached cottage units, and 40 townhome units via Council Bill BL2008-322 approved on June 2, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District active.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (MR) district known as "Jennings Springs", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 6943 and 6947 Burkitt Road and Burkitt Road (unnumbered), (46.63 acres), approved for 64 single-family units, 80 attached cottage units, and 40 townhome units via Council Bill BL2008-322 approved on June 2, 2009.

Zoning Code Requirement

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

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

DETAILS OF THE SP DISTRICT

This SP was approved for 64 single-family units, 80 attached cottage units, and 40 townhome units, for a total of 184 residential units. The SP maintains an overall density of 3.95 dwelling units per acre. Alleys are provided for the majority of the residential units, including all of the cottage and townhome units. A vehicular connection to the abutting subdivision is provided at the south boundary of the SP. The site plan proposes a pocket park near the central core of the development. It proposes a network of sidewalks throughout the development which takes advantage of views to the existing lake. The pedestrian network also connects through the pocket park in the central core and provides a break in a long block within the development. The SP also includes a pattern book that provides additional details for architectural standards, bulk standards, and landscaping and amenity details.

SPECIFIC PLAN REVIEW

Staff recommends that this SP be considered actively under development. A final site plan was administratively approved on May 17, 2013. The final site plan has changed the name of the SP to Burkitt Springs. A tree removal permit (CATR201314849) was issued on May 17, 2013. A grading permit (SWGR201300029) was issued on May 20, 2013. A blasting permit (CAZ07A001) was issued on May 29, 2013. Staff conducted a site visit on June 10, 2013. A blasting sign was posted, and the site was being actively prepared for construction.

STAFF RECOMMENDATION

Staff recommends that the Jennings Springs SP be found to be active.

Find the SP District active (9-0), Consent Agenda

Resolution No. RS2013-132

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-024G-12 was found to be active. (9-0)

6. 2013SP-024-001

NORTH 11TH & SCOVEL

Map 081-16, Parcel(s) 308

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Duane Cuthbertson

A request to rezone from R6 to SP-R zoning for property located at 1112 11th Avenue North, at the southeast corner of 11th Avenue North and Scovel Street and located within the Phillips-Jackson Street Redevelopment District (0.27 acres), to permit up to six residential dwelling units, requested by Dale & Associates and the Metro Planning Department, applicants; Danny Newman, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Permit six residential units.

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) to Specific Plan-Residential (SP-R) zoning for property located at 1112 11th Avenue North, at the southeast corner of 11th Avenue North and Scovel Street and located within the Phillips-Jackson Street Redevelopment District (0.27 acres), to permit up to six residential dwelling units.

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 1 lot with 1 duplex for a total of 2 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

This SP, proposing six townhome units, provides for additional residential density and housing types on a currently vacant lot in an existing neighborhood behind an established mixed use corridor (Jefferson Street). The proposed infill development will support transit use and local business by increasing population within the corridor. The development further supports the walkability of the neighborhood by establishing buildings close to the street and orienting them out towards existing sidewalks. The SP also minimizes the impact of automobiles on the pedestrian environment by placing parking behind the buildings and limiting the number of curb cuts to one.

NORTH NASHVILLE COMMUNITY PLAN

Urban Mixed Use Corridor (T4 CM) 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.

The policy recommends that the area containing the property remain residential, but should intensify through appropriate design/site plan based zoning to provide the critical mass of housing units and people to help support the Urban Mixed Use Corridor.

Consistent with Policy?

Yes. The SP creates additional density (22 dwelling units per acre) as encouraged by the Urban Mixed Use Corridor policy. The SP provides housing in the form of semi-detached townhomes that will support and enhance the viability of the Jefferson Street corridor while facilitating a transition in development intensity between the commercial corridor to the south and the less intense residential neighborhood to the north.

The layout is consistent with the general character of urban neighborhoods by orienting the homes to the public street and minimizing impact from vehicular access to the site.

PLAN DETAILS

This SP proposes six semi-detached residential units on the vacant 11,761 square foot (0.27 acres) property. The site is located along the northern edge of the Jefferson Street corridor in the Buena Vista neighborhood and within MDHA's Phillips – Jackson Redevelopment District. It is situated at the western end of a block that, - is bound by three local streets – Scovel Street to the north, Reverend Dr. Enoch Jones Drive to the south and 11th Avenue North to the west. A small neighborhood Metro park is situated to the north of the site while a mixture of housing types is located in the surrounding neighborhood to the northeast, including a duplex dwelling immediately to the east. An interstate limits development potential to the west however a church and two story dwellings are located to the west-southwest of the site.

Site Plan

The SP proposes a layout in which buildings are situated along and oriented to three streets. The townhomes will be constructed on or near a five foot street setback line along the three frontages and will have elevated (24 inches) front porches and front entrances connected to the abutting sidewalk. Corner units will provide wrap around porches so as to orient to both abutting public streets. Each dwelling unit will have a relatively small footprint, but will be permitted a building height up to three stories in 40 feet as measured from the average ground elevation, which is consistent with the maximum height permitted in the adjacent R6 zoning district.

Vehicular access to the site will be limited to one 24 foot wide driveway from Scovel Street, on the north side of the development, where the width of the property is greatest. The development meets the parking requirement (nine spaces) providing ten on-site parking spaces in individual garages. Street parking is also available on 11th Avenue North and Scovel Street.

Street trees will enhance the development by softening the transition between the buildings and abutting public sidewalks. Tree planting in addition to a screening fence will buffer the neighbors to the east from the development's parking area.

ANALYSIS

The proposed SP is consistent the Urban Mixed Use Corridor policy. The plan supports infill development, improves the walkability of the neighborhood and provides for a wider range of housing options while enhancing the urban character found along the Jefferson Street corridor and in the surrounding area.

SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Students would attend Buena Vista Elementary School, John Early Middle School, or Pearl-Cohn High School. Of these, John Early Middle School has been identified as being over capacity by the Metro School Board. However, the proposed development is not anticipated to generate any additional students. This information is based upon data from the school board last updated October 2012.

MDHA RECOMMENDATION

Phillips – Jackson Redevelopment District

Approve Preliminary SP

Building permits will require separate approval to ensure compatibility with the district’s design guidelines.

STORMWATER RECOMMENDATION

Approve with conditions

- If site conditions warrant a direct connection to a storm system, then the developer shall install an adequate storm pipe network to the closest storm only system or a combination system that is 18" or larger.
- All detention / water quality features to be located in Open Space / PUDE.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer’s final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- In lieu of providing a dumpster, developer may use carts under the condition that solid waste pick up is to be contracted with a private hauler and the cost is to be incurred by the developer/ HOA.
- The final location of all sidewalks, curb lines, etc are to be coordinated with MPW prior to final SP design. MPW agrees in concept and will work with the applicant to ensure the intent of the proposed design will work with the Final SP.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.27	7.71 D	4 U*	39	3	5

*Based on two duplex lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.27	-	6 U	40	4	4

Traffic changes between maximum: **R6** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 2	+1	+1	-1

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The request is consistent with the site’s Urban Mixed Use Corridor land use policy and meets several critical planning goals.

CONDITIONS

1. The corrected copy of the preliminary plan shall show a revised building height of 3 stories in 40 feet maximum, as measured from the average ground elevation.
2. The development proposed in this SP shall comply with all requirements of the Phillips – Jackson Redevelopment District prior to final site plan approval.
3. The requirements of the Public Works Department shall be met.
4. Uses within the SP shall be limited to a maximum of six residential units.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. 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 and disapproved without all conditions (9-0), Consent Agenda

Resolution No. RS2013-133

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-024-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

The request is consistent with the site's Urban Mixed Use Corridor land use policy and meets several critical planning goals.

CONDITIONS

1. **The corrected copy of the preliminary plan shall show a revised building height of 3 stories in 40 feet maximum, as measured from the average ground elevation.**
2. **The development proposed in this SP shall comply with all requirements of the Phillips – Jackson Redevelopment District prior to final site plan approval.**
3. **The requirements of the Public Works Department shall be met.**
4. **Uses within the SP shall be limited to a maximum of six residential units.**
5. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application.**

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

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

8. 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.

Zone Changes

7. 2013Z-019PR-001

Map 091-06, Parcel(s) 305

Council District 20 (Buddy Baker)

Staff Reviewer: Greg Johnson

A request to rezone from CN to RM9-A zoning for property located at 5516 Kentucky Avenue, approximately 115 feet east of 56th Avenue North (0.21 acres), requested by Anthony Cherry, applicant; Stan Kinslow, owner.

Staff Recommendation: Defer to the August 22, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013Z-019PR-001 to the August 22, 2013, Planning Commission meeting. (9-0)

8. 2013Z-024PR-001

BL2013-495 \ LANGSTER

Map 092-07, Parcel(s) 166

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Greg Johnson

A request to rezone from OR20 to OR20-A zoning for property located at 813 19th Avenue North, at the southwest corner of Herman Street and 19th Avenue North (0.18 acres), requested by the Metro Planning Department, applicant; Metro Government, owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from OR20 to OR20-A.

Zone Change

A request to rezone from Office/Residential (OR20) to Office/Residential-Alternative (OR20-A) zoning for property located at 813 19th Avenue North, at the southwest corner of Herman Street and 19th Avenue North (0.18 acres).

Existing Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 3 units.*

Proposed Zoning

Office/Residential-Alternative (OR20-A) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *OR20-A would permit a maximum of 3 units.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The zoning district will require development of the site in a manner consistent with surrounding development with building form placed at the front corner of the lot with parking placed to the side. This layout will improve the walkability of the surrounding neighborhood by minimizing the prominence of surface parking.

NORTH 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?

Yes, although this zone change will not change the permitted office and residential uses on the site, it will change the permitted *form* of future development. OR20-A will require shallower setbacks for buildings similar to the existing residential building across the street from the site on the northwest corner of Herman Street and 19th Avenue North. The setbacks and other standards of the OR20-A zoning district are consistent with the recommendations of the T4 MU policy.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required at time of development.

A traffic table was not generated because the zone change is not anticipated to increase the number of trips to or from the site.

SCHOOL BOARD REPORT

Projected student generation existing OR20 district: 3 Elementary 2 Middle 1 High

Projected student generation proposed OR20-A district: 3 Elementary 2 Middle 1 High

The proposed OR20-A zoning district could generate the same number of students as typically generated under the existing OR20 zoning district. Students would attend Park Avenue Elementary School, McKissack Middle School, and Pearl-Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends approval. The request is consistent with the T4 Urban Mixed Use Neighborhood policy of the North Nashville Community Plan.

Approved (9-0), Consent Agenda

Resolution No. RS2013-134

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-024PR-001 is **Approved. (9-0)**

The request is consistent with the T4 Urban Mixed Use Neighborhood policy of the North Nashville Community Plan.

9. 2013Z-025PR-001

BL2013-497 \ DUVALL

Map 175, Parcel(s) 191

Council District 33 (Robert Duvall)

Staff Reviewer: Jason Swaggart

A request to rezone from SP-MU to MUG zoning for property located at 4235 Murfreesboro Pike, approximately 1,600 feet south of Hurricane Creek Boulevard and partially located within the Floodplain Overlay District (12.24 acres), requested by Dale & Associates, applicant; PNB Holding Co. 1, Inc., owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from SP-MU to MUG.

Zone Change

A request to rezone from Specific Plan-Mixed Use (SP-MU) to Mixed Use General (MUG) zoning for property located at 4235 Murfreesboro Pike, approximately 1,600 feet south of Hurricane Creek Boulevard and partially located within the Floodplain Overlay District (12.24 acres).

Existing Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes residential uses in addition to office and/or commercial uses. *The subject site is within the Hickory Woods SP district. The SP does not permit any development on this site unless FEMA removes the property from the floodway. If it is removed from the floodway, then the SP would permit mixed housing only.*

Mixed Use General (MUG) is intended for a moderately high intensity mixture of residential, retail, and office uses. *The maximum permitted square footage under MUG is 1,599,523 square feet.*

CRITICAL PLANNING GOALS

N/A

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

The Antioch-Priest Lake Community Plan also provides specific guidance for this area (13-T3-CC-04) guidance for land uses and design issues such as access and connectivity. It encourages a mixture of uses, controlled access and sufficient pedestrian and vehicular connectivity.

Conservation (CO) policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands and unstable or problem soils.

Consistent with Policy?

Yes. The proposed MUG zoning district is consistent with the Suburban Community Center policy. MUG permits development at an intensity not typically found at the edge of the county; however, the intensity is appropriate given the sites proximity to downtown LaVergne. While the proposed MUG district is not consistent with the Conservation policy which applies to the low lying areas along Hurricane Creek, these areas are mostly protected by Metro Stormwater requirements which require a buffer adjacent to any floodway.

METRO SCHOOL BOARD REPORT

The proposed MUG zoning district would not generate any more students than the current SP zoning district.

PUBLIC WORKS RECOMMENDATION

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Open Space	12.24	0	0			

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	12.24	3 F	1,599,523 SF	11,279	1724	1871

Traffic changes between maximum: **SP-MU** and proposed **MUG**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1,599,523 SF	+11,279	+1724	+1871

STAFF RECOMMENDATION

Staff recommends approval.

Approved (9-0), Consent Agenda

Resolution No. RS2013-135

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-025PR-001 is **Approved. (9-0)**

The proposed MUG zoning district is consistent with the Suburban Community Center policy. Metro Stormwater requirements for buffers adjacent to floodways will provide protection of low-lying areas along Hurricane Creek, which helps the MUG district to meet the intent of the Conservation policy.

10. 2013Z-026PR-001

BL2013-490 \ POTTS

Map 148-09, Parcel(s) 092-095, 100, 103-132, 136-144, 176

Map 148-10, Parcel(s) 029-132, 154 Map 148-13, Parcel(s) 039-053 Map 148-14, Parcel(s) 001-073, 338

Council District 30 (Jason Potts)

Staff Reviewer: Greg Johnson

A request to rezone from R10 to RS10 zoning for various properties located along Anton Drive, Creekside Drive, E. Ridge Drive, Haywood Lane, Keeley Drive, Locustwood Drive, Packard Drive and W. Valley Drive, between Haywood Lane and Packard Drive, (130.74 acres), requested by Councilmember Jason Potts, applicant; various property owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST

Zone change from One and Two- Family Residential to Single-Family Residential zoning.

Zone Change

A request to rezone from One and Two-Family Residential (R10) to Single-Family Residential (RS10) zoning for various properties located along Anton Drive, Creekside Drive, E. Ridge Drive, Haywood Lane, Keeley Drive, Locustwood Drive, Packard Drive and W. Valley Drive, between Haywood Lane and Packard Drive, (130.74 acres).

Existing Zoning

One and Two-Family Residential (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 percent duplex lots.

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Does Not Provide a Range of Housing Choices
- Does Not Support a Variety of Transportation Choices
- Does Not Support Infill Development
- Does Not Promote Compact Building Design

The proposed zone change would limit residential development within the boundary to single-family detached where detached duplexes are currently permitted. By limiting development to one residential type, this zone change does not support a range of housing choices. The location of this neighborhood near an existing transit line and an interstate exit provide the foundations of future transportation options. However, maintaining the current low density of the neighborhood is unlikely to support additional transportation choices. Without options for additional density, this zone change does not support compact development.

SOUTHEAST COMMUNITY PLAN

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

Consistent with Policy?

No. The RLM policy generally recommends residential densities between two and four dwelling units per acre. Within the zone change boundary, development is almost entirely single-family with a density of less than two dwelling units per acre. The addition of duplexes within the boundary, as currently permitted by the R10 zoning district, would increase the residential density of the neighborhood into the recommended range of the RLM policy. As described in the Critical Planning Goals section of this report, permitting somewhat higher residential density through duplexes will help to achieve broader goals of providing housing type diversity, improving access to multiple forms of transportation, achieving building efficiency through compact building design, and supporting infill development. This zone change would essentially lock into place the current low-density form of single-family development. This change would be consistent with a lower-density policy like Residential-Low (RL), but not the current RLM policy of the Southeast Community Plan.

ANALYSIS

The current R10 zoning district permits single-family detached residential as well as duplexes. The proposed zone change to RS10 would eliminate the ability to construct duplexes. Residential density is the only aspect of development that this zone change would affect. There are no differences between the bulk standards of the RS10 and R10 zoning districts in the Zoning Code. Building height and parking requirements are the same in both districts, and redevelopment is required to be consistent with adjacent lots in terms of contextual street setbacks. Because this site is outside of the Urban Zoning Overlay (UZO), duplexes could be detached, which would maintain the existing character of detached dwellings. Redevelopment of lots within this neighborhood to duplexes would follow the same requirements as redevelopment of lots to new single-family dwellings.

Because this zone change does not meet the minimum density of the RLM policy, it is not an appropriate zone change for this neighborhood. The zone change will not have an impact on the required bulk standards of the Zoning Code, so the reasons for the zone change application are unclear. The inclusion of duplexes could have benefits to the surrounding area by providing an additional housing type and customers for existing and future transit and local businesses.

STAFF RECOMMENDATION

Staff recommends disapproval. The proposed zone change is not consistent with Residential Low-Medium land use policy of the Southeast Community Plan and will not impact the currently-required bulk standards of the Zoning Code.

Mr. Johnson presented the staff recommendation of disapproval.

Bobby Sexton, 3913 East Ridge Drive, expressed concerns with safety noting that the cut through street catches a lot of traffic.

Mr. Clifton left at 5:01 p.m.

Gary Wiser, 3909 East Ridge Drive, spoke in support of the rezoning and expressed concerns as to what type of building will be built there as well as traffic and safety concerns.

Logan Dillinger, 3822 Creekside, spoke in support of zoning change and stated that the multi-unit dwellings are not consistent with the character of the neighborhood; also concerned with increased traffic and safety concerns.

Keith Boehner, 3931 Creekside, spoke in support of the zone change and stated that multi-unit dwellings are not in the best interest of the neighborhood; would like to see the single family character preserved.

Jamal (last name unclear), owner of the lot at the corner of Haywood Lane and East Ridge, spoke in opposition to the zone change as he wants to be able to build duplexes.

Mr. Haynes moved and Mr. Ponder seconded the motion to close the Public Hearing. (8-0)

Councilmember Claiborne spoke in support and stated that this is the right move for this area.

Mr. Adkins spoke in agreement with Councilmember Claiborne and stated that he will support the rezone.

**Mr. Adkins moved and Councilmember Claiborne seconded the motion to approve the application. (5-3)
Dr. Cummings, Ms. LeQuire, and Mr. Gee voted against.**

Resolution No. RS2013-136

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-026PR-001 is **Approved. (5-3)**

The proposed RS10 zoning district reflects the established pattern of existing single-family residential development within the zone change boundary.

Urban Design Overlays

11. 2013UD-002-001

BL2013-489 \ 29(JOHNSON), 32(DOWELL),33(DUVALL)

MURFREESBORO PIKE UDO

Map Various, Parcel(s) Various

Council District 29 (Karen Y. Johnson); 32 (Jacobia Dowell); 33 (Robert Duvall)

Staff Reviewer: Benjamin Miskelly

A request to apply the Murfreesboro Pike Urban Design Overlay to various properties located along Anderson Road, Bell Road, Forest View Drive, Hamilton Church Road, Hamilton Crossings, Hobson Pike, Hurricane Creek Boulevard, Logistics Way, Maxwell Road, Morris Gentry Boulevard, Mountain Springs Road, Mt. View Circle, Mt. View Road, Murfreesboro Pike, Old Hickory Boulevard, Parks Retreat Drive, Pin Hook Road, Rural Hill Road and Summercrest Boulevard, (1,304.49 acres), requested by Councilmembers Karen Johnson, Jacobia Dowell and Robert Duvall, applicants; various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Establish an Urban Design Overlay district.

Urban Design Overlay

A request to create an Urban Design Overlay District to establish building and site design standards on various properties located along Anderson Road, Bell Road, Forest View Drive, Hamilton Church Road, Hamilton Crossings, Hobson Pike, Hurricane Creek Boulevard, Logistics Way, Maxwell Road, Morris Gentry Boulevard, Mountain Springs Road, Mt. View Circle, Mt. View Road, Murfreesboro Pike, Old Hickory Boulevard, Parks Retreat Drive, Pin Hook Road, Rural Hill Road and Summercrest Boulevard.

Existing Zoning

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

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

Proposed Overlay Zoning

Urban Design Overlay (UDO) is intended to allow for the application and implementation of special design standards with the intent of achieving a sense of place by fostering a scale and form of development that emphasizes sensitivity to the pedestrian environment, minimizes intrusion of the automobile into the built environment, and provides for the sensitive placement of open spaces in relationship to building masses, street furniture and landscaping features in a manner otherwise not insured by the application of the conventional bulk, landscaping and parking standards of the Zoning Code

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

The site design standards of the UDO encourage walkable suburban developments through the placement of building entrances near pedestrian paths, the consolidation of driveway entrances, the construction of ground signage that relates to pedestrian height, and the use of landscaping to provide safe separation between walkways and road pavement or parking lot.

ANTIOCH - PRIEST LAKE COMMUNITY PLAN

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

Consistent with Policy?

Yes. This UDO implements Development Goal 7 of the *Antioch/Priest Lake Community Plan 2012 Update*. The goal recommends utilizing UDOs to apply higher standards of design, and create pedestrian friendly corridors by enhancing streetscapes with pedestrian-scale coordinated signage, and landscaping.

REQUEST DETAILS

Planning staff, district Council members and property owners have worked together to develop a UDO district to provide building/site design standards.

The UDO consists of five basic sets of standards:

- **Building design:** The building design section includes requirements for building materials and front entrances. The UDO puts an emphasis on creating high quality facades along Murfreesboro Pike with the use of durable, high finish materials. The UDO also requires structures to have main entrances on to Murfreesboro Pike.
- **Landscaping:** The landscaping section includes requirements for landscaping strips around the perimeter of the site and along the public right of way. The planting requirements will create a consistent look to Murfreesboro Pike while making the area more pedestrian friendly.
- **Parking layout:** Parking layout standards are included with the intent to disperse parking throughout the site, not to concentrate parking along street frontages. The parking layout standards do recognize, however, the suburban location; two rows of parking and access drive are permitted along a property frontage.
- **Access Points:** Access will be shared with the utilization of required cross and joint access easements to be dedicated at the time of development, which are utilized to reduce the traffic flow on Murfreesboro Pike by allowing access between adjacent properties.
- **Signage:** Signage standards permit monument sign and pillar sign types with the intent to permit visible signage that is compatible with a walkable street frontage.

The intent of this UDO is to provide a framework for suburban development that permits various options, but does not prescribe a specific design. The UDO contains development styles consistent with those found in newer construction in Mt. Juliet, Gallatin, and Hendersonville.

Development actions that require compliance with UDO

- CS-zoned properties: Total redevelopment, new construction, or expansion of a structure (over 25% of previous square footage) triggers full compliance of the standards set forth by the UDO. Expansion of 10%-24% of the existing square footage triggers compliance with the landscaping and sidewalk standards of the UDO.
- AR2a-zoned properties: Cannot develop commercially without a zone change. When the zone change occurs, the standards of the UDO will be applied. Applicable standards in the UDO will still apply to residential or agricultural redevelopment.
- SP- and UDO-zoned properties: The requirements in the existing SP or UDO will apply to the property at redevelopment. If the SP or UDO is cancelled, then the standards set forth by the Murfreesboro Pike UDO will apply.

PUBLIC WORKS RECOMMENDATION

- Individual sites will be reviewed for Public Works standards upon submittal.

STAFF RECOMMENDATION

Staff recommends approval of the urban design overlay. The combination of land uses permitted in the CS zoning district and the building/site design standards of the UDO will be consistent with the Suburban Mixed Use Corridor policy and provide for the design enhancements that will implement the goals of the *Antioch-Priest Lake Community Plan 2012 Update*.

Mr. Miskelly presented the staff recommendation of approval.

Council Lady Dowell spoke in support of the staff recommendation of approval and stated that although this plan isn't very restrictive, it raises the value of the corridor and protects a lot of the interests of the residents.

Councilman Duvall spoke in support of the staff recommendation of approval and stated that this is an asset to Davidson County and southeast Nashville.

Council Lady Johnson spoke in support of the staff recommendation of approval and noted that this will promote pedestrian friendly development and better vehicular circulation.

Steve Adams, property owner, spoke in support of the staff recommendation of approval.

William Cooper, 122 Prospect Hill, stated that the amendment is very important and should be adopted.

Mr. Haynes moved and Mr. Adkins seconded the motion to close the Public Hearing. (8-0)

Ms. LeQuire spoke in support of staff recommendation.

Mr. Adkins spoke in support of staff recommendation.

Councilmember Claiborne moved and Dr. Cummings seconded the motion to approve with a condition to exempt agricultural and single family uses from compliance. (8-0)

Resolution No. RS2013-137

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013UD-002-001 is **Approved with a condition to exempt agricultural and single family uses from compliance. (8-0)**

The combination of land uses permitted in the CS zoning district and the building/site design standards of the UDO will be consistent with the Suburban Mixed Use Corridor policy and provide for the design enhancements that will implement the goals of the *Antioch-Priest Lake Community Plan 2012 Update*.

J. PLANNING COMMISSION ACTIONS

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

Planned Unit Developments: Final Site Plans

12. 1-74P-005

SOUTHEAST DAVIDSON COMMUNITY CENTER (PUD REVISION)

Map 163, Parcel(s) 255-257

Council District 32 (Jacobia Dowell)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary and for final approval for a portion of the Hickory Hollow Mall Planned Unit Development Overlay District for properties located at 5260 Hickory Hollow Parkway, 5178 Mt. View Road and Mt. View Road (unnumbered), approximately 1,520 feet west of Bell Road (19.5 acres), zoned SCR, to permit the development of a cultural center, recreation center and park, requested by Lose & Associates, Inc., applicant; Metro Government and Global Mall Partnership, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of a Planned Unit Development and final site plan to permit a community center facility including a library (cultural center) and recreation center.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary and for final approval for a portion of the Hickory Hollow Mall Planned Unit Development Overlay District for properties located at 5260 Hickory Hollow Parkway, 5178 Mt. View Road and Mt. View Road (unnumbered), approximately 1,520 feet west of Bell Road (19.5 acres), zoned SCR, to permit the development of a cultural center, recreation center and park.

Existing Zoning

Shopping Center Regional (SCR) with a Commercial PUD Overlay is intended for high intensity retail, office, and consumer service uses for a regional market area.

CRITICAL PLANNING GOALS

- Creates Open Space
- Supports Infill Development
- Fosters Distinctive, Attractive, Mixed-Use Communities

As proposed this request will create an amenity for the immediate area as well as Davidson County and the region. It should also help spur further development at Hickory Hollow Mall as well as the surrounding area. The proposal calls for a vacant and underutilized section of the Hickory Hollow Mall to become a cultural center, recreation center and park. The cultural center will consist of a public library and the recreation center will consist of two hockey facilities as well as other recreational sport facilities. The proposed park will provide an additional five acres to the Metro Park system providing additional active opens space for the area. The site is already served by adequate public infrastructure including access, water, sewer and public transportation.

PLAN DETAILS

The purpose of this request is to revise a portion of the Hickory Hollow Mall Planned Unit Development Overlay (PUD) to permit a Metro community center which will include a library and recreation center. The PUD was originally approved in 1974 and includes a large area (approximately 192 acres) on both sides of Bell Road just north of Interstate – 24. The 1974 Council plan was approved for over a million square feet of various commercial and office uses and 432 residential units. The plan for the mall site, which is made up of several parcels and includes this subject site, was amended in 1989, and includes 1,115,189 square feet of commercial and office uses.

The site is part of the larger PUD. The site is approximately 19 acres in size and is located on the north side of the mall and includes the area previously occupied by J.C. Penney and a surface parking lot. The plan calls for an 80,619 square foot community center, and a public library, which will be located primarily within the existing structure that was once occupied by J.C. Penny. The recreation center will include two ice-rinks and 90,313 square feet of new construction and will be located immediately west of the community center. The plan also includes an approximately five acre park and outdoor basketball court where surface parking currently exist.

ANALYSIS

Staff recommends approval with conditions. There are no changes proposed that would be in conflict with the concept of the Council approved plan. The proposed uses are consistent with uses permitted by the Council approved plan and are also permitted within the SCR base zone district. With the proposed change, the floor area within this portion of the PUD will be 1,114,501 square feet, which is below the 1,115,189 square feet of floor area approved by Council. Accordingly, this request is being considered as a revision (minor modification) and does not require Council approval. Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, and is provided below for review.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.

m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

STORMWATER RECOMMENDATION

Approved with Conditions

Plan Information and Fees:

1. Remove note from all plans stating: "PERMIT REVIEW ONLY. NOT FOR CONSTRUCTION"
2. Provide revised NOC note (Appendix A, Page 8) with TDEC Tracking Number (when available) and indicate that site discharges to waters impaired by siltation and Exceptional.
3. Provide Declaration of Restrictions and Covenants with Long Term Maintenance Plan for Bioretention Areas in the west parking area.

Erosion Protection & Sediment Control (EPSC) Measures

4. Provide appropriate sediment control in paved areas (sediment tubes vs. silt fencing).
5. Silt Fence Inlet Protection is no longer approved by TDEC, also clarify curb inlet vs. catch basin inlet protection and provide appropriate detail(s).
6. Provide detail of Sediment Traps and show management of off-site drainage (from Mt View Road, see Item 8 below) to ensure it does not overload Sediment Traps e.g. construction of swales at initial phase.
7. Add the following sentence to the note on the EPSC plans regarding wash down areas:
 - "Control of other site wastes such as discarded building materials, chemicals, litter, and sanitary wastes that may cause adverse impacts to water quality is also required by the Grading Permittee."

Stormwater Structures/Pipes

8. Offsite drainage into Structure A3 has not been included in pipe calculations. In addition to this, it appears that a significant area from Mt View Road, to the north, sheet flows directly onto the site. These areas must be accounted for in pipes' and swales' design and calculations. Provide swale calculations if drainage area to these is increased significantly.
9. Stormwater pipes crossing property lines must be CMP or RCP (HDPE not allowed).
10. Existing Curb Inlet A-5 should be incorporated into Bioretention Area and changed to Area Drain with elevation 6" above Bioretention Area. All other existing inlets in the west parking Water Quality Drainage Area, not in Bioretention Areas, should be changed to solid covers. Those within Bioretention Areas should be adjusted as noted for B-5.
11. Provide capture capacity calculations for remaining inlets (see Item 10 above) to ensure that they can handle the 10-yr flows.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The request meets zoning requirements and is consistent with the concept of the Council approved PUD and the SCR base zone district.

CONDITIONS

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

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

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

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2013-138

"BE IT RESOLVED by The Metropolitan Planning Commission that 1-74P-005 is **Approved with conditions. (9-0)**

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.

2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.

3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.

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

5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

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

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

Subdivision: Final Plats

13. 2013S-054-001

BRENTWOOD KNOLL, PH 1, RESUB OPEN SPACE

Map 172-15-0-C, Parcel(s) 900

Council District 04 (Brady Banks)

Staff Reviewer: Greg Johnson

A request for final plat approval to remove 380 linear feet of sidewalk required along the south side of Brentwood Knoll Court and for a variance from Section 3-8 of the Subdivision Regulations for property located at 4048 Bryce Road, at the southeast corner of Brentwood Knoll Court and Bryce Road, zoned RS10 (0.48 acres), requested by Andre Jaeckle, owner; Dale & Associates, surveyor.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Variance to the Subdivision Regulations for construction of sidewalks.

Subdivision variance

A request for final plat approval to remove 380 linear feet of sidewalk required along the south side of Brentwood Knoll Court and for a variance from Section 3-8 of the Subdivision Regulations for property located at 4048 Bryce Road, at the southeast corner of Brentwood Knoll Court and Bryce Road, zoned Single-Family Residential (RS10) (0.48 acres).

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This subdivision was approved in 2007 and included 15 lots along a cul-de-sac connecting to Bryce Road. Approximately half of the lots have been developed into single-family dwellings.

Variance request

The applicant seeks a variance to the sidewalk requirements of the Subdivision Regulations. The subdivision was approved with sidewalks along both sides of the street, including the open space area at the southwest corner of the subdivision that includes a detention area. Because the Subdivision Regulations require new sidewalks along both sides of a new street, the applicant has requested a variance, stating existing slopes within the subdivision and the relatively small space available for stormwater detention create hardships related to sidewalk construction.

Brentwood Knoll Court has an approximately 8% grade. The minimal area available for stormwater detention combined with the requirement to construct sidewalks along the open space frontage would require retaining walls along the sidewalk frontage.

According to information submitted by the applicant, these retaining walls would reach a height of approximately 3 to 5 feet above the sidewalk. Removal of the sidewalk would eliminate the need for the placement of retaining walls along the Brentwood Knoll Court frontage. In addition, the installation of the sidewalk would require the relocation of underground NES lines.

As part of the variance application, the applicant proposes to construct sidewalk along both sides Bryce Road from Brentwood Knoll Court to Mt. Pisgah. This alternate location will be approximately equal to the length of the open space frontage that would be approved through this variance. Construction of sidewalk will provide an important link from the existing sidewalk network to the Mt. Pisgah Road frontage.

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

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

Section 1.11.3 of the Subdivision Regulations allows the Planning Commission to approve variances with conditions that allow for the objectives of the Subdivision Regulations to be met.

3. Conditions. In approving variances, the Planning Commission may impose such conditions as in its judgment, shall secure substantially the objectives, standards, and requirements of these regulations.

A condition of approval has been added to this recommendation to ensure that the proposal to construct sidewalk adjacent to the subdivision is completed.

As noted above, a number of criteria must be met in order for the Planning Commission to allow a variance to sidewalk requirements. The applicant is asking for a variance to remove the sidewalk requirement along the open space for the subdivision. Granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a-d above:

- a. Granting of the variance would not be detrimental to the surrounding area. The applicant proposes sidewalk along the adjacent Bryce Road frontage, which will provide sidewalk connections to an existing sidewalk network.
- b. The slope of the site combined with the existing layout of surrounding development leaves only a relatively small area within the subdivision's open space that can be used for stormwater detention.
- c. Construction of sidewalk along the detention area of the open space would require a retaining wall that would rise 3-5 feet above the sidewalk and street frontage. Removal of the sidewalk requirement would result in a detention area design that would not require visible retaining walls.
- d. The Brentwood Knoll subdivision will continue to comply with the requirements of applicable plans and regulations.

STORMWATER RECOMMENDATION

- Show (and label) the limits of the Stormwater Pond.
- Before the plat is recorded, revised construction drawings shall be submitted and approved.

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If MPC removes the requirement for sidewalks with this revision, revised construction documents must be submitted to indicate the proposed ADA compliant path of travel.

STAFF RECOMMENDATION

Staff recommends approval of the variance to the subdivision regulations. The applicant has demonstrated a hardship related to the construction of sidewalk in its currently-approved location.

CONDITIONS

1. Prior to recording of the revised final plat, construction plans for the revised Stormwater detention area shall be approved by Metro Stormwater and Metro Public Works.
2. Prior to recording of the revised final plat, the proposed sidewalk along Bryce Road shall be constructed and accepted by Metro Public Works.
3. Prior recording of the revised final plat, the limits of the Stormwater pond shall be shown and labeled.
4. Prior to recording of the revised final plat, revised construction documents shall be submitted to indicate the proposed ADA compliant path of travel.

Approved with Conditions (9-0), Consent Agenda

Resolution No. RS2013-139

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-054-001 is **Approved with conditions. (9-0)**

CONDITIONS

1. **Prior to recording of the revised final plat, construction plans for the revised stormwater detention area shall be approved by Metro Stormwater and Metro Public Works.**
2. **Prior to recording of the revised final plat, the proposed sidewalk along Bryce Road shall be constructed and accepted by Metro Public Works.**
3. **Prior recording of the revised final plat, the limits of the Stormwater pond shall be shown and labeled.**
4. **Prior to recording of the revised final plat, revised construction documents shall be submitted to indicate the proposed ADA compliant path of travel.**

14. 2013S-111-001

FIRST REVISION OF EASTLAND OAKS, RESERVE PARCEL & EASTLAND ACRES, PARCEL A

Map 083-07, Parcel(s) 230, 343
Council District 06 (Peter Westerholm)
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to remove the reserve status from two parcels and to create one lot on properties located at Dalebrook Court (unnumbered), approximately 330 feet west of Dalebrook Lane (0.35 acres), zoned R10, requested by Southwest Reality Investment Group, Inc., owner; Tommy E. Walker, applicant.

Staff Recommendation: Approve with a condition.

APPLICANT REQUEST

Remove reserve status from parcels and create one lot.

Final Plat

A request for final plat approval to remove the reserve status from two parcels and create one lot on properties located at Dalebrook Court (unnumbered), approximately 330 feet west of Dalebrook Lane (0.35 acres), zoned One and Two-Family Residential (R10).

Existing Zoning

One and Two-Family Residential (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 percent duplex lots. *R10 would permit a maximum of 1 duplex lot for a total of 2 units.*

CRITICAL PLANNING GOALS

- Supports Infill Development

The proposed subdivision would make available an additional building opportunity on a previously vacant parcel within an existing neighborhood.

REQUEST DETAILS

The proposed one lot subdivision intends to remove the reserve status and consolidate two abutting triangular parcels into one buildable lot containing 16,962 square feet. The two reserve parcels were platted at different times, with two separate abutting subdivisions.

The eastern portion of the property was platted as a reserve parcel and part of the Eastland Acres subdivision recorded in 1957. The western portion of the property was platted as a reserve parcel as part of the Eastland Oaks subdivision recorded in 1975.

Both reserve parcels, separate from one another are not buildable lots due to the shape, size and/or natural features such as flood plain to the south. There are no notes on either subdivision plat indicating the intent of the reserve statuses.

ANALYSIS

Per Section 2-9.1.d of the Subdivision Regulations: When determining whether to remove the reserve status, the Planning Commission shall consider the following:

1. That the parcel fits into the character of the area and is consistent with the general plan.
2. That all minimum standards of the zoning code are met.
3. That the parcel has street frontage.
4. That the current standards of all reviewing agencies are met.

The proposed lot is consistent with the character established in the surrounding area on Dalebrook Court having a compatible size, shape and orientation. The proposed subdivision complies with all applicable zoning and subdivision requirements and has frontage on the north boundary along Dalebrook Court.

STORMWATER RECOMMENDATION

- Cite the correct FEMA panel number to plat.

PUBLIC WORKS RECOMMENDATION

Approved with Conditions:

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

WATER SERVICES RECOMMENDATION

Approved

STAFF RECOMMENDATION

Staff recommends approval with a condition. The removal of the reserve status on the property and consolidation will comply with the Subdivision Regulations.

CONDITION

1. Prior to recordation, revise the purpose note to read: 'The purpose of this plat is to remove the reserve status from each parcel and consolidate the parcels into one building lot for a single-family dwelling.'

Approved with a condition (9-0), Consent Agenda

Resolution No. RS2013-140

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-111-001 is Approved with a condition. (9-0)

CONDITION

1. **Prior to recordation, revise the purpose note to read: 'The purpose of this plat is to remove the reserve status from each parcel and consolidate the parcels into one building lot for a single-family dwelling.'**

15. 2013S-112-001

YOUNG-WOODS, RESUB LOT 6

Map 131-01, Parcel(s) 010

Council District 34 (Carter Todd)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create two lots on property located at 3304 Hobbs Road, approximately 175 feet east of Vailwood Drive, zoned R20 (0.91 acres), requested by James Conrad Camp, owner; Campbell, McRae & Associates Surveying, Inc., applicant.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred indefinitely 2013S-112-001. (9-0)

Subdivision: Amendments

16. 2013S-109A-001

ABBOTT MARTIN ESTATES, LOTS 1 & 2 AMENDMENT

Map 117-13, Parcel(s) 136-137

Council District 34 (Carter Todd)

Staff Reviewer: Greg Johnson

A request to amend the recorded plat to permit duplexes on properties located at 2311 and 2313 Warfield Lane, opposite Caylor Drive, (0.95 acres), zoned R20., requested by John G. Brittle, Jr., applicant; Darren Cioffi, owner.

Staff Recommendation: Defer to the August 22, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013S-109A-001 to the August 22, 2013, Planning Commission meeting. (9-0)

K. OTHER BUSINESS

17. Employee contract renewal for Lou Edwards.

Resolution No. RS2013-41

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Lou Edwards is **Approved.** (9-0)

18. Contract amendment No. 2 between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC authorizing additional work on the development of booklets stemming from NCDC/UTK studio work.

Resolution No. RS2013-42

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract amendment No.2 between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC authorizing additional work on the development of booklets stemming from NCDC/UTK studio work is **Approved.** (9-0)

19. Historic Zoning Commission Report
20. Board of Parks and Recreation Report
21. Executive Committee Report

22. Executive Director Report

23. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

July 27, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"

9:30am, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

August 8, 2013

MPC Meeting

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

August 22, 2013

MPC Meeting

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

M. ADJOURNMENT

The meeting adjourned at 5:32 p.m.

Chairman

Secretary