



METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, July 26, 2012
4:00 pm Regular Meeting**

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

MISSION STATEMENT

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

Commissioners Present:

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

Staff Present:

Rick Bernhardt, Executive Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Jennifer Carlat, Planning Manager II
Brenda Bernards, Planner III
Kathryn Withers, Planner III
Cindy Wood, Planner III
Michael Briggs, Transportation Planner
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Brian Sexton, Planner I
Jon Michael, Legal

Commissioners Absent: Judy Cummings, 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.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:03 p.m.

B. ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Ponder seconded the motion to approve the agenda. (8-0)

C. APPROVAL OF JUNE 28, 2012 MINUTES

Mr. Haynes moved and Councilmember Claiborne seconded the motion to approve the June 28, 2012 minutes. (8-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Hunt spoke in support of Item 7 and thanked the commission for their consideration.

Councilmember Todd spoke in support of Item 11.

Council Lady Allen spoke in support of Item 12.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. 2012Z-001PR-001

BL2012-175 / MOORE
24 LINCOLN STREET

2. 2012Z-010PR-001

18 FERN AVENUE

3. 2012S-062-001

MADISON CHURCH OF CHRIST

6. 2012Z-015TX-001

BL2012-205 / TYGARD
FARM MARKET

13. 2012NL-001-002

HOT ROD GRILLE

19. 2012S-093-001

4100 WYOMING AVENUE

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 Clifton seconded the motion to approve the Deferred and Withdrawn Items.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

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.

4. 2012CP-000-004

LAND USE POLICY APPLICATION 2012 HOUSEKEEPING AMENDMENT

- 7. 2009SP-022-005**
BL2012-190 / HUNT
MANSION AT FONTANEL
- 8. 2012SP-008-001**
HAWRAWMY AUTO REPAIR
- 9. 2012SP-019-001**
BL2012-202 / TENPENNY
TDC POWELL PLACE
- 10. 2012SP-020-001**
604 GALLATIN PIKE
- 12. 2012Z-016PR-001**
BL2012-195 / ALLEN, GILMORE, LANGSTER
MR : MIDTOWN
- 14. 2006S-148G-14**
HERMITAGE CREEK
- 15. 2009S-003-001**
RIVENDELL WOODS, REV
- 16. 2009S-076-001**
CONCORD HOSPITALITY
- 17. 2011S-035-002**
FESSLERS PARK, SEC 2, RESUB LOTS 1 & 3, 1st REV
- 18. 2012S-092-001**
NOELS SUBDIVISION OF WATKINS GROVE, RESUB LOT 107
- 20. 2012S-082A-001**
WEST MEADE FARMS, SEC P, LOT 277
- 21.** Contract renewals for Scott Morton and Michael Briggs
- 22.** Employee contract for Duane Cuthbertson.
- 23.** Contract between The Nashville Civic Design Center and the Nashville Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO for Long-Range Plan & Regional Model public outreach activities.

Mr. Ponder moved and Mr. Gee seconded the motion to approve the Consent Agenda.

Mr. Adkins abstained from Item 16 and Ms. LeQuire abstained from Item 8. (6-0-2)

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.

Zone Changes

1. 2012Z-001PR-001

BL2012-175 / MOORE

24 LINCOLN STREET

Map 105-04, Parcel(s) 009

Council District 17 (Sandra Moore)

Staff Reviewer: Greg Johnson

A request to rezone from SP to R6 zoning for property located at 24 Lincoln Street, at the northwest corner of Lincoln Street and

Perkins Street (0.26 acres), requested by the Metro Planning Department, applicant, Lafayette Market Inc., owner.

Staff Recommendation: Defer Indefinitely

The Metropolitan Planning Commission INDEFINITELY DEFERRED 2012Z-001PR-001. (8-0)

2. 2012Z-010PR-001

18 FERN AVENUE

Map 071-14, Parcel(s) 317

Council District 05 (Scott Davis)

Staff Reviewer: Greg Johnson

A request to rezone from RS5 to R6 zoning for property located at 18 Fern Avenue, approximately 225 feet east of Whites Creek Pike (0.14 acres), requested by LaShaunda Bryant, owner.

Staff Recommendation: Defer Indefinitely

The Metropolitan Planning Commission INDEFINITELY DEFERRED 2012Z-010PR-001. (8-0)

Subdivision: Final Plats

3. 2012S-062-001

MADISON CHURCH OF CHRIST

Map 043-10, Parcel(s) 056

Council District 09 (Bill Pridemore)

Staff Reviewer: Greg Johnson

A request for final plat approval to create five lots and a variance to the Subdivision Regulations for lot frontage on property located at 596 N. Dupont Avenue, approximately 1,675 feet east of Delaware Avenue, zoned Multi-Family Residential (RM20) (5.78 acres), owner, Ragan-Smith Associates, Inc., surveyor.

Staff Recommendation: Defer to the August 23, 2012 Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 2012S-062-001 to the August 23, 2012 Planning Commission meeting. (8-0)

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

4. 2012CP-000-004

LAND USE POLICY APPLICATION 2012 HOUSEKEEPING AMENDMENT

Staff Reviewer: Cynthia Wood

A request to update the Land Use Policy Application (LUPA) document used by the Metropolitan Planning Commission in evaluating rezonings and other long-term changes to the various portions of Davidson County by making it easier to locate, read, and understand information presented by text, tables, and graphics; removing outdated policies and zoning references in the document; and updating it with current zoning district designations, requested by the Metro Planning Department.

Staff Recommendation: Approve

APPLICANT REQUEST

Amend the *Land Use Policy Application* document to make it easier to use and understand.

Major Plan Amendment

A request to update the *Land Use Policy Application* (LUPA) document used by the Metropolitan Planning Commission in evaluating rezonings and other long-term changes to the various portions of Davidson County by making it easier to locate, read, and understand information presented by text, tables, and graphics; removing outdated policies and zoning references in the document; and updating it with current zoning district designations.

CRITICAL PLANNING GOALS

N/A

BACKGROUND

Land Use Policy Application was originally adopted by the Metropolitan Planning Commission for use in the community planning process. It was last updated in 2004 to add several new policy categories, remove categories no longer in use, and add sections that pertained to the development of Detailed Design Plans and the use of Detailed Land Use Categories.

Although LUPA is being phased out and replaced by the Community Character Manual that was adopted in 2008, LUPA is still in use for ten of the fourteen planning communities. It will need to be in use for several more years. LUPA has proven difficult to use for practical reasons, specifically the format and layout of the document. Related information is split into separate chapters, making it necessary for users to flip back and forth within the document to understand the policies; this has caused some information to be routinely missed. In addition, this update will include changes to the menu of zoning districts available to implement the LUPA policies.

COMMUNITY PARTICIPATION

This is a housekeeping amendment for a countywide document, and no community meeting was required. Notification of the amendment request and the Planning Commission Public Hearing were posted on the Planning Department website and sent to over 2,400 community stakeholder individuals and organizations. As part of this notification, staff offered to meet with individuals and organizations at their convenience. No such requests have been received to date. The static draft of the proposed amended LUPA document was posted on the Planning Commission website on July 2, 2012 along with a summary of the changes being made to the document.

ANALYSIS

The changes to LUPA are of a housekeeping nature and do not include any substantive changes. The amended document is simply intended to make it easier to use and understand:

Proposed Changes:

1. Reorganize the document to make it easier to use by moving the three separate sections that need to be used together into one section of the document. Ex. Currently for any given land use policy, there is information in
 - a. "Part 2: Detailed Land Use Categories,"
 - b. "Part 3: Standard Policies for Areas without Detailed Neighborhood Design Plans," and
 - c. "Appendix A: Building Types by Structure Plan Area and Detailed Neighborhood Design Plan Land Use Designation".

With this amendment, all information about a given land use policy will be combined into one location.

2. Update outdated material in the introductory sections and add "Healthy Communities" text:
 - a. Update the "Introduction" to refer to the current status and use of LUPA (being replaced by CCM);
 - b. Update "Community Planning Process in Nashville to reflect the current process; and,
 - c. Update "Community Transect" to take out the concept of "Primary" and "Secondary" Transect categories, to shorten the Transect descriptions and make them more consistent with CCM so that the definition of Transect is the same no matter which document is used.
3. Update the moved "Part 3: Standard Policies for Areas without Detailed Neighborhood Design Plans" text to reflect current zoning districts and the precedents set by staff recommendations and Commission and Council decisions over the past eight years.
4. Update "Appendix C: Transect Map" to be the same Transect Map that is used in the Community Character Manual, which includes updates adopted with recently updated Community Plans.

STAFF RECOMMENDATION

Staff recommends approval.

Approved, Consent Agenda (6-0-2)

Resolution No. RS2012-139

"BE IT RESOLVED by The Metropolitan Planning Commission that **2012CP-000-004 is APPROVED. (6-0-2)**"

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

5. 2012Z-013TX-001

BL2012-204 / CLAIBORNE, TYGARD

TASTING ROOM

Staff Reviewer: Brenda Bernards

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations to add "Tasting Room" as an accessory use in the IWD, IR and IG zoning districts, requested by the Metro Planning Department, applicant.

Staff Recommendation: Approve with amendments

APPLICANT REQUEST

Allow tasting room as an accessory use in industrial districts.

Text Amendment

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations to add "Tasting Room" as an accessory use in the Industrial Warehousing/Distribution (IWD) , Industrial Restrictive (IR) and Industrial General (IG) zoning districts.

CRITICAL PLANNING GOALS

N/A

PURPOSE OF THE TEXT AMENDMENT

Distilleries and breweries are classified as a manufacturing use and are permitted by right in the IR and IG zoning districts. Artisan distilleries and microbreweries, smaller scale uses, are also permitted by right in the IWD district. This text amendment introduces a new use “tasting room” which will provide an on-premises venue for the sampling of the products produced by the distilleries and breweries. Artisan distilleries and microbreweries are also permitted in the CF and DTC districts. The tasting room accessory use is not needed in these districts as they also permit bars which can serve the products produced on-premises.

Existing Law

Currently, the Zoning Code contains no provisions for allowing on-premises sampling of the products produced by a distillery or brewery located in the industrial districts.

Proposed Bill

The text amendment adds “tasting room” as an accessory use in the industrial districts. Tasting room is defined as:

“Tasting Room” means an area within a distillery, including an artisan distillery, or a brewery, including a microbrewery, which serves and sells products produced by the distillery or brewery in association with tours of the facility.

There are also a number of provisions included pertaining to location, size, hours of operation, signage, what can be served and parking.

ANALYSIS

Nashville is seeing a number of new distillery and breweries established in the industrial districts. As these are manufacturing uses, these are appropriate districts for these uses. A part of these industries is the ability to offer tours of the facilities and on-premises samples of the products of the distillery or brewery. Currently, the closest land use in the Zoning Code that would permit the on-premises sampling of liquor or beer is a bar. Bars are not permitted in the industrial districts. The tasting room is proposed as an accessory use, subordinate to the principal use. In order to ensure that the manufacturing use remains the principal use, standards are proposed to limit where the tasting room can be located, its size, what can be served. There is a distinction made between this use for a distillery and a brewery because, while a distillery is prohibited from serving food with the sampling of products by federal code, a brewery is required to serve food with the sampling of products by the Metro Code.

Staff has been in discussion with the Zoning Administrator and a number of distillery and brewery interests concerning this legislation. Based on that discussion, staff recommends an amendment to the bill concerning the maximum size of the tasting room. Initially, the focus of this bill was on artisan distilleries and microbreweries, however, the IR and IG districts permit larger facilities and the 1,500 square foot limit would not necessarily provide sufficient space for these. Staff recommends that the Section bill be amended as follows (new language in **bold**):

- c. The tasting room shall be limited to a maximum of no more than 1,500 square feet gross floor area **or ten percent of the gross floor area of the distillery or brewery, whichever is greater.**

This would provide a larger area for a larger facility while keeping the tasting room as an accessory use to the principal use. The ten percent figure is the typical area for accessory uses in the Zoning Code. As an artisan distillery or microbrewery could start out in a very small facility, the ten percent restriction may not provide a sufficient area and the 1,500 square foot area was provided as an alternative.

There is a second minor amended recommended to correct a typographical error in B. and it is shown crossed out.

STAFF RECOMMENDATION

Staff recommends approval with two amendments as identified in the staff report above.

ORDINANCE NO. BL2012-204

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations to add “Tasting Room” as an

accessory use in the IWD, IR and IG zoning districts (Proposal No. 2012Z-013TX-001).

WHEREAS, the Metro Council adopted Substitute Ordinance BL2008-282 on September 19, 2008, allowing microbreweries as a permitted use in the IR and IG zoning districts and Ordinance BL2012-117 allowing microbreweries in the IWD zoning districts;

WHEREAS, the Metro Council adopted Ordinance BL2009-537 on November 17, 2009, allowing artisan distilleries as a permitted use in the IWD, IR and IG zoning districts;

WHEREAS, breweries and distilleries are a manufacturing use appropriate for the industrial zoning districts and the ability to sample the products on site is an integral component of the brewery and distillery business; and,

WHEREAS, it is fitting and proper to allow tasting rooms as an accessory use to breweries and distilleries in the industrial zoning districts.

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

Section 1. Section 17.04.060, Definitions, is hereby amended by adding the following definitions in alphabetical order:

“Tasting Room” means an area within a distillery, including an artisan distillery, or a brewery, including a microbrewery, which serves and sells products produced by the distillery or brewery in association with tours of the facility.

Section 2. Section 17.08.030, District Land Use Tables, is hereby amended by adding “Tasting Room” under “Industrial” in alphabetical order as an accessory use (A) in the IWD, IG and IR zoning districts.

Section 3. Section 17.16.300 of the Metropolitan Code is hereby amended by adding the following new subsection B.:

B. Tasting Room

- a. This use shall be located within the same building the as the distillery or brewery, or within the same building as the office of the distillery or brewery.
- b. The floor area used for the public portion of the tasting room shall be accessible only from inside the building.
- c. The tasting room shall be limited to a maximum of no more than 1,500 square feet gross floor area **or ten percent of the gross floor area of the distillery or brewery, whichever is greater.**
- d. The hours and days of operation shall be limited to the hours and days of the distillery or brewery operating schedule.
- e. Signage advertising the tasting room shall be no greater than sixteen square feet in size.
- f. In a tasting room associated with a distillery, only liquor produced by the distillery may be served or sold.
- g. In a tasting room associated with a brewery, only beer produced by the brewery may be served or sold, food may be served.
- h. A minimum of five parking spaces shall be required.

Section 4. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Phil Claiborne

Ms. Bernards presented the staff recommendation of approval with amendments.

Steve Scobel spoke in support of staff recommendation and requested outside access to the tasting room.

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

Mr. Gee stated that the size limitation would ensure that it is an accessory use and inquired about the hours of operation.

Ms. Bernards clarified that the tasting room operating hours would be the same as the brewery operating hours.

Mr. Ponder inquired if outside access would be controlled.

Ms. Bernards stated that she could not speak to how the public would be greeted.

Councilmember Claiborne inquired if the idea came from trying to accommodate tours.

Ms. Bernards stated that the intent of the tasting room is to allow product sampling.

Councilmember Claiborne stated that creating an outside entrance seems to create a bar-type atmosphere and that he will support the amendment as written but will not support an outside entrance.

Ms. LeQuire stated that a separate entrance can create the opportunity to try the product before the product is purchased without having to go on a tour.

Mr. Adkins stated his support of an outside entrance and noted that the size will dictate that it is an accessory use.

Councilmember Claiborne inquired if any other businesses requested a separate entrance? Can retail space and tasting room be together?

Ms. Bernards stated that both retail space and the tasting room can be in the same square footage.

Ms. LeQuire moved and Mr. Adkins seconded the motion to approve with amendments including the deletion of Development Standard b. (6-2) Mr. Ponder and Councilmember Claiborne voted against.

Resolution No. RS2012-140

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-013TX-001 is APPROVED with amendments, including the deletion of Development Standard b. (6-2)"

Tasting Rooms are natural extensions to breweries and distilleries as places to sample products of the manufacturer. This bill limits the size of tasting rooms to ensure that they remain an accessory use to the primary manufacturing use. Tasting Rooms as accessory uses to breweries and distilleries are already permitted by state and federal law.

6. 2012Z-015TX-001

BL2012-205 / TYGARD

FARM MARKET

Staff Reviewer: Brenda Bernards

A request to amend the Metro Zoning Code, Sections 17.04.060 (Definitions), 17.08.030 (District Land Use Tables), and Section 17.16.230 (Land Use Development Standards: Special Exception Uses (Other Uses)) to create a new land use called "Farm Market" and to add definitions for agricultural products, agriculture-related products, agricultural tourism, and farm market; to permit "Farm Market" as a special exception use in the AG and AR2a zoning districts subject to review and approval by the Board of Zoning Appeals; and to permit "Agricultural Tourism" as an accessory use to a "Farm Market", requested by Councilmember Charlie Tygard, applicant.

Staff Recommendation: Defer Indefinitely

The Metropolitan Planning Commission INDEFINITELY DEFERRED 2012Z-015TX-001. (8-0)

Specific Plans

7. 2009SP-022-005

BL2012-190 / HUNT

MANSION AT FONTANEL

Map 049, Parcel(s) 200.01, 140, 319

Council District 03 (Walter Hunt)

Staff Reviewer: Brenda Bernards

A request to amend the Mansion at Fontanel Specific Plan District and for final site plan approval for

properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and within the Floodplain Overlay District, to permit a single-family residence/Bed & Breakfast Inn and to amend the definition of a 'seasonal performance entertainment venue', requested by EDGE Planning, Landscape Architects, applicant, Fontanel Properties LLC, owner.

Staff Recommendation: Approve preliminary plan with conditions and disapprove without all conditions. Defer the final site plan approval in order for Stormwater Division requirements to be addressed.

APPLICANT REQUEST

Permit a single-family residence/Bed and Breakfast Inn and amend the definition of the seasonal performance entertainment venue.

SP Amendment

A request to amend the Mansion at Fontanel Specific Plan District and for final site plan approval for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and within the Floodplain Overlay District, to permit a single-family residence/Bed and Breakfast Inn and to amend the definition of a 'seasonal performance entertainment venue'.

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 a mix of uses.

CRITICAL PLANNING GOALS

N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

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

Rural (R) is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Whites Creek Historic District

This property is within Nashville's only National Register-listed rural historic district. Development is encroaching on the Whites Creek Historic District and should be limited to reduce negative impacts on this significant area.

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

Consistent with policy?

Yes. The original finding of consistency of the SP with the Natural Conservation (NCO) and Rural (R) land use policies was based upon the following factors:

- The proposed use, scale and location of buildings were consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- While commercial uses are no longer contemplated in the NCO and R policies, the SP brought this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than the R15 and RS20 zoning districts.
- The uses, types of building and location of buildings supported the Whites Creek Historic District.

The proposed amendment adds new buildings along Whites Creek Pike that is in character with the overall SP. With this amendment, the SP continues to support the Whites Creek Historic District.

PLAN DETAILS

The Planning Commission approved the Mansion at Fontanel SP, including final site plan approval for Phase I on October 22, 2009. The final site plan for Phase II was approved on February 11, 2010. The SP was amended in November 2010 to expand the capacity of the Seasonal Performance Entertainment venue and again in November 2011 to delete a condition of the original Council Bill that limits the full service restaurant to wine and beer sales only. This amendment will add two new uses to the SP and will also amend the definition of the seasonal performance entertainment venue.

This amendment will add a single-family residence and Bed and Breakfast Inn as new uses to the SP. These will be contained in one principal structure and four accessory structures. The buildings will be located along Whites Creek Pike at the northern end of the property. Access will be from an existing drive and no new access points are included. These buildings are part of a national project that the owners of the Mansion at Fontanel are developing in conjunction with Southern Living magazine. As this is also a request for final site plan approval, elevations have been provided for the main house and the four out buildings.

The amendment also adds an exception to the seasonal performance entertainment venue definition. This year, a local symphony played two shows at the Woods Amphitheater, the seasonal performance entertainment venue, on consecutive weekends. Currently, the number of shows are limited to two per month. Due to the set up requirements for the symphony, ideally four shows are needed, two per weekend on consecutive weekends, for this to become an annual event. The amendment would provide an exception to permit the local symphony to hold up to four events in any one month annually. These events would not be counted towards the 14 events now permitted.

STORMWATER RECOMMENDATION

Preliminary SP can be approved with conditions:

- Cut and fill requirements to be met within construction drawings.

Final SP returned for corrections:

- Construction drawings need to be approved prior to final approvals.

PUBLIC WORKS RECOMMENDATION

- Comply with previous traffic conditions of approval.

FIRE MARSHAL RECOMMENDATION

- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B" 903.2.7 Group R.
- An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area. Metro Ordinance 095-1541 Sec: 1568.020 B"

STAFF RECOMMENDATION

Staff recommends that the preliminary plan for the amendment to the Mansion at Fontanel SP be approved with conditions as it is consistent with the RAC land use policy of the Bordeaux/Whites Creek Community Plan and the Whites Creek Historic District. Staff further recommends that the final site plan approval be deferred if the requirements of the Stormwater Division are not met prior to the July 26, 2012, Planning Commission meeting.

CONDITIONS

1. All other conditions of the SP adopted with Council Bill BL2009-561 and as amended by BL2010-780 and BL2011-79 shall apply.
2. Revised construction drawings and calculations as required by the Stormwater Management Division shall be provided prior to the July 26, 2012 Planning Commission meeting.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
Approved preliminary plan with conditions, Consent Agenda (6-0-2); Deferred Final Site Plan

Resolution No. RS2012-141

“BE IT RESOLVED by The Metropolitan Planning Commission that **the preliminary plan for 2009SP-022-005 is APPROVED with conditions and disapproved without all conditions. The final site plan approval is deferred in order for Stormwater Division requirements to be addressed. (6-0-2)**”

CONDITIONS

1. All other conditions of the SP adopted with Council Bill BL2009-561 and as amended by BL2010-780 and BL2011-79 shall apply.
2. Revised construction drawings and calculations as required by the Stormwater Management Division shall be provided prior to the July 26, 2012 Planning Commission meeting.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The zone change is consistent with the Natural Conservation and Rural land use policies of the Bordeaux/Whites Creek Community Plan and the Whites Creek Historic District.

8. 2012SP-008-001

HAWRAWMY AUTO REPAIR

Map 091-13, Parcel(s) 318

Council District 20 (Buddy Baker)

Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 6115 Charlotte Pike, approximately 170 feet west of Balmy Avenue (0.96 acres), to permit automobile sales (used), automobile repair, wrecker service, and all other uses permitted by the MUL District, requested by Rizga Hawramy, applicant, Carl and Waldine Davids, owners.

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit automobile sales used, automobile repair, wrecker service and all other uses permitted by the MUL district.

SP Development Plan and Final Site Plan

A request to rezone from Commercial Services (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 6115 Charlotte Pike, approximately 170 feet west of Balmy Avenue (0.96 acres), to permit automobile sales (used), automobile repair, wrecker service, and all other uses permitted by the MUL District.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

WEST NASHVILLE COMMUNITY PLAN

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 non-residential 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. The Urban Mixed-Use Neighborhood policy promotes a wide mixture of land uses from residential to commercial including auto related uses. While the proposed use is consistent with the policy, new development should take an urban form. Building setback should be shallow along the street and parking should be located at the rear or to the side of buildings. When parking is to be located along the street then landscaping and/or other elements should be provided to soften the impact of parking along the streetscape. While the request proposes parking along Charlotte, it calls for an ornamental knee wall between the parking area and Charlotte. This is consistent with the policy and will be an enhancement to the property. The plan also requires significant redevelopment to meet the MUL-A zoning district which would implement the land use policy.

PLAN DETAILS

The intent of this request is to permit used auto sales, auto repair, wrecker service and all other uses permitted in the Mixed-Use Limited (MUL) zoning district. The subject property is a little under an acre in size and is located on the south side of Charlotte Pike west of White Bridge Road. The property is developed and contains a 3,277 square foot building and paved and gravel parking areas.

Site plan

The proposed site plan identifies the existing structure and does not propose any new structures. The plan calls for the parking areas to be surfaced with asphalt. A total of 15 parking spaces are provided. Additional parking will be provided in a future phase and will also be surfaced with asphalt. New landscaping is proposed along the western property line. A three foot tall wrought iron fence with brick columns is shown along the property frontage adjacent to Charlotte Pike. The plan also provides Right-of-Way reservation consistent with the Major and Collector Street Plan.

The proposed plan also provides language for future development which will be required to meet the MUL-A zoning district standards. The MUL-A district requires new building to be placed close to the street and does not permit parking between the front street and building.

Staff Analysis

There are no major issues with the plan. As stated above the request is consistent with the Urban Mixed-Use Neighborhood land use policy. Staff is recommending that the proposed knee wall be moved back away from Charlotte at least five feet and that landscaping be placed in front of the knee wall. This will help soften the impact of the parking area along Charlotte Pike and enhance the appearance of the site.

STORMWATER RECOMMENDATION

Approve

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 sidewalks are required, then they should be shown on the plan within the public right of way per Public Works standards with the required curb and gutter, and be built and/or bonded prior to the issuance of a grading permit.
- Indicate solid waste plan – dumpster and recycling container locations.
- Driveway ramp connection to Charlotte Pike to be Public Works Standard ST-325.
- Indicate on plans the location of the existing retaining wall.

STAFF RECOMMENDATION

Staff recommends approval with conditions as the proposed request is consistent with the Urban Mixed-Use Neighborhood land use policy.

CONDITIONS

1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, wrecker service, and all other uses permitted by the MUL zoning district.
2. One freestanding monument sign shall be permitted and shall be limited to a maximum height of five feet and shall not be more than 35 square feet. Two building signs shall be permitted with an overall maximum area of 70 square feet.
3. Prior to the issuance of any permits, a revised plan shall be submitted showing the proposed knee wall along Charlotte Pike shall be shifted away from Charlotte Pike at least five feet and landscaping shall be provided in front of the wall along Charlotte Pike.
4. Prior to the issuance of any permits Note B shall be deleted and replaced with the following: "Auto related uses shall be consistent with the approved site plan except minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the MUL zoning district. Expansions of 25% of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL-A zoning district. Minor modifications may require a new final site plan and expansions of 25% of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.
5. Prior to the issuance of any permits the plan shall indicate a solid waste plan – dumpster and recycling container locations and shall be approved by the Department of Public Works.
6. Prior to the issuance of any permits the plan shall indicate the location of the existing retaining wall.
7. The driveway ramp connection to Charlotte Pike shall be constructed to be Public Works Standard ST-325.
8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
9. 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.
10. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Resolution No. RS2012-142

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-008-001 is APPROVED with conditions and disapproved without all conditions. (6-0-2)”

CONDITIONS

- 1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, wrecker service, and all other uses permitted by the MUL zoning district.**
- 2. One freestanding monument sign shall be permitted and shall be limited to a maximum height of five feet and shall not be more than 35 square feet. Two building signs shall be permitted with an overall maximum area of 70 square feet.**
- 3. Prior to the issuance of any permits, a revised plan shall be submitted showing the proposed knee wall along Charlotte Pike shall be shifted away from Charlotte Pike at least five feet and landscaping shall be provided in front of the wall along Charlotte Pike.**
- 4. Prior to the issuance of any permits Note B shall be deleted and replaced with the following: “Auto related uses shall be consistent with the approved site plan except minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the MUL zoning district. Expansions of 25% of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL-A zoning district. Minor modifications may require a new final site plan and expansions of 25% of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.**
- 5. Prior to the issuance of any permits the plan shall indicate a solid waste plan – dumpster and recycling container locations and shall be approved by the Department of Public Works.**
- 6. Prior to the issuance of any permits the plan shall indicate the location of the existing retaining wall.**
- 7. The driveway ramp connection to Charlotte Pike shall be constructed to be Public Works Standard ST-325.**
- 8. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
- 9. 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.**
- 10. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.**

The request is consistent with the Urban Mixed Use Neighborhood land use policy.

9. 2012SP-019-001

BL2012-202 / TENPENNY

TDC POWELL PLACE

Map 118-15, Parcel(s) 009

Council District 16 (Tony Tenpenny)

Staff Reviewer: Greg Johnson

A request to rezone from IWD to SP-MNR zoning and for final site plan approval for property located at 114 Powell Place, at the northwest corner of Powell Avenue and Armory Drive (12.87 acres) and partially within the Floodplain Overlay District, to permit retail, commercial and light industrial uses, requested by Hawkins Development Company, applicant, Tennessee Development Company, owner.

Staff Recommendation: Approve with conditions, including revised conditions of the Public Works Department, and disapprove without all conditions.

APPLICANT REQUEST

To permit retail, office, and personal care uses in addition to uses permitted by the IWD zoning district.

Preliminary and final SP

A request to rezone from Industrial Warehousing/Distribution (IWD) to Specific Plan – Mixed Non-Residential (SP-MNR) zoning and for final site plan approval for property located at 114 Powell Place, at the northwest corner of Powell Avenue and Armory Drive (12.87 acres) and partially within the Floodplain Overlay District, to permit retail, commercial and light industrial uses.

Existing Zoning

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

Proposed Zoning

Specific Plan-Mixed Non-Residential (SP-MNR) 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 retail, commercial, and light industrial land uses.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

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

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

Consistent with Policy?

Yes, the CMC policy permits a range of commercial land uses. The proposed SP maintains the permitted land uses of the IWD zoning district while adding several land uses that are permitted in commercial zoning districts but not in industrial zoning districts. These additional land uses include retail, personal care services, medical office, and veterinarian uses. These are types of land uses that are recommended by the CMC land use policy. The portion of the site within the NCO policy area is already developed. No expansion of parking or building area is proposed within the SP boundary. The area within the NCO policy will not be impacted further.

PLAN DETAILS

The proposal does not include any changes to the existing development. Two, one-story warehouse buildings with a combined 168,105 square feet occupy the site with 192 associated parking spaces. The larger warehouse is divided into individual tenant spaces, each with an entrance onto the parking lot to the east of the building. The ability to divide the spaces in the building will allow for combinations of the land uses proposed by the SP.

Access to the site is taken from Powell Place to the north, which is a short public street that connects to Powell Avenue, an arterial road that runs along the northeast of the site.

The retail, office, and personal care uses proposed by the applicant generally require more parking spaces than required by uses permitted by the IWD zoning district. Although this SP would permit these uses, the parking requirements of the Zoning Code will still apply to all uses within the SP. Before a business occupies a portion of the site, it will be required to show that it meets the parking requirements of the Zoning Code.

PUBLIC WORKS RECOMMENDATION

- A TIS is required to determine roadway improvements.
- Provide parking spaces per metro code.

Maximum Uses in Existing Zoning District: IWD

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	13.92	0.8 F	485,084 SF	1727	146	156

Maximum Uses in Proposed Zoning District: SP-MNR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (820)	13.92	0.8 F	485,084 SF	18,955	392	1833

Traffic changes between maximum: IWD and proposed SP-MNR

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+17,228	+246	+1677

STAFF RECOMMENDATION

Staff recommends deferral of the SP request if the traffic impact study associated with this SP is not approved by Metro Public Works prior to the July 26, 2012, Planning Commission meeting. Staff recommends approval with conditions and disapproval without all conditions if the TIS is approved prior to the meeting. The proposed land uses within the SP are consistent with the CMC land use policy.

CONDITIONS (if approved)

1. Parking requirements for this SP shall follow the requirements of the Zoning Code. All new tenants shall be required to show that sufficient parking exists to permit the use in addition to the existing tenants.
2. Permitted land uses for this SP shall be limited to those shown on the list of permitted uses submitted with the application, except that the automobile convenience land use shall be listed as Permitted with Conditions (PC).
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application.
4. 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.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with

the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

6. 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.
7. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with Conditions, Consent Agenda, (6-0-2)

Resolution No. RS2012-143

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-019-001 is APPROVED with conditions, including revised conditions of the Public Works Department, and disapproved without all conditions. (6-0-2)"

CONDITIONS

1. **Parking requirements for this SP shall follow the requirements of the Zoning Code. All new tenants shall be required to show that sufficient parking exists to permit the use in addition to the existing tenants.**
2. **Permitted land uses for this SP shall be limited to those shown on the list of permitted uses submitted with the application, except that the automobile convenience land use shall be listed as Permitted with Conditions (PC).**
3. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the IWD zoning district as of the date of the applicable request or application.**
4. **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.**
5. **Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
6. **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.**
7. **The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.**

The proposed land uses within the SP are consistent with the Commercial Mixed Concentration land use policy.

10. 2012SP-020-001

604 GALLATIN PIKE

Map 043-09, Parcel(s) 083

Council District 09 (Bill Pridemore)

Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning and for final site plan approval for property located at 604 Gallatin Pike, at the corner of Gallatin Pike and Cumberland Avenue (0.5 acres), to permit automobile sales (used), and all uses permitted by the CS zoning district requested, by Kline Swinney Associates, applicant, Bobby T. Wilson, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit automobile sales used and all other uses permitted by the CS district.

SP Development Plan and Final Site Plan

A request to rezone from Commercial Services (CS) to Specific Plan-Auto (SP-A) and for final site plan approval for property located at 604 Gallatin Pike, at the corner of Gallatin Pike and Cumberland Avenue (0.5 acres), to permit automobile sales (used) and all uses permitted by the CS zoning district.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

MADISON COMMUNITY PLAN

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.

Consistent with Policy?

Yes. The Urban Mixed-Use policy promotes a variety of land uses from residential to commercial including auto related uses. While the proposed use is consistent with the policy, the policy also expects new development to take a more urban form. Building setback should be shallow along the street and parking should be located at the rear or to the side of buildings. When parking is to be located along the street then landscaping and/or other elements should be provided to soften the impact of parking along the streetscape. While the request proposes parking along all street frontages, it also calls for landscaping and an ornamental knee wall between the parking area and all street frontages. This is consistent with the policy and will enhance the property. The plan also requires any future significant redevelopment to meet the MUL-A zoning district which would further implement the land use policy.

PLAN DETAILS

The intent of this request is to permit automobile sales, used and all other uses permitted in the Commercial Services (CS) zoning district. The subject property is located in Madison, on the east side of Gallatin Pike between Lovell Street and Cumberland Avenue and is north of Old Hickory Boulevard. The property is approximately half an acre in size and is developed. It contains a building and parking and was once a bakery.

Site plan

The proposed site plan identifies the existing structure and does not propose any additions or new structures. The plan calls for 27 parking spaces which includes spaces for display. Four spaces are specifically called out for customer parking. The plan proposes a landscaping strip along all street frontages as well as a two foot tall, brick knee wall. Access to the site will be from Gallatin Pike and from Cumberland Avenue.

A five foot tall monument sign is proposed at the intersection of Cumberland and Gallatin. The SP limits the sign area for the monument sign to 48 square feet. The SP limits building signs to a maximum of 72 square feet. More than one building sign is permitted as long as the combined area does not exceed the maximum 72 square feet.

The SP includes language that restricts fencing and also provides language for future development. As proposed, any future redevelopment of the property will be required to meet the MUL-A zoning district standards. The MUL-A district requires new building to be placed close to the street and does not permit parking between the front street and building.

Staff Analysis

There are no major issues with the plan. As stated above the request is consistent with the Urban Mixed-Use Corridor land use policy.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed request is consistent with the Urban Mixed-Use Corridor land use policy.

CONDITIONS

1. Permitted land uses within the SP shall be automobile sales (used), and all other uses permitted by the CS zoning district.
2. Auto related uses shall be consistent with the approved site plan except minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the CS zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL-A zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. 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. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with Conditions, Consent Agenda, (6-0-2)

Resolution No. RS2012-144

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-020-001 is APPROVED with conditions and disapproved without all conditions. (6-0-2)"

CONDITIONS

- 1. Permitted land uses within the SP shall be automobile sales (used), and all other uses permitted by the CS zoning district.**

2. Auto related uses shall be consistent with the approved site plan except minor modifications to the site plan may be approved by the Planning Commission including changes in use but shall be subject to the standards, regulations and requirements of the CS zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL-A zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.

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

4. 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. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The proposed SP is consistent with the Urban Mixed Use Corridor land use policy.

11. 2012SP-021-001

VILLAGE GREEN APARTMENTS

Map 117-14, Parcel(s) 089

Council District 34 (Carter Todd)

Staff Reviewer: Brenda Bernards

A request to rezone from RM20 to SP-R zoning for property located at 2215 Abbott Martin Road, approximately 350 feet west of Hillsboro Circle (1.72 acres), and partially located within the Floodplain Overlay District, to permit 90 multifamily units and an associated parking deck, requested by Barge Cauthen & Associates, applicant, Village Green Apartments Partnership, owner.

Staff Recommendation: Approve with conditions, including revised conditions of the Public Works Department, and disapprove without all conditions.

APPLICANT REQUEST

Permit up to 90 residential units.

Zone Change

A request to rezone from Multi-Family Residential (RM20) to Specific Plan – Residential (SP-R) zoning for property located at 2215 Abbott Martin Road, approximately 350 feet west of Hillsboro Circle (1.72 acres), and partially located within the Floodplain Overlay District, to permit 90 multifamily units and an associated parking deck.

Existing Zoning

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

Proposed Zoning

Specific Plan-Residential 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 up to 90 multi-family residential units.*

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

The Village Green Apartments SP proposal meets a number of critical planning goals. The site is located within walking distance of the Green Hills Mall, a regional shopping center, a grocery store and other services and retail uses. The property is adjacent to Sugar Creek and the entrance to the SP property is to be left in a natural state to better protect the creek. There is a pedestrian connection to the adjacent YMCA and the shops and services are in easy walking distance from the proposed apartments. The Green Hills area is primarily a single-family residential area. The addition of multi-family units will increase the housing choices in the area.

GREEN HILLS/MIDTOWN COMMUNITY PLAN

Regional Activity Center (RAC)

RAC policy is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Consistent with Policy?

Yes. The proposed plan is consistent with the RAC policy as it proposes higher intensity residential uses in close proximity to a regional mall.

PLAN DETAILS

The Village Green Apartments SP will permit up to 90 multi-family units in three buildings, ranging from 2- 6 stories in height. The property is accessed from Abbott Martin Road and there is a pedestrian access to the adjacent YMCA property. Two existing building will be maintained and a new building is proposed. The new building will have a landscape buffer to screen the single family residences to the west. An emergency access drive, required by the Fire Marshal, will run along a portion of the east property line. The remaining area will be in a landscaped buffer. There will be two floors of parking with four floors of units above. The parking will meet the requirements of the Zoning Code for multi-family housing.

STORMWATER RECOMMENDATION

Preliminary SP approved.

PUBLIC WORKS RECOMMENDATION

Recommend deferral as a TIS has not been submitted.

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final Design may vary based on field conditions
- A site plan is required with final development
- Indicated solid waste plan – dumpster and recycling container locations (2 yard dumpster not sufficient)
- Comply with the provisions of the Master Traffic Engineer and the TIS
- Additional comments will follow based on review of detailed engineered plans.

Maximum Uses in Existing Zoning District: RM20

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)	1.72	20 D	34 U	330	21	37

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)	1.72	-	90 U	669	48	68

Traffic changes between maximum: RM20 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

-	-	-	+56	+339	+27	+31
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SCHOOL BOARD REPORT

Projected student generation 12 Elementary 4 Middle 4 High

Schools Over/Under Capacity

Students would attend Julia Green Elementary School, J.T. Moore Middle School, and Hillsboro High School. Julie Green Elementary School and J.T. Moore Middle School are identified as over capacity. There is no capacity within the cluster for additional elementary and middle school students. This information is based upon data from the school board last updated September 2011.

Fiscal Liability

The fiscal liability of twelve new elementary students is \$240,000 (12 X \$20,000) and four new middle school students is \$94,000 (4 X \$23,500 per student). This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends that the Village Green Apartments SP be deferred if the Traffic Impact Study (TIS) has not been approved by the Public Works Department by the July 26, 2012, Planning Commission meeting. If the TIS has been approved prior to the meeting, staff recommends approval with conditions of the Village Green Apartments SP as it is consistent with the RAC land use policy of the Green Hills/Midtown Community Plan.

CONDITIONS (if approved)

1. The requirements of Public Works shall be met.
2. The uses of this SP shall be limited to multi-family residential and associated uses as shown on the plan.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and 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.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. 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.

Ms. Bernards presented the staff recommendation of approval with conditions.

John Gore, civil engineer, spoke in support of the proposal, stating that it fits the policy well and it's close to existing jobs, services, amenities, etc.

Amy Burch, RPM Transportation, spoke in support of the proposal stating that the traffic impact study showed a negligible increase in traffic.

John Abernathy, architect, spoke in support of the proposal

Shawn Henry, representing property owner, spoke in support of the proposal stating a negligible traffic increase, double property tax revenues for Metro, clarified that the project is a smart growth product, and asked for approval of staff recommendation.

Erica Garrison, stated that her client H.G. Hill Realty asked her to come and speak in support of staff recommendation.

John Sanders, 207 Kensington Park, stated awareness of the traffic situation in Green Hills but is still in support of staff recommendation.

Jim Richie, 4014 Estes Road, spoke in support of staff recommendation.

Vivian Hines, 3913 Cross Creek Drive, spoke against staff recommendation due to increased traffic concerns.

Charlotte Cooper, 3409 Trimble Road, spoke against staff recommendation due to increased density and traffic.

Bartley McGhee, 2842 Kenway Road, spoke against staff recommendation due to increased density and traffic.

Shawn Henry, on rebuttal, stated that increased density will encourage mass transit and asked for approval of staff recommendation.

Alisha Brimm, 3933 Cross Creek Road, spoke against staff recommendation due to increased traffic concerns.

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

Mr. Haynes stated that appropriate densification should be supported and spoke in support of staff recommendation.

Mr. Adkins spoke in support of staff recommendation and stated that the project is pedestrian friendly, it meets policy, the developer has done a good job, it reduces the amount of pavement in the area, and is a reasonable density increase.

Ms. LeQuire spoke in support of staff recommendation and stated that we have to have density to get the transit we are hoping for.

Councilmember Claiborne spoke in support of staff recommendation.

Mr. Ponder spoke in support of staff recommendation.

Mr. Gee spoke in support of staff recommendation.

Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions, including revised conditions of the Public Works Department, and disapprove without all conditions. (8-0)

Resolution No. RS2012-145

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-021-001 is APPROVED with conditions, including revised conditions of the Public Works Department, and disapproved without all conditions. (8-0)”

CONDITIONS

- 1. The requirements of Public Works shall be met.**
- 2. The uses of this SP shall be limited to multi-family residential and associated uses as shown on the plan.**
- 3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40 zoning district as of the date of the applicable request or application.**
- 4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and 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.

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

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

The proposed SP is consistent with the Regional Activity Center land use policy of the Green Hills/Midtown Community Plan.

Zone Changes

12. 2012Z-016PR-001

BL2012-195 / ALLEN, GILMORE, LANGSTER

MR : MIDTOWN

Council District 18 (Burkley Allen), 19 (Erica Gilmore), 21 (Edith Langster)

Staff Reviewer: Kathryn Withers

A request to rezone from R6, RM20, RM40, SP, MUL, MUG, MUI, OR20, ORI, CL, CS, CF, IWD and IR to MUL-A(2.48 acres), MUG-A (155.04 acres), MUI-A (234.33 acres) and ORI-A (63.29 acres) zoning for various properties in Midtown between I-440 and I-40 (455.14 acres), requested by the Metro Planning Department, applicant, various property owners.

Staff Recommendation: Approve with amendments

APPLICANT REQUEST

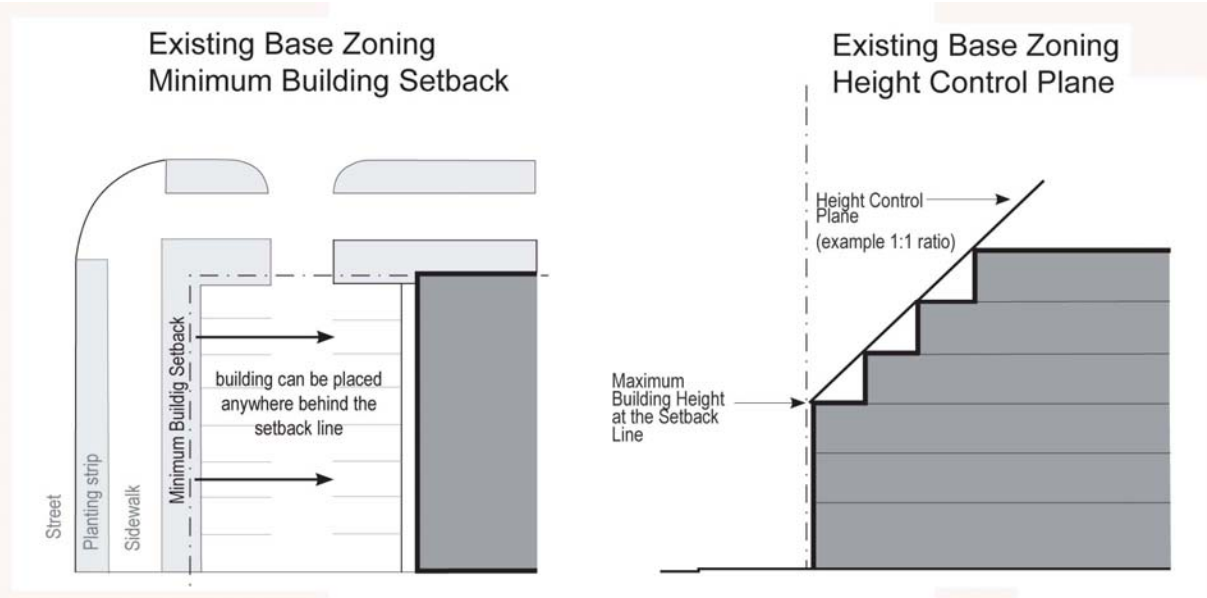
Zone Change from various districts to MUL-A, MUG-A, MUI-A and ORI-A

Zone Change

A request to rezone from Residential (R6), (RM20), (RM40), Specific Plan (SP), Mixed-Use (MUL), (MUG), (MUI), Office/Residential (OR20), (ORI), Commercial (CL), (CS), (CF) and Industrial (IWD) and (IR) to Mixed-Use Alternative (MUL-A, 2.48 acres), (MUG-A, 155.04 acres), (MUI-A, 234.33 acres) and Office/Residential Alternative (ORI-A, 63.29 acres) zoning for various properties in Midtown between I-440 and I-40 (455.14 acres).

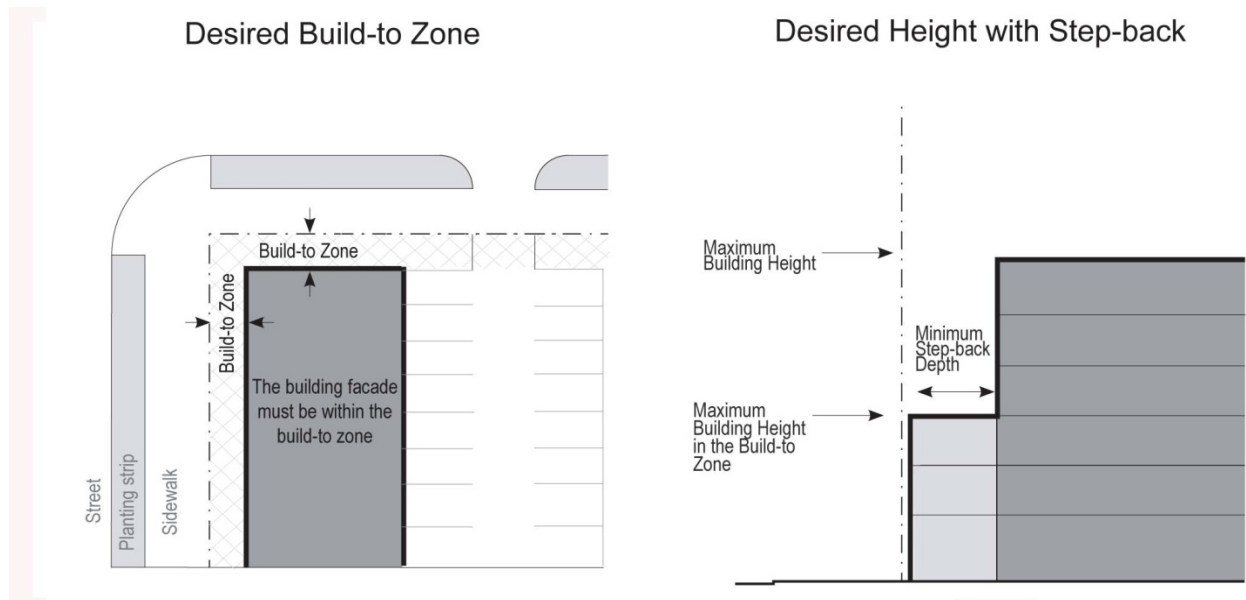
Existing Zoning Standards

Zoning district standards control not just use, but the form of buildings and site design. The standards of the existing zoning districts specify a "minimum setback" or line behind which a building must be located. This means that the building may be behind that line and pushed behind several rows of parking, like the example below. This creates an environment that prioritizes individually driven automobiles rather than creating an environment that prioritizes transit and pedestrians. The existing zoning specifies a maximum height at the setback and then a "height control plane" ratio, in the above example is a 1:1 ratio meaning that for each foot away from the setback an additional foot in height is allowed. This creates a "wedding cake effect" with irregular and inefficient floor plans.



Proposed Zoning Standards

The proposed Zoning Districts (MUL-A, MUG-A, MUI-A and ORI-A) are more appropriate for use in this urban setting. The main difference with the proposed Zoning Districts is that they use a “build-to” rather than a “setback” to ensure a predictable building placement. In the example below left, the front facade of the building is required to be located within a specified zone, typically within 5 to 15 feet of the front property line. This creates an environment that is oriented to pedestrians, which is desirable for supporting transit ridership as well as pedestrian activity. Individual driven automobiles are still accommodated, but typically at the rear or side, or in structured parking. The proposed Zoning Districts also regulate additional height beyond the maximum height allowed at the street through the use of “step-backs” rather than “height control plane”. This allows additional height to be located closer to the street rather than in the “wedding cake” form that the height control plane creates, see below right. This allows for all floors to be a standard size. These zoning districts do not require any additional plan review beyond what is currently required to develop under other standard zoning districts.



CRITICAL PLANNING GOALS

Supports a Variety of Transportation Choices

This zone change will provide a land use design pattern that will support the East/West Connector, the

dedicated bus rapid transit on West End Avenue. The goal is to provide mixed use development with urban design and densities that will support transit, walking and cycling. With Vanderbilt University, the regional hospital concentration, Centennial Park and growing retail, residential and office developments, Midtown is a unique urban setting, poised to grow more intensely and provide more housing, jobs and recreation in the future. Frequent, visible, and accessible transit is needed to support an economic center with the intensity and regional significance of Midtown. The transit stops have been proposed to accommodate most intense development to maximize their benefit to the vitality and functionality of the area, and therefore the majority of the West End Corridor is proposed for MUI-A (FAR 5.0), the most intensive mixed use district currently available. Moreover, it is critical to ensure that access to transit by foot and bicycle is provided to achieve the goal of balancing modes of transportation into and within Midtown. The rezoning to the proposed Zoning Districts prioritizes walking as a primary mode of transportation by regulating building placement within build-to zones that create pedestrian oriented street walls and account for appropriately scaled sidewalks.

Provides a Range of Housing Choices

All of the proposed Zoning Districts proposed for Midtown can be used to implement residential development through a range of building types and intensities, in solely residential buildings and as part of mixed-use developments.

Supports Infill Development and Promotes Compact Building Design

The bulk standards of the proposed Zoning Districts are more consistent with recent development projects in terms of intensity and bulk standards. In the past few years, the need for rezoning or for special exceptions before the Board of Zoning Appeals has become prevalent, prompting the review of the Midtown Plan. Meanwhile, at the community meetings held for the Midtown Plan, there was support from the community for a comprehensive zone change to implement the Midtown Community Character Plan. This rezoning will ensure predictability and consistency of future development and will also remove the burden from property owners of having to individually apply for rezoning or special exceptions. Developers will be able to move directly to preparing construction plans without delay.

GREEN HILLS-MIDTOWN COMMUNITY PLAN

Center Mixed Use Neighborhood is intended to preserve and enhance a diverse mix of residential and non-residential development and to be among the most intense areas in Davidson County. Midtown represents a major employment center of the region, representing several sectors of the local economy including health care, higher education, finance, the music industry, retail, and lodging. The policy envisions high density residential development, high intensity commercial and office land uses with civic and public benefit uses. Three variations of Center Mixed Use Neighborhood Policy are found within the zone change area:

- T5-MU-01 – Applies to properties generally fronting West End Avenue between I-40 and 31st Avenue. This area is envisioned to be the most intense area of Midtown, with buildings rising 20 stories and above. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits.
- T5-MU-02 – Applies to properties along Charlotte Avenue between I-440 and I-40, along West End Avenue and Murphy Road adjacent to I-440, along Park Circle, along Broadway and Division Streets and 21st Avenue South, and between Charlotte Avenue and Hayes Street east of 21st Avenue North. Lower building heights and masses are intended in this area than in Area T5-MU-01. This is due to the area's structural constraints to development. Maximum building heights of up to twenty stories are most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meet the policy.
- T5-MU-03 – It applies to properties in three areas: on the south side of West End Avenue between I-440 and 31st Avenue North, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18th Avenue South area. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits. Office and Residential uses are preferred over other uses in this area because of the smaller lots, frequent diagonal streets, and tight block structure. These uses can exist in forms that can accommodate themselves to this restrictive environment. Lower building heights and masses are intended in this area than in Areas T5-MU-01 and T5-MU-02 because of the area's numerous residential-size lots. Maximum building heights of about eight stories are generally most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meeting the policy.

Consistent with Policy?

Yes. The proposed zoning changes implement the bulk standards and uses envisioned in the Midtown Community Plan Update adopted earlier this year. The proposed zoning districts may not fully implement the maximum heights indicated in the policies; however, the maximums suggested in the policy would be available for projects to request individually for their proposed developments.

REQUEST DETAILS

The Midtown Community Character Plan was adopted in March. The plan recommended that a comprehensive rezoning immediately follow the adoption of the plan. The community plan also recommended the creation of an Urban Design Overlay District, however, that effort will be delayed until the transit stops for the East-West Connector are finalized and appropriate design standards recommended. The East-West Connector will be a dedicated mass transit line from East Nashville, through Downtown to Vanderbilt and this zone change is being proposed to support that effort to promote transit and pedestrian oriented development and intensity in the area.

To ensure that the design objectives associated with the Community Character policies are realized through new development, rezoning is needed to actually achieve these objectives. Zoning determines the "bulk standards" of new development by setting standards for setbacks, height, height control plane, and density (units per acre) or intensity (square footage based on property size). These standards vary from zoning district to zoning district, and occasionally from street type to street type. In Midtown, new development frequently needs a reduction to the setbacks/build-to, an increase in height, a removal of the height control plane, and/or greater density and intensity.

The Midtown Plan recommended the use of the proposed Zoning Districts, which are appropriate for a more urban environment. While use and intensity remains the same, the difference is that the proposed Zoning Districts use a "build-to" rather than a "setback" to ensure a predictable building placement. The proposed Zoning Districts also regulate additional height beyond the maximum height allowed at the street through the use of "step-backs" rather than "height control planes." This allows additional height to be located closer to the street rather than in the "wedding cake" form that the sky exposure plan creates. The proposed Zoning Districts do not change the land uses or density/intensity compared to their conventional counterpart (i.e. MUI and MUI-A have the same floor area ratio and the same land uses). These zoning districts do not require any additional plan review beyond what is currently required to develop under other standard zoning districts.

Four community meetings were held on two different days to discuss the proposed zone change. Meetings were held at noon and in the late afternoon on May 8 and 22, 2012 at locations in the Midtown area. At these meetings property owners were able to review the proposal one-on-one with staff members. Additional meetings were held with individual property owners who requested them. Several changes were made to the Rezoning Plan as the result of the input received at the community meetings. When the community meetings notices which were sent out in May, property owners were also informed that they could choose not to participate in the zone change, and a handful of property owners took that option. In addition to those who chose to remove themselves, 93 additional properties were removed due to community concerns raised about the zone change increasing the pressure to redevelop on historic properties. Properties considered National Register Eligible and those that have obtained National Register listing were removed from the zone change along with properties in the three areas considered historic district eligible. The Staff of the Metro Historic Commission will be contacting these property owners to assess interest in National Register Listing, creation of historic districts, and other opportunities available for preservation of historic properties. Once that work has been completed, if there are property owners who still desire to be rezoned to the proposed Zoning Districts, the Planning Department staff can file applications on their behalf.

Recommended Changes to the Zone Change Proposal

The council bill for this zone change has been introduced and is scheduled for the August 7, 2012, Council Public Hearing. Staff recommends that changes be submitted on third reading to make the following changes and deletions:

1. Councilmember Holleman has proposed three changes to the proposed zoning districts for several properties that Planning Staff has no objection to:
 - a. The non-contributing properties bookending the possible Elliston Place Historic District:
 - i. Parcels 09215017900 and 09215017800 currently occupied by Krispy Kreme, should be rezoned a less intensive district (MUL-A with an FAR of 1.0) to transition at an appropriate scale to the historic structures nearby. The proposed district is MUG-A (FAR 3.0). The property is currently zoned CS with an FAR of 0.6
 - ii. Parcel 09215014000 at 2311 Elliston Place that is currently a strip retail center

should be rezoned a less intensive district (MUG-A with an FAR of 1.0) to transition at an appropriate scale to the historic structures nearby. The proposed district is MUI-A (FAR 5.0). The property is currently zoned CS with an FAR of 0.6

- b. Both sides of block of West End between 30th and 31st currently proposed for MUI-A (FAR 5.0) be changed to MUG-A (FAR 3.0) to transition down to the intensity of the ORI (FAR 3.0) and proposed ORI-A (FAR 3.0) along West End from 31st to Murphy Road and lessen the impact on this historic properties in this area such as The Westmont and Tin Angel.
2. After the Council Bill was filed, the property owner of the un-built 1800 West End Mixed Use Development SP (2008SP-021U-10) located at West End Avenue and 18th Avenue requested to be removed from the zone change as he is ready to proceed with the approved SP plan.

There were no objections received from the Metro agencies reviewing this request.

STAFF RECOMMENDATION

Approve, with amendments to the council bill:

1. Revise the proposed zoning district to MUL-A for parcels 09215017900 and 09215017800, at 2101 and 2103 Elliston Place.
2. Revise the proposed zoning district to MUG-A for parcel 09215014000 at 2311 Elliston Place.
3. Revised the proposed zoning district to MUG-A for both sides of block of West End between 30th and 31st currently proposed for MUI-A.
4. Retain the Specific Plan District 2008SP-021U-10 and remove parcels 09212047700, 09212047000, 09212047200, and 09216015600 from the proposed rezoning.

Descriptions of Existing and Proposed Zoning Districts

Existing Zoning

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.

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

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

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

Mixed Use General (MUG), intended for a moderately high intensity mixture of residential, retail, and office uses

Mixed Use Intensive (MUJ), intended for a high intensity mixture of residential, retail, and office uses)

Office/Residential – 20 dwelling units per acre (OR20), office and residential, intended for office and/or residential multi-family uses up to 20 dwelling units per acre

Office/Residential Intensive (ORI), is intended for high intensity office and/or residential multi-family uses with limited retail

Commercial Limited (CL), is intended for retail, consumer service, financial, restaurant and office uses.

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

Core Frame (CF), is intended for a wide range of retail trade, commercial services support uses, and parking for the Central Business District

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

Industrial Restrictive (IR) intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures

Proposed Zoning

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail,

restaurant and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

Office/Residential Intensive-Alternative (ORI-A) is intended for high intensity office and/or multi-family residential uses with limited retail opportunities and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

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

Approved with amendments, Consent Agenda, (6-0-2)

Resolution No. RS2012-146

“BE IT RESOLVED by The Metropolitan Planning Commission that **2012Z-016PR-001 is APPROVED with amendments. (6-0-2)**”

Approve, with amendments to the council bill:

- 1. Revise the proposed zoning district to MUL-A for parcels 09215017900 and 09215017800, at 2101 and 2103 Elliston Place.**
- 2. Revise the proposed zoning district to MUG-A for parcel 09215014000 at 2311 Elliston Place.**
- 3. Revised the proposed zoning district to MUG-A for both sides of block of West End between 30th and 31st currently proposed for MUI-A.**
- 4. Retain the Specific Plan District 2008SP-021U-10 and remove parcels 09212047700, 09212047000, 09212047200, and 09216015600 from the proposed rezoning.**

The proposed zoning districts will implement the recommendation of the Midtown Plan, which was completed in March 2012 through an extensive public process. The proposed zoning districts are intended to promote mixed use development in Midtown with urban design characteristics that will support walking, cycling, and transit while providing a wide range of housing choices.

J. PLANNING COMMISSION ACTIONS

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

Neighborhood Landmark Overlays: final site plans

13. 2012NL-001-002

HOT ROD GRILLE

Map 105-11, Parcel(s) 238-239
Council District 17 (Sandra Moore)
Staff Reviewer: Jason Swaggart

A request for approval of a Neighborhood Landmark Development Plan for properties located at 609 and 611 Wedgewood Avenue, approximately 260 feet west of Bransford Avenue (0.41 acres), zoned R6, to permit a full service restaurant, requested by Chris Michaels, applicant, Kenneth M. Ballew and Louise and Robert Armstrong, owners.

Staff Recommendation: Defer to the August 23, 2012, Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 2012NL-001-002 to the August 23, 2012 Planning Commission Meeting. (8-0)

Subdivision: Concept Plans

14. 2006S-148G-14

HERMITAGE CREEK

Map 086, Parcel(s) 249

Council District 12 (Steve Glover)

Staff Reviewer: Jason Swaggart

A request for a variance from Section 1-9.2 of the Subdivision Regulations to extend the preliminary approval to July 26, 2013, for Hermitage Creek Subdivision, approved for 11 single-family cluster lots, requested by The Wise Group, Inc., owner.

Staff Recommendation: Approve extension of preliminary plat approval to July 26, 2013

APPLICANT REQUEST

Variance from the Subdivision Regulations to permit an extension of a preliminary plat approved under earlier regulations

Concept plan extension

A request for a variance from Section 1-9.2 of the Subdivision Regulations to extend the preliminary approval to July 26, 2013, for Hermitage Creek Subdivision, approved for 11 single-family cluster lots.

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

SUBDIVISION DETAILS

The original preliminary plat for Hermitage Creek was approved by the Planning Commission on May 25, 2006, under the previous Subdivision Regulations that were adopted March 21, 1991. The subdivision is located on the east side of Tulip Grove Road between Old Lebanon Dirt Road and Central Pike. The subdivision is approved for 11 single-family cluster lots. The Planning Commission has approved two previous variances to permit the extension of the preliminary plan. The first extension was approved on June 12, 2008, and the second extension was approved on May 28, 2009.

Current Extension Request

This is a request for a variance from the Section 1-9.2 of the Subdivision Regulations to permit an extension of preliminary to July 26, 2013. The preliminary plat was approved under the previous Subdivision Regulations. Section 1-9.2 of the current Subdivision Regulations prohibits the extension of preliminary plats approved under the Subdivision Regulations adopted March 21, 1991.

2. Subdivisions Submitted or Approved Prior to the Effective Date. Any subdivision submitted as a complete application or approved in preliminary or final form, but not yet expired, prior to the effective date may, at the discretion of the applicant, continue under the subdivision regulations adopted March 21, 1991, as amended, but no extensions shall be granted for these subdivisions.

Section 1-11 of the Subdivision Regulations permits the Planning Commission to grant variances if it is found that extraordinary hardships or practical difficulties may result from strict compliance with these regulations provided that such variance does not have the effect of nullifying the intent and purpose of these regulations.

The findings are based on a number of criteria. These include conditions unique to the property that are not applicable generally to other property and the particular physical conditions of the property involved. The physical conditions must cause a particular hardship to the owner, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.

The applicant has stated that infrastructure is in place including roads, curbing, etc., and that they are ready to start construction of homes. The applicant also states that the extension would allow them to move forward with the Evans Hill Project, which is an adjacent SP approved for 341 lots.

STAFF ANALYSIS

Staff has visited the site and infrastructure has been constructed as indicated by the applicant including the roadway (minus the top coat), curb and gutter along the new street as well as along Tulip Grove Road. Water and sewer lines are in as well as stormwater facilities and underground NES lines. Since most of the infrastructure has been completed then it would be appropriate to approve the extension. If the extension is not approved then it would require that the applicant file a new application for concept plan approval, and the plan would have to meet current regulations or obtain a variance from regulations that the current plan did not meet. This would slow down the development of this subdivision and would create a hardship for the applicant, and would not be practical since a majority of the infrastructure is complete.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Submit the most recent approved revised plat dated November 13, 2007. The plat shown is not the most recent and does not accommodate the required turn lanes at Tulip Grove Rd or the bridge over the Dry Fork Creek tributary.

STAFF RECOMMENDATION

Staff recommends that the request be approved and the preliminary plat approval be extended to July 26, 2013.

Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-147

“BE IT RESOLVED by The Metropolitan Planning Commission that the preliminary plat extension approval to July 26, 2012 for 2006S-148G-14 is APPROVED. (6-0-2)”

15. 2009S-003-001

RIVENDELL WOODS, REV

Map 174, Parcel(s) Part of 001, Part of 002 Map 173-04, Parcel(s): Part of 185
Map174-01-A, Parcel(s): 59, 60, 61, 75
Council District 32 (Jacobia Dowell)
Staff Reviewer: Jason Swaggart

A request to revise a preliminary plat approved for 408 single-family lots to permit the reduction in the overall unit count for the subdivision to 212 single-family lots located at 765 Preston Road and Preston Road (unnumbered), on the east side of Hickory Park Drive (93.01 acres), zoned RS10 and RM9, requested by Rivendell LLC, owner, Dale & Associates, surveyor.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Revision to preliminary plat to permit 212 single-family lots where 408 single-family lots are currently approved

Revision to Preliminary

A request to revise a preliminary plat approved for 408 single-family lots to permit the reduction in the overall unit count for the subdivision to 212 single-family lots located at 765 Preston Road and Preston Road (unnumbered), on the east side of Hickory Park Drive (93.01 acres), zoned Single-Family (RS10) and Multi-Family (RM9).

Existing Zoning

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

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

SUBDIVISION DETAILS

This is a request to revise a previously approved preliminary plan for Rivendell Woods Subdivision. The subdivision was originally approved in 2003 as the Preston Road Subdivision for 408 single-family lots. Large portions of the subdivision have been constructed and numerous homes are occupied. Currently 120 lots have been platted and will not be impacted by this request. Another 22 lots that have received final site plan approval but have not yet been platted will also remain unchanged.

As proposed the plan calls for a total of 212 lots which is a reduction of 196 lots. Lots have been removed from an area that contains some areas of significant slopes (greater than 25 percent). Since this is a cluster lot subdivision, lots can be smaller than what the RS10 base district requires. Lots range in size from 5,517 square feet to 11,220 square feet. Cluster lot subdivisions require a minimum of 15 percent open space per phase. The plan complies with this requirement and has a total of 78.67 acres (52.58 percent).

STAFF ANALYSIS

There are no issues with the overall change in the lot pattern. The revised plan introduces a significant amount of additional open space in areas that contain some steep slopes where lots were once proposed. The request is within the Infrastructure Deficiency Area (IDA); however, since the request is reducing the overall number of units, then staff is not recommending that the IDA be applied.

A greenway is planned along the stretch of Mill Creek which runs along the western boundary of the subdivision. Some of the areas within the subdivision along Mill Creek were previously platted without a greenway easement. Staff is recommending that a greenway easement be provided along Mill Creek as a condition of approval. The applicant will need to work out the details of the easement with Metro Greenways, and no new final plats should be approved until the easement has been provided as required by Metro Greenways or Metro Greenways informs Planning that the easement is not necessary.

The legislation (BL2005-525) that adopted the RS10 zoning which applies to the site required a school site dedication. At this time no school site has been dedicated. Staff is recommending that any approval be conditioned upon this requirement being met or that Metro Schools relieve the applicant of such responsibility.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

The subdivision amendment should comply with the previous conditions of the approved council bill for this development.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. As proposed the request is consistent with all Metro requirements.

CONDITIONS

1. No new plat shall be approved until a greenway easement has been provided along Mill Creek per Metro Greenway requirements or Metro Greenways informs Planning that the easement is not necessary.
2. Prior to the approval of any additional final site plans a school site shall be offered for dedication per BL2002-1223, or the applicant shall provide documentation that Metro Schools has relieved them of this requirement.

Approved with conditions, Consent Agenda, (6-0-2)

Resolution No. RS2012-148

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009S-003-001 is APPROVED with conditions. (6-0-2)”

CONDITIONS

- 1. No new plat shall be approved until a greenway easement has been provided along Mill Creek per Metro Greenway requirements or Metro Greenways informs Planning that the easement is not necessary.**
- 2. Prior to the approval of any additional final site plans a school site shall be offered for dedication per BL2002-1223, or the applicant shall provide documentation that Metro Schools has relieved them of this requirement.**

Subdivision: Final Plats

16. 2009S-076-001

CONCORD HOSPITALITY

Map 092-12, Parcel(s) 470, 472, 477 Map 092-16, Parcel(s) 156

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Greg Johnson

A request for a variance from Section 2-5.6 of the Subdivision Regulations to permit the extension of the final plat approval for six months for the Concord Hospitality, Inc., Unified Plat of Subdivision for three lots on properties located at 1800 and 1806 West End Avenue and at 1801 and 1807 Hayes Street, zoned SP (1.36 acres), requested by Concord Hospitality, Inc., owner, Littlejohn Engineering Associates, Inc., surveyor.

Staff Recommendation: Approve the extension of the final plat approval to January 26, 2013

APPLICANT REQUEST

Extension of subdivision plat approval

Subdivision plat approval extension

A request for a variance from Section 2-5.6 of the Subdivision Regulations to permit the extension of the final plat approval for six months for the Concord Hospitality, Inc., Unified Plat of Subdivision for three lots on properties located at 1800 and 1806 West End Avenue and at 1801 and 1807 Hayes Street, zoned SP (1.36 acres).

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

This is a request to extend the subdivision plat approval for the Concord Hospitality consolidation plat, which was approved for the consolidation of seven lots into three in coordination with an SP for a mixed use development that was approved for the site in 2008. The requested approval extension is for six months from the meeting date, to January 26, 2013. The properties included in the plat were approved for an SP zone change in 2008 to permit a mixed use development including retail, restaurant, and hotel uses. The final plat was approved by Planning staff on June 1, 2011. That approval expired on November 28, 2011.

STAFF ANALYSIS

This is a request for a variance from the Section 2-5.6 of the Subdivision Regulations to permit an extension of preliminary to July 26, 2013. According to a letter from the applicant, the plat was not recorded prior to the expiration of the approval because financing for the associated mixed use project had not been finalized. Because the consolidation plat was intended for a specific project, the applicant decided to wait until the project could move ahead before consolidating the lots. Financing is now in-place, and the applicant now intends to proceed with developing the site. A bond for required infrastructure related to this development is in-place, and the plat has been re-reviewed and approved by applicable Metro departments.

STORMWATER RECOMMENDATION

Plat extension approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends extension of the final plat approval to January 26, 2013. Because the final plat meets all applicable requirements, and the applicant now intends to proceed with developing the site, staff recommends the extension of the final plat for six months.

Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-149

"BE IT RESOLVED by The Metropolitan Planning Commission that the **plat approval extension to January 26, 2012 for 2009S-076-001 is APPROVED. (6-0-2)"**

17. 2011S-035-002

FESSLERS PARK, SEC 2, RESUB LOTS 1 & 3, 1st REV

Map 094-13, Parcel(s) 122, 126
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Brian Sexton

A request for final plat approval to create three lots on properties located at 317 B Fessler's Lane and 319 Fessler's Lane, at the northwest corner of Calhoun Avenue and Fessler's Lane (17.23 acres), zoned IWD and partially located within the Floodplain Overlay District, requested by Valley Enterprises and Neely Coble Co., Inc., owners, Initial Point Land Surveying, Inc., surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST

Final plat to create three lots

Final Plat

A request for final plat approval to create three lots on properties located at 317 B Fessler's Lane and 319 Fessler's Lane at the northwest corner of Calhoun Avenue and Fessler's Lane (17.23 acres), zoned Industrial Warehousing/Distribution (IWD) and partially located within the Floodplain Overlay District (FO).

Existing Zoning

Industrial Warehousing/Distribution (IWD District) is intended for moderately high intensity office uses.

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The applicant is requesting final plat approval for a three lot subdivision. Subdivisions of three or more lots must be approved by the Metro Planning Commission.

The proposed subdivision is located north of Interstate 40 along Fessler's Lane. Existing structures are located on each of the lots proposed for this subdivision and will remain. Lot 1 is approximately 295,199 square feet in size, Lot 2 is approximately 196,833 square feet in size and Lot 3 is approximately 258,345 square feet in size. Access to the proposed subdivision is located off Fessler's Lane and Calhoun Avenue. The subdivision also proposes a 75 foot Greenway Easement on a portion of Lot 3.

Right-of-Way Reservation

Fessler's Lane has been identified as being an Arterial in the Major and Collector Street Plan and a future right of way reservation is required. The applicant has placed a note on the plat indicating a right of way reservation along Fessler's Lane.

WATER SERVICES RECOMMENDATION

Final plat approved.

STAFF RECOMMENDATION

Staff recommends approval.

Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-150

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-035-002 is APPROVED. (6-0-2)"

18. 2012S-092-001

NOELS SUBDIVISION OF WATKINS GROVE, RESUB LOT 107

Map 117-07, Parcel(s) 138

Council District 25 (Sean McGuire)

Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 1709 Stokes Lane, at the southeast corner of Stokes Lane and Stokesmont Road, zoned R20 (1.08 acres), requested by Erin O'Hara, owner, Smith Land Surveying, surveyor.

Staff Recommendation: Approve with conditions including a variance to Section 3-4.2a to allow a non-radial lot line if capacity fees have been paid prior to the meeting.

APPLICANT REQUEST

Two lot subdivision

Subdivision plat

A request for final plat approval to create two lots on property located at 1709 Stokes Lane, at the southeast corner of Stokes Lane and Stokesmont Road, zoned One and Two Family Residential (R20) (1.08 acres).

Existing Zoning

R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The proposal is for a two-lot subdivision at the intersection of Stokes Lane and Stokesmont Road. Stokes Lane is a collector road and is the primary road adjacent to the site. The existing dwelling on the site faces toward Stokes Lane, but has a deep setback from that street that is greater than 100 feet. This deep setback is similar to many of the other existing single-family dwellings along Stokes Lane. A platted setback of 110 feet from Stokes Lane is proposed for the new lot to ensure that a new dwelling will have a setback that is consistent with the existing dwelling and surrounding dwellings on the street. Additionally, the plat will record an easement area in the front yard of both dwellings to prohibit the construction of fences or structures in front of the existing residence.

Variance request

Section 3-4.2a of the Subdivision Regulations requires residential lot lines to be at right angles to street lines unless a variation to that rule will allow for a better street or lot plan. The interior lot line of the proposed subdivision does not meet this requirement. The applicant submitted a variance request citing the unique circumstance of the existing character of residential development along Stokes Lane. The proposed subdivision with two lots facing Stokes Lane would preserve the existing character of single-family development along that street. The applicant could meet the requirements of the Subdivision Regulations by dividing the property parallel to Stokes Lane. However, this would not preserve the character of dwellings with deep setbacks along Stokes Lane. The applicant states the proposed subdivision meets the intent of Section 3-4.2a of the Subdivision Regulations because the request will result in a better lot plan.

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).

As noted above, a number of criteria must be met in order for the Planning Commission to allow an exception for lot lines. The applicant is asking for a variance to permit a lot line that does not have a right angle to Stokes Lane. The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area. The subdivision and variance requests intend to preserve the existing character of development along Stokes Lane.
- b. The requested variance seeks to preserve a unique circumstance in the deep setbacks for residential buildings along Stokes Lane. Section 3-4.2a of the Subdivision Regulations recommends approval of variance requests that will result in a better street or lot plan. The proposed subdivision would best preserve the unique building setbacks along Stokes Lane.
- c. The applicant could subdivide the property without a variance, but the variance request would permit a subdivision of the lot with the best lot plan that would help to preserve the consistency of building setbacks along Stokes Lane.
- d. The lots within the proposed subdivision comply with the requirements of applicable plans and regulations.

Sidewalks

The plat proposes new sidewalk along the Stokes Lane frontage for the new proposed lot. The Subdivision Regulations currently require construction of sidewalk along the entire frontage of the subdivision. A condition of approval has been added to require sidewalk to be shown on the plat along the Stokes Lane frontage for both lots included in the subdivision.

PUBLIC WORKS RECOMMENDATION

No exception taken

WATER SERVICES RECOMMENDATION

Conditional approval

To serve Lot 107-B with sanitary sewer, either a private service line/easement across Lot 107-A is needed, or a grinder pump to hook into Stokes Lane sewer is needed.

A. If a service line is used, please show location/dimensions of easement (10') and add this note:

Private Service Line Note: Residential

The owner of Lot 107-B is responsible for the installation, operation, and maintenance of the private sanitary sewer service line which is located in a 10 feet private sanitary sewer service line easement crossing a portion of lot 107-A as shown on this plat.

B. If choosing an individual grinder pump, label lot 107-B as an "R.S.S.P." and add the following notes:

Notes

- An individual private sanitary sewer grinder pump will be required to serve each lot denoted by "RSSP."
- The purchase, installation, operation, and maintenance responsibility of each private grinder pump shall be determined by Title 15 of the Metro Code, Chapter 15.34 (Residential Sanitary Sewer Pump).
- Contact Metro Water Services – Development Services group prior to installation.

STAFF RECOMMENDATION

Staff recommends approval of the variance request to the Subdivision Regulations for lot line orientation and approval with conditions for the subdivision.

CONDITIONS

1. Sidewalk shall be shown on the plat along the Stokes Lane frontage of both lots within the proposed subdivision.
2. The proposed platted setback of 110 feet from Stokes Lane shall extend across both lots.
3. The plat shall comply with comments shown above from Metro Water Services.

Approved with conditions, including a variance, Consent Agenda, (6-0-2)

Resolution No. RS2012-151

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-092-001 is APPROVED with conditions including a variance to Section 3-4.2a to allow a non-radial lot line. (6-0-2)"

CONDITIONS

1. **Sidewalk shall be shown on the plat along the Stokes Lane frontage of both lots within the proposed subdivision.**
2. **The proposed platted setback of 110 feet from Stokes Lane shall extend across both lots.**
3. **The plat shall comply with comments shown above from Metro Water Services.**

19. 2012S-093-001

4100 WYOMING AVENUE

Map 103-04, Parcel(s) 286
Council District 24 (Jason Holleman)
Staff Reviewer: Greg Johnson

A request for final plat approval to create two lots on property located at 4100 Wyoming Avenue, abutting the railroad tracks (.36 acres), zoned RS7.5, requested by Delle Land Surveying, surveyor, Woodland Street Partners, owner.

Staff Recommendation: Defer to the August 23, 2012, Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 2012S-093-001 to the August 23, 2012 Planning Commission Meeting. (8-0)

Subdivision: Amendments

20. 2012S-082A-001

WEST MEADE FARMS, SEC P, LOT 277

Map 115-14, Parcel(s) 045
Council District 23 (Emily Evans)
Staff Reviewer: Brian Sexton

A request to amend the front setback along Bresslyn Road from 65 feet to 40 feet for property located at 6361 Bresslyn Road, at the southeast corner of Bresslyn Road and Currywood Drive (1.19 acres), zoned RS40, requested by Adam and Natalie Kittrell, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Amend front setback from 65 feet to 40 feet.

Subdivision Amendment

A request to amend the front setback along Bresslyn Road from 65 feet to 40 feet for property located at 6361 Bresslyn Road, at the southeast corner of Bresslyn Road and Currywood Drive (1.19 acres), zoned Single-Family Residential (RS40).

Existing Zoning

RS40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

Subdivision Amendment

The applicants are requesting to amend the platted building setback line along Bresslyn Road and Currywood Drive from 65 feet to 40 feet. Subdivision amendments can be approved administratively if an applicant includes a letter from nearby

property owners who would be impacted by the amendment. These letters are an acknowledgement that the neighbors understand the request and have no objections. The applicants for this amendment were unable to obtain signatures from two adjacent property owners so this request requires Planning Commission approval.

The subdivision amendment is for an existing residence that fronts the corner of Bresslyn Road and Currywood Drive. The amendment will permit the construction of a garage, as well as an addition to the existing residence along Bresslyn Road. The property is approximately 1.19 acres in size and has a sufficient landscape buffer along the eastern property line that separates and screens the proposed additions from the adjacent property to the east. The location of the proposed addition to the existing residence and garage is approximately 135 feet away from the existing residence to the east.

The existing residence currently violates the platted setback of 65 feet along Bresslyn Road and Currywood Drive. With the reduction of the platted setback from 65 feet to 40 feet along Bresslyn Road and Currywood Drive the location of the existing residence will be within the platted setbacks.

STAFF RECOMMENDATION

Staff recommends approval. The proposed amendment is consistent with the requirements of the Zoning Code and Subdivision Regulations.

Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-152

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-082A-001 is APPROVED. (6-0-2)”

K. OTHER BUSINESS

21. Contract renewals for Scott Morton and Michael Briggs. Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-153

“BE IT RESOLVED by The Metropolitan Planning Commission that the contract renewals for Scott Morton and Michael Briggs are APPROVED. (6-0-2)”

22. Employee contract for Duane Cuthbertson. Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-154

“BE IT RESOLVED by The Metropolitan Planning Commission that the contract for Duane Cuthbertson is APPROVED. (6-0-2)”

23. Contract between The Nashville Civic Design Center and the Nashville Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO for Long-Range Plan & Regional Model public outreach activities. Approved, Consent Agenda, (6-0-2)

Resolution No. RS2012-155

“BE IT RESOLVED by The Metropolitan Planning Commission that the contract between the Nashville Civic Design Center and the Nashville Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO for Long-Range Plan & Regional Model public outreach activities is APPROVED. (6-0-2)”

24. Historic Zoning Commission Report

25. Board of Parks and Recreation Report

- 26. Executive Committee Report
- 27. Executive Director Report
- 28. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

July 26, 2012

MPC Meeting

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

August 11, 2012

Planning Commission Retreat

8:30 am to 1 pm, 800 Second Ave. South, 2nd Floor, Metro Office Building, Nashville Conference Room

August 23, 2012

Work Session

Topic: Antioch/Priest Lake Community Plan Update

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

MPC Meeting

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

August 30, 2012

Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane East

Topic: Antioch-Priest Lake Community Plan Update: Final Policy Recommendation

M. ADJOURNMENT

The meeting was adjourned at 5:23 p.m.

Chairman

Secretary