



# **METROPOLITAN PLANNING COMMISSION**

## **DRAFT MINUTES**

**Thursday, June 13, 2013**

**4:00 pm Regular Meeting**

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

### **MISSION STATEMENT**

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

**Commissioners Present:**

Stewart Clifton, Vice Chair  
Hunter Gee  
Judy Cummings  
Derrick Dalton  
Greg Adkins  
Andree LeQuire  
Phil Ponder  
Councilmember Phil Claiborne

**Staff Present:**

Rick Bernhardt, Executive Director  
Doug Sloan, Deputy Director  
Jennifer Carlat, Assistant Planning Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Bob Leeman, Planning Manager II  
Kathryn Withers, Planning Manager II  
Carrie Logan, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Duane Cuthbertson, Planner II  
Andrew Collins, Planner II  
Amy Diaz-Barriga, Planner I  
Brenda Diaz, Planner I  
Jon Michael, Legal

**Commissioners Absent:** Jim McLean, Jeff Haynes

**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

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

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

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

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

### Writing to the Commission

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

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

### Speaking to the Commission

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

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

### Legal Notice

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



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# MEETING AGENDA

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## A. CALL TO ORDER

Mr. Clifton called the meeting to order at 4:00 p.m.

## B. ADOPTION OF AGENDA

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

## C. APPROVAL OF MAY 23, 2013 MINUTES

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve the updated minutes of May 23, 2013. (8-0)

## D. RECOGNITION OF COUNCILMEMBERS

Councilmember Holleman spoke in support of Item 8 and deferral of Item 3.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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1. **2013SP-020-001**  
906 BOSCOBEL

5. **2013Z-019PR-001**

12. **2013DT-001-001**  
SAMBUCA (DTC MODIFICATION)

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

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

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## F. CONSENT AGENDA

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

2. **2012Z-028PR-001**

3. **2013Z-017PR-001**

4. **2013Z-018PR-001**

7. **2013Z-021PR-001**

8. **2013Z-022PR-001**

9. **2013S-001R-001**

10. **2004P-036-002**  
NASHVILLE WEST

**11. 2003S-267U-07**  
**WESTLAND SQUARE**

**14. Resolution authorizing the expenditure of up to \$15,000 from the Advance Planning and Research Fund to the Greater Nashville Association of Realtors to match a Smart Growth grant from the National Association of Realtors for necessary research associated with the Nashville-Davidson County General Plan. The research will involve the utilization of the Georgia Tech School of Architecture to develop intervention strategies associated with the retrofit of suburban development patterns in several specified areas of Davidson County. The total of this authorization and the total committed in Planning Commission Resolutions RS2012-214 and RS2013-17 shall not exceed \$50,000.**

**15. Employee contract renewals for Jason Swaggart and Bob Leeman.**

Mr. Ponder moved and Dr. Cummings seconded the motion to approve the Consent Agenda. (7-0-1) Mr. Gee recused himself.

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## G. PREVIOUSLY DEFERRED ITEMS

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

### No Cases on this Agenda

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## H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

### No Cases on this Agenda

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## I. RECOMMENDATIONS TO METRO COUNCIL

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

### Specific Plans

#### 1. 2013SP-020-001

##### **906 BOSCOBEL**

Map 082-16, Parcel(s) 348

Council District 06 (Peter Westerholm)

Staff Reviewer: Jason Swaggart

A request to rezone from R8 to SP-R and for final site plan for property located at 906 Boscobel Street, approximately 175 feet east of South 9th Street and located within the Edgefield Historic Preservation District (0.2 acres), to permit up to two detached residential dwelling units, requested by Daniel Fell, applicant; Damon Frazee, owner.

**Staff Recommendation: Defer Indefinitely**

**The Metropolitan Planning Commission Deferred Indefinitely 2013SP-020-001. (8-0)**

### Zone Changes

#### 2. 2012Z-028PR-001

Map 083-06, Parcel(s) 380-386

Council District 06 (Peter Westerholm)

Staff Reviewer: Duane Cuthbertson

A request to rezone from R6 to MUN-A zoning for properties located at 1916, 1918, 1920, 2000, 2002, 2004 and 2006 Eastland Avenue, opposite Scott Avenue (0.98 acres), requested by Phillip Willis, Marissa Tortora, Christopher and Julie Morris, William Morris, Amy Lynn Burch, Jeffrey and Mary Catherine Pernell, Normand Parenteau, and Ruby Cook, owners.

**Staff Recommendation: Approve**

##### **APPLICANT REQUEST**

**Zone Change from R6 to MUN-A.**

##### Zone Change

A request to rezone from One and Two-Family Residential (R6) to Mixed Use Neighborhood - Alternative (MUN-A) zoning for properties located at 1916, 1918, 1920, 2000, 2002, 2004 and 2006 Eastland Avenue, opposite Scott Avenue (1.09 acres).

### **Existing Zoning**

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes typically at an overall density of 7.71 dwelling units per acre. As the seven subject lots were all created prior to August, 1984 all of them could qualify as duplex lots. *R6 would permit a maximum of 7 lots with 7 duplex lots for a total of 14 units.*

### **Proposed Zoning**

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

### **CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Supports Infill Development

The MUN-A zoning district is a zoning district that was created to implement the Community Character policies. One primary goal of these policies is the improvement of the pedestrian realm. This district requires the placement of new buildings along street frontages and the placement of parking away from street frontages, which will strengthen the design of the street frontage to promote pedestrian activity. The MUN-A zoning district will permit a mix of uses on the property, broadening the development and reuse potential of the site.

### **EAST NASHVILLE COMMUNITY PLAN**

Neighborhood Center (NC) is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single and multi-family residential, public benefit activities and small scale office and commercial uses. 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 MUN-A zoning district is consistent with the proposed Neighborhood Center policy as it enables a variety of low intensity uses (commercial, office and residential) on the property at a neighborhood scale. The alternative zoning district is also appropriate for implementing the design principles of the Neighborhood Center policy, which encourages shallow building setbacks and a pedestrian orientation at the street level with on-site parking located behind or beside buildings.

### **ANALYSIS**

Seven parcels are included in this zone change application. Each parcel has a separate owner and contains a single-family dwelling. The properties are located on an arterial street, Eastland Avenue, on the eastern edge of an existing and developing neighborhood center. The properties separate the neighborhood center from a residential neighborhood to the south and east.

Currently, all but one of the subject parcels is utilized as a single-family dwelling. One of the properties is occupied by a non-residential use.

The MUN-A district allows for each of the residential structures to continue as single-family dwellings, or to be re-purposed as non-residential uses. Reuse of the homes for non-residential purposes would require compliance with applicable zoning standards including parking, landscaping and signage.

The MUN-A district will also allow redevelopment of the properties. Each lot could redevelop separately, or the seven lots could be consolidated into one development. Redevelopment would require compliance with all applicable zoning standards including the build-to requirement, parking behind buildings, landscaping, sidewalks and signage.

The subject properties are the only remaining single-family residential parcels located in the surrounding Neighborhood Center policy area; all other properties within this contiguous policy area have been developed or are developing as non-residential or mixed use including the Walden SP which extends west to North 18<sup>th</sup> Street.

### **PUBLIC WORKS RECOMMENDATION**

A traffic study may be required at time of development.

### **HISTORICAL COMMISSION RECOMMENDATION**

Staff of the MHZC support rezoning of these properties if a neighborhood conservation zoning overlay is also obtained, that will protect the historic character of this portion of the neighborhood.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.02	7.71D	8 U*	77	6	9

\*Based on one duplex unit

Maximum Uses in Proposed Zoning District: **MUN-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.02	0.6 F	26,658 SF	1,180	22	86

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,103	+16	+77

**SCHOOL BOARD REPORT**

Projected student generation existing **R6** district: **2** Elementary **1** Middle **1** High

Projected student generation proposed **MUN-A** district: **4** Elementary **2** Middle **1** High

The proposed MUN-A zoning district could generate 3 more students than what could be generated under the existing R6 zoning district. Students would attend Warner Elementary School, Bailey Middle School, and Stratford High School.

None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated September 2012.

**STAFF RECOMMENDATION**

Staff recommends approval of the MUN-A zoning district as it is consistent with and will implement the design principles of the Neighborhood Center policy.

Approved (7-0-1), Consent Agenda

**Resolution No. RS2013-103**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-028PR-001 is **Approved. (7-0-1)**

**The MUN-A zoning district is consistent with the land use and design intent of the Neighborhood Center policy.**

**3. 2013Z-017PR-001**

Map 103-08, Parcel(s) 143  
 Council District 24 (Jason Holleman)  
 Staff Reviewer: Jason Swaggart

A request to rezone from RS7.5 to R8 zoning for property located at 15 Westlawn Court, approximately 350 feet south of Westlawn Drive (0.19 acres), requested by Music City Development Group, applicant; John Bozarth and Susan Carlisle, owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST**

**Zone change from RS7.5 to R8.**

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two-Family Residential (R8) zoning for property located at 15 Westlawn Court, approximately 350 feet south of Westlawn Drive (0.19 acres).

**Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 1 unit.*

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 1 duplex lot for a total of 2 units.*

**CRITICAL PLANNING GOALS**

- Supports Infill Development

This zone change will permit an additional residential unit within an area already served by infrastructure and services.

**WEST NASHVILLE COMMUNITY PLAN**

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

The policy also offers additional guidance for the area in which this property is located. The policy states, “Existing two-family homes should be preserved. Additional two family homes that complement the massing, spacing and setbacks of surrounding single family homes may be considered in strategic locations (such as prominent corridors, on corner parcels and near centers), in a dispersed pattern and in a manner that does not significantly alter the overall mix of housing types.”

Consistent with Policy?

Yes. Staff finds that the proposed R8 zoning district, which would permit a two-family dwelling where one single-family dwelling is currently permitted, is consistent with the T4 NM policy of the West Nashville Community Plan. The property is on a dead-end street that contains one existing two-family unit. An additional two-family unit will permit more density at a location that will not have a negative impact on the surrounding neighborhood.

**METRO SCHOOL BOARD REPORT**

Based on data from the Metro School Board last updated September 2012, the proposed R8 zoning district will not generate additional students from what is generated by the existing RS7.5 zoning district.

**PUBLIC WORKS RECOMMENDATION**

No Exceptions Taken

Maximum Uses in Existing Zoning District: **RS7.5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.19	-	1 L	10	1	2

Maximum Uses in Proposed Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.19	3 F	2 U*	29	3	4

\*Based on one duplex unit

Traffic changes between maximum: **RS7.5 and proposed R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+1	+19	+2	+2

**STAFF RECOMMENDATION**

Staff recommends approval. The proposed R8 zoning district is consistent with the T4 Neighborhood Maintenance policy.



**Resolution No. RS2013-104**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-017PR-001 is **Approved. (7-0-1)**

**The R8 zoning district is consistent with the intent of the T4 Urban Neighborhood Maintenance policy of the West Nashville Community Plan to permit two-family dwellings in strategic locations.**

**4. 2013Z-018PR-001**

BL2013-474 \ WESTERHOLM  
Map 093-07, Parcel(s) 033, 047  
Council District 06 (Peter Westerholm)  
Staff Reviewer: Duane Cuthbertson

A request to rezone from IG to MUI-A zoning for properties located at 400 Davidson Street, at the southwest corner of the intersection of Davidson Street and I-24 and located within the Floodplain Overlay District (10.37 acres), requested by Jones, Hawkins & Farmer, PLC, applicant; Nashville Storage Center, LLC, owner.

**Staff Recommendation: Approve**

**APPLICANT REQUEST**

**Zone change from IG to MUI-A.**

Zone Change

A request to rezone from Industrial General (IG) to Mixed Use Intensive – Alternative (MUI-A) zoning for properties located at 400 Davidson Street and I-24 and located within the Floodplain Overlay District (10.37 acres).

**Existing Zoning**

Industrial General (IG) is intended for a wide range of intensive manufacturing uses.

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

The MUI-A zoning district is a zoning district that was created to implement the Community Character policies. One primary goal of these policies is the improvement of the pedestrian realm. This district requires the placement of new buildings along street frontages and the placement of parking away from street frontages, which will strengthen the design of the street frontage to promote pedestrian activity. The MUI-A zoning district permits a range of housing types, including higher density housing.

**DOWNTOWN COMMUNITY PLAN**

**Detailed Policy**

Mixed Use (MxU) is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

**Structure Plan Policy**

Downtown Neighborhood (DN) policy applies to those parts of Downtown where intense, mixed use development that includes a significant residential component is desired. The development should be created at a scale less intense than the Downtown Core. Downtown Neighborhood policy is only used in the *Downtown Community Plan: 2007 Update* in many of the seventeen Downtown neighborhoods. Each neighborhood has its own unique character and intended development pattern, which are further defined in each neighborhood’s Building Regulating Plan, found in the *Downtown Community Plan: 2007 Update*.

The Downtown Community Plan provides a long term vision for the downtown area including the East Bank South neighborhood containing the subject site. While the surrounding area is currently characterized by moderate to heavy industrial uses and zoned accordingly the Downtown Community Plan envisions a future characterized by intense mixed use development including a heavy residential component. The Community Plan intends to guide the future use of land within Downtown.

The 2007 Downtown Community Plan initially indicates a Water designation with flanking Parks, Reserves and Other Open Space designation over the eastern two-thirds of the subject property. The policy was intended to accommodate a proposed Riverfront Redevelopment Canal flanked by greenways through the East Bank. The Community Plan provides an alternate policy of Mixed Use in the event that organization and funding for the planned canal has not been established. As organization and funding for the canal has not been established for the East Bank the policy for the property is Mixed Use.

**Consistent with Policy?**

Yes, the proposed MUI-A district is consistent with the Mixed Use in Downtown Neighborhood policy. The proposed MUI-A district enables a broad mixture of uses including high density residential and intense commercial. The proposed zoning district allows for a building with a vertical composition with commercial uses located at the street level with multiple levels of office or residential uses on upper floors.

The MUI-A is also an appropriate district for implementing the design principles of the Mixed Use in Downtown Neighborhood policy, which encourages shallow building setbacks and a pedestrian orientation at the street level with on-site parking located behind or beside buildings.

**ANALYSIS**

A large scale warehouse building occupies the majority of the subject property. The site is surrounded by industrial land uses property to the north and west. Interstate 24 forms the site's east boundary and the Cumberland River forms the southern boundary.

The existing warehouse building can be re-purposed for uses permitted in the MUI-A district. However, because the building on the site is located within the floodplain, if it is improved by more than 50% of its current value or expanded beyond 25% of its current size, the building and improvements will have to comply with stormwater requirements for minimum elevation above the floodplain. Complete redevelopment of the site would require compliance with all Metro Stormwater requirements.

The zoning code contains a requirement to preserve fifty percent of the natural floodplain area undisturbed and in its original, natural state, however, the code exempts property that is already developed as well as property zoned both IG and MUI-A. Those properties do remain subject to Stormwater management requirements upon (re)development.

**PUBLIC WORKS RECOMMENDATION**

Traffic study may be required at time of (re)development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Heavy Manufacturing (120)	7.87	0.6 F	205,690 SF	309	106	141

**Maximum Uses in Proposed Zoning District: MUI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	7.87	5 F	1,714,086 SF	11,895	1,822	1,999

**Traffic changes between maximum: IG and proposed MUI-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+11,586	+1,716	+1,858

**SCHOOL BOARD REPORT**

**Projected student generation existing IG district: 0 Elementary 0 Middle 0 High**

**Projected student generation proposed MUI-A district: 7 Elementary 5 Middle 7 High**

The proposed MUI-A zoning district could generate 19 more students than what could be generated under the existing IG zoning district. Students would attend Glenn Elementary School, Baxter Middle School, and Maplewood High School.

None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated September 2012.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the MUI-A zoning district as it is consistent with and will positively implement the design principles of the Mixed Use in Downtown Neighborhood policy.

Approved (7-0-1), Consent Agenda

#### **Resolution No. RS2013-105**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-018PR-001 is **Approved. (7-0-1)**

**The MUI-A zoning district is consistent with the land use and design intent of the Mixed Use in Downtown Neighborhood policy.**

#### **5. 2013Z-019PR-001**

Map 091-06, Parcel(s) 305  
Council District 20 (Buddy Baker)  
Staff Reviewer: Greg Johnson

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

**Staff Recommendation: Approve**

**The Metropolitan Planning Commission Deferred 2013Z-019PR-001 to the July 25, 2013, Planning Commission meeting. (8-0)**

#### **6. 2013Z-020PR-001**

Map 070-16, Parcel(s) 039  
Council District 02 (Frank R. Harrison)  
Staff Reviewer: Greg Johnson

A request to rezone from IWD to MUL zoning for property located at 270 Venture Circle, approximately 420 feet east of Athens Way (2.17 acres), requested by Minesh Deva, applicant; SEV Metrocenter IV, LLC, owner.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST**

**Zone change from IWD to MUL.**

#### Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Mixed Use Limited (MUL) zoning for property located at 270 Venture Circle, approximately 420 feet east of Athens Way (2.17 acres).

#### **Existing Zoning**

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

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

- Supports Infill Development
- Provides a Range of Housing Choices

The proposed MUL zoning district will allow for the reuse of an existing site for commercial, including a hotel, and/or residential land uses. Use of the site for residential development would support existing development by placing residents in proximity to potential jobs in an existing employment center.

#### **NORTH NASHVILLE COMMUNITY PLAN**

District-Office Concentration (D-OC) policy is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities as characterized by development patterns, building form, land use, and associated public realm.

Consistent with Policy?

Yes. The D-OC policy recommends the transition of this portion of Metro Center from light industrial uses to office uses with a mixture of commercial and residential uses. The proposed MUL zoning district would implement this recommendation by permitting the uses intended by the North Nashville Community Plan.

**PUBLIC WORKS RECOMMENDATION**

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
General Office (710)	2.17	0.8 F	75,620 SF	1,076	150	164

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	2.17	1.0 F	94,525 SF	7,828	187	541

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6,752	+37	+377

**SCHOOL BOARD REPORT**

Projected student generation existing **IWD** district: **0** Elementary **0** Middle **0** High  
Projected student generation proposed **MUL** district: **2** Elementary **1** Middle **1** High

The proposed MUL zoning district could generate 4 more students than what could be generated under the existing IWD zoning district. Students would attend Buena Vista Elementary School, John Early Middle School, and Pearl-Cohn High School.

John Early Middle School has been identified as over capacity. There is capacity within the cluster for middle school students. This information is based upon data from the school board last updated September 2012.

**STAFF RECOMMENDATION**

Staff recommends approval of this request. The MUL zoning district is compatible with the District-Office Concentration policy.

Mr. Johnson presented the staff recommendation of approval.

Nancy Miller, on behalf of applicant, spoke in support of staff recommendation of approval and stated that this does support the vision of the planning commission.

Randy Lagasse, 160 Athens Way, spoke in opposition to the application noting and stated that a residential component for this area is not appropriate due to safety concerns.

Nancy Miller pointed out that this will be a very small hotel, well lit, and geared more toward business people.

Mr. Adkins abstained.

**Dr. Cummings moved and Mr. Dalton seconded the motion to close the Public Hearing. (7-0-1)**

Ms. LeQuire inquired and Mr. Johnson clarified that the intent of the community plan is to have more of a mixed use in this area.

Mr. Dalton inquired if there are any other hotels in this area that fall under this zoning.

Mr. Johnson stated that he is not aware of any other hotels other than the ones on Rosa Parks Blvd.

Mr. Gee stated that while appreciative of the adjacent property owner's concerns, perhaps this project will deter crime and people will be less spooked.

Mr. Ponder spoke in support of the application.

Councilmember Claiborne spoke in support of the application.

**Dr. Cummings moved and Mr. Dalton seconded the motion to approve. (7-0-1) Mr. Adkins abstained.**

**Resolution No. RS2013-106**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-020PR-001 is **Approved. (7-0-1)**

**The MUL zoning district permits land uses consistent with the District-Office Concentration policy of the North Nashville Community Plan.**

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## **7. 2013Z-021PR-001**

BL2013-472 \ HUNT

Map 049, Part of Parcel(s) 326

Council District 03 (Walter Hunt)

Staff Reviewer: Amy Diaz-Barriga

A request to rezone from R10 to IWD zoning a portion of property located at 3301 Knight Drive, at the northwest corner of the intersection of Briley Parkway and Interstate 24 (16.22 acres), requested by Ragan Smith Associates, applicant; CalEast Nat, LLC, owner.

**Staff Recommendation: Approve**

### **APPLICANT REQUEST**

**Zone change from R10 to IWD.**

#### Zone Change

A request to rezone from One and Two-Family Residential (R10) to Industrial Warehousing/Distribution (IWD) zoning a portion of property located at 3301 Knight Drive, at the northwest corner of the intersection of Briley Parkway and Interstate 24 (16.22 acres).

#### **Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 75 lots with 18 duplex lots for a total of 93 units.*

#### **Proposed Zoning**

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

#### **CRITICAL PLANNING GOALS**

N/A

#### **BORDEAUX – WHITES CREEK COMMUNITY PLAN**

Industrial (IN) is dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

#### Consistent with Policy?

Yes, the proposed IWD district is consistent with IN policy. The property associated with the zone change is part of a larger parcel that has a distribution center as its current use. This larger parcel has both IWD and R10 zoning, and the entire parcel is encompassed by IN policy. Changing the R10 zoned area of the parcel to IWD will make the parcel consistent with the IN policy.

IN policy outlines that mixed-use and permanent residential activities are not appropriate in IN areas. Also, the proximity of this property to the Briley Parkway and I-24 interchange make it an undesirable location for residential lots. The level of traffic at this interchange creates a large amount of noise. Because this is part of a parcel that can only be accessed through an existing industrial development, and because of the large buffer requirement, a site plan was not required.

**ANALYSIS**

The applicant has indicated that this rezoning is to permit additional parking for the existing FedEx facility. Although the site is zoned R10 and is part of a larger R10 district, the site is land-locked and must use the existing access of the distribution center. The property has a single entrance drive off of Knight Drive, which is a two lane road. There are residential lots adjacent to this access point. The property can access Briley Parkway by traveling south on Knight Drive to the intersection of Whites Creek Pike. At this intersection, Knight Drive has dedicated lanes for turning left and right. Whites Creek Pike then travels northwest to a Briley Parkway on/off ramp. The uses along this route are a quarry, another distribution warehouse, and undeveloped land. The property cannot access Briley Parkway by traveling north on Knight Drive, because the Green Lane (the road connecting Knight Drive to Whites Creek Pike) has a truck traffic restriction.

By changing the zoning district to IWD, a class D buffer would be required between the adjacent R10 property and this property, per chapter 17.24.230 of the Zoning Code. A class D buffer ranges between 30 feet to 50 feet in width depending on the density of landscaping installed within the buffer.

**PUBLIC WORKS RECOMMENDATION**

- Traffic study may be required at time of development. Currently Green Lane has a traffic restriction prohibiting large trucks, and signs are posted at the intersections of Whites Creek Pike and Knight Drive.

Maximum Uses in Existing Zoning District: **R10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	16.22	4.63 D	93U	789	62	81

\*Based on 18 duplex unit

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehouse (150)	16.22	0.8F	27,878 SF	139	34	24

Traffic changes between maximum: **R10** and proposed **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-650	-28	-57

**SCHOOL BOARD REPORT**

As residential development is not permitted in IWD zoning districts, this zone change does not project any increase in student enrollment in the Metro School system. The existing zoning generates 10 students for Alex Green Elementary, 8 students for Brick Church Middle School, and 9 students for Whites Creek High School. Alex Green Elementary is considered full, and the current zoning adds to the problem of overcrowding. Rezoning the property reduces the student loads on area schools.

**STAFF RECOMMENDATION**

Staff recommends approval of the zone change. The request is consistent with the Industrial (IN) land use policy and is reflective of the current land use established on the larger parcel.

Approved (7-0-1), Consent Agenda

**Resolution No. RS2013-107**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-021PR-001 is **Approved. (7-0-1)**

**The IWD zoning district is consistent with the Industrial policy and is reflective of the current land use already established on the parcel.**

## 8. 2013Z-022PR-001

Map 091-16, Parcel(s) 373  
Council District 24 (Jason Holleman)  
Staff Reviewer: Greg Johnson

A request to rezone from IR to MUL-A zoning for property located at 4111 Charlotte Avenue, at the southeast corner of Charlotte Avenue and 42nd Avenue North (0.81 acres), requested by Commercial Realty Services, applicant; Walnut Street Partners and DBL, owners.

**Staff Recommendation: Approve**

### APPLICANT REQUEST

**Zone change from IR to MUL-A.**

#### Zone Change

A request to rezone from IR to MUL-A zoning for property located at 4111 Charlotte Avenue, at the southeast corner of Charlotte Avenue and 42nd Avenue North (0.81 acres).

#### **Existing Zoning**

Industrial Restrictive (IR) is 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.

#### **CRITICAL PLANNING GOALS**

- Provides a Range of Housing Choices
- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods
- Promotes Compact Building Design

Residential and compatible non-residential uses are permitted under MUL-A zoning district. These uses along a mixed use corridor can create origins and destinations for a variety of transportation options. The form-based aspects of the MUL-A district will require pedestrian-friendly and compact redevelopment.

#### **WEST NASHVILLE COMMUNITY PLAN**

T4 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 West Nashville Community Plan envisions Charlotte Pike as a mixed use corridor. This zone change to a mixed use district from an industrial district is a step toward that vision. The MUL-A zoning district is consistent with the T4 Mixed Use Corridor policy in terms of land uses and building form. MUL-A will permit residential and non-residential uses consistent with the West Nashville Community Plan. Redevelopment of the site under MUL-A zoning will require a pedestrian-friendly design with buildings placed along the Charlotte Pike street frontage and parking lots placed away from the corridor.

#### **ANALYSIS**

MUL-A zoning permits single-family and multi-family residential uses and non-residential uses that are generally compatible with residential development. These non-residential uses include office, educational, medical and commercial uses where the services or display areas generally occur inside of a building. Industrial uses that are currently permitted under the IR zoning district are not permitted in the MUL-A district.

The MUL-A district requires build-to zones of 5-15 feet along street frontages. Redevelopment of this site would be required to build within this zone. The MUL-A district, with its 1.0 FAR, permits slightly greater building intensity versus the IR district, which has an FAR of 0.60. MUL-A would permit a maximum building height of four stories, which is consistent with the West Nashville Community Plan for this portion of the Charlotte Pike frontage.

#### **PUBLIC WORKS RECOMMENDATION**

Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Auto Repair (942)	0.81	0.6 F	21,170 SF	NA	63	67

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (814)	0.81	1 F	35,283 SF	1,548	27	107

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	NA	-36	+40

**SCHOOL BOARD REPORT**

Projected student generation existing **IR** district: **0** Elementary **0** Middle **0** High

Projected student generation proposed **MUL-A** district: **4** Elementary **3** Middle **2** High

The proposed MUL-A zoning district could generate 9 more students than what is generated under the existing IG zoning district. Students would attend Sylvan Park Elementary School, West End Middle School, and Hillsboro High School. West End Middle School has been identified as over capacity. There is capacity within the cluster for middle school students. This information is based upon data from the school board last updated September 2012.

**STAFF RECOMMENDATION**

Staff recommends approval. The requested MUL-A district is consistent with the T4 Urban Mixed Use Corridor policy.

Approved (7-0-1), Consent Agenda

**Resolution No. RS2013-108**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-022PR-001 is **Approved. (7-0-1)**

**The MUL-A zoning district is consistent with the land use and design intent of the T4 Urban Mixed Use Corridor policy.**

**J. PLANNING COMMISSION ACTIONS**

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

**Subdivision: Regulations Amendments**

**9. 2013S-001R-001**

**SUBDIVISION REGULATIONS AMENDMENT**

Staff Reviewer: Carrie Logan

A request to amend Section 6-1 (Improvements and Performance Bond) of the Subdivision Regulations of Nashville-Davidson County adopted on March 9, 2006, and last amended on May 26, 2011.

**Staff Recommendation: Approve**

**APPLICANT REQUEST**

**Amend the Subdivision Regulations**



## Amendment to the Subdivision Regulations

A request to amend Section 6-1 (Improvements and Performance Bond) of the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on May 26, 2011.

### **AUTHORITY**

Both the Metro Charter and Tennessee state law authorize the Commission to adopt subdivision regulations. These regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity."

### **PURPOSE**

The current Subdivision Regulations were adopted in March 2006 and included the acceptance of performance bonds in lieu of the completion of infrastructure prior to final plat recordation. Chapter 6 was amended in January 2010 to add the acceptance of assessments in lieu of the completion of infrastructure prior to final plat recordation.

However, T.C.A. 13-4-303(b) allows Metro to accept performance bonds, assessments *or other methods* in lieu of the completion of infrastructure prior to final plat recordation. This amendment to the Subdivision Regulations is housekeeping in nature to match the language from Tennessee Code Annotated.

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### **PROPOSED AMENDMENTS**

#### **6-1 Improvements and Performance Bond**

1. *Performance Bond.* The applicant shall complete and dedicate all public improvements prior to the final subdivision plat approval. The Executive Director may provide that, in lieu of the completion of such work previous to the final approval of a plat: as an alternative,

a. the applicant may post a bond ~~and/or request an assessment~~ in an amount stipulated by the Executive Director as sufficient to secure the satisfactory construction, installation, and dedication of the required improvements. Such performance bond ~~and/or assessment~~ shall comply with all statutory requirements and shall be satisfactory to the Metropolitan Attorney as to form, sufficiency, and manner of execution as set forth in these regulations. ~~And /or~~

b. an assessment or other method may be established whereby the municipality is put in assured position to do the work and make the installations at the cost of the owners of the property within the subdivision. Such assessment or other method shall comply with all statutory requirements and shall be satisfactory to the Metropolitan Attorney as to form, sufficiency, and manner of execution as set forth in these regulations.

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### **PUBLIC OUTREACH**

Because this amendment provides flexibility and matches language provided in Tennessee Code Annotated, a community meeting was not held. Details of proposed amendments to the Subdivision Regulations were first included in the May 9, 2013, *Development Dispatch*. Included was the link to the Subdivision Amendment page on the Planning Department website. The *Development Dispatch* is sent, via email, to 593 addresses on the Neighborhood Contact list, 621 addresses on the Development Professionals list and 1046 addresses from various community lists maintained by the Planning Department. It was also included in the *Development Dispatch* on May 13, May 20 and May 24.

As required by State law, a notice was placed in the Tennessean on May 13, 2013, advertising the June 13, 2013, Planning Commission consideration of the proposed amendment.

Public Notice of this amendment was also placed on the Planning Department Website on May 13, 2013.

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### **STAFF RECOMMENDATION**

Staff recommends approval and further recommends that the amendments become effective on June 17, 2013.

Approved (7-0-1), Consent Agenda

#### **Resolution No. RS2013-109**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-001R-001 is **Approved. (7-0-1)**"

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# Planned Unit Developments: Final Site Plans

## 10. 2004P-036-002

### NASHVILLE WEST

Map 102, Parcel(s) 098

Council District 20 (Buddy Baker)

Staff Reviewer: Amy Diaz-Barriga

A request to revise the preliminary plan and for final site plan approval for a portion of the Nashville West Commercial Planned Unit Development Overlay District on property located at 6702 Charlotte Pike, opposite Brook Hollow Road (3.09 acres), zoned SCR, to permit 12,775 square feet of retail and restaurant use where 12,000 square feet of retail and restaurant use was previously approved, requested by Littlejohn Engineering Associates, applicant; Nashville West Shopping Center, LLC, owner.

**Staff Recommendation: Approve with conditions**

### APPLICANT REQUEST

**PUD revision and final site plan for retail and restaurant use.**

#### Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Nashville West Commercial Planned Unit Development Overlay District on property located at 6702 Charlotte Pike, opposite Brook Hollow Road (3.09 acres), zoned Shopping Center Regional (SCR), to permit 12,775 square feet of retail and restaurant use where 12,000 square feet of retail and restaurant use was previously approved.

### Existing Zoning

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

### CRITICAL PLANNING GOALS

N/A

### PLAN DETAILS

This is a request to revise the preliminary plan and for final site plan approval for parcel 98 of the Nashville West Planned Unit Development. The development is located on the west side of Charlotte Pike near the Charlotte Pike interchange with Interstate 40. While this parcel has not yet been developed, the majority of the Nashville West PUD has been developed.

The original plan was approved by Council in 2005 (BL2005-623) for 474,484 square feet of retail, restaurant, and office space, and 24 residential units. Council approved an amendment to the original plan in 2009 (BL2009-392), which included 527,458 square feet of retail, restaurant, and office space and eliminated the 24 residential units. The current request would increase the square footage of retail and restaurant space for parcel 98 by 775 square feet. Because this is a relatively small increase in square footage within the overall PUD, and because it would not exceed the overall permitted PUD square footage by more than 10 percent from the last Council approved plan, it is considered a revision and will not require Council approval.

### ANALYSIS

Staff recommends approval with conditions of the request because it is consistent with the last Council approved plan. The plan provides additional parking, per the parking requirements set forth in the Council approved PUD, for the increase in square footage. The parking layout has been slightly revised to accommodate the additional spaces.

Further, landscaping is increased along sections of the parking area to screen parking that has moved closer to Charlotte Pike. The revisions to the parking lot also provide pedestrian connections throughout the parcel, which was not provided in the previous plan for this site. The stone wall along Charlotte will also be extended to the eastern property line as part of this revision.

### FIRE MARSHAL RECOMMENDATION

Approved

- This building may require fire sprinklers. That requirement will be addressed at permitting.

### STORMWATER RECOMMENDATION

Approve with conditions

- Provide the Grading Permit fee of \$1390.
- Provide NOC.
- For the Pipe Table to plans, change C1 – B1 to C2 – B1.

### 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.

## STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary PUD revision and final site plan. The preliminary and final plans are consistent with the preliminary plan last approved by Council.

## CONDITIONS

1. The corrected copy of the preliminary and final site plan shall include all conditions of Stormwater, including provide the grading permit fee of \$1390, provide NOC, and for the Pipe Table to plans, change C1 – B1 to C2 – B1.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require re-approval by the Planning Commission and/or Metro Council.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (7-0-1), Consent Agenda

### **Resolution No. RS2013-110**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-036-002 is **Approved with conditions. (7-0-1)**

## CONDITIONS

1. **The corrected copy of the preliminary and final site plan shall include all conditions of Stormwater, including provide the grading permit fee of \$1390, provide NOC, and for the Pipe Table to plans, change C1 – B1 to C2 – B1.**
2. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.**
3. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.**
4. **This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
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. **Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.**
7. **The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require re-approval by the Planning Commission and/or Metro Council.**

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

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## **Subdivision: Final Plats**

### **11. 2003S-267U-07**

#### **WESTLAND SQUARE**

Map 103-02-0-D, Parcel(s) 001-008, 012-014 Map 103-02-0-E, Parcel(s) 001-002, 900

Map 103-02-0-F, Parcel(s) 001-002, 900

Map 103-02-0-G, Parcel(s) 001-002, 900

Council District 20 (Buddy Baker)

Staff Reviewer: Duane Cuthbertson

A request to accept the remaining bond amount to construct public sidewalks on the northern side of Maudina Avenue in the Westland Square Subdivision at a future time, for properties located at 5725, 5729, 5733, 5737, 5741, 5745, 5749, 5753, 5757, 5759, 5761, 5763, 5765, 5767, 5769, 5773 Maudina Avenue, (2.99 acres) zoned One and Two-Family Residential (R6).

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST**

**Accept the remaining bond amount for future sidewalks.**

#### Subdivision Amendment

A request to accept the remaining bond amount to construct public sidewalks on the northern side of Maudina Avenue in the Westland Square Subdivision at a future time, for properties located at 5725, 5729, 5733, 5737, 5741, 5745, 5749, 5753, 5757, 5759, 5761, 5763, 5765, 5767, 5769, 5773 Maudina Avenue, (2.99 acres) zoned One and Two-Family Residential (R6).

#### **Existing Zoning**

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

#### **CRITICAL PLANNING GOALS**

N/A

#### **REQUEST DETAILS**

The preliminary plat was approved by the Planning Commission in February 2002. In February 2008, the final plat was recorded showing a 'proposed walk' on the north and south sides of Maudina Avenue. The applicant/owner submitted a performance bond and it was posted and secured by a letter of credit in March 2007, for all infrastructure related to the subdivision, including all sidewalks.

By signing the plat and posting the bond, the developer made a commitment to construct public sidewalks on both sides of Maudina Avenue in this subdivision. The sidewalk on the south side of Maudina Avenue is entirely in place. No sidewalk was constructed on the north side of Maudina Avenue.

Since the sidewalk on the north side of Maudina Avenue (and other infrastructure) was not constructed prior to the date required on the performance agreement, the performance bond was called and collected. Public Works assumed responsibility for finishing the public infrastructure. While all other public infrastructure associated with the subdivision has been completed, construction of a sidewalk on the north side of Maudina Avenue has been determined by Public Works to be cost prohibitive and unfeasible at this time given the grading established by the developer, the space between the curb and the lot boundary, and the funds that are currently available. The remaining bond funds of \$26,208.03 will not cover the cost to construct a standard sidewalk on the north side of Maudina Avenue. Public Works has recommended transferring the remaining funds to the sidewalk fund to construct sidewalks at this location in the future.

#### **STORMWATER RECOMMENDATION**

Approved

#### **WATER SERVICES RECOMMENDATION**

Approved

#### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken

**STAFF RECOMMENDATION**

Staff recommends approval to accept the remaining bond amount to construct public sidewalks on the northern side of Maudina Avenue in the Westland Square Subdivision at a future time.

**Resolution No. RS2013-111**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2003S-267U-07 is **Approved. (7-0-1)**”

**DTC Modification Appeal**

**12. 2013DT-001-001**

**SAMBUCA (DTC MODIFICATION)**

Map 093-13, Parcel(s) 104  
Council District 19 (Erica S. Gilmore)  
Staff Reviewer: Joni Priest

A request to appeal the denial of a modification to the Downtown Code Signage Regulations to allow for a portion of a sign for 'Sambuca' to be located above the eave line for property located at 1209 Pine Street, requested by Joslin Sign Company, applicant.

**Staff Recommendation: Defer Indefinitely**

**The Metropolitan Planning Commission Deferred Indefinitely 2013DT-001-001. (8-0)**

**L. OTHER BUSINESS**

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

**Staff Recommendation: Defer Indefinitely**

**The Metropolitan Planning Commission Deferred Indefinitely contract amendment No. 2 between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC. (7-0)**

14. Resolution authorizing the expenditure of up to \$15,000 from the Advance Planning and Research Fund to the Greater Nashville Association of Realtors to match a Smart Growth grant from the National Association of Realtors for necessary research associated with the Nashville-Davidson County General Plan. The research will involve the utilization of the Georgia Tech School of Architecture to develop intervention strategies associated with the retrofit of suburban development patterns in several specified areas of Davidson County. The total of this authorization and the total committed in Planning Commission Resolutions RS2012-214 and RS2013-17 shall not exceed \$50,000.

**Staff Recommendation: Approve**

**Resolution No. RS2013-112**

“BE IT RESOLVED by The Metropolitan Planning Commission that the resolution authorizing the expenditure of up to \$15,000 from the Advance Planning and Research Fund to the Greater Nashville Association of Realtors to match a Smart Growth grant from the National Association of Realtors for necessary research associated with the Nashville-Davidson County General Plan, and the research will involve the utilization of the Georgia Tech School of Architecture to develop intervention strategies associated with the retrofit of suburban development patterns in several specified areas of Davidson County. The total of this authorization and the total committed in Planning Commission Resolutions RS2012-214 and RS2013-17 shall not exceed \$50,000. This resolution is **Approved. (7-0-1)**”

15. Employee contract renewals for Jason Swaggart and Bob Leeman.  
**Staff Recommendation: Approve**

**Resolution No. RS2013-113**

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewals for Jason Swaggart and Bob Leeman are **Approved. (7-0-1)**

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

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**M. MPC CALENDAR OF UPCOMING MATTERS**

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**June 26, 2013**

American Planning Association web-based seminar – 2013 Planning Law Review

3pm to 4:30pm, 800 Second Ave. South, 2<sup>nd</sup> Floor, Metro Office Building, Nashville Conference Room

**June 27, 2013**

MPC Meeting

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

**July 25, 2013**

MPC Meeting

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

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**N. ADJOURNMENT**

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The meeting adjourned at 4:42 p.m.

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Chairman

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Secretary