



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, June 14, 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
Judy Cummings
Derrick Dalton
Phil Ponder
Greg Adkins
Jeff Haynes
Andree LeQuire

Staff Present:

Ann Hammond, Planning Director
Kelly Adams, Administrative Services Officer III
Bob Leeman, Planning Manager II
Jennifer Regen, Development Relations Manager
Brenda Bernards, Planner III
Craig Owensby, Public Information Officer
Kathryn Withers, Planner III
Anita McCaig, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Brian Sexton, Planner I
David Edwards, Development Finance Officer
Susan Jones, Legal

Commissioners Absent: Councilman Phil Claiborne

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County

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

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

Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:04 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Dr. Cummings seconded the motion to adopt the agenda. (9-0)

C. APPROVAL OF MAY 24, 2012 MINUTES

Dr. Cummings moved and Mr. Ponder seconded the motion to adopt the May 24, 2012 minutes. (9-0)

D. RECOGNITION OF COUNCILMEMBERS

Council Lady Johnson spoke in support of Consent Agenda Item 8.

Councilmember Mitchell spoke in support of Item 10 and Item 11b.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

4. 2012Z-004TX-001

SIGN CONSISTENCY TEXT AMENDMENT

7. 2012Z-009TX-001

BOAT STORAGE

14. 2012S-062-001

MADISON CHURCH OF CHRIST

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

F. CONSENT AGENDA

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.

6. 2011Z-007TX-002

ALTERNATIVE ZONING DISTRICTS AMENDMENT

8. 2012Z-010TX-001

ON-SITE AGRICULTURAL SALES

9. 2012Z-012TX-001

HISTORIC ZONING COMMISSION MEMBERSHIP

11a. 96P-016-001

WESTWOOD TRACE

11b. 2012SP-013-001

STEPHENS VILLAGE - WEST

12a. 2012Z-014PR-001
PRESIDENTS RESERVE AT BRENTWOOD

12b. 2004P-021-001
PRESIDENTS RESERVE AT BRENTWOOD

13. 2008S-036-001
SUMMIT HILLS, 1ST REV

15. Resolution authorizing the expenditure of up to an additional \$5,000 from the Advance Planning and Research Fund to the Nashville Area MPO to obtain specialized consultant expertise to develop and implement community surveying for the Nashville-Davidson County General Plan Update. The purpose is to ensure all Metro Council and Planning Commission members are surveyed as part of the General Plan process.

Ms. LeQuire moved and Mr. Clifton seconded the motion to approve the Consent Agenda. (9-0)

G. PREVIOUSLY DEFERRED ITEMS

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

Subdivision: Final Plats

1. 2011S-046-002
FAIRLANE PARK, RESUB LOT 264, REV 1
Map 148-13, Parcel(s) 158
Council District 30 (Jason Potts)
Staff Reviewer: Greg Johnson

A request for plat revision including a sidewalk variance along a portion of Fairlane Drive and Packard Drive bordering 301 Fairlane Drive, at the southwest corner of Fairlane Drive and Packard Drive, for a final plat previously approved by the Planning Commission on July 28, 2011 for three lots, and where the plat has not yet been recorded (0.96 acres), zoned R10, requested by Thomas Mattingly and Jerry Thurman, owners, Delle Land Surveying, surveyor.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST

Variance to the Subdivision Regulations for sidewalk requirements

Final Plat Revision

A request for plat revision including a sidewalk variance along a portion of Fairlane Drive and Packard Drive bordering 301 Fairlane Drive, at the southwest corner of Fairlane Drive and Packard Drive, for a final plat previously approved by the Planning Commission on July 28, 2011 for three lots, and where the plat has not yet been recorded (0.96 acres), zoned One and Two Family Residential (R10).

Existing Zoning

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.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The request is for a plat revision, including a sidewalk variance, to remove the sidewalks shown on the approved, but not

yet recorded, subdivision for Fairlane Park, Lot 264. Except for the requested variance to the Subdivision Regulations, the three-lot subdivision was approved by the Planning Commission on July 28, 2011. That approval is valid until July 28, 2012. With the resubmission of this application, the applicant seeks a variance to the sidewalk standards of the Subdivision Regulations.

The subdivision was approved with approximately 275 feet of sidewalk shown along the frontages of two of the three proposed lots. At the time of the approval, that sidewalk layout complied with the standards of the Subdivision Regulations. With the current application, the applicant seeks to not only receive approval of the subdivision without sidewalks, but also without meeting any of the other options for sidewalks provided within the Subdivision Regulations.

Section 3.8.2 of the Subdivision Regulations requires sidewalks on all existing streets abutting proposed subdivisions within the Urban Services District (USD). The applicant requests a variance to this requirement, citing topographical challenges for constructing sidewalks as shown on the approved subdivision plat. Requirements for sidewalks for subdivisions along existing streets have existed in the Subdivision Regulations since 2006.

For sites where sidewalk construction would prove difficult, other options are provided by the Subdivision Regulations to meet the sidewalk requirements other than the construction of sidewalks adjacent to the subdivision. A financial contribution can be made to the pedestrian network for the length of sidewalk that would be required by the subdivision. This "in lieu" contribution is made to Metro Public Works. Another option is to construct a sidewalk where there is an existing sidewalk network. There are streets near to the proposed subdivision that would allow for relatively inexpensive sidewalk construction. For sites with challenging topography, these sidewalk contribution and off-site construction options can provide less expensive alternatives to the construction of sidewalks on a challenging site.

In the review of a variance to the Subdivision Regulations, the Planning Commission must make the following findings in order to grant approval:

1. 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.
2. 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.
3. Because of the particular physical surroundings, 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.
4. 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).

The applicant has not provided sufficient information to demonstrate that the requested variance would meet the findings shown above. The required findings that are based on site-specific characteristics are not applicable to the requested variance because other sidewalk options, such as a financial contribution or off-site construction, are available.

ANALYSIS

The proposed subdivision is located to the east of Nolensville Road within a single-family neighborhood that was developed without sidewalks. The closest sidewalks to the site are approximately a half mile to the south on Tusculum Road to the south and two-thirds of a mile to the west on Nolensville Road. Because of the lack of sidewalks in the immediate area, the slope of the site, and the existing stormwater infrastructure along the property boundaries, staff agrees that a sidewalk along the frontage of the property is not necessarily the best option. However, the Subdivision Regulations allow for alternatives for these situations where construction of sidewalk is necessary in the vicinity of a subdivision, but may not be appropriate on the subdivision itself. This surrounding area, including the proposed subdivision, lies within a sidewalk priority area. Additional sidewalks are needed in the vicinity, especially surrounding Cole Elementary to the east and Shwab Elementary to the west.

This application requests a variance from not only the construction of sidewalks adjacent to the approved subdivision, but also from all responsibility for sidewalks as defined by the Subdivision Regulations.

The Subdivision Regulations permit two alternatives to sidewalk construction, including:

- an "in lieu" contribution to a sidewalk fund coordinated by Metro Public Works
- the construction of sidewalks within an existing sidewalk network.

These other options allow subdivision applicants to construct or contribute to the construction of sidewalks within the same area as the subdivision where a sidewalk might contribute more quickly to an existing sidewalk network.

PUBLIC WORKS RECOMMENDATION

No exception taken

STORMWATER RECOMMENDATION

Add correct subdivision number to plat (2011S-046-002).

STAFF RECOMMENDATION

Staff recommends disapproval of the variance request. The site-specific circumstances provided by the applicant for the variance request do not apply to the financial contribution or off-site construction options provided under the Subdivision Regulations. No unique property hardship has been identified by the applicant as to why the two options can't be accomplished.

Mr. Johnson presented the staff recommendation of disapproval.

Thomas Mattingly (applicant), 5004 Yorktown Road, spoke in support of the proposal and stated that houses won't be built if he has to build sidewalks.

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

Mr. Adkins stated that the existing policy is to show that there should be an emphasis on sidewalks. Sidewalk regulations are a priority.

Mr. Dalton stated support of staff recommendation.

Mr. Clifton stated that sidewalks are a priority, there are various other options offered, and this has been in the Subdivision Regulations since 2006. Mr. Clifton also expressed concern with setting a precedent.

Mr. Gee stated that perhaps staff could look at the Subdivision Regulations for small developers and see if there are other layers of consideration that could be given in cases like this.

Dr. Cummings stated support of staff recommendation.

Mr. Ponder stated the importance of adhering to the Subdivision Regulations.

Mr. Ponder moved and Mr. Dalton seconded the motion to approve staff recommendation.

Mr. Gee stated that it might be worth looking at other cases where the MPC denied the variance from the sidewalk requirements and they were built anyway. Is this an issue that comes up regularly and is a problem with the ordinance for small developments?

Mr. Clifton agreed that this should be reviewed again and stated that this item could be deferred if there is to be a quick look at all the pros and cons having to do with a very small subdivision.

Chairman asked staff to determine an appropriate time frame to come back with a recommendation.

The Commission discussed deferral options and the applicant agreed to defer.

Mr. Ponder withdrew his motion, Mr. Dalton withdrew his second.

Mr. Ponder moved and Mr. Clifton seconded the motion to defer indefinitely and grant an extension of the final plat approval to January 28, 2013. (9-0)

Resolution No. RS2012-113

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-046-002 is DEFERRED INDEFINITELY, with an extension of the final plat approval to January 28, 2013. (9-0)”

Subdivision: Performance Bonds

2. 2007B-028-003

CAMBRIDGE FOREST, PHASE 6

Map 149-15-A, Parcel(s) 423-452

Council Districts 28 (Duane Dominy) and 32 (Jacobia Dowell)

Staff Reviewer: David Edwards

A request to extend the subdivision performance bond for one year for Cambridge Forest, Phase 6, located off of Bridgecrest Drive, zoned R15 and Residential PUD, requested by Austin Daniel, Danco Property Investments, LLC, developer.

Staff Recommendation: APPROVE

APPLICANT REQUEST

One year bond extension

Bond Extension

A request to extend the subdivision performance bond for one year for Cambridge Forest, Phase 6, located off of Bridgecrest Drive, zoned One and Two Family Residential (R15).

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The final plat for Cambridge Forest, Phase 6 was recorded on April 30, 2007 and created 26 single-family lots. Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by Public Works, Stormwater, and Water Services (hereinafter "the reviewing departments"). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing departments will determine a bond amount based on the approved construction plans. The developer will then post a bond prior to recording the final plat.

The bond is comprised of two parts:

- 1) The performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and
- 2) The security in the form of a Letter of Credit, cashier's check, or surety bond.

The bond insures that the infrastructure will be completed.

In this case, the bond was approved on April 13, 2007 and is secured with a Letter of Credit. The Performance Agreement breach date for this bond was April 15, 2012. The current Letter of Credit expires six months after the Performance Agreement breach date, on October 15, 2012.

There are currently 10 houses built in Phase 6. The build-out is 38 percent. Public Works typically does not allow the final paving to be installed until the majority of the phase is built-out. This is to ensure that the roads and sidewalks do not get damaged during house construction.

ANALYSIS

Typically, the Planning Department does not call the bond unless a reviewing department has requested that the bond be called, or until a few days prior to the Letter of Credit expiration date to allow the developer the necessary time to try to complete the infrastructure or request an extension.

The reviewing departments have not indicated that they want the bond to be called due to any public health issues or safety concerns or due to the infrastructure not being completed. All departments are agreeable to the extension of the bond for one year to allow for additional houses to be built and for the developer to continue installing the public infrastructure.

In the event that the bond is called:

- The Planning Department will send a call letter, along with the Letter of Credit, to the bank stating that the bank has five business days to submit payment to the Planning Department.
- Building permit holds will be placed on all vacant lots within this phase, preventing any new houses to be built until either a new bond is posted or until the required infrastructure is completed.

- The reviewing departments will be notified when the funds have been collected, along with a breakdown of how the funds will be allocated to each department.
- The Planning Department will hold the funds until a department makes a written request for the funds to be transferred along with a statement stating that the department is either preparing to install the infrastructure or has already completed the infrastructure.
- In this case, the reviewing departments have indicated that they do not want to construct the remaining infrastructure using collected bond funds because the subdivision is not yet at a majority build-out.

If the bond is called, the development in this subdivision will halt. No additional houses can be built, as there will be holds on the building permits. Additionally, Public Works will not allow the final pavement to be installed until more houses are built. Staff recommends that the bond be extended to allow the opportunity for the remaining homes to be built and for the developer to construct the infrastructure.

PUBLIC WORKS RECOMMENDATION

Extension request approved for one year. Bond amount retained (\$89,000).

STORMWATER RECOMMENDATION

Extension request approved for one year. Bond amount retained (\$67,000).

WATER SERVICES RECOMMENDATION

Extension request approved for one year. Water bond amount (\$12,500) and sewer bond amount (\$10,500) retained.

TOTAL BOND AMOUNT: \$179,000		
<u>Dept/Agency</u>	<u>Action</u>	<u>Bond Amt.</u>
Public Works	Retained	\$89,000
Stormwater	Retained	\$67,000
Water (Metro)	Retained	\$12,500
Sewer (Metro)	Retained	\$10,500

STAFF RECOMMENDATION

Because additional houses need to be built prior to the installation of the final topcoat and sidewalks, along with the installation of stormwater, water, and sewer infrastructure items, the Planning Department recommends that the performance bond be extended for a period of one year from the current breach date of April 15, 2012, upon receipt of a new or amended Letter of Credit in the amount of \$179,000 with an expiration date of October 15, 2013 (auto-renewing), in order to allow additional houses to be built and for the developer to install additional infrastructure.

Mr. Edwards presented the staff recommendation of approval of Item 2 and Item 3.

Resolution No. RS2012-114

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007B-028-003 is APPROVED. (8-0-1) Mr. Dalton recused himself from the vote.”

- 3. 2006B-081-003**
CAMBRIDGE FOREST, PHASE 10
 Map 149-15-A, Parcel(s) 388-421
 Council District 32 (Jacobia Dowell)
 Staff Reviewer: David Edwards

A request to extend the subdivision performance bond for one year for Cambridge Forest, Phase 10, located off of Bromley Way, Wellenstein Way, and Welshcrest Court, zoned R15 and Residential PUD, requested by Austin Daniel, Danco Property Investments, LLC, developer.

Staff Recommendation: APPROVE

APPLICANT REQUEST

One year bond extension

Bond Extension

A request to extend the subdivision performance bond for one year for Cambridge Forest, Phase 10, located off of Bromley Way, Wellenstein Way, and Welshcrest Court, zoned R15.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The final plat for Cambridge Forest, Phase 10 was recorded on January 3, 2007 and created 33 single-family lots. Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by Public Works, Stormwater, and Water Services (hereinafter "the reviewing departments"). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing departments will determine a bond amount based on the approved construction plans. The developer will then post a bond prior to recording the final plat.

The bond is comprised of two parts:

- 1) The performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and
- 2) The security in the form of a Letter of Credit, cashier's check, or surety bond.

The bond insures that the infrastructure will be completed.

In this case, the bond was approved on December 4, 2006 and is secured with a Letter of Credit. The Performance Agreement breach date for this bond was April 15, 2012. The current Letter of Credit expires six months after the Performance Agreement breach date, on October 15, 2012.

There are currently nine houses built in Phase 10. The build-out is 27 percent. Public Works typically does not allow the final paving to be installed until the majority of the phase is built-out. This is to ensure that the roads and sidewalks do not get damaged during house construction.

ANALYSIS

Typically, the Planning Department does not call the bond unless a reviewing department has requested that the bond be called, or until a few days prior to the Letter of Credit expiration date to allow the developer the necessary time to try to complete the infrastructure or request an extension.

The reviewing departments have not indicated that they want the bond to be called due to any public health issues or safety concerns or due to the infrastructure not being completed. All departments are agreeable to the extension of the bond for one year to allow for additional houses to be built and for the developer to continue installing the public infrastructure.

In the event that the bond is called:

- The Planning Department will send a call letter, along with the Letter of Credit, to the bank stating that the bank has five business days to submit payment to the Planning Department.
- Building permit holds will be placed on all vacant lots within this phase, preventing any new houses to be built until either a new bond is posted or until the required infrastructure is completed.
- The reviewing departments will be notified when the funds have been collected, along with a breakdown of how the funds will be allocated to each department.
- The Planning Department will hold the funds until a department makes a written request for the funds to be transferred along with a statement stating that the department is either preparing to install the infrastructure or has already completed the infrastructure.
- In this case, the reviewing departments have indicated that they do not want to construct the remaining infrastructure using collected bond funds because the subdivision is not yet at a majority build-out.

If the bond is called, the development in this subdivision will halt. No additional houses can be built, as there will be holds on the building permits. Additionally, Public Works will not allow the final pavement to be installed until more houses are built. Staff recommends that the bond be extended to allow the opportunity for the remaining homes to be built and for the developer to construct the infrastructure.

PUBLIC WORKS RECOMMENDATION

Extension request approved for one year. Bond amount retained (\$89,000).

STORMWATER RECOMMENDATION

Extension request approved for one year. Bond amount retained (\$33,000).

WATER SERVICES RECOMMENDATION

Extension request approved. Water bond amount (\$13,000) and sewer bond amount (\$9,500) retained.

TOTAL BOND AMOUNT: \$144,500		
<u>Dept/Agency</u>	<u>Action</u>	<u>Bond Amt.</u>
Public Works	Retained	\$89,000
Stormwater	Retained	\$33,000
Water (Metro)	Retained	\$13,000
Sewer (Metro)	Retained	\$9,500

STAFF RECOMMENDATION

Because additional houses need to be built prior to the installation of the final topcoat and sidewalks, along with the installation of stormwater, water, and sewer infrastructure items, the Planning Department recommends that the performance bond be extended for a period of one year from the current breach date of April 15, 2012, upon receipt of a new or amended Letter of Credit in the amount of \$144,500 with an expiration date of October 15, 2013 (auto-renewing), in order to allow additional houses to be built and for the developer to install additional infrastructure.

Mr. Edwards presented the staff recommendation of approval of Item 2 and Item 3.

Austin Daniel, Developer, spoke in support of staff recommendation.

Nicole Weatherspoon, 1737 Bridgecrest Drive, spoke against staff recommendation and stated that they are paying taxes but not getting the services.

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

Mr. Dalton recused himself.

Mr. Adkins spoke in support of staff recommendation.

Ms. LeQuire inquired about association dues and asked if everyone contributes equally?

Mr. Daniel stated that the homeowners only pay for mowing of the common areas.

Mr. Clifton spoke in support of staff recommendation.

Mr. Ponder moved and Dr. Cummings seconded the motion to approve staff recommendation of Item 2 and Item 3. (8-0-1) Mr. Dalton recused himself.

Resolution No. RS2012-115

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006B-081-003 is APPROVED. (8-0-1) Mr. Dalton recused himself from the vote.”

Zoning Text Amendments

4. 2012Z-004TX-001

BL2012-107 / JOHNSON

SIGNS: SIGN CONSISTENCY

Staff Reviewer: Jennifer Regen

A request to amend the Metro Zoning Code, Section 17.40.500.E (Modification to Building Signs within Multi-Tenant Developments) to require building signs to be consistent with other signage on the property as to materials, lighting, and size, requested by Councilmember Karen Johnson.

Staff Recommendation: DEFER INDEFINITELY

The Metropolitan Planning Commission DEFERRED INDEFINITELY Zone Change 2012Z-004TX-001, at the request of the applicant. (9-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

Community Plan Amendments

5a. 2012CP-005-001

EAST NASHVILLE PLAN AMENDMENT

Map 071-07, Parcel(s) 260 Map 071-10, Parcel(s) 200

Council District 05 (Scott Davis)

Staff Reviewer: Anita Mccaig

A request to amend the East Nashville Community Plan: 2006 Update to change the Land Use Policy from Neighborhood Urban (NU) to District Industrial (D-IN) policy for properties located at 2050 Lucas Lane and Lucas Lane (unnumbered), approximately 1,000 feet west of Dickerson Pike (31.96 acres), requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant, Jenkins Properties, L.P., owner. (See also Specific Plan Case # 2012SP-015-001).

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST

Amend the land use policy from Neighborhood Urban to District – Industrial.

Major Plan Amendment

A request to amend the *East Nashville Community Plan: 2006 Update* to change the land use policy from Neighborhood Urban (NU) to District-Industrial (D-IN) for properties located at 2050 Lucas Lane and Lucas Lane (unnumbered), approximately 1,000 feet west of Dickerson Pike (31.96 acres).

CRITICAL PLANNING GOALS

N/A

EAST NASHVILLE COMMUNITY PLAN

Existing Land Use Policy

Neighborhood Urban (NU) policy is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but which overall are envisioned to be mixed use in character. Prominent uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed use development.

Proposed Land Use Policy

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

BACKGROUND

The applicant's property is approximately 32 acres located in the southeast quadrant of the intersection of Interstate 65 and Trinity Lane. NU policy was applied to this area during the 2006 update of the East Nashville Community Plan to promote its evolution into a more mixed use neighborhood with additional residential uses. This plan amendment was requested by the applicants to accompany the related zone change, a Specific Plan zone change which seeks to allow a self-service auto-part facility (commonly known as a "pull-a-part" auto recycling center).

COMMUNITY PARTICIPATION

Planning staff held a community meeting regarding the Community Plan Amendment request on May 31, 2012 with the District Councilmember, the applicants and stakeholders; approximately 30 people attended the meeting. No concerns or issues were raised publicly by attendees although two questions were asked about the operation's functions. However, attendees did discuss concerns one-on-one with staff, including impacts on adjacent residential uses and concerns about allowing an intense industrial use into the community when the stated vision for this area is to transition to a more mixed use pattern that is more respectful of the surrounding residential development and the revitalization of businesses on Dickerson Pike.

Outside of public meetings, community members have questioned the proposed use and raised concerns regarding impacts on the neighboring community, especially with adjacent residential uses and an elementary school, and possible negative public perception of the area's economic market with another use classified as a "scrap operation" in an area with several other such businesses. Essentially, community members, business owners and investors have asked if the approval of this plan amendment and zone change would be a step in the opposite direction of the community plan vision.

Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 1,300 feet of the subject site. The applicant had previously spoken to stakeholders during an area merchants' meeting, a neighborhood association meeting, and a meeting with the adjacent mobile home park.

ANALYSIS

Currently, the site is used for storage of truck trailers with some trees remaining along the Pages Branch stream corridor, adjacent to Interstate 65. The site is currently zoned Industrial Warehousing/ Distribution (IWD) which is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

The applicant is requesting entitlements for a self-service auto part facility, which under the zoning code is classified as a "scrap operation" use. This use requires Industrial General (IG) zoning, which is also used for a wide range of intensive manufacturing uses. The applicant is requesting a Specific Plan (SP) zone district and proposes restricting uses to just a self-service auto parts operation, restricting hours of operation to normal business hours, and providing additional landscaping and buffering. The applicant proposes access to the property from Lucas Lane, a local street, which connects to Trinity Lane. There will be no connections to Dickerson Road to the east.

The site is adjacent to Shwab Elementary School and a mobile home park (containing over 150 dwelling units for which the owners recently renovated) to the south and east, another auto salvage yard to the east, a gas station and truck stop to the north, and the interstate to the west.

The larger development pattern around the site consists of commercial uses, additional mobile home parks and single-family residential, including a new housing complex, Gatewood, currently under construction by M.D.H.A. that will contain 72 units at both market-rate and affordable price points. Within a quarter mile of the site, there are 233 properties and approximately 675 dwelling units with the additional 72 dwelling units under construction.

In 2006, Neighborhood Urban (NU) policy was applied to this area as it is intended to move towards more residential and businesses and move away from more intense industrial uses. Although it can be theorized that the applicant's proposal creates a better-designed site than what currently exists and provides local employment, a larger issue still remains. This proposal violates the vision for this community by allowing a more intense industrial use that requires IG zoning, even if the site plan and operations are constrained and modified through the SP application.

The site is also not suitable for an intense use because it is adjacent to an elementary school and mobile home park. The site also benefits from high visibility along the interstate and serves as a gateway into the neighborhood. There are concerns that allowing this use will set a precedent for a development pattern which conflicts with the community vision. Along Trinity Lane on the west side of I-65, the adjacent community has also been working to redefine its image with more commercial and retail businesses and less intense industrial uses. There are also concerns that in the future, if this use is allowed, it would be even more difficult to change the use on this site as more money would have been invested in the site as part of the new industrial operation.

If the Commission does decide to approve this policy change, staff recommends that Conservation (CO) policy be applied to the portion of the site that contains Pages Branch and is in the Floodplain Overlay District.

STAFF RECOMMENDATION

Staff recommends disapproval due to the potential negative impacts, conflict with the community vision and precedent for the larger community that will be set if this use is allowed at this location

If the Commission does decide to approve this policy change, staff recommends that Conservation (CO) policy be applied to the portion of the site that contains Pages Branch and is in the Floodplain Overlay District.

Ms. McCaig presented the staff recommendation of disapproval.

Mr. Clifton moved and Dr. Cummings seconded the motion to approve staff recommendation of Item 5a. (8-0)

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-005-001 is **DISAPPROVED. (8-0)**”

5b. 2012SP-015-001

LKQ-LUCAS LANE

Map 071-07, Parcel(s) 260 Map 071-10, Parcel(s) 200

Council District 05 (Scott Davis)

Staff Reviewer: Jason Swaggart

A request to rezone from IWD to SP-IND zoning properties located at 2050 Lucas Lane and at Lucas Lane (unnumbered), approximately 1,000 feet west of Dickerson Pike (31.96 acres) and located partially within the Floodplain Overlay District, to permit scrap operation, retail and all other uses permitted by the IWD zoning district, requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant, Jenkins Properties, L.P., owner (See also Community Plan Amendment Case # 2012CP-005-001).

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST

Zone change to permit a retail pull-a-part (auto salvage) establishment and all other uses permitted in the IWD zoning district.

Preliminary SP

A request to rezone from Industrial Warehousing District (IWD) to Specific Plan – Industrial (SP-IND) zoning properties located at 2050 Lucas Lane and at Lucas Lane (unnumbered), approximately 1,000 feet west of Dickerson Pike (31.96 acres) and located partially within the Floodplain Overlay District, to permit scrap operation, retail and all other uses permitted by the IWD zoning district.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

EAST NASHVILLE COMMUNITY PLAN

Existing Land Use Policy

Neighborhood Urban (NU) policy is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An 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.

Proposed Land Use Policy

District Industrial (D-IN) policy is intended to preserve, enhance, and create Industrial Districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

Consistent with Policy?

No. The request is not consistent with the existing land use policy. The proposed SP permits an industrial use that is not consistent with the Neighborhood Urban policy, which is intended to promote housing, commercial, and mixed-use developments. While the current zoning does permit industrial uses, the proposed use is not permitted under the current industrial zoning and would move the zoning further away from the vision called for in the community plan. *The request is consistent with the proposed District Industrial land use policy.*

PLAN DETAILS

This request is for a Specific Plan (SP) zoning district to permit a pull-a-part retail center which is classified as auto salvage under the Metro Zoning Code. Under the SP automobiles will be stored in rows where customers can come in and remove parts as needed. Prior to being placed for inventory all fluids and other hazardous materials are removed. This process occurs on site and fluids and hazardous materials are shipped to be processed off site. Automobiles are kept in inventory between 45 and 90 days. After 90 days cars are crushed on site and sent off site for recycling.

The subject site is at the terminus of Lucas Lane, south of West Trinity Lane and bordered on the west by Interstate 65. A majority of the site is flat; however, there are some steep slopes along the Pages Branch stream corridor which runs along the western property boundary. The site is currently being used for truck, trailer and shipping container parking.

Site Plan

The site plan calls for 18,600 square feet of building area which will be distributed between two separate buildings. The smaller building that will serve as the retail area and office is 3,600 square feet. The largest building is 15,000 square feet and is the maintenance and service shop.

The maintenance and service shop is where fluids and other hazardous material will be removed.

A majority of the site is for the storage of inventory (automobiles). The plan identifies 1,684 spaces with each space holding one automobile. Automobiles will not be stacked. Areas where automobiles will be placed will be gravel, and all drive aisles will be surfaced with asphalt, concrete or other dustless surface that meets current parking requirements in the Zoning Code. The plan also calls for a customer parking area which contains 243 spaces.

The plan provides a 40 foot wide Standard "D" Class buffer yard along the eastern property line. In addition to the buffer yard the plan also calls for a solid metal fence which will be between six and eight feet in height. The metal fence will wrap around a majority of the site with the exception the boundary which will be visible from I-65. The section visible from I-65 will be a solid concrete wall between the height of six and eight feet.

The plan does not provide any specific sign details other than noting that signage is proposed along the concrete wall along I-65 and on Lucas Lane. As proposed, signage (freestanding and building) will be consistent with sign requirements for IWD, per table 17.32.130 of the Metro Zoning Code.

Staff Analysis

The proposed SP district is *not* consistent with the current Neighborhood Urban land use policy; therefore, staff is recommending disapproval of this request. The applicant has requested that the land use policy be amended to District-Industrial which would support the proposed SP district. Staff is recommending disapproval of the requested policy amendment. The proposed SP district is consistent with the proposed District-Industrial land use policy. If the Commission approves the requested policy amendment then staff would recommend approval of the proposed SP district with conditions.

STORMWATER RECOMMENDATION

Approve with conditions

- Add access note to plans.
- Current site conditions are not per approved construction plans. This site will need to be constructed per the approved plans or new plans should be submitted for the entire site (submitted during final approvals).

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.
- Indicate on plans a cul-de-sac at the terminus of Lucas Lane. Cul-de-sac to be 30 foot radius minimum.

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)	31.96	0.8 F	1,113,742 SF	3918	311	279

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Scrap/Salvage light Industrial (110)	31.96	-	Trips based on acreage	1613	240	232

Traffic changes between maximum: **IWD** and proposed **SP-IND**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-2305	-71	-47

STAFF RECOMMENDATION

Staff recommends that the request be disapproved as it is not consistent with the site's Neighborhood Urban land use policy. If the Commission approves the associated policy amendment then staff recommends approval with conditions and *disapproval without all staff conditions*.

CONDITIONS (if approved)

1. Uses permitted in this SP district shall be limited to scrap operation and all other uses permitted by the IWD zoning district.
2. Hours of operation shall be limited to Monday through Saturday between the hours of seven in the morning to seven in the evening. A note to this effect shall replace the current note (#6) which specifies hours of operation.
3. Prior to final site plan approval the applicant shall work with staff to develop sign standards that are sensitive to the area. Billboards shall not be permitted.
4. 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 IWD zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by 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.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented the staff recommendation of disapproval.

Bill Lockwood (representing applicant), 211 Commerce Street, spoke in support of the proposal and stated that this use will have less impact than what is currently permitted.

Bruce Barber with LKQ Corporation, 19231 Cave Branch Road, spoke in support of the proposal

Shawn Henry, 315 Deaderick Street, spoke in support of the proposal.

Councilmember Scott Davis spoke in support of the proposal and clarified to the citizens that this would not be a junk yard.

Mr. Ponder left at 5:31 p.m.

Mr. Lewis with Charles Hawkins Real Estate Company spoke in support of the proposal.

Veronica Stevenson spoke in support of the proposal and stated that it will benefit East Nashville.

Edwin Greenway, 1508 Dickerson Road, spoke against the proposal and stated that he would like the area to remain quiet.

Erica Garrison, 511 Union Street, spoke against the proposal.

Tony Clouse, 1511 Dickerson Road, spoke against the proposal.

Claudia Tamer, 1508 Dickerson Road, spoke against the proposal.

Shawn Henry, on rebuttal, asked the commission for approval of the proposal.

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

Mr. Dalton stated that he is still not sure what this is and what its impact will be. If asked to vote at this time, he will vote for staff recommendation.

Mr. Haynes asked if applicant has pictures of existing facilities and the applicant provided the requested pictures.

Mr. Clifton stated that this is a clear cut decision in that there is a fairly recent Community Plan. He stated he will vote in support of staff recommendation.

Mr. Gee inquired if this area was deliberately discussed during the initial Community Plan process.

Ms. McCaig clarified that yes, this area was specifically addressed.

Dr. Cummings spoke in support of staff recommendation.

Mr. Clifton moved and Dr. Cummings seconded the motion to approve staff recommendation of Item 5b. (8-0)

Resolution No. RS2012-117

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-015-001 is DISAPPROVED. (8-0)”

The request is not consistent with the Neighborhood Urban (NU) land use policy.

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

6. 2011Z-007TX-002

ALTERNATIVE ZONING DISTRICTS HOUSEKEEPING AMENDMENT

Staff Reviewer: Kathryn Withers

A request to amend various sections of Title 17 of the Metropolitan Code to refine standards of the alternative zoning districts relating to building placement and bulk standards, requested by the Metro Planning Department, applicant.

Staff Recommendation: APPROVE WITH AMENDMENTS

APPLICANT REQUEST

Amend bulk standards for alternative zoning districts.

Text Amendment

A request to amend various sections of Title 17 of the Metropolitan Code to refine standards for the alternative zoning districts relating to building placement and bulk standards.

The text amendment changes the Alternative Zoning Districts (AZDs) of the Zoning Code. Last year the AZDs were created to fulfill a need for non-site plan based zoning districts to implement the bulk standards necessary to create the walkable communities envisioned by the citizens of Davidson County through the general plan. After having been in place and tested, further refinements to the districts are necessary.

The proposed ordinance amends three sections of the code. *The text in italics is additional suggestions to be amended into the bill:*

- Amend footnote 4a of Table 17.12.020 D (Alternative Zoning District Bulk Standards) to allow properties on Major and Collector Street Plan streets within AZDs to have a build-to zone of 0 to 15 feet from the standard right-of-way line *if the existing sidewalk and planting strip, or the sidewalk and planting strip proposed by the associated development plan, meets the standard of the MCSP. The current standards require a build-to zone of 5 to 15 feet. The currently proposed bill uses the permissive "may" and could be open to interpretation requiring a greater right-of-way dedication than intended; staff finds that the word "shall" is more specific and appropriate. Staff recommends this be amended.*
- Removes a typographical error – there is a reference to a "Note 8" in Table 17.12.020D and there is not a note 8.
- Amends Table 17.12.020A (Single-Family and Two Family Dwellings) to ensure appropriate standards, such as minimum lot size, and applies to single-family and two-family dwellings in the AZDs. *Staff recommends the addition of a new footnote to this table to clarify the build-to zone that applies to all other development in the AZDs applies to single-family and two-family dwellings.*
- Section 17.12.070 (Special floor area ratio (FAR) provisions) grants bonuses to MUI and ORI districts for the incorporation of desirable design features such as active spaces lining parking garages and pedestrian plazas. This section should have been amended to extend the bonuses to the MUI-A and ORI-A districts. This amendment will extend these bonuses to MUI-A and ORI-A districts.
- Amends Section 17.12.060 F. 1 (Special Height Regulations for All Uses Within the Urban Zoning Overlay District) to ensure that the existing procedure of requesting a special exception from the Board of Zoning Appeals for exceeding maximum permitted heights available to all uses within the Urban Zoning Overlay shall also apply to the Alternative Zoning Districts.

BACKGROUND

The AZDs were created to fill a need for a base zoning district that contained development standards to create walkable communities and implement the policies of the general plan. Before they were created, the only way to ensure the implementation of the policies of community plans were through Council adopted PUDs, UDOs, and more recently SP base zoning that ensured basic urban design and more walkable streetscapes. The PUDs, UDOs, and SP, though very useful for many projects, can be cumbersome for some small projects. The AZDs will allow the option of using a base zoning district that does not require a site plan, but instead contains standards that will ensure appropriate building placement and form. The AZDs use a "build-to" rather than a "setback" to ensure a predictable building placement. The AZDs also regulate additional height beyond the maximum height allowed at the street through the use of "step-backs" rather than "sky exposure planes." This allows additional height to be located closer to the street rather than in the "wedding cake" form that the sky exposure plane creates.

CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

The original AZD ordinance promoted walkable development through the placement of buildings in a "build-to" zone within 5 to 15 feet of the front property line allowing space for adequate sidewalks and planting strips. At the same time, the new Major and Collector Street Plan was implemented with a focus on complete streets and walkable development. The MCSP also required a 4 foot frontage zone between the sidewalk and the building. These two requirements taken together (4 foot frontage required by the MCSP and a minimum 5 foot setback by the AZD resulting in 9 feet) create too much space between the sidewalk and the

building than is desirable for a walkable neighborhood. Therefore where this situation exists and either the existing sidewalk is adequate per the MCSP or the sidewalk proposed by the MCSP or the sidewalk proposed by the developer meets the MCSP, the build-to zone required by the AZD district may be waived.

Promotes Compact Building Design

The amendment allows the ORI-A and the MUI-A districts to offer bonus in floor area ratio (FAR) for the incorporation of pedestrian friendly elements such as lining a parking garage with an active use along the street or pedestrian arcades or plazas.

Supports Infill Development

These amendments will make the AZDs more user friendly for infill development.

PUBLIC WORKS RECOMMENDATION

No exceptions taken.

STAFF RECOMMENDATION

Staff recommends approval with amendments:

1. Amend Table 17.12.020 D (Alternative Zoning District Bulk Standards), Note 4a change the word "may" to "shall."
2. Replace the typographical error in Section 3 that refers to "MUGL-A" with "MUG-A."
3. Add a new footnote to Table 17.12.020A (Single-Family and Two Family Dwellings) to clarify the build-to zone that applies to all other development in the AZDs applies to single-family and two-family dwellings.

ORDINANCE NO. BL2012-183

An Ordinance to amend various sections of Title 17 of the Metropolitan Code to refine standards of the alternative zoning districts relating to building placement and bulk standards (Proposal No. 2011Z-007TX-001).

WHEREAS, the alternative zoning districts were created to fulfill a need for non-site plan based zoning districts to implement the bulk standards necessary to create the walkable communities envisioned by the citizens of Davidson County through the general plan and after having been in place and tested, further refinements are necessary;

WHEREAS, encouraging and fostering development and reinvestment that promotes alternative modes of transportation such as walking, bicycling and transit are important to enhancing the quality of the life of the citizens of Metropolitan Nashville and Davidson County; and

WHEREAS, the Major and Collector Street Plan (MCSP) and the Alternative Zoning Districts (AZDs) have a similar purpose - to create strong, welcoming streetscapes in urban settings, with safe, appropriately wide sidewalks, but when combined they can create situations where a redundant amount of streetscape is created; therefore, on MCSP streets within AZDs if the existing sidewalk and planting strip, or the sidewalk and planting strip proposed by the associated development plan, meets the standard of the MCSP, then it is appropriate for the build-to-zone required by the AZDs be reduced to give developers the flexibility to build up to the sidewalk.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY OF THE Metropolitan Government of Nashville AND Davidson COUNTY:

Section 1. That Section Table 17.12.020 D (Alternative Zoning District Bulk Standards) Note 4.a. of the Metropolitan Code is hereby amended by inserting a new sentence at the end:

"If the existing sidewalk and planting strip, or the sidewalk and planting strip proposed by the final site plan, meet the standard of the Major and Collector Street Plan, then the build-to zone may shall be 0'- 15' from the standard right-of-way line."

Section 2. That Section Table 17.12.020 D (Alternative Zoning District Bulk Standards Table) is hereby amended by removing reference in the Max FAR column in RM9-A and RM15-A to "Note 8." This reference to "Note 8" is a typographical error.

Section 3. That Tables 17.12.020 A (Single-Family and Two Family Dwellings) is amended to ensure that appropriate standards are applied to single-family and two-family development in the alternative zoning districts by inserting, " , RM9-A" after RM9, " , RM15-A" after RM15, " , RM20-A" after RM20, " , OR20-A" after OR20, " , RM40-A" after RM40, " , MUN-A" after MUN, " , MUL-A" after MUL, " , MUGL-A" after MUG, " , MUI-A" after MUI, " , OR40-A" after OR40, and " , ORI-A" after ORI" and insert a new footnote:

"Note 3: Single-family and two-family dwellings in the RM9-A, RM15-A, RM20-A, RM40-A, OR20-A, OR40-A, ORI-A, MUN-A, MUL-A, MUG-A and MUI-A shall use the build-to zone standards listed in Table 17.12.020D."

Section 4. That Section 17.12.060 F. 1 (Special Height Regulations for All Uses Within the Urban Zoning Overlay District) is amended by inserting, "or the maximum heights specified in Table 17.12.020 D," after "and 17.12.020 C," to ensure that the existing procedure available to all uses within the Urban Zoning Overlay for exceeding maximum permitted heights also apply to the Alternative Zoning Districts.

Section 5. That Section 17.12.070 (Special floor area ratio (FAR) provisions) of the Metropolitan Code is hereby amended by inserting "and MUI-A" after "MUI", "and ORI-A" after "ORI" to ensure that all FAR bonuses available to the MUI and ORI districts are available to the MUI-A and ORI-A districts.

Section 6. That this Ordinance shall take effect five (5) days from and 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 Councilmember Claiborne

Approved with amendments. (9-0), Consent Agenda

Resolution No. RS2012-118

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-007TX-002 is **APPROVED with amendments. (9-0)**"

The amendment will permit additional flexibility in the front setback requirements and will correct errors with the original approval of the alternative zoning districts.

7. 2012Z-009TX-001

BL2012-158 / STITES

BOAT STORAGE

Staff Reviewer: Jennifer Regen

A request to amend the Metro Zoning Code, Chapters 17.04 (Definitions), 17.08 (Zoning Land Use Table), and 17.16 (Land Use Development Standards) to create a new land use called "Boat Storage" and to allow it as a use permitted by right (P) in the CS, CA, CF, SCC, SCR, IWD, IR, and IG zoning districts and permitted with conditions (PC) in the CL zoning district, requested by Councilmember Josh Stites, applicant.

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED to June 28, 2012, Zone Change 2012Z-009TX-001, at the request of the applicant. (9-0)

8. 2012Z-010TX-001

BL2012-182 / HOLLEMAN, DOWELL, JOHNSON

ON-SITE AGRICULTURAL SALES

Staff Reviewer: Jennifer Regen

A request to amend the Metro Zoning Code, Sections 17.04.060 (Definitions), 17.08.030 (District Land Use Tables), and Section 17.16.130 (Land Use Development Standards - Uses Permitted with Conditions: Other Uses), and Section 17.32.040 (Exempt Signs), to create a new land use called "On-Site Agricultural Sales" to be permitted with conditions in the AG and AR2a zoning districts, requested by Councilmembers Jason Holleman, Jacobia Dowell, Karen Johnson and Fabian Bedne, applicants.

Staff Recommendation: APPROVE WITH AMENDMENT

APPLICANT REQUEST

Modify Zoning Code to create new land use called "On-Site Agricultural Sales" and to allow it in the AG and AR2a zoning districts.

ZONING TEXT AMENDMENT

A request to amend the Metro Zoning Code, Sections 17.04.060 (Definitions), 17.08.030 (District Land Use Tables), Section 17.16.130

(Land Use Development Standards - Uses Permitted with Conditions: Other Uses), and Section 17.32.040 (Exempt Signs) to create a new land use called "On-Site Agricultural Sales" to be permitted with conditions in the AG and AR2a zoning districts.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

The Zoning Code does not allow on-site agricultural sales, commonly referred to as a farm stand or roadside stand, in rural areas of Davidson County zoned AG and AR2a. The Zoning Administrator has classified such a use as "retail", a prohibited use in the AG and AR2a zoning districts.

PROPOSED ZONING CODE

The proposed text amendment would create a new land use called "on-site agricultural sales" to be allowed in the AG and AR2a zoning districts provided the following conditions are met:

Lot Size: Minimum of at least five acres of land that is contiguous, abutting, or adjacent property under same ownership.

Maximum Size of Stand: Single-story, temporary/seasonal structure of no more than 100 square feet. Stand must be readily removable and not permanently affixed to the ground.

Maximum Display Area: Indoor and/or outdoor display area is allowed; however, total display area shall not exceed 300 square feet, including the 100 square feet of any temporary structure. Maximum display area limitation does not include any cut or pick your own area.

Products for Sale: Items must be produced on the property, including fruits, vegetables, plants, trees, jams, jellies, baked goods, and handicrafts. A neighbor cannot sell his/her products at another property owner's farm stand.

Parking: Off-street parking must be provided with an all-weather surface that minimizes ruts, potholes, and pooling of water. No parking spaces shall be located within the right-of-way of a public street or require backing-up onto a public street.

Signs: No sign shall be larger than 16 square feet in area. It shall also not be illuminated or be a prohibited sign as set forth in Section 17.32.050 of the Zoning Code.

ANALYSIS

This bill allows a property owner to construct a temporary/seasonal farm stand on his/her own property to sell items produced on that property. It does not allow multiple property owners to aggregate their products and sell them at one farm stand. The proposed standards for this use were developed through a review of current literature, policies, and zoning code ordinances elsewhere in the country. The standards ensure a farm stand is rural and subordinate to the principal use of the land.

Staff recommends the bill be amended to address the number of allowed signs and parking. As written, the bill does not identify the number of signs a farm stand may erect to advertise its location, products, and hours or how long such a sign may remain erected for a temporary/seasonal business. Without a limitation, a farm stand could have multiple signs. In addition, the bill does not indicate whether the parking spaces are to be permanent or temporary. Since the use is a temporary/seasonal use, staff recommends Section 3 of the proposed bill be amended to indicate parking is temporary.

Staff recommends the following as amendments to Sections 3 and 4 of the proposed bill. The amendments would ensure a farm stand remains a small unique venture that does not intrude on Davidson County's rural landscape.

Section 17.16.130.B.4 (Land Use Development Standards: On-Site Agricultural Sales – Parking) be amended to reflect "temporary" parking as follows:

4. Adequate off-street temporary parking shall be provided with an all-weather surface that minimizes ruts, potholes, and pooling of water. No portion of any required parking space shall be located within the right-of-way of a public street or require backing-up onto a public street.

Section 17.32.040 of the Metropolitan Code (Exempt Signs) is hereby amended by adding the following new subsection CC.:

CC. In the agricultural districts, only one sign shall be allowed advertising the name, products for sale and/or hours of operation for the on-site agricultural sales defined as a roadside stand, farm stand, "cut your own", or "pick your own", provided such sign does not exceed 16 square feet in area, is not illuminated, is installed where its maximum height is six feet or less, is removed whenever sales cease for seven or more consecutive days, and such sign is not a prohibited sign as set forth in Section 17.32.050.

Local Agriculture

The bill supports the Green Ribbon Committee Report. A key goal of the report was “Developing a Locally-Based Food System”. The goal called for removing barriers to food production and sale in rural areas of Davidson County and increasing opportunities for sale of products by Davidson County farmers.

State Agriculture

The bill also supports recently enacted State legislation for domestic kitchens and initiatives to support and enhance agriculture. The “domestic kitchen” legislation enables use of a home kitchen to make items for sale that are classified by the state as “non-potentially hazardous foods” such as baked goods, candy, jams and jellies. The homeowner would no longer be required to get an inspection and permit from the Tennessee Department of Agriculture Regulatory Services Division. And the bill supports the state’s “Pick Tennessee Products” program that has been in existence for 25 years.

METRO CODES ADMINISTRATION RECOMMENDATION

Not required for this project.

PUBLIC WORKS RECOMMENDATION

No exception taken.

STAFF RECOMMENDATION

Staff recommends approval of this bill with amendments to establish the maximum number of allowed signs and temporary parking. As proposed, this text amendment allows on-site agricultural sales from a farm stand or roadside stand in rural Davidson County. The bill promotes local farming, removes zoning barriers, and creates new opportunities for Davidson County farmers.

ORDINANCE NO. BL2012-182

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, to create “On-Site Agricultural Sales” as a new use to be permitted with conditions in the AG and AR2a zoning districts and specifying the applicable conditions and signage standards (Proposal No. 2012Z-010TX-001).

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:

“Handicrafts” or “Handcrafted” means an object that requires use of the hands, hand tools and human craft skills in its production, and is not mass produced.

“On-Site Agricultural Sales” means property containing at least five acres of land and used for sale of seasonal agricultural items produced on the property and sold to the public through a roadside stand, farm stand, “cut your own” and/or “pick your own” activity. For purposes of this use “property” shall mean any contiguous, abutting, or adjacent property under the same ownership.

Section 2. Section 17.08.030, District Land Use Tables, is hereby amended by adding “On-Site Agricultural Sales” under “Other Uses” as a use permitted with conditions (PC) in the AG and AR2a zoning districts.

Section 3. Section 17.16.130 of the Metropolitan Code is hereby amended by adding the following new subsection B.:

B. On-Site Agricultural Sales.

1. Maximum Size. Any stand or activity, including any structure, shall be allowed a maximum of 300 square feet of indoor and outdoor area to display items, except no outdoor display area limitation shall apply to agricultural products cut or picked by customers. The maximum floor area of any structure shall be 100 square feet.
2. Stand. Any stand and/or structure shall be single-story, temporary/seasonal, readily removable, and not permanently affixed to the ground.
3. Products. Items offered for sale or without charge shall be limited to those produced on the property such as raw unprocessed fruits, vegetables, nuts, seeds, herbs, flowers, ornamental plants, or trees, as well as jams, jellies, pickles, sauces, relishes, baked goods, or handicrafts.
4. Parking. Adequate off-street parking shall be provided with an all-weather surface that minimizes ruts, potholes, and pooling of water. No portion of any required parking space shall be located within the right-of-way of a public street or require backing-up onto a public street.

Section 4. Section 17.32.040 of the Metropolitan Code (Exempt Signs) is hereby amended by adding the following new subsection CC.:

CC. In the agricultural districts, signs advertising on-site agricultural sales defined as a roadside stand, farm stand, “cut your own”, or “pick your own”, provided such sign does not exceed 16 square feet in area, is not illuminated, and is not a prohibited sign as set forth in Section 17.32.050.

Section 5. That this Ordinance shall take effect five (5) days 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: Jason Holleman, Jacobia Dowell, Karen Johnson, Fabian Bedne

Approved with amendment. (9-0), Consent Agenda

Resolution No. RS2012-119

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-010TX-001 is **APPROVED with amendment. (9-0)**”

The bill sets standards for agricultural sales, which meets a recommendation of the Green Ribbon Committee Report to remove barriers to food production and sale in rural areas of Davidson County and increasing opportunities for sale of products by Davidson County farmers.

9. 2012Z-012TX-001

BL2012-181 / CLAIBORNE

HISTORIC ZONING COMMISSION MEMBERSHIP

Staff Reviewer: Jennifer Regen

A request to amend the Metro Zoning Code, Section 17.40.400 (Historic Zoning Commission: Membership) modifying the downtown Nashville membership of the Historic Zoning Commission, requested by the Metro Historical Commission, applicant.

Staff Recommendation: APPROVE WITH AMENDMENT

APPLICANT REQUEST

Modify Zoning Code to allow two persons to serve who own property or a business in the downtown core to serve on the Historic Zoning Commission, if the property or business is in a historic overlay district or National Register district.

ZONING TEXT AMENDMENT

A request to amend the Metro Zoning Code, Section 17.40.400 (Historic Zoning Commission: Membership) modifying the downtown Nashville membership of the Historic Zoning Commission, requested by the Metro Historical Commission, applicant.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

The Zoning Code establishes in Section 17.40.400 the composition of the Historic Zoning Commission. The Commission is comprised of nine members who are residents of Davidson County as shown in the table below.

Member	Number	Restrictions
Registered Architect	1	n/a
Metropolitan Planning Commission	1	n/a
Metropolitan Historical Commission	1	n/a
Community-at-Large	2	n/a
Community - Historical	2	Resident or property owner must reside in a historic overlay district.
Property Owner	1	Property owner in a historic <i>preservation</i> overlay district bounded by the south margin of Union Street, the west margin of First Avenue North, the north margin of Broadway, and both sides of Second Avenue North.
Business Owner or Property Owner	1	Business owner whose principal place of business, or a property owner, located in same historic <i>preservation</i> overlay district described above.
TOTAL MEMBERS	9	

PROPOSED ZONING CODE

The proposed text amendment modifies membership requirements for downtown Nashville, otherwise, the bill is nearly identical to the text in today's code. The membership change only affects Councilmanic District 19. Proposed changes are shown below.

Member	Number	Restrictions
Registered Architect	1	n/a
Metropolitan Planning Commission	1	n/a
Metropolitan Historical Zoning Commission	1	n/a
Community-at-Large	2	n/a
Community - Historical	2	Resident or property owner must reside in a historic overlay district.
Property Owner	1	Property owner in a historic <i>preservation</i> overlay district bounded by the south margin of Union Street, the west margin of First Avenue North, the north margin of Broadway, and both sides of Second Avenue North.
Business Owner or Property Owner	2	Business owner whose principal place of business, or a property owner, located in a historic <i>preservation</i> overlay district or National Register district within the downtown core.
TOTAL MEMBERS	9	

ANALYSIS

This bill restructures the membership of the Historic Zoning Commission to more equitably represent the various downtown historic interests. This bill will allow persons to serve on the Historic Zoning Commission who own a business, or property, in downtown Nashville, but said business or property could lie outside of the Second Avenue Historic Preservation District. Currently, the Zoning Code states the commission’s membership shall consist of an owner of property who owns property in the Second Avenue Historic Preservation District, and another property owner or business owner in that same preservation district. Hence, the Second Avenue Historic Preservation District is represented by two persons. However, anyone owning a property or business outside of that preservation district is not eligible to serve on the commission; see table below for current ineligible historic designations and thus, ineligible properties.

Ineligible Historic Designation	Ineligible Property
Local Historic Preservation Overlay District	Lower Broadway
Local Historic Landmark Overlay District	Hume Fogg Magnet School Masonic Grand Lodge War Memorial Building
National Historic Landmark	Downtown Presbyterian Church Ryman Auditorium Tennessee State Capitol
National Register of Historic Places	The Arcade Bennie Dillon Cummins Station Hermitage Hotel Nashville Trust Building Southern Methodist Publishing House

Staff suggests one amendment to the bill, to delete a reference to persons being eligible within the downtown “core” and change it to downtown “code”. The area subject to the downtown code is a defined area in the Zoning Code unlike downtown core. In addition, reference to the downtown code would encompass more of downtown’s historically designated properties. Metro Historic Zoning Commission supports this proposed staff amendment.

METRO CODES ADMINISTRATION RECOMMENDATION

Not required for this project.

PUBLIC WORKS RECOMMENDATION

Not required for this project.

STAFF RECOMMENDATION

Staff recommends approval of this bill with an amendment to delete in Section 17.40.400.A.5 the phrase “downtown core” as it appears at the end of the sentence, and inserting in its place the phrase “the area zoned Downtown Code (DTC)”. This modification will define a specific eligible area for membership and will encompass more of downtown’s historically designated properties.

ORDINANCE NO. BL2012-181

An ordinance amending Section 17.40.400 of the Metropolitan Code of Laws, pertaining to the membership of the Historic Zoning Commission of the Metropolitan Government of Nashville and Davidson County (Proposal No. 2012Z-012TX-001).

WHEREAS, the Historic Zoning Commission consists of nine members representing a diverse range of professional, civic, business, and neighborhood interests; and,
WHEREAS, the Historic Zoning Commission wishes to create membership opportunities for individuals throughout the downtown core; and,
WHEREAS, this amendment to the structure of the Commission's membership shall create such opportunities.
NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: That the Council of the Metropolitan Government of Nashville and Davidson County does hereby amend Section 17.40.400 A of the Metropolitan Code of Laws by deleting the existing Section 17.40.400 A and replacing with the following:

The commission shall consist of nine members who are residents of Davidson County with a composition as follows:

1. One registered architect;
2. One member of the Metropolitan Planning Commission;
3. One member representing the Metropolitan Historical Commission of Nashville;
4. Four members selected from the community, two of whom shall reside within an historic overlay district; and,
5. Two members who must be property owners of real property or a person whose principal place of business is located in an historic overlay or National Register district within the downtown core.

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

Sponsored by: Phil Claiborne

Approved with amendment. (9-0), Consent Agenda

Resolution No. RS2012-120

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-012TX-001 is **APPROVED with amendment. (9-0)**"

The bill restructures the membership of the Historic Zoning Commission to more equitably represent the various downtown historic interests.

Specific Plans

10. 2012SP-012-001

STEPHENS VILLAGE - EAST

Map 169, Parcel(s) 067

Council District 35 (Bo Mitchell)

Staff Reviewer: Jason Swaggart

A request to rezone from RS40 to SP-MR zoning property located at Highway 100 (unnumbered), at the southeast corner of Highway 100 and Pasquo Road (17.39 acres), to permit nursing home, assisted-living and residential uses, requested by Ragan-Smith-Associates Inc., applicant, W.E. Stephens Jr., owner.

Staff Recommendation: APPROVE WITH CONDITIONS AND DISAPPROVE WITHOUT ALL CONDITIONS

APPLICANT REQUEST

Rezoning to permit nursing home, assisted living and residential uses.

Preliminary SP

A request to rezone from Single and Two-Family Residential (RS40) to Specific Plan – Mixed Residential (SP-MR) zoning property located at Highway 100 (unnumbered), at the southeast corner of Highway 100 and Pasquo Road (17.39 acres), to permit nursing home, assisted-living and residential uses.

Existing Zoning

RS40 District requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. RS40 would permit a maximum of 16 single-family lots on the subject site.

Proposed Zoning

Specific Plan-Mixed Residential (SP-MR) 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 a mixture of housing types.

CRITICAL PLANNING GOALS

- Provides a Range of Housing Choices
- Fosters Distinctive, Attractive Mixed-Use Communities

The plan provides for an alternative housing choice from the single-family lot which is typical of the area, as well as, providing housing for seniors and people with special needs. Coupled with the adjacent proposal, Stephens Village – West, the development will create a district and attractive community.

BELLEVUE COMMUNITY PLAN

T3 Suburban Neighborhood Evolving (T3 NE)

T3 NE policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the earlier conventional suburban neighborhoods were built.

A special policy also applies to this property and offers the following guidance:

- Design Principle: Building Form (Mass, Orientation, Placement)
 - There are environmental features (floodplains, steep slopes, problem soils) abutting parts of this T3 Suburban Neighborhood Evolving area. Should any development or re-development occur, it should be arranged to minimize the disturbance of the environmental features. In the configuration of parcels and any new right-of-way, priority should be given to the preservation and reclamation of the environmentally sensitive features over consistency with surrounding parcel and right-of-way patterns. Refer to the associated Conservation policy area 06-CO-01.
 - This area is nearby the T2 Rural Neighborhood Center policy Area 06-T2-NC-01 that includes the Loveless Café. Development that transitions to the rural character of that area and the Natchez Trace State Parkway should be provided.
- Design Principle: Connectivity (Pedestrian/Bicycle)
 - A multi-use path is planned along Highway 100 that should be taken into account in conjunction with development proposals and/or street improvements in this policy area.
 - Bikeway and pedestrian connections should be provided to the adjacent Conservation policy Area 06-CO-01 and to the Natchez Trace Parkway.
 - See the recommendations in Chapter III, Transportation Plan, for additional guidance on multi-use paths, bikeway and pedestrian connections.
- Historically Significant Sites or Features
 - There is one site (Map/Parcel 16900005900) which contains the Pasquo Church of Christ Cemetery and is considered Worthy of Conservation (WOC) in this policy area. Because of the historic designation, owners of private property are encouraged to work with the Metropolitan Historical Commission to protect and preserve this site and its contributing features. See Appendix D for a listing of historic features and "Historically Significant Areas and Sites" in the General Principles of the Community Character Manual for additional guidance.

Consistent with Policy?

Yes. Overall plan is *mostly* consistent with the land use policies that apply to the site. The plan maintains the rural and scenic character along Highway 100 and provides for a more suburban character along Pasquo Road. The plan provides adequate buffering along Pasquo Road which will minimize any impacts on the Pasquo Church property. While the plan calls for the removal of a majority of the hillside and forested areas on the site, much of the hillsides are not so steep that they classify as critical under current hillside development standards found in the zoning code.

PLAN DETAILS

This request is for a Specific Plan (SP) zoning district to permit a nursing home/assisted living facility and multi-family residential. The subject site is located at the southeast intersection of Highway 100 and Pasquo Road in Bellevue. The site is just north of Williamson County and east of the Natchez Trace Parkway. The site shares a boundary with Traceside on the south and east. The Loveless Café is nearby on the north side of Highway 100.

The subject site is currently vacant. A majority of the site contains dense woods with the exception of an area of open field located at the southern end of the property adjacent to the intersection of Pasquo Road and Union Bridge Road. The site contains no known streams, but does contain significant slopes including steep slopes greater than 25 percent. The steepest slopes are located closer to

Highway 100. The property falls approximately 100 feet from the highest elevation which is at the back of the site adjacent Traceside to the lowest elevation which is adjacent to Highway 100.

Site Plan

The site plan identifies two separate development areas. The area closest to Highway 100 consists of a nursing home/assisted living facility. The other area is adjacent the intersection of Pasquo Road and Union Bridge Road and consist of townhomes (multi-family residential).

The site plan identifies a conceptual layout. Since the layout is conceptual *minor* modifications may be made with the final site plan. While the layout may change slightly with the final site plan, the plan provides development standards that will regulate all development in the district. Bulk standards are as follows:

Nursing Home/Assisted Living Facility

- Max Floor Area: 181,030 Square Feet (Nursing Home/Assisted Living)
- Max Height: 3 Stories (Nursing Home/Assisted Living)
- Max Height: 2 Stories (Multi-Family Residential)
- Front Setback: 50 Feet from Highway 100 and Pasquo Road
- Rear Setback: 20 Feet
- Side Setback: 20 Feet
- Max Impervious Surfaces: 45 percent

Multi-Family (Townhomes)

- Max Number of Units: 28
- Max Height: 2 Stories (Does not include walkout basements)
- Front Setback: 50 Feet from Highway 100 and Pasquo Road
- Rear Setback: 20 Feet
- Side Setback: 20 Feet
- Max Impervious Surfaces: 45 percent

Environmental Features

As proposed, a majority of the site will be graded. Grading will require the removal of a majority of the existing vegetation including trees. To accommodate the nursing home/assisted living facility the hillside will be cut into which will result in a large retaining wall running along portions of the site behind the buildings. Preliminary estimates show the height of the wall being approximately 24 feet at its highest point. Traceside will sit above the nursing home/assisted living facility on the western end, and will sit a little above Traceside on the eastern end.

The residential area will not require as much grading as the nursing home/assisted living facility site, but will still require grading. Smaller retaining walls will be required along the boundary with Traceside.

The proposed plan identifies a wooded area between the nursing home/assisted living facility and residential area that is to remain undisturbed. The plan also identifies a small wooded area along Highway 100 and Pasquo Road that is to be left undisturbed.

Access, Parking Roadways & Sidewalks

Access to the Nursing Home/Assisted Living Facility is proposed from Highway 100 and Pasquo Road. Access to the residential area is proposed from Pasquo Road. Parking is provided on site and is consistent with current Metro parking requirements. The Major and Collector Street Plan calls for 93 feet of ROW for Highway 100 and 51 feet of ROW for Pasquo Road. Public Works is recommending that Pasquo Road have a ROW of 60 feet. Because of the possibility of future development south of the site Planning has no issues with a 60 foot right-of-way; however, Planning does not feel that a continuous turn lane is appropriate and that bike lanes should be considered. Both roads require additional ROW and the plan identifies areas for future ROW along Highway 100 and Pasquo Road. The plan includes a Roadway Improvements Plan. Improvements include but are not limited to a traffic signal at the intersection of Highway 100 and Pasquo Road and the addition of turn lanes on Highway 100 and Pasquo Road.

The plan proposes an internal sidewalk network within the nursing home/assisted living facility and the residential area; however the two areas are not connected by any pedestrian path. Each network connects to Pasquo Road, which does not have sidewalks. The plan provides connections to the proposed Stephens Village – West (see Case No. 2012SP-013-001) which would provide an indirect connection between the two areas. The route between the two areas through Stephens Village – West would require that Pasquo Road be crossed twice.

Buffer Yards/Screening & Landscaping

A 20 foot wide class "C" buffer yard is proposed along the boundary with Traceside. The plan proposes to utilize existing vegetation to fulfill the planting requirements and will also provide supplemental plantings as necessary. As proposed all buffer yards will be irrigated. Supplemental plantings are also proposed along Highway 100.

Signage

The proposed plan calls for four free standing monument signs. The first sign will be located at Highway 100 at the entrance to the nursing home/assisted living facility and the second will be located at the entrance at Pasquo Road. The third sign will be located at the intersection of Highway 100 and Pasquo Road and is identified as “Community Signage” and will be to identify the larger community including Stephens Village – West and future development. The third sign will be located along Pasquo Road at the entrance into the residential area. Sign standards have been provided for the residential area, but have not been provided for the nursing home/assisted living facility. It is important that standards for all signs be developed. Signage should be limited to a scale that will not have any negative impacts on the existing community or along highway 100.

Building Design

The plan provides conceptual elevations as well as architectural standards for the nursing home/assisted living facility as well as the multi-family units. Standards include materials for walls, attachments such as chimneys and roofs. Standards also deal with rhythm and architectural features.

Conclusion

As proposed, there are no major issues with the proposal. The development will provide additional housing choices to the area consistent with the land use policy. It also consistent with other policy criteria and it meets a couple of critical planning goals. It is important to note that the policies for this site were just recently adopted by the Planning Commission with the update of the Bellevue Community Plan. During the update, the polices for the site were discussed in detail.

Minor staff concerns include pedestrian connectivity and signage. As proposed the request is lacking in terms of pedestrian connectivity. To walk between the two development areas one would have to cross Pasquo twice. It is staff’s understating that a significant amount of development could occur south of this site and so pedestrian connectivity could be even more important in the future. The plan also needs to provide additional sign standards to ensure that any sign does not negatively impact the existing community or Highway 100 which is a scenic roadway. Staff has included conditions of approval which will require that the applicant work with staff to address connectivity and has limit signage.

STORMWATER RECOMMENDATION

Approve with conditions

- Add correct Access note to the plan.

PUBLIC WORKS RECOMMENDATION

Public Works Comments will be available at the meeting.

Maximum Uses in Existing Zoning District: **RS40**

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)	17.39	0.93 D	16 L	154	12	17

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Assisted Living (254)	13.13	-	250 Beds	475	35	55

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

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)	4.26	-	28 U	268	21	29

Traffic changes between maximum: **RS40** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+589	+44	+167

SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Schools Over/Under Capacity

Students would attend Harpeth Valley Elementary School, Bellevue Middle School and Hillwood High School. Of these, Buena Bellevue Middle School and Hillwood High School have been identified as being over capacity by the Metro School Board. There is capacity for high school students within the cluster but there is no capacity for middle school students within the cluster. This information is based upon data from the school board last updated October 2011.

Fiscal Liability

The fiscal liability of one new middle school student is \$23,500. 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 request be approved with conditions and that it be disapproved without all staff conditions.

CONDITIONS

1. Uses in this SP district shall be limited to nursing home, assisted-care living and multi-family residential.
2. The entrance sign for the townhomes shall be subject to Section 17.32.080 of the Metro Zoning Code. The entrance signs to the nursing home/assisted living facility shall be limited to 48 square feet and shall not be more than six feet in height. Billboards shall not be permitted.
3. Prior to final site plan approval the parking layout shall be revised so that there are no more than 15 contiguous parking spaces without landscaping.
4. Prior to final approval by Council the access note as required by Metro Stormwater shall be added to the plan.
5. Prior to final approval by Council the purpose note on the plan shall be revised to reflect the correct development proposal.
6. Prior to final site plan approval the applicant shall work with planning staff in order to provide appropriate pedestrian connectivity between the two development areas and for the overall community.
7. Council approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by the Metro Traffic Engineer and/or the Planning Commission.
8. 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 RM20 zoning district as of the date of the applicable request or application.
9. 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.
10. 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.

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

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Tom White, representing applicant, spoke in support of staff recommendation.

Tom Campbell with NHC, 2518 Wilshire Drive, spoke in support of staff recommendation.

Randy Caldwell, 315 Woodland Avenue, spoke in support of staff recommendation and stated that 1.2 million in traffic improvements are associated with this.

Akos Ledeczki, 1421 Trace Ridge Lane, spoke in support of staff recommendation with conditions.

Jane Chaffin, Chaffin's Barn and Dinner Theatre, spoke in support of staff recommendation and stated that this will be a wonderful asset to the community.

Kathy Hill, 606 Natchez Bend, spoke in support of staff recommendation.

Ron Anderson, 6108 Pasquo Road, spoke in support of staff recommendation.

Neil McDonald, 6020 Pasquo Road, spoke in support of staff recommendation.

Kathleen Von Arb, 1433 Trace Ridge Lane, spoke against the proposal, stating that infrastructure is not in place to support this type of development.

James Sledge, 8316 Highway 100, spoke against staff recommendation, stating he would like to preserve the natural wildlife in the area as well as noting traffic and safety concerns.

Larry Vance, 8320 Highway 100, spoke against staff recommendation due to traffic and safety concerns.

Rick Shephard, Pasquo Road, spoke against staff recommendation, stating traffic and safety concerns.

Beth Reardon, Greenvale Drive, spoke against staff recommendation, stating traffic and safety concerns.

Alan Thompson (consulting engineer), 6428 Holly Trace Court, spoke in support of staff recommendation and noted the 1.2 million in traffic improvements that will be made.

Tom White, on rebuttal, asked for approval and noted that his client has agreed to all conditions.

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

Mr. Hayes spoke in support of staff recommendation and stated that this is a fabulous project.

Mr. Dalton recused himself.

Mr. Adkins expressed support of staff recommendation and urged the community to reach out to their state representative regarding Hwy 100 traffic relief.

Dr. Cummings asked for clarification regarding the blind curve on Highway 100 as well as the internal sidewalks.

Mr. Clifton spoke in support of staff recommendation and stated that the traffic improvements will make things better, not worse.

Mr. Clifton moved and Mr. Gee seconded the motion to approve with conditions, including Public Works conditions, and disapprove without all conditions. (7-0-1) Mr. Dalton recused himself.

Resolution No. RS2012-121

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-012-001 is APPROVED with conditions, including Public Works conditions, and disapproved without all conditions. (7-0-1) Mr. Dalton recused himself from the vote."

CONDITIONS

1. Uses in this SP district shall be limited to nursing home, assisted-care living and multi-family residential.
2. The entrance sign for the townhomes shall be subject to Section 17.32.080 of the Metro Zoning Code. The entrance signs to the nursing home/assisted living facility shall be limited to 48 square feet and shall not be more than six feet in height. Billboards shall not be permitted.
3. Prior to final site plan approval the parking layout shall be revised so that there are no more than 15 contiguous parking spaces without landscaping.
4. Prior to final approval by Council the access note as required by Metro Stormwater shall be added to the plan.
5. Prior to final approval by Council the purpose note on the plan shall be revised to reflect the correct development proposal.
6. Prior to final site plan approval the applicant shall work with planning staff in order to provide appropriate pedestrian connectivity between the two development areas and for the overall community.
7. Council approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by the Metro Traffic Engineer and/or the Planning Commission.
8. 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 RM20 zoning district as of the date of the applicable request or application.
9. 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.
10. 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.
11. 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 development is consistent with the T3 Suburban Neighborhood Evolving land use policy and will provide additional housing choices to the area.

11a. 96P-016-001

WESTWOOD TRACE

Map 169, Parcel(s) 058

Council District 35 (Bo Mitchell)

Staff Reviewer: Jason Swaggart

A request to cancel the Westwood Trace Residential Planned Unit Development Overlay District located at 8423 Highway 100 approved previously for 37 single-family lots (CB O96-539), at the southeast corner of Highway 100 and Natchez Trace

Parkway, zoned RS30 and CL and proposed for SP-MU (19.2 acres), requested by Ragan-Smith-Associates Inc., applicant, for W.E. Stephens Jr., Trustee of Stephens Christian Trust, owner. (See also Specific Plan Case # 2012SP-013-001).

Staff Recommendation: APPROVE

Approved (9-0), Consent Agenda

Resolution No. RS2012-122

“BE IT RESOLVED by The Metropolitan Planning Commission that 96P-016-001 is **APPROVED. (9-0)**”

The PUD cancellation is associated with a zone change request that meets the current land use policies and includes a site plan based zoning district.

11b. 2012SP-013-001

STEPHENS VILLAGE - WEST

Map 169, Parcel(s) 058, 060

Council District 35 (Bo Mitchell)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a, RS40, RS30 and CL to SP-MU zoning (portion within PUD Overlay and proposed for cancellation), properties located at 8423 Highway 100 and 5948 Pasquo Road, at the southeast corner of Highway 100 and Natchez Trace Parkway (35.31 acres), to permit residential and various non-residential uses, requested by Ragan-Smith- Associates Inc., applicant, W.E. Stephens and W.E. Stephens Jr., Trustee, Stephens Christian Trust, owners. (See also PUD cancellation case # 96P-016-001).

Staff Recommendation: APPROVE WITH CONDITIONS AND DISAPPROVE WITHOUT ALL CONDITIONS

APPLICANT REQUEST

Cancel Planned Unit Development Overlay and rezone to permit a multi-use development.

Cancel PUD

A request to cancel the Westwood Trace Residential Planned Unit Development Overlay District located at 8423 Highway 100 approved previously for 37 single-family lots (CB O96-539), at the southeast corner of Highway 100 and Natchez Trace Parkway, zoned Single-Family Residential (RS30) and Commercial-Limited (CL) and proposed for Specific Plan – Mixed Use (SP-MU) (19.2 acres).

Zone Change

A request to rezone from Agricultural and Residential (AR2a), Single-Family Residential (RS40), Single-Family Residential (RS30) and Commercial Limited (CL) to Specific Plan – Mixed-Use (SP-MU) zoning (portion within PUD Overlay and proposed for cancellation), properties located at 8423 Highway 100 and 5948 Pasquo Road, at the southeast corner of Highway 100 and Natchez Trace Parkway (35.31 acres), to permit residential and various nonresidential uses..

Existing Zoning

Agricultural/Residential (AR2a) District requires a minimum lot size of 2 acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *The AR2a district consists of approximately 13 acres and would permit a maximum of six residential lots.*

RS40 District requires a minimum 40,000 square foot lot and is intended for single-family dwellings at a density of .93 dwelling units per acre. *The RS40 district consists of approximately three acres and would permit two single-family lots.*

RS30 District requires a minimum 30,000 square foot lot and is intended for single-family dwellings at a density of 1.23 dwelling units per acre. *A PUD Overlay also applies to the area zoned RS30 and permits a total of 37 single-family lots.*

Commercial Limited (CL) District is intended for retail, consumer service, financial, restaurant, and office uses. *The CL district consists of approximately 0.61 acres and would permit a maximum of 15,942 square feet of non-residential floor space.*

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) 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 residential uses in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

- Preserves Creates Open Space
- Preserves Environmental/Historic Resources
- Provides a Range of Housing Choices
- Fosters Distinctive, Attractive Mixed-Use Communities
- Creates Walkable Neighborhoods

As proposed, the Stephens Village – West Specific Plan meets several critical planning goals. With its mixture of uses, abundant sidewalks and pathways, open space, strategically placed buildings and parking, the plan creates an interesting walkable community. The plan provides an alternative housing choice from the single-family lot which is typical of the area, and the nonresidential uses will provide easy access to services for people who chose to live in the community and who reside in the area. The proposed boutique hotels will provide opportunities to bolster local tourism associated with the Natchez Trace Parkway and Loveless Café. The plan provides buffering along the property boundary with the Pasquo Church of Christ which is listed as Worthy of Conservation. Above all, the plan accomplishes this while preserving a majority of the existing hillside, including the steepest slopes and mature forested areas.

BELLEVUE COMMUNITY PLAN

Land Use Policies

T2 Rural Neighborhood Center (T2 NC) policy is intended to preserve enhance, and create rural centers that are compatible with the general character of rural neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. T2 Rural Neighborhood Centers are pedestrian friendly areas generally located at defined intersections and contain commercial, mixed use, civic and public benefit land uses, with residential present only in mixed use buildings. Rural centers serve rural neighborhoods within a 10 minute drive. A special policy also applies to this property and offers the following guidance:

- Design Principle: Connectivity (Pedestrian/Bicycle)
 - A multi-use path is planned along Highway 100 that should be taken into account with development proposals and/or street improvements. See the recommendations in Chapter III, Transportation Plan, for additional guidance on bikeways and paths.
- Design Principle: Connectivity (Vehicular)
 - The Implementing Complete Streets: Major and Collector Street Plan recommends widening Highway 100 to three lanes from McCrory Lane to Temple Road. This recommendation should be taken into account with any development proposals and/or street improvements. See the recommendations in Chapter III, Transportation Plan, for additional guidance and information on these improvements.
- Non-Conforming and Inconsistent Land Uses
 - There is a vacant property (Map/Parcel 16900005500) at 0 (unnumbered) Highway 100, just south of the area commonly known as the Loveless Café. The property is currently zoned CS (commercial services). Over time, this property should be rezoned to be consistent with policy.
- Historically Significant Sites or Features
 - There are two sites, a log house and the Loveless Café and Sign (Map/Parcels 16900001300 and 16900001400), listed as Worthy of Conservation (WOC) in this policy area. Because of the historic designation, owners of private property are encouraged to work with the Metropolitan Historic Commission to protect and preserve these sites and their contributing features. See Appendix D for a listing of historic features and “Historically Significant Areas and Sites” in the General Principles of the Community Character Manual for additional guidance.

T3 Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built. A special policy also applies to this property and offers the following guidance:

- Design Principle: Building Form (Mass, Orientation, Placement)
 - There are environmental features (floodplains, steep slopes, problems soils) abutting parts of this T3 Suburban Neighborhood Evolving area. Should any development or re-development occur, it should be arranged to minimize the disturbance of the environmental features. In the configuration of parcels and any new right-of-way, priority should be given to the preservation and reclamation of the environmentally sensitive features over consistency with surrounding parcel and right-of-way patterns. Refer to the associated Conservation policy area 06-CO-01.
 - This area is nearby the T2 Rural Neighborhood Center policy Area 06-T2-NC-01 that includes the Loveless Café. Development that transitions to the rural character of that area and the Natchez Trace State Parkway should be provided.

- Design Principle: Connectivity (Pedestrian/Bicycle)
 - A multi-use path is planned along Highway 100 that should be taken into account in conjunction with development proposals and/or street improvements in this policy area.
 - Bikeway and pedestrian connections should be provided to the adjacent Conservation policy Area 06-CO-01 and to the Natchez Trace Parkway.
 - See the recommendations in Chapter III, Transportation Plan, for additional guidance on multi-use paths, bikeway and pedestrian connections.
- Historically Significant Sites or Features
 - There is one site (Map/Parcel 16900005900) which contains the Pasquo Church of Christ Cemetery and is considered Worthy of Conservation (WOC) in this policy area. Because of the historic designation, owners of private property are encouraged to work with the Metropolitan Historical Commission to protect and preserve this site and its contributing features. See Appendix D for a listing of historic features and “Historically Significant Areas and Sites” in the General Principles of the Community Character Manual for additional guidance.

Conservation (CO)

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

Consistent with Policy?

Yes. Overall, the plan is consistent with all the land use polices that apply to the site. The plan will create a walkable rural village center which will provide services and alternative housing choices that are not found in the area. The plan maintains the rural and scenic character along Highway 100 and provides for a more suburban character along Pasquo Road. The plan provides adequate buffering to the Pasquo Church and the Loveless Cafe which will minimize any negative impacts. The plan accommodates the proposed Natchez Trace Connector by providing a multi-use path along Highway 100. The plan preserves large contiguous areas of the hillside including steep slopes and forested areas.

PLAN DETAILS

The Westwood Trace Planned Unit Development was approved by Metro Council in 1996. The plan is approved for a maximum of 37 single-family lots. Currently no final site plan has been approved and no development has taken place under the PUD.

This request is for a Specific Plan (SP) zoning district to permit a mixed-use development consisting of residential and non-residential uses. The subject site is located along the south side of Highway 100 between the Natchez Trace Parkway and Pasquo Road in Bellevue. The site is just north of Williamson County directly across the street from the Loveless Café.

The subject site is mostly vacant with the exception of two single-family homes. A majority of the site contains dense woods, but there are also open areas including a large open area adjacent to Pasquo Road. A small stream which is under study and may be downgraded to a ditch runs along portions of the property adjacent to Highway 100. The site contains significant slopes including steep slopes greater than 25 percent. Small areas of steep slopes are scattered about the site. Larger contiguous areas of steep slopes are located near the southern site boundary and along portions of Highway 100. The site falls approximately 135 feet from the highest elevation which is along the southern property line to the lowest elevation which is along Highway 100.

Site Plan

The site plan identifies two separate development areas. The area closest to Highway 100 consists of non-residential uses and is identified as the Village Commercial District. The other area is adjacent to Pasquo Road and consists of townhomes and stacked flats (multi-family residential) and is identified as the Residential District.

The site plan presents a conceptual layout. Since the layout is conceptual *minor* modifications may be made with the final site plan. While the layout may change slightly with the final site plan, the plan provides development standards which will regulate all development in the district.

Village Commercial District Standards

The proposed Village Commercial District permits a variety of non-residential uses. Some uses are permitted outright and others are permitted with condition (PC), accessory (A), or by special exception (SE). Generally the conceptual plan calls for a village type setting. Buildings are located along internal streets with parking located on street and behind and beside buildings. Buildings are connected by sidewalks which also connect to an extensive sidewalk and pathway system. Following is a list of the permitted uses:

Land Use Table

Cultural Center	ATM	Multi-Media Production
Religious Institution	Bed and Breakfast	Printing and Publishing
Day Care (PC)	Hotel/Motel	Club
School Day Care (A)	Personal Care Services	Commercial Amusement Inside
Business School	Business Services	Greenway
Personal Instruction	Restaurant- Full Service	Park/Playground
Community Education	Restaurant - Take Out	Recreation Center
Financial Institution	Restaurant- Fast Food	Rehearsal Hall
General Office	Bar or Nightclub	Theater
Leasing/Sales Office	Liquor Sales	Temporary Festival (SE)
Medical Office	Retail	Water/Sewer Pump Station
Rehabilitation Services	Home Improvement Sales	Pond/Lake
Veterinarian (PC)	Audio/Video Tape Transfer	

The plan also provides specific bulk standards which are as follows:

- Minimum Setback from Highway 100: 70 feet
- Minimum internal street setback: 5 feet
- Maximum height (Commercial): 2 stories
- Maximum height (Hotel/Motel): 2 stories
- Maximum height (tower/overlook): 45 feet
- Maximum FAR: 0.30
- Maximum ISR: 0.35

Residential District Standards

The residential district calls for two different housing types – stacked flats and townhomes, each type are classified as multi-family under Metro Zoning Code. A maximum of 116 units are proposed (this includes both housing types). Units along Pasquo Road face Pasquo and offer a suburban character. Other units front onto open space areas. A majority of the district is located in the area that is currently open field and will not require the removal of large areas of mature trees. Bulk standards outlined in the plan are as follows:

Stacked Flats

- Minimum setback to internal street: 5 feet
- Garage door setback to drive aisle: 5 to 8 feet or greater than 20 feet
- Garage door setback to back of sidewalk: 22 feet
- Minimum setback from Pasquo: 50 feet
- Minimum perimeter setback: 30 feet
- Minimum distance between buildings: 10 feet
- Maximum Height: 2.5 stories (3 interior floors)

Townhomes

- Minimum lot area: 1,250 square feet
- Minimum rear setback: 5 feet
- Minimum side setback: 0 feet
- Garage door setback to drive aisle: 5 to 8 feet or greater than 18 foot minimum
- Minimum setback from Pasquo: 50 feet
- Minimum perimeter setback: 30 feet
- Minimum distance between buildings: 10 feet
- Maximum Height: 2 stories (excluding walkout basement level)

Environmental Features

As proposed, large areas of the site will require grading. While some areas will require significant grading, a large contiguous area will be left undisturbed with the exception for minor disturbance required for the construction of pathways, primitive trails and an overlook. The area to be left undisturbed includes the hilltop and a majority of the forested area. Large and small retaining walls will be required throughout the development. The largest retaining wall will be located behind the Village Commercial District. It is stepped down and preliminary estimates show the height of the wall being approximately 40 feet in height at its highest point.

Grading will be required for the residential area; however, the majority of the area proposed for residential consists of open field; therefore, grading will not impact large amounts of existing trees.

Metro records indicate a stream along portions of the site adjacent to Highway 100. Buffers are shown on the plan as required. This listed stream is being studied and it may be determined that it does not qualify for a stream. The applicant is working with Metro Stormwater and buffers may be adjusted as needed and will be finalized on the final site plan.

Access, Parking Roadways and Sidewalks

Access to the Village Commercial District will be provided by a private drive from Highway 100. As proposed the drive will align with Westhaven Drive. Access to the residential district will be from a private drive from Pasquo Road. While a vehicular connection is not provided between the two development areas, pedestrian connections are provided. A vehicular connection was discussed; however, it was determined that the connection would require significantly more grading in areas with significant slopes. Because the connection would require significant grading along some of the steepest slopes, staff determined that the connection was not worth disturbing the slopes. Parking is provided on site and is consistent with current Metro parking requirements.

The Major and Collector Street Plan calls for 93 feet of ROW for Highway 100 and 51 feet of ROW for Pasquo Road. Both roads require additional ROW and the plan identifies areas for future ROW along Highway 100 and Pasquo Road. Public Works is recommending that Pasquo Road have a ROW of 60 feet. Because of the possibility of future development south of the site Planning has no issues with a 60 foot right-of-way; however, Planning does not feel that a continuous turn lane is appropriate and that bike lanes should be considered. The plan includes a Roadway Improvements Plan. Improvements include but are not limited to a traffic signal at the intersection of Highway 100 and Pasquo Road and the addition of turn lanes on Highway 100 and Pasquo Road. Improvements also include those required for Stephen's Village – East (see Case No. 2012SP-012-001).

The plan provides for future connections to the south. One connection is from the residential district and the other is from the Village Commercial District. These connections would be important to provide for better connectivity if the properties to the south of the site develop in the future.

The plan proposes an internal pathway system that will connect all parts of the development. Pathways include internal sidewalks, a future greenway, and primitive trails. Pedestrian connections are provided to both sections of Stephen's Village - East. The plan also provides for future connections to the Natchez Trace parkway, including a greenway connection and primitive trail connection.

Buffer Yards/Screening & Landscaping

A 20 foot wide class "C" buffer yard is proposed along the areas where development will be adjacent to AR2a zoned property. This includes a small section of area within the residential district along the southern property boundary. The plan proposes to utilize existing vegetation to fulfill the planting requirements and will also provide supplemental plantings as necessary. As proposed all buffer yards will be irrigated. Landscaping is proposed throughout the development. Landscaping is also shown in the step between the two retaining walls which make up the largest wall. The step design along with the landscaping will help make the wall not seem so massive.

An area of trees is being preserved along Highway 100 which will reduce visibility of the development from the highway. This is important because Highway 100 is classified as a scenic roadway. The area that abuts the Natchez Trace Parkway is to remain undisturbed except disturbance required for a natural trail. This will ensure that the development will have not negative impact on the Natchez Trace.

Signage

The plan calls for two free standing monument signs. The first sign will be at the entrance to the Village Commercial District along Highway 100. The second will be located at the entrance to the Residential District adjacent to Pasquo Road. The plan provides for building signage within the Village Commercial District. Permitted building signs include projecting and wall mounted.

Building Design

The plan provides conceptual elevations for the residential district. It provides conceptual elevations and architectural standards for the Village Commercial District. Standards include materials as well as more detailed standards.

Conclusion

As proposed, there are no major issues with the proposal. The plan meets several critical planning goals and is consistent with the site's land use policies. It is important to note that the policies for this site were just recently adopted by the Planning Commission with the update of the Bellevue Community Plan. During the update, the policies for the site were discussed in detail. As proposed the development will provide housing and services in an area that is predominately rural in character. The plan does this in a way that strikes a balance between rural and suburban character. Most importantly the plan preserves large contiguous areas of the hillside including steep slopes and forested areas; preserves the character along Highway 100; and is designed so that it will not have any negative impacts on the Natchez Trace Parkway.

STORMWATER RECOMMENDATION

Approve with conditions

- Add correct Access note to preliminary SP.
- Add note stating that full water quality treatment (80% TSS) will be obtained.

PUBLIC WORKS RECOMMENDATION

Public Works Comments will be available at the meeting.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.61	0.6 F	15,942 SF	720	20	60

Maximum Uses in Existing Zoning District: **RS30**

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)	18.59	01.23 D	22 L	211	17	23

Maximum Uses in Existing Zoning District: **RS40**

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)	2.96	00.93 D	2 L	20	2	3

Maximum Uses in Existing Zoning District: **AR2a**

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)	13.15	0.5 D	6 L	58	5	7

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	-	-	119 U	845	63	84

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	-	-	5,400 SF	687	63	61

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	-	-	15,000 SF	680	20	58

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Office (710)	-	-	6,000 SF	153	20	20

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Hotel (310)	-	-	86 Rooms	768	38	45

Traffic changes between maximum: **CL, RS30, RS40, AR2a** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2124	+160	+268

SCHOOL BOARD REPORT

Projected student generation 6 Elementary 2 Middle 3 High

Schools Over/Under Capacity

Students would attend Harpeth Valley Elementary School, Bellevue Middle School and Hillwood High School. Of these, Buena Bellevue Middle School and Hillwood High School have been identified as being over capacity by the Metro School Board. There is capacity for high school students within the cluster but there is no capacity for middle school students within the cluster. This information is based upon data from the school board last updated October 2011.

Fiscal Liability

The fiscal liability of two new middle school students is \$47,000. 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 PUD cancelation be approved. Staff recommends that the zoning be approved with conditions and disapproved without all staff conditions.

CONDITIONS

1. Uses in the district shall be limited to the uses specified in the SP Development plan.
2. No drive thru facilities shall be permitted. Prior to Council approval a note to this effect shall be added to the development plan.
3. The maximum height of any monument signs shall not exceed six feet. Prior to Council approval a note to this effect shall be added to the development plan.
4. Prior to Council approval add access note and note stating that full water quality treatment (80% TSS) will be obtained as required by Metro Stormwater.

5. The developer shall work with Metro Greenways in coordinating specific details regarding the Natchez Trace Connector proposed along Highway 100. Prior to the approval of any final site plan, the developer shall offer the proposed greenway for dedication to Metro. Prior to final site plan approval Metro Greenways shall accept the greenway or Greenways shall relieve the project from this requirement. If Metro does not accept the proposed pathway for greenways, then the pathways shall remain open to public by access easements.
6. Council approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by the Metro Traffic Engineer and/or the Planning Commission.
7. 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 MUL zoning district as of the date of the applicable request or application.
8. 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.
9. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions and disapproved without all conditions. (9-0), Consent Agenda

Resolution No. RS2012-123

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-013-001 is APPROVED with conditions and disapproved without all conditions. (9-0)”

CONDITIONS

1. Uses in the district shall be limited to the uses specified in the SP Development plan.
2. No drive thru facilities shall be permitted. Prior to Council approval a note to this effect shall be added to the development plan.
3. The maximum height of any monument signs shall not exceed six feet. Prior to Council approval a note to this effect shall be added to the development plan.
4. Prior to Council approval add access note and note stating that full water quality treatment (80% TSS) will be obtained as required by Metro Stormwater.
5. The developer shall work with Metro Greenways in coordinating specific details regarding the Natchez Trace Connector proposed along Highway 100. Prior to the approval of any final site plan, the developer shall offer the proposed greenway for dedication to Metro. Prior to final site plan approval Metro Greenways shall accept the greenway or Greenways shall relieve the project from this requirement. If Metro does not accept the proposed pathway for greenways, then the pathways shall remain open to public by access easements.
6. Council approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by the Metro Traffic Engineer and/or the Planning Commission.

7. 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 MUL zoning district as of the date of the applicable request or application.

8. 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.

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

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

The development proposal is consistent with the applicable land use policies and meets several critical planning goals.

Zone Changes

12a. 2012Z-014PR-001

PRESIDENTS RESERVE AT BRENTWOOD

Map 160, Parcel(s) 286

Map 160-15-0-F, Parcel(s) 001-006, 900

Council District 04 (Brady Banks)

Staff Reviewer: Greg Johnson

A request to rezone from the MUN to OL district for properties located at 673 Old Hickory Boulevard and at Old Hickory Boulevard (unnumbered), approximately 425 feet east of Cloverland Drive (1.24 acres), requested by OHB Development Group, Inc., owner. (See also Planned Unit Development Overlay Proposal No. 2004P-021-001).

Staff Recommendation: APPROVE

Approved (9-0), Consent Agenda

Resolution No. RS2012-124

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-014PR-001 is **APPROVED. (9-0)**"

The requested OL zoning district is consistent with the Mixed Use land use policy.

12b. 2004P-021-001

PRESIDENTS RESERVE AT BRENTWOOD (AMEND # 1)

Map 160, Parcel(s) 286

Map 160-15-0-F, Parcel(s) 001-006, 900

Council District 04 (Brady Banks)

Staff Reviewer: Greg Johnson

A request to amend a portion of the Presidents Reserve at Brentwood Commercial Planned Unit Development Overlay District and for final approval for property located at 673 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 425 feet east of Cloverland Drive, zoned MUN and proposed for OL, (1.24 acres), to permit an 11,080 square foot medical office, general office, and outpatient clinic building where a 12,960 square foot office building was previously approved, requested by Delta Associates, Inc., applicant, OHB Development Group, Inc., owner (See also Zone Change Proposal No. 2012Z-014PR-001).

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST

Zone change to permit office uses, PUD amendment to change layout of office uses, and final site plan

Zone change

A request to rezone from the Mixed Use Neighborhood (MUN) to the Office Limited (OL) district for properties located at 673 Old Hickory Boulevard and at Old Hickory Boulevard (unnumbered), approximately 425 feet east of Cloverland Drive (1.24 acres).

Amend PUD

A request to amend a portion of the Presidents Reserve at Brentwood Commercial Planned Unit Development Overlay District and for final approval for property located at 673 Old Hickory Boulevard and Old Hickory Boulevard (unnumbered), approximately 425 feet east of Cloverland Drive, zoned Mixed Use Neighborhood (MUN) and proposed for Office Limited (OL), (1.24 acres), to permit an 11,080 square foot medical office, general office, and outpatient clinic building where a 12,960 square foot office building was previously approved.

Existing Zoning

Mixed Use Neighborhood (MUN) is intended for a low intensity mixture of residential, retail, and office uses. A PUD overlay limits the permitted land uses to residential, general office, and medical office uses.

Proposed Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses. The PUD amendment request would limit the permitted land uses to residential, general office, medical office, and outpatient clinic.

CRITICAL PLANNING GOALS

N/A

SOUTHEAST COMMUNITY PLAN

Mixed Use (MU) policy is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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.

The policy includes a special policy within the Presidents Reserve PUD that limits the floor area ratio (FAR) of the office development to 0.08.

Consistent with Policy?

Yes. The zone change and PUD requests intend to modify the types of office uses that are permitted within the existing PUD and to change the configuration of these offices uses. The PUD includes existing residential development, and the mix of uses envisioned by the land use policy will not change significantly through this request.

For the zone change request, the OL zoning district is requested because the existing MUN zoning district places a maximum size limit of 2,500 square feet for each office tenant. The OL zoning district will remove this requirement and would permit a single office tenant to occupy the proposed 11,080 square foot office building, instead of needing a minimum of five smaller tenants. The zone change will not alter the types of commercial uses that would be permitted on the site.

The PUD amendment request will continue to restrict the uses permitted by the base zoning district. In this case, general office, medical office, and outpatient clinic will be the only permitted non-residential land uses. Because the floor area will decrease with this application, it will not exceed the maximum FAR within the land use policy.

REQUEST DETAILS

The Presidents Reserve PUD was approved in 2004. The PUD was approved in order to provide additional use limitations to the MUN zoning district and to illustrate the form of development. The approved site plan included residential and office uses. To date, ten residential units have been constructed. Six additional units are approved, but not constructed. The original approval included 12,220 square feet of office uses among three buildings. The current proposal seeks to consolidate the permitted office square footage into one 11,080 square foot building.

Access to this portion of the PUD will be provided by a driveway connection from Old Hickory Boulevard. Parking for the proposed residential and office uses will be provided by a row of parking along the Old Hickory Boulevard frontage and by another row between the proposed office and approved residential uses.

ANALYSIS

The impacts of the PUD amendment on the site plan are minimal. The only substantive change to the site plan is the consolidation of office uses into one building, in a location where an office building was previously approved. A small parking area will replace the footprint of a previously approved office building.

The primary reason for the zone change is to remove the maximum size limit of 2,500 square feet for each office tenant that is part of the MUN zoning district. The OL zoning district permits office, medical office, and outpatient clinic by right, and does not include a maximum tenant size. The maximum tenant size is not a recommendation of the Mixed Use land use policy and is not necessary on this site, given its location along a major arterial road across the street from the Seven Springs PUD, which does not include a maximum tenant size.

Signage

The request does not include specific sign requirements. Because the Seven Springs PUD on the north side of Old Hickory Boulevard, across from the site, has a maximum ground sign height of eight feet along the PUD frontage, that same maximum height is appropriate for the President’s Reserve PUD frontage. A condition of approval has been added with an eight foot height maximum for ground signs within the PUD.

FIRE MARSHAL RECOMMENDATION

Approved

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer’s final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Indicate solid waste plan – roll off container and recycling container locations for residential and recycling container for office.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.24	-	12,960 SF*	277	37	94

*Floor area controlled by PUD Overlay

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Medical Office (720)	1.24	-	11,080 SF*	239	26	41

*Floor area controlled by PUD Overlay

Traffic changes between maximum: **MUN** and proposed **OL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-38	--11	-53

STAFF RECOMMENDATION

Staff recommends approval of the zone change request and approval with conditions of the preliminary PUD and final site plan. The zone change and PUD amendment requests are consistent with the existing Mixed Use land use policy.

CONDITIONS

1. The request shall comply with all conditions of Metro Public Works.
2. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed eight feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
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 reapproval by the Planning Commission and/or Metro Council.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-125

“BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-021-001 is **APPROVED with conditions. (9-0)**”

CONDITIONS

1. The request shall comply with all conditions of Metro Public Works.
2. There shall be no pole signs allowed, and all free standing signs shall be monument type not to exceed eight feet in height. Changeable LED, video signs or similar signs allowing automatic changeable messages shall be prohibited. All other signs shall meet the base zoning requirements, and must be approved by the Metro Department of Codes Administration.
3. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

5. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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 reapproval by the Planning Commission and/or Metro Council.

The PUD amendment is consistent with both the Mixed Use land policy and the intent of the currently approved PUD.

J. PLANNING COMMISSION ACTIONS

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

Subdivision: Final Plats

13. 2008S-036-001

SUMMIT HILLS, 1ST REV

Map 091-13, Parcel(s) 368-375, 377-384

Council District 20 (Buddy Baker)

Staff Reviewer: Brenda Bernards

A request for final plat approval for properties located at 400, 404, 405, 408, 409, 412, 413, 416, 417, 420, 421, 424, 425, 428, 429, 433, and 437 Newton Court, at the southeast corner of Newton Court and Newton Avenue, zoned R8 (1.7 acres), requested by Affordable Housing Resources on behalf of various owners, Wamble & Associates, surveyor.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Final plat approval

Final Plat

A request for final plat approval for properties located at 400, 404, 405, 408, 409, 412, 413, 416, 417, 420, 421, 424, 425, 428, 429, 433, and 437 Newton Court, at the southeast corner of Newton Court and Newton Avenue, zoned R8 (1.7 acres), requested by Affordable Housing Resources on behalf of various owners, Wamble & Associates, surveyor.

Existing Zoning

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.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

This plat was originally approved in February 1998. At that time, sidewalks were required on one side of all new streets. Since the approval, the Subdivision Regulations were amended to remove the requirement for sidewalks on permanent dead-end streets (cul-de-sacs) less than 750 feet in length. Newton Court is approximately 540 feet in length. The subdivision was developed without the installation of the sidewalks. All other infrastructure is in place.

Currently, 16 of the 17 lots have been developed. Newton Court has an approximately 12 percent grade. The steep slopes that would be created by the excavation of the sidewalk would likely require retaining walls and slope easements. In addition, the installation of the sidewalk would require the relocation of up to five power poles. The applicant has requested that this subdivision be reviewed under the current regulations which would not require sidewalks. There are no other sidewalks in this area with the closest sidewalks along Robertson Avenue, about one half of a mile walk from Newton Court.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No exception taken.

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval of this request to re-plat the Summit Hills Subdivision under the current Subdivision Regulations.

Approved (9-0), Consent Agenda

Resolution No. RS2012-126

“BE IT RESOLVED by The Metropolitan Planning Commission that 2008S-036-001 is **APPROVED. (9-0)**”

14. 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 on property located at 596 N. Dupont Avenue, approximately 1,675 feet east of Delaware Avenue, zoned RM20 (5.78 acres), requested by Madison Church of Christ, Trustee, owner, Ragan-Smith Associates, Inc., surveyor.

Staff Recommendation: DEFER TO THE JULY 26, 2012, PLANNING COMMISSION MEETING OR DISAPPROVE.

The Metropolitan Planning Commission DEFERRED to July 26, 2012, Subdivision 2012S-062-001, at the request of the applicant. (9-0)

K. OTHER BUSINESS

15. Resolution authorizing the expenditure of up to an additional \$5,000 from the Advance Planning and Research Fund to the Nashville Area MPO to obtain specialized consultant expertise to develop and implement community surveying for the Nashville-Davidson County General Plan Update. The purpose is to ensure all Metro Council and Planning Commission members are surveyed as part of the General Plan process.

Approved (9-0), Consent Agenda

Resolution No. RS2012-127

“BE IT RESOLVED by The Metropolitan Planning Commission that the expenditure of up to an additional \$5,000 from the Advance Planning and Research Fund to the Nashville Area MPO is **APPROVED** to obtain specialized consultant expertise to develop and implement community surveying for the Nashville-Davidson County General Plan Update. **(9-0)**”

16. Discussion the 2012 Planning Commission Retreat

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

L. MPC CALENDAR OF UPCOMING MATTERS

June 22, 2012

General Plan Workshop

11am to 5 pm, Trevecca University

June 26, 2012

Antioch plan update - draft policy recommendations and implementation

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

June 27, 2012

American Planning Association web-based seminar -- 2012 Planning Law Review

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

June 28, 2012

MPC Meeting

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

June 29, 2012

General Plan Workshop

11am to 5 pm, Lipscomb University

July 26, 2012

Work Session

Topic: Major and Collector Street Plan

2:30pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

MPC Meeting

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

M. ADJOURNMENT

The meeting was adjourned at 7:05 p.m.