



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

Thursday, June 27, 2013

4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

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

Staff Present:

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

Commissioners Absent: Hunter Gee, Derrick Dalton, Greg Adkins

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.



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

MEETING AGENDA

A. CALL TO ORDER

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

B. ADOPTION OF AGENDA

Mr. Ponder moved and Mr. Haynes seconded the motion to adopt the agenda. (7-0)

C. APPROVAL OF JUNE 13, 2013 MINUTES

Councilmember Claiborne moved and Mr. Ponder seconded the motion to approve the June13, 2013 minutes. (7-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Hunt spoke in support of Items 1 and 2.

Councilmember Scott Davis asked for deferral of Item 9 in order to give neighbors more information; however, the applicant requested to have the Public Hearing at this time.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

No Cases on this Agenda

F. CONSENT AGENDA

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

3. 2009SP-036-001

607 & 612 10TH AVENUE NORTH

5. 2013HL-001-001

BL2013-468 \ STANLEY
305 KENT ROAD

6. 2004P-013-004

MILL CREEK TOWNE CENTRE (TACO BELL)

7. 37-79P-001

CROSSINGS AT HICKORY HOLLOW (ENTERPRISE)

8. 45-86P-001

GRANWOOD VILLAGE (SPEEDWAY)

10. 2013S-090-001

COTTAGES OF IDAHO

11. Employee contract renewals for Jennifer Higgs, David Kline, John Broome, Michael Skipper, Leslie Meehan, Chin-Cheng Chen, Max Baker, and Nick Lindeman.

12. **Resolution authorizing the expenditure of up to \$29,000 from the FY2013 Advance Planning and Research Fund to purchase access to MetroQuest digital engagement software for necessary research associated with the Nashville-Davidson County General Plan. The research will involve obtaining community response to scenario and development options developed during the planning process. The total of this authorization and the total committed in Planning Commission Resolutions RS2012-214, RS2013-17 and RS2013-112 shall not exceed \$50,000.**
13. **Resolution authorizing the continued funding of the research specified in MPC resolutions RS2012-214, RS2013-17 and RS2013-112 and the previous item on this Agenda (subject to MPC approval) from the FY2014 Advance Planning and Research Fund. The total of this authorization shall not exceed \$50,000 from FY2014 funding.**
14. **Resolution authorizing the expenditure of up to \$20,000 from the FY2014 Advance Planning and Research Fund to study Revitalization Strategies in Historic Black Business Districts and an associated market study for the Jefferson Street market area for necessary research for the Nashville-Davidson County General Plan. The total of this authorization and the funding authorized on the previous item on this Agenda (subject to MPC approval) shall not exceed \$50,000.**

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve the Consent Agenda. (6-0-1) Mr. Haynes abstained.

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.

No Cases on this Agenda

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

1. 2013CP-003-001

BORDEAUX WHITES CREEK PLAN AMENDMENT

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

Council District 03 (Walter Hunt)

Staff Reviewer: Cynthia Wood

A request to amend the Bordeaux Whites Creek Community Plan: 2003 Update by changing the Land Use policy from Natural Conservation/Rural policy to a special policy for properties located at 4105, 4125 and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road and located within the Floodplain Overlay District (136.04 acres), requested by EDGE Planning, Landscape Architecture and Urban Design, applicant; Fontanel Properties, LLC, owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Change the policy from Natural Conservation to Natural Conservation with a Special Policy.

Amend the Community Plan

A request to amend the *Bordeaux-Whites Creek Community Plan: 2003 Update* by changing the current Land Use Policy from Natural Conservation (NCO) to Natural Conservation with a Special Policy (NCO SPA 2) for a portion of the Fontanel site at Whites Creek Pike (0.54 acres).

BORDEAUX/WHITES CREEK COMMUNITY PLAN

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

PROPOSED POLICY

Natural Conservation with a Special Policy (NCO SPA 2) is intended to meet the intent of the standard NCO policy to preserve the large majority of the land in an environmentally constrained site while continuing to support its unique commercial operation.

BACKGROUND

Most of the subject site's land contains substantial environmental constraints to development including steep slopes, floodplain, stream buffers, and large forested areas. Together, these constraints are found on approximately 117 acres (or 86%) of the 136-acre site. Natural Conservation policy is for very low intensity development and does not normally support commercial uses. Most NCO areas are large, contiguous, and sparsely developed. These areas are found around the periphery of the county and make up a large proportion of its land. Rural residential and agricultural development, supported by community facilities scattered throughout, are the most common forms of development. Much of the zoning in NCO areas is for low-intensity rural development, although there are several areas that are zoned to support more intense development. This is especially true in the more suburban and urban areas of the county. Nonetheless, higher intensity zoning is also found in several rural areas. These include the properties in the area surrounding the Fontanel site. These properties are zoned for higher density residential development than is normally supported by NCO policy.

The current applicants have requested a community plan amendment and Specific Plan Amendment rezoning in order to add a new activity on the site. The additional activity, rural resort, is defined by the Specific Plan but is similar to a hotel use found

in the Metro Zoning Code. The proposed rural resort consists of 140-units in the form of ten buildings adjacent to the Fontanel Mansion at the eastern end of the site.

On October 22, 2009, the Planning Commission recommended approval of the currently approved SP-MU district for the Mansion at Fontanel site. The Commission noted in its approval motion that the SP:

“...is consistent with the Bordeaux – Whites Creek Community Plan’s Natural Conservation and Rural policies because the SP will conserve a majority of the land, utilize and preserve existing structures, and maintain the rural appearance along Whites Creek Pike.”

Since the original approval, there have been three SP amendments, with the last amendment for a bed and breakfast/Southern Living Idea House, approved in 2012. Currently, the following activities are approved under the SP:

- Fontanel Mansion: Special events center with daily tours;
- Bed and breakfast/Southern Living Idea House;
- Full service restaurant;
- Gift shop;
- Museum;
- Micro brewery;
- Artisan distillery;
- Tour bus display;
- Seasonal performance venue;
- Trails; and,
- Associated parking.

The Bordeaux-Whites Creek Community Plan was last updated in 2003. The subject site is located in the Whites Creek Community. The front part of the site – between the street and Whites Creek – is part of the National Register-listed Whites Creek Rural Historic District. The portion of the site that is free of environmental constraints is located at the front in the National Register Rural Historic District and is in Rural policy. Rural policy is complementary to the adjacent NCO policy because it helps to protect the low-intensity rural character of Whites Creek. A greenway has been developed along Whites Creek within the site and it will eventually connect to the remainder of the Whites Creek Greenway. The greenway segment also connects to the site’s own primitive trails system, which is open to community use.

COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on June 17, 2013. The meeting was attended by approximately 15 people including District Councilman Walter Hunt. Several attendees were supportive of the project and mentioned that the proposed rezoning, if approved, would help preserve the site’s rural character and provide a development pattern that would be more sensitive to the character of the Whites Creek Historic District and the constrained environmental features than the suburban residential development permitted by the R15 and RS15 zoning districts in place on neighboring properties.

Attendees did have some questions and concerns about the proposed development. They wanted to know more about the proposed hotel operator and were interested in the details of the proposed parking and circulation on the site. They wanted to have some comfort level that if the proposed development was not successful, there would be a public process involved in approving any alternative development of the site.

In addition to this community meeting, the applicant has been meeting with area residents individually and in a previous community meeting this spring to hear neighborhood questions and concerns.

ANALYSIS

The Fontanel development, while not typically supported by NCO policy, meets the policy’s basic intent of preserving sensitive natural environments. At least 75 percent of the site will be protected as open space through the proposed SP amendment. Any change to this requirement would require both a policy amendment and an SP amendment. The development, both as existing and proposed, provides an option for economic development, consumer services, and community amenities that are not currently supported by the community plan policies in the Whites Creek Community. Addition of Special Policy language to the standard NCO language can allow a portion of Fontanel to be developed while guiding the nature and extent of the development.

STAFF RECOMMENDATION

Staff recommends approval of the Natural Conservation (NCO) policy with the inclusion of the following Special Policy 2 in the Bordeaux-Whites Creek Community Plan.

Commercial activities are not normally supported by NCO policy however the character and development pattern of the business that exists on the site provides a better opportunity for site preservation than the suburban residential zoning that is found in the surrounding Whites Creek Community. Commercial development that results in minimal disturbance of the natural environment, significant open space preservation, limited off-site impacts on the surrounding rural community may be considered on its merits provided that:

- At least 75 percent of the site is permanently preserved as undisturbed open space;
- Development techniques are used that cause minimal disturbance to sensitive environmental features such as steep slopes, forested areas, floodplains, and water bodies;
- A development pattern is established that is appropriate to a rural environment in its appearance and operations, including setbacks, parking, building types, and landscaping, and lighting, road and driveway design, traffic, and noise management; and, Low impact development techniques are used for stormwater management.

Ms. Woods presented the staff recommendation of approval. Items 1 and 2 were heard and discussed together.

John Haas, on behalf of Fontanel, spoke in support of the application and noted that three community meetings were held in the past 90 days and the project was well received.

Jim Wood, Laws Road, spoke in support of the application.

Pam Wood spoke in support of the application and stated that Fontanel has done nothing but try to enhance the beauty of the area.

Councilmember Hunt spoke in support of the application and clarified that he was unaware of any opposition until this meeting. He stated that this project will be good for the community as it will bring entertainment, jobs, and business.

Laura Fott, 6921 Old Hickory Blvd, spoke in opposition to the application noting that this is the fourth variance they've asked for in a short period of time. She stated that she has never been invited to a community meeting, this does not keep with the rural character of Whites Creek, and concerns with increased noise and environmental issues.

David Wells, 3456 Knight Drive, spoke in opposition to the application. He stated that he has not been invited to or made aware of any community meetings. He also expressed concerns regarding adequate infrastructure to handle this type of development.

John Haas clarified that notices were sent out twice in accordance with Metro regulations. He also pointed out that under the current SP, there is no commitment to open space. The owner has committed to up to 75% open space of the site.

Mr. Haynes moved and Councilmember Claiborne seconded the motion to close the Public Hearing. (7-0)

Councilmember Claiborne spoke in support of the application, especially due to the commitment to open space.

Mr. Ponder spoke in support of the application.

Dr. Cummings spoke in support of the application and commended the owner on the commitment to open space.

Mr. Clifton spoke in support of the application and stated that this plan seems to be better than the current one due to the commitment to open space.

Mrs. LeQuire spoke in support of the application due to tightening the policy regarding open space. She would like to see the neighbor's concerns addressed at the councilmember and owner level.

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

Resolution No. RS2013-114

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-003-001 is Approved. (7-0)

I. RECOMMENDATIONS TO METRO COUNCIL

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

Specific Plans

2. 2009SP-022-007

THE MANSION AT FONTANEL (AMENDMENT)

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

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and located within the Floodplain Overlay District, to permit a rural resort with lodging for up to 140 rooms, requested by EDGE Planning, Landscape Architects, applicant; Fontanel Properties LLC, owner.

Staff Recommendation: Approve with conditions and disapprove without all staff conditions if the Commission approves the associated policy amendment. Disapprove if the associated policy amendment is not approved by the Planning Commission.

APPLICANT REQUEST

Permit a rural resort with up to 140 rooms.

Preliminary SP Amendment

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and located within the Floodplain Overlay District, to permit a rural resort with lodging for up to 140 rooms.

Existing Zoning

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

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features

The majority of this property contains steep slopes and floodplain. The floodplain is associated with Whites Creek that bisects the property. While the proposed amendment will permit additional development in an area with steep slopes currently designated as open space, it retains 75 percent (102 acres) of the site in open space.

BORDEAUX/WHITES CREEK COMMUNITY PLAN

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

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

Whites Creek Historic District

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

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

Consistent with policy?

No. The request is not consistent with the existing Natural Conservation district because the request permits additional commercial activity in an area where the policy does not typically support commercial uses. Staff's support of the original request was based on the following factors:

- The proposed use, scale and location of buildings were consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- While commercial uses are not consistent with the NCO and R policies, the SP brought this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than the R15 and RS20 zoning districts.
- The uses, types of building and location of buildings supported the Whites Creek Historic District.

The Planning Commission found that the 2009 request was consistent with the Bordeaux – Whites Creek Community Plan's Natural Conservation and Rural policies stating that it "will conserve a majority of the land, utilize and preserve existing structures, and maintain the rural appearance along Whites Creek Pike."

The proposed change to the Council approved plan will be located in an area encompassed by the Natural Conservation policy only. While the request does not meet the current Natural Conservation policy, there is a policy amendment associated with this application. The proposed policy amendment would add a special policy into the Natural Conservation policy (NCO SPA 2) for the subject site. It "is intended to meet the intent of the standard NCO policy to preserve the large majority of the land in an environmentally constrained site while continuing to support its unique commercial operation."

The proposed amendment to the SP is consistent with the proposed NCO SPA 2 policy because it maintains the unique commercial operations while preserving a majority of the site (75percent) as open space, including a majority of the existing tree canopy. Also, the additional development proposed with this amendment will be designed in a way that minimizes disturbance and grading. While the proposed change to the SP is only located within the Natural Conservation policy area, it is important to ensure that it does not negatively impact the Rural policy or the Whites Creek Historic District. Staff finds that the proposal will not have an impact on the rural character along Whites Creek Pike because it will be located at the back of the site and is located at an elevation which should keep the buildings below the tree line. *If the Planning Commission approves the proposed policy amendment, the proposed SP amendment would be consistent with the policy.*

PLAN DETAILS

The Mansion at Fontanel Specific Plan was originally approved in 2009. Since the original approval, there have been three amendments, with the last amendment for a bed and breakfast/Southern Living Idea House, approved in 2012. While there have been several Planning Commission and/or Council approved changes to the original plan, a majority of the development has been developed as originally approved.

Plan layout

This amendment will add a "rural resort" as a new use within the SP. The SP defines a rural resort as "facilities owned and operated by a non-government entity for the purpose of providing a rural setting in which lodging, and/or conference, meeting and event facilities are provided for compensation. The use may also include a restaurant and or/banquet facilities and recreational amenities of a rural nature." While the use is defined in the SP as a rural resort, it is similar to a hotel use as defined in the Metro Zoning Code.

The proposed rural resort will be located near the back of the site, just to the west of the Fontanel Mansion. A maximum of 140 rooms are proposed in ten individual buildings that are to be stepped into the hillside. Access to the site will be from the existing single-lane drive which will be widened to 20 feet. The plan also proposes a new 18 foot wide emergency bypass road, which loops around the existing "temporary vendor area" near the Seasonal Performance Entertainment area. Additional parking is provided at the site and will meet current parking requirements for hotel/motel as defined in the Metro Zoning Code. While parking is provided, the plan calls for visitors to use golf carts for getting around the site after arrival.

ANALYSIS

Staff recommends that the request be approved with conditions if the associated policy amendment is approved and disapproval if the policy amendment is not approved. Staff also recommends disapproval without all staff conditions. The proposed SP amendment is consistent with the associated, proposed special policy as it will retain a majority of the site in open space 75 percent (102 acres). Also, the proposal should not have an impact on the rural character along Whites Creek Pike because the changes are proposed at the back of the site, out of view from Whites Creek Pike.

In order to minimize grading and retain the sites rural character, the plan calls for a design and layout that will minimize grading. This includes working with the existing grades and stepping the buildings into the hill side which also minimizes the need to remove existing vegetation including trees. While this plan identifies ten individual buildings, a final site plan could include a different layout and building count if the overall unit count does not exceed 140, and the layout and design minimizes disturbance. Public Works is requiring that the private drive into the resort be widened to 20 feet. The character of the existing drive is important to the overall setting for this development, and any required widening should not destroy this character. Any grading and fill associated with the widening of the private drive should be minimal. To ensure that the character along the drive remains intact, staff is recommending that the Planning Commission and/or Metro Council be required to approve any plan that proposes grading that staff finds to be excessive.

Since this development has had several amendments in the past, staff has included previous council bill requirements as conditions of this approval. This is intended to simplify future review of this development.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exception Taken

- 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.

FIRE MARSHAL RECOMMENDATION

Approved

- All structures shall be sprinklered.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.
- The improved access drive back to the "resort" shall be a private drive, and will have a pavement width of 20 feet.
- Any proposed grades in excess of 10% will be pending based on approval of the Fire Appeals Board. If a variance is not granted, the resort site will be redesigned to ensure that all slopes are less than 10%.
- A fire hydrant shall be provided within 100 feet of each fire department connection.

STAFF RECOMMENDATION

Staff recommends that the proposed amendment be approved with conditions and disapproved without all staff conditions, if the Commission approves the associated policy amendment. Staff recommends disapproval if the associated policy amendment is not approved by the Planning Commission. This request is consistent with the proposed special policy in the Natural Conservation policy area, but it is not consistent with the existing Natural Conservation policy.

CONDITIONS

1. Uses within this SP shall be limited to the specific uses as described in the SP document.
2. Any additional development not shown on the Council approved plan shall require Planning Commission and or Council approval.
3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.

Previous conditions carried over from previous Council legislation:

4. A stage shell shall be provided for all Seasonal Performance Entertainment events.
5. Seasonal Performance Entertainment events shall be limited from the first of April through the 30th of November.
6. The maximum number of Seasonal Performance Entertainment events within one calendar year shall not exceed 14, and no more than two events may occur within one calendar month with the exception that the symphony shall be permitted to hold up to four events in any one month annually and shall not be counted towards the 14 event maximum.
7. Seasonal Performance Entertainment events shall be limited to Friday, Saturday or Sundays, and no event shall last more than one day.
8. Admissions to any one single-day Seasonal Entertainment Performance event shall not exceed 4,500 persons.
9. All Seasonal Performance Entertainment events shall end by 10:30 P.M.
10. The decibel level output for all Seasonal Performance Entertainment events shall not exceed 96db at the soundboard location for the stage.
11. All Public Works requirements related to access, traffic, special event traffic management, reporting and number of parking spaces shall be met with all future development.
12. Parking on the east side of Whites Creek shall be used for overflow parking only.
13. 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 CN zoning district as of the date of the applicable request or application.

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 staff conditions if the commission approves the associated policy amendment. Items 1 and 2 were heard and discussed together.

John Haas, on behalf of Fontanel, spoke in support of the application and noted that three community meetings were held in the past 90 days and the project was well received.

Jim Wood, Laws Road, spoke in support of the application.

Pam Wood spoke in support of the application and stated that Fontanel has done nothing but try to enhance the beauty of the area.

Councilmember Hunt spoke in support of the application and clarified that he was unaware of any opposition until this meeting. He stated that this project will be good for the community as it will bring entertainment, jobs, and business.

Laura Fott, 6921 Old Hickory Blvd, spoke in opposition to the application noting that this is the fourth variance they've asked for in a short period of time. She stated that she has never been invited to a community meeting, this does not keep with the rural character of Whites Creek, and concerns with increased noise and environmental issues.

David Wells, 3456 Knight Drive, spoke in opposition to the application. He stated that he has not been invited to or made aware of any community meetings. He also expressed concerns regarding adequate infrastructure to handle this type of development.

John Haas clarified that notices were sent out twice in accordance with Metro regulations. He also pointed out that under the current SP; there is no commitment to open space. The owner has committed to up to 75% open space of the site.

Mr. Haynes moved and Councilmember Claiborne seconded the motion to close the Public Hearing. (7-0)

Councilmember Claiborne spoke in support of the application, especially due to the commitment to open space.

Mr. Ponder spoke in support of the application.

Dr. Cummings spoke in support of the application and commended the owner on the commitment to open space.

Mr. Clifton spoke in support of the application and stated that this plan seems to be better than the current one due to the commitment to open space.

Mrs. LeQuire spoke in support of the application due to tightening the policy regarding open space. She would like to see the neighbor's concerns addressed at the councilmember and owner level.

Dr. Cummings moved and Councilmember Claiborne seconded the motion to approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2013-115

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-007 is **Approved with conditions and disapproved without all conditions. (7-0)**

With the associated special policy to preserve most of the site while supporting some commercial uses, this request to amend the preliminary SP is consistent with the Natural Conservation policy.

CONDITIONS

1. Uses within this SP shall be limited to the specific uses as described in the SP document.

2. Any additional development not shown on the Council approved plan shall require Planning Commission and or Council approval.

3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.

Previous conditions carried over from previous Council legislation:

4. A stage shell shall be provided for all Seasonal Performance Entertainment events.

5. Seasonal Performance Entertainment events shall be limited from the first of April through the 30th of November.

6. The maximum number of Seasonal Performance Entertainment events within one calendar year shall not exceed 14, and no more than two events may occur within one calendar month with the exception that the symphony shall be permitted to hold up to four events in any one month annually and shall not be counted towards the 14 event maximum.
7. Seasonal Performance Entertainment events shall be limited to Friday, Saturday or Sundays, and no event shall last more than one day.
8. Admissions to any one single-day Seasonal Entertainment Performance event shall not exceed 4,500 persons.
9. All Seasonal Performance Entertainment events shall end by 10:30 P.M.
10. The decibel level output for all Seasonal Performance Entertainment events shall not exceed 96db at the soundboard location for the stage.
11. All Public Works requirements related to access, traffic, special event traffic management, reporting and number of parking spaces shall be met with all future development.
12. Parking on the east side of Whites Creek shall be used for overflow parking only.
13. 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 CN zoning district as of the date of the applicable request or application.

3. 2009SP-036-001

607 & 612 10TH AVENUE NORTH

Map 093-01, Parcel(s) 033-034

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan district, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 607 and 612 10th Avenue North, (6.66 acres), approved via Council Bill BL2009-395 on May 22, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District active.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan district, to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 607 and 612 10th Avenue North, (6.66 acres), approved via Council Bill BL2009-395 on May 22, 2009.

Zoning Code Requirement

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

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

DETAILS OF THE SP DISTRICT

On January 8, 2009, the Planning Commission approved a zone change from IR to CF for these properties. Council Bill BL2009-395 was introduced for this zone change on February 3, 2009, and passed second reading on May 5, 2009. On May 19, 2009, a substitute ordinance was introduced, which rezoned the property from IR to SP zoning. This substitute ordinance passed third reading, and was approved on May 22, 2009.

This SP regulates the property as if it is zoned CF, but prohibits certain uses (School Day Care, Day Care Center, and Commercial Amusement) from being within 50' of the existing northerly property line. It also outlines conditions that must be met prior to the issuance of any building permits. These include:

- Present final site plans to the owners of the adjacent properties;
- Complete a traffic study based on the proposed development; Provide and maintain a 20' minimum setback for improvements along the northerly boundary that contains a 5' minimum buffer populated by canopy trees no more than 25' apart.

SPECIFIC PLAN REVIEW

Staff conducted a site visit on May 21, 2013. The site was actively being prepared for development, and all of the buildings at 612 10th Avenue North were demolished. A permit for this demolition (CADM 201213273) was issued on September 4, 2012. The developer has provided a letter dated June 3, 2013, outlining the development activity of the SP, including the acquisition of additional properties, the demolition of all buildings on-site, geotechnical testing, and environmental remediation. Because the SP is actively under development, staff finds the SP active.

STAFF RECOMMENDATION

Staff recommends that the 607 & 612 10th Avenue North SP be found to be active.

Find the SP District active (6-0-1), Consent Agenda

Resolution No. RS2013-116

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-036-001 **was found to be active. (6-0-1)**”

4. 2013SP-022-001

KIRTLAND COTTAGES

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

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

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

APPLICANT REQUEST

Zone change to permit six attached dwellings.

Preliminary SP

A request to rezone from One and Two-Family Residential (R15) to Specific Plan – Residential (SP-R) zoning for property located at 4201 Kirtland Road, at the southwest corner of Kirtland Road and Overhill Drive (0.45 acres), to permit up to six residential dwelling units.

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 1 lot with 1 duplex lot for a total of 2 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

The proposal meets several critical planning goals based on its location and design. The location of the site adjacent to a mixed use corridor (Hillsboro Pike) will provide additional transit riders and potential customers and employees for local businesses. New sidewalks will extend an existing pedestrian connection to the southeast from the corridor. Townhouse development in this location provides an additional housing option that is relatively compact compared to the prevailing one and two family building type of the surrounding area. This building type will promote a well-designed transition from the corridor to the residential neighborhood and is an appropriate reuse of an existing residential site.

GREEN HILLS-MIDTOWN COMMUNITY PLAN

Residential Medium High (RMH) policy is intended for existing and future residential areas characterized by densities of nine to twenty dwelling units per acre. A variety of multi-family housing types are appropriate. The most common types include attached townhomes and walk-up apartments.

Consistent with Policy?

Yes. At approximately 13 dwelling units per acre, the proposal is within the recommended density range of the RMH policy (9-20 dwelling units per acre). Townhouses are a recommended building type in this policy. Recommended design principles encourage development in this policy to provide transitions to surrounding policy areas. With conditions of approval, this development will be a well-designed transition from the Hillsboro Pike corridor to the residential neighborhood to the southeast.

PLAN DETAILS

The site is located at the corner of Overhill Drive and Kirtland Road, a half-block to the southeast of Hillsboro Pike, and contains a single-family dwelling. The existing R15 zoning district would permit up to two detached dwellings on the site. Six attached dwellings in a townhouse layout are proposed with the SP. All of the townhouses face Overhill Drive, which borders the site on the northeast and connects to Hillsboro Pike. A driveway from Kirtland Road would provide vehicular access to a first floor garage for each dwelling.

Transitions to adjacent sites

A four-story multi-family building is located on the adjacent lot to the north. At three stories, the proposed townhouses will have a similar height to this adjacent building, but will have stronger street frontage along Overhill Drive. The adjacent multi-family building is separated from the street by a driveway and parking area. This proposal will not permit access from Overhill Drive and will place front facades and landscaping along this street frontage. A series of short garden walls, 12-18 inches in height and punctuated by columns, are shown along this frontage with the intent to provide a decorative element along the street frontage.

A series of three duplexes are located to the southwest of the site. Landscaping and a decorative fence are proposed within the SP to separate these duplexes from the driveway and parking area serving the SP. A condition of approval has been added to strengthen the buffer to provide additional planter width and screening within the street setback area. Compared to the proposed 15 foot front setback along Overhill Drive, the townhouse building will have a relatively deep street setback along Kirtland Avenue of 30 feet to reflect the deeper setbacks of the duplexes. This deeper street setback with the combination of landscape screening and a decorative fence along the southwest property line will provide an appropriate transition from the duplexes along Kirtland Road to the driveway and garage area of the site.

Sidewalks and Walkways

An existing sidewalk along Overhill Drive from Hillsboro Pike terminates on an adjacent property to the north. This SP will extend the sidewalk along the Overhill Drive and Kirtland Road frontages. The sidewalk will also transition from an attached sidewalk to the north to a detached sidewalk with a planting strip and street trees along the site frontage. Additional walkways are proposed within the site to connect street frontages to pedestrian entrances and parking areas.

Parking

The SP complies with the parking requirements of the Zoning Code. Fifteen spaces are required and 18 are currently shown on the plan. The number of parking spaces will likely be reduced due to the conditions of approval, but the SP will be required to provide a minimum of 15 parking spaces.

Building Elevations

Conceptual building elevation drawings have been provided within the SP. Three separate façade designs are proposed for the six dwellings. Entrance stoops with a maximum height of 5 feet are proposed for each dwelling. Each dwelling also includes a roof terrace. Façade designs include brick masonry as the primary exterior building material.

ANALYSIS

The density of the development (approximately 13 dwellings per acre) is within the recommended density of the Residential Medium High policy. The townhouse building type combined with the design aspects of the SP will provide a well-designed transition from the Hillsboro Pike corridor to the residential neighborhood to the southeast.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

No fire hydrant flow data on the plan. Fire sprinkler requirement will be addressed at time of permitting.

STORMWATER RECOMMENDATION

Approve with conditions

Additional room for water quality and quantity may be required (to be determined during Construction Drawing review).

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Address these comments prior to final SP: Notes on the plan indicate a widening on Overhill and Kirtland, show graphically on the plans. Paving per MPW ST-260 cross section. Kirtland widening has been amended. Note 2 states Overhill to be widened.

- Prior to final SP submit documentation of an adequate turn around on-site.
- “No parking or loading” zone will be signed on Overhill Drive frontage.

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.45	3.09 D	2 U*	20	2	3

*Based on one duplex unit

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	0.45	-	6 U	48	5	5

Traffic changes between maximum: **R15** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+4	+28	+3	+2

SCHOOL BOARD REPORT

Based on data from the Metro School Board last updated September 2012, the proposed SP permitting up to six dwellings will not generate additional students from what is generated by the existing R15 zoning district.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP is consistent with the RMH policy of the Green Hills-Midtown Community Plan.

CONDITIONS

1. The corrected copy of the preliminary plan shall remove Note 11 on the front page of the SP plan related to solid waste pickup.
2. Prior to final SP approval, irrigation shall be shown on the plan for landscaping along the southwest property line and all proposed trees within the site and along the street frontage unless prohibited by Public Works within the public right-of-way.
3. Prior to final SP approval, the building setback along Overhill Drive may be reduced to 13 feet to incorporate all proposed streetscape elements.
4. The corrected copy of the preliminary plan shall identify the street trees along the Overhill Drive frontage as canopy trees.
5. The corrected copy of the preliminary plan shall show the proposed street trees along the Overhill Drive and Kirtland Road frontages within the landscaping strip between the sidewalk and the street pavement. Two additional canopy trees shall be added along the Kirtland Road frontage.
6. Sidewalks along both street frontages shall have a minimum width of 6 feet. Landscaping planters along both street frontages shall have a minimum width of 5 feet.
7. Prior to final site plan approval, the solid waste turnaround shall be designed to minimize its appearance.
8. Prior to final SP approval, the following elements shall be labeled on the plan:
 - a. The widening of Overhill Drive and Kirtland Road shall be shown graphically on the plan.
 - b. Paving per MPW ST-260 cross section shall be provided.
 - c. Street widening shall be clarified: Kirtland Road widening has been amended. Note 2 states Overhill to be widened.
9. ADA ramps shall be installed at the southeast and southwest sides of the intersection of Kirtland Road and Overhill Drive.

10. Prior to final site plan approval, detailed stormwater plans for the northeast portion of the site shall be approved ensuring that ponding water will not occur with installation of a sidewalk.

11. Prior to final site plan approval, a signed "No parking or loading" zone will located along the Overhill Drive frontage shall be shown on the plan.

12. Uses within this SP shall be limited to a maximum of six dwellings.

13. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM15 zoning district as of the date of the applicable request or application.

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

15. 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.

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

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

Kevin Estes, 2525 Berry Hill Drive, spoke in support of the application and stated that he will continue to work with the councilmember and the community.

Woody Bomar, 4204 Kirtland, spoke in opposition to the application due to concerns with safety, traffic, and congestion.

Paula Torch, 4213 Kirtland, spoke in opposition to the application due to safety concerns for children in the area, overall parking flow concerns, increased traffic and congestion issues, and the possibility of setting a precedent to allow more lots to be rezoned for multiple dwellings.

Betsy Schaffer, 4221 Kirtland, spoke in opposition to the application and noted that aesthetically it will not fit with the character of the neighborhood.

Alison Russell, 4211 Kirtland, spoke in opposition to the application due to traffic and safety concerns.

Ann Galante, 4203B Kirtland, spoke in opposition to the application due to increased noise concerns.

Ann Morris, 4206 Kirtland, spoke in opposition to the application due to traffic and safety concerns.

Robert Johnson, 4203A Kirtland, spoke in opposition to the application due to traffic concerns.

Kevin Estes requested a deferral to the July 25, 2013, Planning Commission meeting in order to have more time to work with the community.

Mr. Clifton moved and Mr. Ponder seconded the motion to defer to the July 25, 2013 Planning Commission meeting with the public hearing to remain open. (7-0)

Resolution No. RS2013-117

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-022-001 is Deferred to the July 25, 2013, Planning Commission meeting and keep the public hearing open. (7-0)

Historic Landmark Overlays

5. 2013HL-001-001

BL2013-468 \ STANLEY

305 KENT ROAD

Map 096-09, Parcel(s) 119

Council District 14 (James Bruce Stanley)

Staff Reviewer: Duane Cuthbertson

A request to apply a Historic Landmark Overlay District to property located at 305 Kent Road, at the southeast corner of Kent Road and Hastings Road (0.87 acres), zoned RS10, requested by the Metro Historical Commission and Councilmember James Bruce Stanley, applicants; Tennessee State Museum, property owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Apply Historic Landmark Overlay District.

Historic Landmark Overlay

A request to apply a Historic Landmark Overlay District to property located at 305 Kent Road, at the southeast corner of Kent Road and Hastings Road (0.87 acres), zoned Single-Family Residential (RS10).

Existing Zoning

Single-Family Residential (RS10) requires a minimum of 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre. *RS10 would permit a maximum of 3 units.*

Proposed Zoning

Historic Landmark Overlay District (HL) A Historic Landmark is a building, structure, site or object, its appurtenances and the property it is located on, of high historical, cultural, architectural or archaeological importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Nashville and Davidson County.

CRITICAL PLANNING GOALS

- Preserves Historic Resources

The proposed Historic Landmark Overlay District is intended to preserve the historic structure on the property through the implementation of development guidelines by the Metro Historic Zoning Commission and staff.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

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

Consistent with Policy?

Yes. The policy encourages the protection and preservation of historic features.

REQUEST DETAILS

The Metro Historic Zoning Commission (MHZC) considered this application at its June 19, 2013, meeting and recommended approval. The following background information from the Metro Historical Commission staff was available in the staff report to the MHZC:

Metro Historical Commission staff recommendation

Background:

The property is currently owned by the State of Tennessee, which would like to ensure protection of the building's historic character before the property is possibly listed for sale.

At the time of writing this recommendation, Staff is not aware of any opposition to the Overlay designation.

Analysis and Findings:

The Hall-Harding-McCampbell house is a two-story brick house believed to have been constructed around 1805 by William Hall. It was listed in the National Register of Historic Places in 2009 as a good example of the Federal style in Nashville and Davidson County.

The nomination states that few houses of this age exist in Davidson County. The entire nomination can be viewed at www.tn.gov/environment/hist/pdf/hall_harding_mccampbell.pdf

Because the property is listed in the National Register of Historic Places, designation as a local Historic Landmark Zoning Overlay meets section 17.36.120.A.5.

Metro Historical Commission staff Recommendation

Staff suggests that the MHZC recommend Metro Council's approval of 305 Kent Road as a Historic Landmark Overlay and adoption of the current Historic Landmark Design Guidelines for this property.

To be considered as an historic landmark a building, structure, site or object must meet one or more of the following criteria:

1. The historic landmark is associated with an event that has made a significant contribution to local, state or national history;
2. It is associated with the lives of persons significant in local, state or national history; or
3. It embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On June 19, 2013, the Metro Historic Zoning Commission recommended approval of the Historic Landmark Overlay.

PUBLIC WORKS RECOMMENDATION

No comments

STAFF RECOMMENDATION

Staff recommends approval of the Historic Landmark Overlay District.

Approved (6-0-1), Consent Agenda

Resolution No. RS2013-118

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013HL-001-001 is **Approved. (6-0-1)**

The district will preserve an historic structure with architectural importance that contributes to the character of Nashville and Davidson County.

J. PLANNING COMMISSION ACTIONS

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

Planned Unit Developments: Final Site Plans

6. 2004P-013-004

MILL CREEK TOWNE CENTRE (TACO BELL)

Map 181, Part of Parcel(s) 255
Council District 31 (Fabian Bedne)
Staff Reviewer: Greg Johnson

A request to revise the preliminary plan and for final approval for a portion of the Mill Creek Town Centre Commercial Planned Unit Development Overlay District located on a portion of property at 6704 Nolensville Pike, approximately 800 feet north of Pettus Road, zoned SCC (0.679 acres), to permit the development of a 1,961 square foot fast food restaurant, requested by Perry Engineering, LLC, applicant; Legg Investments-Nolensville LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of a Planned Unit Development (PUD) and final site plan to permit a fast food restaurant.

Revision to Preliminary and Final PUD

A request to revise the preliminary plan and for final approval for a portion of the Mill Creek Town Centre Commercial Planned Unit Development Overlay District located on a portion of property at 6704 Nolensville Pike, approximately 800 feet north of Pettus Road, zoned Shopping Center Commercial (SCC) (0.679 acres), to permit the development of a 1,961 square foot fast restaurant.

Existing Zoning

Mill Creek Towne Center Planned Unit Development - Last approved by Council in 2004 for 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and gas station uses for the entire PUD. The portion of the PUD being revised was previously approved for a 2,500 square foot restaurant.

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The Mill Creek Towne Centre PUD is located along the east side of Nolensville Pike, north of Pettus Road. The entire PUD was last approved by Council in 2004 for 45 single-family lots, 248 townhomes, and 236,851 square feet of retail, restaurant, and gas station uses. Since the last Council approval, the Planning Commission has approved several minor revisions, which have reduced the total permitted non-residential development to 218,213 square feet. The last revision was approved in March 2013.

The commercial portion of the development is located adjacent to Nolensville Pike. This revision to preliminary and final site plan is focused on a portion of the southeast corner of the PUD along Nolensville Pike. A proposed 1,961 square foot fast food restaurant will occupy a lot that was approved for a 2,500 square foot restaurant under the last revision. Vehicular access to the site and the basic site layout remain consistent with the approved PUD layout. With conditions of approval, the final site plan proposal will meet applicable requirements of the Zoning Code

Section 17.40.120.F permits the Planning Commission to approve revisions under certain conditions.

F. Changes to a Planned Unit Development District.

1. Modification of Master Development Plan. Applications to modify a master development plan in whole or in part shall be filed with and considered by the planning commission according to the provisions of subsection A of this section. If approved by the commission, the following types of changes shall require concurrence by the metropolitan council in the manner described:
 - a. Land area being added or removed from the planned unit development district shall be approved by the council according to the provisions of Article III of this chapter (Amendments);
 - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance shall be authorized by council ordinance;
 - c. A change in land use or development type beyond that permitted by the specific underlying zoning district shall be authorized only by council ordinance; or
 - d. An increase in the total number of residential dwelling units above the number last authorized by council ordinance or, for a PUD district enacted by council ordinance after September 1, 2006, an increase in the total number of residential dwelling units above the number last authorized by council ordinance or above the number last authorized by the most recent modification or revision by the planning commission; or
 - e. When a change in the underlying zoning district is associated with a change in the master development plan, council shall concur with the modified master development plan by ordinance.
 - f. Any modification to a master development plan for a planned unit development or portion thereof that meets the criteria for inactivity of Section 17.40.120.H.4.a.

Because the changes listed above (a through f) do not apply to this application, staff finds that the Planning Commission has the authority to approve the proposed revision.

FIRE MARSHAL RECOMMENDATION

Fire Dept. requirements will be addressed at permitting.

STORMWATER RECOMMENDATION

Approve with conditions

1. Provide the Plan Review and Grading Permit fee of \$900
2. For the construction entrance, specify a length of 100' and a depth of 8"
3. For the 3:1 slopes and steeper, add note stating that steep slopes are to be stabilized within 7 days of final grading.
4. Include a matting detail.
5. Tie roof drain system into CB 4.
6. Elevation in Contractor Key Notes and the elevation in the Structure Chart does not match (see invert, EX1).

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the revision to preliminary and final PUD applications. The proposal is consistent with the Council approved plan and meets applicable zoning requirements.

CONDITIONS

1. The final plat shall include a pedestrian access easement from Nolensville Pike, permitting the proposed walkway connection between Lot 9 to Lot 10 to the east.
2. The revision to the preliminary and final site plans shall comply with requirements listed above from Metro Stormwater.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
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.

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 (6-0-1), Consent Agenda

Resolution No. RS2013-119

"BE IT RESOLVED by The Metropolitan Planning Commission that 2004P-013-004 is **Approved with conditions. (6-01)**

CONDITIONS

1. **The final plat shall include a pedestrian access easement from Nolensville Pike, permitting the proposed walkway connection between Lot 9 to Lot 10 to the east.**
2. **The revision to the preliminary and final site plans shall comply with requirements listed above from Metro Stormwater.**
3. **This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
4. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
5. **Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.**
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. 37-79P-001

CROSSINGS AT HICKORY HOLLOW (ENTERPRISE)

Map 163, Parcel(s) 387
Council District 32 (Jacobia Dowell)
Staff Reviewer: Duane Cuthbertson

A request to revise the preliminary plan and for final site plan approval for a portion of the Crossings at Hickory Hollow Commercial Planned Unit Development Overlay District on property located at 230 Crossings Place, at the southeast corner of Crossings Boulevard and Hickory Hollow Parkway (0.56 acres), zoned R10, to permit a 2,600 square foot car wash to be converted into a vehicular leasing facility, requested by Azimtech Engineering, applicant; Christopher and Hyun Chung, owners.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of a Planned Unit Development (PUD) and final site plan to permit a vehicular leasing facility.

Preliminary PUD Revision and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Crossings at Hickory Hollow Commercial Planned Unit Development Overlay District located at 230 Crossings Place, at the southeast corner of Crossings Boulevard and Hickory Hollow Parkway (0.56 acres), zoned One and Two Family Residential (R10), to permit a 2,600 square foot car wash to be converted into a vehicular leasing facility.

Existing Zoning

One and Two Family Residential (R10)/Commercial PUD Overlay. The current uses in this PUD are not typically permitted in the R10 zoning district; however, under the previous zoning code Planned Unit Developments did not require a base zone change, while the permitted uses are those uses outlined on the PUD plan approved by the Metro Council in the enacting ordinance. The proposed vehicular leasing use is permitted within the overlay.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The purpose of this request is to revise a portion of the Crossings at Hickory Hollow Commercial Planned Unit Development Overlay. The PUD is located on the east side of Hickory Hollow Parkway at Crossings Boulevard, just east of Interstate 24 in southeast Davidson County.

The 11.68 acre PUD was approved in 1979 under a previous zoning code for various commercial uses. The PUD, which consists of seven sites, is largely developed. One undeveloped parcel remains. The total existing building floor area in the PUD is 140,384 square feet. The developed portion of the PUD is built out with a Floor Area Ratio of 0.30.

Site Plan

The plan proposes the re-use of an existing 2,600 square foot building on the site, previously used as car wash facility, for a vehicle leasing facility for Enterprise Rent-A-Car. The site's parking area circulation will be modified slightly to add parking spaces along the north boundary. Additional landscaping will be provided on the site within and around the perimeter of the parking area.

Access to the site is shared with the adjacent gas station and will remain at its current location to the south on Crossings Place.

ANALYSIS

Staff is recommending approval with conditions. This application does not alter the basic development concept of the PUD. The new use is permitted in the PUD under the original Council approval. There are no changes proposed that would be in conflict with the Council approval. Accordingly, this request is being considered as a revision (minor modification) and does not require Council approval. Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, as provided below for review.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;

- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. Originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. Originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. Originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

Approve with conditions

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

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposed request does not alter the basic development concept of the PUD.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
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. 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.
5. 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.

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

Approved with conditions (6-0-1), Consent Agenda

Resolution No. RS2013-120

"BE IT RESOLVED by The Metropolitan Planning Commission that 37-79P-001 is **Approved with conditions. (6-0-1)**

CONDITIONS

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

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

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. 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.

5. 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.

8. 45-86P-001

GRANWOOD VILLAGE (SPEEDWAY)

Map 064, Parcel(s) 116

Council District 11 (Darren Jernigan)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Granwood Village Commercial Planned Unit Development Overlay District on property located at Granwood Boulevard (unnumbered), at the northwest corner of Granwood Boulevard and Old Hickory Boulevard (1.81 acres), zoned R15, to permit an automobile convenience facility with seven fuel islands, requested by Speedway LLC, applicant; LEVOG, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of a Planned Unit Development and final site plan to permit an automobile convenience facility.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Granwood Village Commercial Planned Unit Development Overlay District on property located at Granwood Boulevard (unnumbered), at the northwest corner of Granwood Boulevard and Old Hickory Boulevard (1.81 acres), zoned One and Two Family Residential (R15), to permit an automobile convenience facility with seven fuel islands.

Existing Zoning

Two-Family Residential (R15)/Commercial PUD Overlay The current uses in this PUD are not typically permitted in the R15 zoning district; however, under the previous zoning code Planned Unit Developments did not require a base zone change, and the permitted uses are those uses outlined on the PUD plan approved by the Metro Council in the enacting ordinance. The proposed automobile convenience use is permitted within the overlay.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The purpose of this request is to revise a portion of the Granwood Village Planned Unit Development Overlay (PUD). The PUD is located on the west side of Old Hickory Boulevard, near the Hermitage. The PUD is partially developed and includes a Food Lion and several other retail spaces.

The PUD was originally approved in 1986 as a residential PUD, which includes the adjacent Hampton Park subdivision to the west. Council later approved an amendment to the PUD to permit commercial on the properties along Old Hickory Boulevard. The original Council approved Commercial PUD was approved for 172,800 square feet of office and retail uses. The plan has been revised several times and the last plan approved by the Planning Commission was approved in 1997 for 126,340 square feet of office, retail and restaurant uses. The subject property was approved for 5,000 square feet of bank, restaurant or retail uses, and is currently vacant.

Plan Layout

The plan calls for a 3,936 square foot Speedway convenience market with seven fuel islands. Access into the site is off the existing drive into the Food Lion and from a new access point at Granwood Boulevard. A total of 29 parking spaces are shown. The plan includes a sidewalk along Old Hickory Boulevard which completes the sidewalk between the Food Lion entrance and the existing sidewalk along Granwood Boulevard. The plan also includes an eight foot right-of-way dedication along Old Hickory Boulevard consistent with the Major and Collector Street Plan.

ANALYSIS

There are no changes proposed that would be in conflict with the Council approved plan. The proposed automobile convenience use is permitted within the PUD. The current built floor area in the PUD is approximately 44,680 square feet. With the subject proposal, the total floor area will be 48,616 square feet, which well below the Council approved 172,800 square feet of floor area. Accordingly, this request is being considered as a revision (minor modification) and does not require Council approval. Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, and is provided below for review.

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

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

- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

STORMWATER RECOMMENDATION

Stormwater's recommendation will be provided at the meeting.

PUBLIC WORKS RECOMMENDATION

Approved with conditions

1. 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.
2. Indicate sidewalk construction along Old Hickory Blvd to tie to the existing driveway and the intersection at Granwood.
3. Indicate relocation of the existing TDOT informational signage on OHB.
4. Sidewalks and driveways to be constructed per MPW standards.
5. TDOT approval will be required prior to construction.

STAFF RECOMMENDATION

Staff recommends approval with conditions if Metro Stormwater recommends approval prior to the Planning Commission meeting and deferral to the July 25, 2013, meeting if Stormwater recommends deferral. As proposed the request is consistent with the Council approved PUD and meets all zoning requirements, but must be approved by Metro Stormwater prior to final approval.

CONDITIONS

1. Prior to the issuance of any permits, eight feet of right-of-way shall be dedicated and recorded with the Register of Deeds.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

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

Resolution No. RS2013-121

"BE IT RESOLVED by The Metropolitan Planning Commission that 45-86P-001 is **Approved with conditions. (6-0-1)**

CONDITIONS

- 1. Prior to the issuance of any permits, eight feet of right-of-way shall be dedicated and recorded with the Register of Deeds.**
- 2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.**
- 3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.**
- 4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.**
- 5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
- 6. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.**
- 7. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.**

Subdivision: Final Plats

9. 2013S-089-001

WILLIAM WHITE LANDS, RESUB PART OF LOT 4

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

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

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Final plat to create four single-family lots.

Final Plat

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

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 5 units.*

CRITICAL PLANNING GOALS

N/A

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

PLAN DETAILS

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

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

Final Plat

The request calls for the three lots to be resubdivided into four. As proposed, all lots will front onto Lischey Avenue. The proposed lots will have the following areas and frontages:

- Lot 1: 0.22 Acres (9,448 SF); ~37 FT of frontage
- Lot 2: 0.22 Acres (9,440 SF); ~37 FT of frontage
- Lot 3: 0.22 Acres (9,431 SF); ~37 FT of frontage
- Lot 4: 0.22 Acres (9,273 SF); ~36 FT of frontage

The current plat shows three access easements; however, only two should be provided. The plan should limit access onto Lischey to two points. Access should be shared between Lots 1 and 2 and between Lots 3 and 4. Staff is recommending a condition that before the plat is recorded the easements must be changed.

Sidewalks

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

ANALYSIS

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

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

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

CONDITIONS

Prior to final plat recordation, the access easement shown on the plat between Lots 2 and 3 shall be removed.

Mr. Swaggart presented the staff recommendation of approval with conditions.

Rodney Jenkins, 1305 Greenwood Ave, spoke in support of the application.

Councilmember Davis requested a deferral in order to allow the neighborhood to meet with the applicant to get more information on what the houses will look like, etc.

Russ Sims, 1601 Lischey Ave, spoke in opposition to the application due to lack of information.

Christy (last name unclear), 1603 Lischey Ave, spoke in opposition to the application due to lack of information.

Paul Jones, 1807 Lischey Ave, spoke in opposition to the application due to lack of information.

Rodney Jenkins stated that he had no opposition to deferring.

A motion was made to close the public hearing and it was seconded to close the public hearing. (7-0)

Mr. Haynes suggested deferral based on Councilmember Davis's request.

Mr. Clifton noted that there is no reason to disapprove, but suggested deferral for the good of the neighborhood.

Mr. Clifton moved and Mr. Ponder seconded the motion to defer to the July 25, 2013 Planning Commission meeting with the public hearing to be closed. (7-0)

Resolution No. RS2013-122

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-089-001 is **Deferred to the July 25, 2013, Planning Commission meeting with the public hearing to be closed. (7-0)**

10. 2013S-090-001

COTTAGES OF IDAHO

Map 103-03, Parcel(s) 077, 079
Council District 24 (Jason Holleman)
Staff Reviewer: Greg Johnson

A request for final plat approval to create five lots on properties located at 207 51st Avenue North and 5100 Wyoming Avenue, at the southwest corner of 51st Avenue North and Wyoming Avenue, zoned RS7.5 (2.12 acres), requested by The Living Word International Church, owner; Scott Pulliam, applicant.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Create five lots.

Final Plat

A request for final plat approval to create five lots on properties located at 207 51st Avenue North and 5100 Wyoming Avenue, at the southwest corner of 51st Avenue North and Wyoming Avenue, zoned Single-Family Residential (RS7.5) (2.12 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 12 units within the plat boundary.*

CRITICAL PLANNING GOALS

- Supports Infill Development
- Promotes Compact Building Design

The subdivision will create four single-family residential lots on a portion of a block that is occupied by an underused parking lot. Replacing this parking lot with residences will improve the residential street frontage of Idaho Avenue, will add dwellings to an infill site that is served by infrastructure, and will promote development of relatively small lots.

REQUEST DETAILS

The proposed five-lot subdivision would create four single-family lots and an additional lot for an existing church on the site. The area for lots 2-5 currently serve as a portion of the parking area for the existing church. The applicant has provided evidence showing that the loss of this parking area will not affect the compliance of the church use with current parking standards.

- The lots have the following land area:
- Lot 1: 1.32Acres (57,562 SF)
- Lot 2: 0.17Acres (7,500 SF)
- Lot 3: 0.17Acres (7,500 SF)
- Lot 4: 0.17Acres (7,500 SF)
- Lot 5: 0.21Acres (8,955 SF)

Sidewalks

Because the subdivision is located within the Urban Services District, sidewalks are required. However, because there are no sidewalks present on the Idaho Avenue, 51st Avenue, or Wyoming Avenue frontages, the subdivision is eligible for a \$4,500 contribution to the sidewalk fund in lieu of sidewalk construction.

ANALYSIS

For infill subdivisions in R and RS zoning districts that are in areas that are previously subdivided and predominantly developed, lots must be generally compatible with surrounding lots. For determining compatibility in T4 NM policy areas, the Subdivision Regulations state that the lots must be consistent in terms of community character. The definition of community character from the Subdivision Regulations is shown below:

Community Character – The image of a community or area defined by such factors as its built environment, natural features and open space elements, types of housing, infrastructure, and the type and quality of public facilities and services. It is the intent of Neighborhood Maintenance areas to preserve the general character of the neighborhood as characterized by its development pattern, building form, land use and associated public realm. These areas will experience some change over time but efforts should be made to retain the existing character...

The proposed subdivision is consistent with the community character of the surrounding area. Lot sizes for both lots will remain above the minimum lot size required by the RS7.5 zoning district. Many surrounding parcels were created prior to the existence of the current zoning district and are smaller than 7,500 square feet. The proposed lot widths for lots 2-4 are 45 feet, which is narrower than the prevailing 50 foot lot width on surrounding blocks. However, the proposed lots will not have a driveway connection to the street like most surrounding lots. The lack of a driveway will allow more of the lot frontage to be used for additional building width or yard area. Vehicular access will be provided by an access easement to the rear of each lot. Lot 5 at the corner of Idaho Avenue and 51st Avenue will have a width of over 53 feet, which is consistent with surrounding lot widths.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

1. 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.
2. If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.
3. Prior to recording of the plat, the shared access easement shall be aligned with the driveway access along 51st Avenue North.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed subdivision meets the requirements of the Subdivision Regulations, including standards for community character for infill subdivisions.

CONDITIONS

1. Prior to recording of the plat, the shared access easement shall be aligned with the existing driveway access along 51st Avenue North.
2. Prior to recording of the plat, the plat shall label and dimension the right-of-way width at the property corners.

Prior to building permit approval for lots 2-5, vehicular access meeting the requirements of the Metro Codes Administration and Public Works departments shall be provided.

Approved with conditions (6-0-1), Consent Agenda

Resolution No. RS2013-123

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-090-001 is **Approved with conditions. (6-0-1)**

CONDITIONS

1. **Prior to recording of the plat, the shared access easement shall be aligned with the existing driveway access along 51st Avenue North.**
2. **Prior to recording of the plat, the plat shall label and dimension the right-of-way width at the property corners.**

K. OTHER BUSINESS

11. Employee contract renewals for Jennifer Higgs, David Kline, John Broome, Michael Skipper, Leslie Meehan, Chin-Cheng Chen, Max Baker, and Nick Lindeman.

Approved (6-0-1), Consent Agenda

Resolution No. RS2013-124

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewals for Jennifer Higgs, David Kline, John Broome, Michael Skipper, Leslie Meehan, Chin-Cheng Chen, Max Baker, and Nick Lindeman are **Approved. (6-0-1)**

12. Resolution authorizing the expenditure of up to \$29,000 from the FY2013 Advance Planning and Research Fund to purchase access to MetroQuest digital engagement software for necessary research associated with the Nashville-Davidson County General Plan. The research will involve obtaining community response to scenario and development options developed during the planning process. The total of this authorization and the total committed in Planning Commission Resolutions RS2012-214, RS2013-17 and RS2013-112 shall not exceed \$50,000.

Approved (6-0-1), Consent Agenda

Resolution No. RS2013-125

“BE IT RESOLVED by The Metropolitan Planning Commission that the resolution authorizing the expenditure of up to \$29,000 from the FY2013 Advance Planning and Research Fund to purchase access to MetroQuest digital engagement software for necessary research associated with the Nashville-Davidson County General Plan. This research will involve obtaining community response to scenario and development options developed during the planning process. The total of this authorization and the total committed in Planning Commission Resolutions RS2012-214, RS2013-17 and RS2013-112 shall not exceed \$50,000. This resolution is **Approved. (6-0-1)**

13. Resolution authorizing the continued funding of the research specified in MPC resolutions RS2012-214, RS2013-17 and RS2013-112 and the previous item on this Agenda (subject to MPC approval) from the FY2014 Advance Planning and Research Fund. The total of this authorization shall not exceed \$50,000 from FY2014 funding.

Approved (6-0-1), Consent Agenda

Resolution No. RS2013-126

“BE IT RESOLVED by The Metropolitan Planning Commission that the resolution authorizing the continued funding of the research specified in MPC resolutions RS2012-214, RS2013-17 and RS2013-112 and the previous item on this Agenda (subject to MPC approval) from the FY2014 Advance Planning and Research Fund. The total of this authorization shall not exceed \$50,000 from FY2014 funding. This resolution is **Approved. (6-0-1)**

14. Resolution authorizing the expenditure of up to \$20,000 from the FY2014 Advance Planning and Research Fund to study Revitalization Strategies in Historic Black Business Districts and an associated market study for the Jefferson Street market area for necessary research for the Nashville-Davidson County General Plan. The total of this authorization and the funding authorized on the previous item on this Agenda (subject to MPC approval) shall not exceed \$50,000.

Approved (6-0-1), Consent Agenda

Resolution No. RS2013-127

“BE IT RESOLVED by The Metropolitan Planning Commission that the resolution authorizing the expenditure of up to \$20,000 from the FY2014 Advance Planning and Research Fund to study Revitalization Strategies in Historic Black Business Districts and an associated market study for the Jefferson Street market area for necessary research for the Nashville-Davidson County General Plan. The total of this authorization and the funding authorized on the previous item on this Agenda (subject to MPC approval) shall not exceed \$50,000. This resolution is **Approved. (6-0-1)**

15. Executive Director Report

16. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

July 8, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"
5:30 pm, 2195 Nolensville Pike 37211, Casa Azafran

July 9, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"
5:30 pm, 301 Madison Street 37115, Fifty Forward Madison Station

July 15, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"
5:30 pm, 5380 Hickory Hollow Parkway 37013, Crossings Event Center

July 18, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"
5:30 pm, 5015 Harding Pike 37205, The Temple- Congregation Ohabai Sholom

July 23, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"
5:30 pm, 2231 26th Avenue North 37208, North Police Precinct

July 25, 2013

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

July 27, 2013

General Plan Meeting-NashvilleNext- "Nashville Next Mayor"
9:30am, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

August 8, 2013

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

M. ADJOURNMENT

The meeting adjourned at 5:27p.m.

Chairman

Secretary