



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, March 22, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chairman
Stewart Clifton
Greg Adkins
Judy Cummings
Phil Ponder
Andree LeQuire
Councilmember Phil Claiborne
Derrick Dalton

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Dennis Corrieri, Planning Technician I
Bob Leeman, Planning Manager II
Jennifer Carlat, Planning Manager II
Brenda Bernards, Planner III
Kathryn Withers, Planner III
Cindy Wood, Planner III
Michael Briggs, Transportation Planner
Jason Swaggart, Planner II
Greg Johnson, Planner II
Brian Sexton, Planner I
Doug Sloan, Legal

Commissioners Absent:

Hunter Gee
Jeff Haynes

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 Shirley Sims-Saldana or Denise Hopgood of Human Relations at (615) 880-3370. For all employment-related inquiries, contact Ron Deardoff at (615) 862-6640

MEETING AGENDA

A. CALL TO ORDER

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

B. ADOPTION OF AGENDA

Mr. Ponder moved and derrick seconded the motion to adopt the revised agenda. (6-0)

C. APPROVAL OF MARCH 8, 2012 MINUTES

Mr. Ponder moved and Mr. Claiborne seconded the motion to approve the March 8, 2012, minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

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.

- 2. 2012CP-000-002**
COMMUNITY CHARACTER MANUAL AMENDMENT
- 3. 2012CP-010-001**
GREEN HILLS-MIDTOWN PLAN AMENDMENT
- 4. 2012CP-000-003**
GREEN HILLS-MIDTOWN (MCSP AMENDMENT)
- 5. 2008SP-011G-04**
CORNERSTONE CHURCH
- 8. Employee contract renewal for Richard Bernhardt.**

Mr. Ponder moved and Mr. Dalton seconded the motion to approve the Consent Agenda. (6-0)

G. PREVIOUSLY DEFERRED ITEMS

Subdivision: Final Plats

1. 2012S-019-001

BEAUMONT PLACE, RESUB LOT 37

Map 083-06, Parcel(s) 127

Council District 06 (Peter Westerholm)

Staff Reviewer: Brenda Bernards

A request for final plat approval to create two lots on property located at 215 Manchester Avenue, at the southwest corner of Manchester Avenue and Benjamin Street, zoned R6 (0.24 acres), requested by Tammi Rhoton, owner, Campbell, McRae & Associates Surveying, Inc., surveyor.

Staff Recommendation: DEFER INDEFINITELY or DISAPPROVE

APPLICANT REQUEST

Final plat to create two lots

Final Plat

A request for final plat approval to create two lots on property located at 215 Manchester Avenue, at the southwest corner of Manchester Avenue and Benjamin Street, zoned One and Two Family Residential (R6) (0.24 acres).

Deferral

This final plat was deferred at the request of the applicant. The applicant did not pay the water and sewer capacity fees required by Water Services until March 6, 2012. In order to complete flow tests requirements, the applicant requested a second deferral from the March 8, 2012 meeting. The applicant has not yet requested variances to Sections 3-5.2.b (Infill Subdivisions) and 3-8.2 (Requirements for Sidewalks) of the Subdivision Regulations. As the variance request has not been received at the time of the update to this staff report, the staff recommendation to defer or disapprove has not changed.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Final Plat

This is a request to subdivide an existing lot into two lots. There are two structures on the property, a duplex unit and a garage. Planning staff has been told that the purpose of this subdivision is to allow two single-family units. The first is planned for the existing dwelling, which will be converted to a single-family dwelling. The second dwelling is planned to be accommodated in the garage, which will also be converted. The property is in the Urban Zoning Overlay which does not permit detached duplex units, therefore, a subdivision of the lot has been requested. The zoning on the property is R6 which requires a minimum of 6,000 square foot per lot. The property is only 10,388 square feet in size. After a dedication of 39.6 square feet of right-of-way at the corner, the resulting lots will be 5,154 and 5,194 square feet in size.

The Board of Zoning Appeals (BZA) granted a variance to the minimum lot size for this property and also granted variances to rear, side and street setbacks. While the BZA cannot grant a variance to density, it can provide relief for lot size due to the exceptional narrowness, shallowness or shape of a specific lot. The proposed lot fronting on to Benjamin Street will be 50.5 feet in depth.

The variance granted by the BZA to the requirements of the Zoning Code do not provide relief from the requirements of the Subdivision Regulations. This plat must meet the requirements of the Subdivision Regulations, or variances to these requirements must be granted by the Planning Commission. No variances to the Subdivision Regulations were requested with this application.

This subdivision is subject to the requirements of Section 3-5 Infill Subdivisions which provides regulations for subdividing properties in area previously subdivided, predominantly developed and within the R and RS zoning districts. This section requires newly created lots to be generally comparable with the surrounding lots. Criteria for determining comparability are partially based on the land use policy. For this case, the land use policy is Neighborhood General which supports a range of housing types up to 20 units per acre. Section 3-5.2.b requires newly created lots in this policy to fit in with the character of the area. While there are some irregular shaped parcels that to the rear of this property that were created by deed in the 1960's and 1970's, the proposed subdivision would not be comparable with the predominant character of the area. When granting a variance, to the Subdivision Regulations, the Planning Commission must make findings including that:

The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.

An analysis of the lots in the immediate area shows there are a number of corner lots for which the same conditions could apply, including the three other lots at the corner of Manchester Avenue and Benjamin Street. Details of the variance process are discussed below.

The required sidewalks on Benjamin Street are not shown on the plat and no request for a variance for the sidewalks has been received. The applicant was given three options to accommodate the sidewalk:

Prior to the recording of this plat, one of the following options must be implemented

- a. Submittal of a bond application and posting of a bond with the Planning Department for the sidewalk;
- b. Construction of sidewalk and including its acceptance by Public Works; or
- c. The addition of the following note to the plat: "No building permit is to be issued until the proposed sidewalk is constructed per the Department of Public Works' specifications."

Sidewalks need to be included on the plat or a variance to Section 3-8.2 requiring sidewalks on existing streets needs to be requested by the applicant and granted by the Planning Commission.

Variance to the Subdivision Regulations

In order for a variance to be granted, the applicant needs to meet the requirements of Section 1-11 regulating variances.

1-11 Variances

1. *General. If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:*
 - a. *The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
 - b. *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*
 - c. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*
 - d. *The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).*
2. *Procedures. A petition for any such variance shall be submitted in writing by the applicant along with the initial filing of the concept plan. The petition shall state fully the grounds for the application and all of the facts upon which the petitioner is relying.*
3. *Conditions. In approving variances, the Planning Commission may impose such conditions as in its judgment, shall secure substantially the objectives, standards, and requirements of these regulations.*
4. *Additional Findings. Certain Sections of the regulations may require additional findings to be made by the Planning Commission in order to permit variances.*

As noted above, the applicant has not requested any variances as required by Section 1-11.2. The reason the variance need to be requested is so the applicant can provide justification for the Planning Commission to grant the variances. Staff has not been able to determine any unique hardship associated with the variances proposed with this plat. As there appears to be a number of lots of similar shape and size in the immediate area, the applicant will need to demonstrate that the conditions for the variance are unique to this property and not applicable to other property as required by Section 1-11.1.b.

PUBLIC WORKS RECOMMENDATION

If sidewalks are required, then they should be shown on the plan located with the public right of way per Public Works standards with the required curb and gutter, and be built or bonded prior to recording the plat. Additionally, if sidewalk is constructed driveway ramps must be constructed as per MPW standard drawings.

WATER SERVICES RECOMMENDATION

Show location of sanitary sewer service serving the building. If not completely within the 10 foot P.U.D.E. will need to add a private line easement (10 foot total). This will also apply to water service lines for Lot 2. Add the following notes

- Private Service Line Note Residential:

The owner of Lot 2 is responsible for the installation, operation and maintenance of the private sewer service line which is located in a 10 feet private sewer service line easement/P.U.D.E. crossing a portion of Lot 1 as shown on this plat.

- Private Service Line Note Residential:

The owner of Lot 2 is responsible for the installation, operation and maintenance of the private water service line which is located in a 10 feet private water service line easement/P.U.D.E. crossing a portion of Lot 1 as shown on this plat.

STAFF RECOMMENDATION

As the notices for this request had been mailed, it was placed on the February 9, 2012, agenda. The Planning Commission deferred at the request of the applicant at the February 9, 2012 and March 8, 2012, meetings. Staff is recommending indefinite deferral of this item in order for the applicant to prepare and submit a variance request. If the applicant does not agree to the deferral, staff recommends disapproval of this plat as the plat does not meet the requirements for Sections 3-5.2.b (Infill Subdivisions) and 3-8.2 (Requirements for Sidewalks) of the Subdivision Regulations.

CONDITIONS

1. All notes and easements required by the Water Services Department shall be shown on the plat.
2. Prior to the recording of this plat, one of the following options must be implemented:
 - a. Submittal of a bond application and posting of a bond with the Planning Department for the sidewalk;
 - b. Construction of sidewalk and including its acceptance by Public Works; or
 - c. The addition of the following note to the plat: "No building permit is to be issued until the proposed sidewalk is constructed per the Department of Public Works' specifications."

Ms. Bernards presented the staff recommendation of deferral or disapproval.

Mr. Clifton arrived at 4:11 p.m.

Jamie Hollin, 511 Rosebank, representing applicant, spoke in support of approval. He noted that the applicant is willing to install sidewalks and also agrees to the RS5 rezoning.

Chairman McLean inquired if they are currently on separate sewer and water.

Mr. Hollin stated no, but it will be taken care of.

Mr. Clifton moved and Mr. Ponder seconded the motion to close the Public Hearing. (7-0)

Mr. Adkins expressed support of the applicant's request but asked to hear from other commissioners.

Mr. Dalton clarified that he is a big proponent of infill development and expressed support of the applicant's request.

Dr. Cummings arrived at 4:27 p.m.

Mr. Clifton moved and Mr. Adkins seconded the motion to approve the applicant's request with conditions and directed staff to sponsor a rezoning to RS5. (8-0)

Resolution No. RS2012-55

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-019-001 is APPROVED WITH CONDITIONS, and direct staff to sponsor a rezoning to RS5. (8-0)

Conditions of Approval:

1. All notes and easements required by the Water Services Department shall be shown on the plat.
2. Prior to the recording of this plat, one of the following options must be implemented:
 - a. Submittal of a bond application and posting of a bond with the Planning Department for the sidewalk; or
 - b. Construction of sidewalk and including its acceptance by Public Works; or
 - c. The addition of the following note to the plat: "No building permit is to be issued until the proposed sidewalk is constructed per the Department of Public Works' specifications."

Mr. Clifton left at 4:32 p.m.

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

2. **2012CP-000-002**
COMMUNITY CHARACTER MANUAL AMENDMENT
 Staff Reviewer: Cynthia Wood

A request to update the Community Character Manual, adopted by the Metropolitan Planning Commission in 2008, to make necessary changes to the document and to apply the updated CCM to all community plans and amendments developed using the CCM.

Staff Recommendation: APPROVE

APPLICANT REQUEST

A request to amend the *Community Character Manual*.

Amend the *Community Character Manual*

A request to update the *Community Character Manual*, adopted by the Metropolitan Planning Commission in 2008, to make necessary changes to the document and to apply the updated CCM to all community plans and amendments developed using the CCM.

CRITICAL PLANNING GOALS N/A

BACKGROUND

When the Metro Planning Commission adopted the *Community Character Manual* (CCM) in 2008, the Commission asked Planning staff to report back to the Commissioners on what amendments to CCM were found to be necessary *after* staff had applied the Community Character Policies through Community Plan Updates. Since that time, Planning staff has applied Community Character Policies during the Madison Community Plan Update, the West Nashville Community Plan Update, the North Nashville Community Plan Update, and the Bellevue Community Plan Update. Experience also continues to be gained through implementation of the CCM, particularly since several new zoning districts have become available.

Staff undertook an annual review of the CCM based on experience gained through the recent community planning and implementation processes. In addition, the Midtown Study (on this March 22 Planning Commission agenda as well) also revealed the need to make changes to the CCM. This review of the CCM has led staff to propose several changes, which are summarized below. The link to the full text of the changes, which was distributed to the Commission, Council, and the public, can be found at: http://www.nashville.gov/mpc/ccm_manual.asp. The draft changes were posted on the Planning Commission website on March 2, 2012.

COMMUNITY PARTICIPATION

Staff conducted a community meeting on January 13, 2012, to gather feedback on the proposed amendments. Although attendance was limited, the feedback was positive. Notification of the community meeting and the March 22, 2012, public hearing was provided on the Planning Department's website and made public through television and newspaper media as well as through countywide email and mailing lists of known community organizations and people who had expressed an interest in keeping abreast of changes in the CCM.

SUMMARY OF PROPOSED CHANGES

The proposed changes are found throughout the CCM document, although many of them are minor in nature and consist largely of cross-references and updates to the Zoning District boxes in each chapter to reflect the menus of zoning districts that are now available to implement the various policies. The changes fall under the following groupings:

General Principles: Addition of a "Healthy Communities" General Principle, based on text provided by the Metro Health Department.

Changes to Zoning District Boxes throughout the CCM: The lists of zoning districts for use in the various CCM categories were updated to reflect the addition of zoning district choices that were not available when the CCM was first adopted (e.g. the alternative zoning districts).

Existing Commercial Development in Conservation Policy Areas: The proposed change clarifies that existing commercial uses are sometimes found in Conservation areas and that guidance for these commercial uses is provided in the applicable community plan. It also clarifies that *new* commercial uses are rarely added to a Conservation area.

Guidance for Auto-Oriented Uses: This guidance was added to T2 Rural Neighborhood Center, T3 Suburban Community Center, T3 Suburban Mixed Use Corridor, T4 Urban Mixed Use Neighborhood, T4 Urban Community Center, T4 Urban Mixed Use Corridor, T5 Center Mixed Use Neighborhood, and T6 Downtown Neighborhood to reflect the experience gained through several rezoning analyses for automobile-related Specific Plans that have taken place over the past few years.

Cross-References to Community Plan Provisions Regarding Residential "Infill Areas": These added cross-references are found in the T2-T4 Neighborhood Maintenance and T2-T4 Neighborhood Evolving sections.

T5 Center Mixed Use Neighborhood Changes: These proposed changes are more substantive in nature and relate specifically to the Midtown Study:

- Policy Intent: Allow for the creation of *new* T5 Center Mixed use Neighborhood Areas in addition to the enhancement of them; clarify that these are high-intensity areas.
- General Characteristics: Clarify the intent for development to preferably take the form of vertical mixed use and clarify the intent regarding parking.
- Examples of Appropriate Land Uses: State that a preference for certain uses in certain locations may be established through the community plan; add existing automobile related uses subject to guidance that follows, new such uses are discouraged in these areas.
- Access: Broaden this section to refer to both vehicular and bicycle/pedestrian access and add language about restructuring blocks to facilitate redevelopment.
- Block Length: Add language that allows for the restructuring of existing blocks to facilitate redevelopment.
- Building Form: This was revised to clarify that the building form is in keeping with a high-intensity mixed use environment rather than simply with the existing development pattern. References were added about establishing a hierarchy of primary, secondary, and tertiary streets through the community plan. Language regarding exceptions to the typically appropriate street setbacks, such as those for outdoor dining and automobile related uses, was expanded upon. The language regarding appropriate building heights was expanded

and the reference about appropriate heights was changed to refer to “high rise” buildings instead of referring to a specific number of stories.

- Connectivity (Vehicular): The text was updated to be consistent with the new terminology used in the Major and Collector Street Plan.
- Density / Intensity: The reference to the appropriate maximum residential density was changed to be 100 units/acre rather than 60 units/acre, and the height reference was changed to allow for heights beyond twenty stories.
- Landscaping: Language was added that discusses landscaping for residential versus mixed use areas and the landscaping of automobile related uses.
- Parking: Language was added that discusses the parking for automobile-related uses.

D District Office Concentration Changes: These proposed changes address issues regarding the varying sizes and intensities of D OC areas.

T6 Downtown Changes: In addition to updating the zoning boxes, the same discussion of automobile related uses added to T5 Center Mixed Use Neighborhood was added to the T6 Downtown Neighborhood section.

Appendix: The Transect Map has been updated to reflect the Transect categories adopted as part of various community plans, including the recently adopted Bellevue Community Plan.

CHANGES IDENTIFIED SINCE THE PUBLIC HEARING DRAFT WAS POSTED

The need for a few additional changes was identified by staff after the public hearing draft was posted and comments were received. The needed changes are as follows:

All T5 Center Policies: The following would be added to the “Examples of Appropriate Land Uses”:

- College and University Campuses
- Hospitals
- Medical Campuses

In T5 Center Mixed Use Neighborhood: list uses alphabetically rather than by order of preference

In T5 Center Regional Center and T5 Center Super Regional Center the text would read as follows:

Examples of Appropriate Land Uses (In order of appropriateness)

Vertical Mixed Use

Free-Standing Uses:

Commercial*

Office, Medical, and educational

Residential

Civic or Public Benefit

*Automobile related uses, e.g. auto dealers, automobile repair, etc., with activities outside of buildings have specific guidance in the Design Principles that follow.

Zoning Boxes for All Four T6 Downtown Categories: Currently, the list of recommended zoning districts includes “SP.” The amendment would state “SP with provisions consistent with the policies for this category.” The purpose of this change is to give broad guidance for what would be expected from any zone change to SP within the Downtown community This would be especially important for the East Bank neighborhoods of Downtown, which are not included in the Downtown Code.

STAFF RECOMMENDATION

Staff recommends approval with the above changes.

Approved (6-0), Consent Agenda

Resolution No. RS2012-56

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-000-002 is **APPROVED. (6-0)**”

3. 2012CP-010-001

GREEN HILLS-MIDTOWN PLAN AMENDMENT

Staff Reviewer: Kathryn Withers

A request to amend a portion of the Green-Hills Midtown Community Plan, updating the land use policies applied in 2005 to 952 acres (including parcels and right-of-way) contained within the Green-Hills Midtown Community, also referred to as Subarea 10. Midtown is generally the area bounded by I-40 to the east, Broadway/21st Avenue/West End Avenue to the south, I-440 to the west and Charlotte Avenue to the north, requested by the Metropolitan Planning Department on behalf of various owners.

Staff Recommendation: APPROVE, including the Historic Resources Map

APPLICANT REQUEST

A request to adopt the *Midtown Community Character Plan*.

Amend the Community Plan

A request to amend a portion of the Green-Hills Midtown Community Plan, updating the land use policies applied in 2005 to 952 acres (including parcels and right-of-way) contained within the Green-Hills Midtown Community, also referred to as Subarea 10. Midtown is generally the area bounded by I-40 to the east, Broadway/21st Avenue/West End Avenue to the south, I-440 to the west and Charlotte Avenue to the north.

Many recent developments in the Midtown area have either had to go through a rezoning process or obtain a special exception from the Board of Zoning Appeals to build in their desired form. This trend illustrates the need to update the vision for the area. Because of Midtown's current economic role and its redevelopment potential, the Metro Planning Department has undertaken this update to the policy of the Midtown area – to assess its current land use policy, zoning and infrastructure. In addition to these recent private developments, and the draw to the Baptist, Centennial and Vanderbilt Hospitals, Metro Nashville and Davidson County Government is also making investments in the Midtown area – specifically with the Centennial Park Master Plan, the 28th Avenue Connector, and the Metro Transit Authority's (MTA) East West Connector Study.

CRITICAL PLANNING GOALS

The Midtown Community Character Plan meets the following critical planning goals through the application of Community Character Policies.

Supports a Variety of Transportation Choices

One of the reasons for the update on Midtown Community Plan is the prospect of dedicated bus rapid transit on West End Avenue; therefore one of the three guiding principles of the Midtown Plan is transit oriented development. The goal is to provide mixed use development with urban design and densities that will support transit, walking and cycling. With Vanderbilt University, the regional hospital concentration, Centennial Park and growing retail, residential and office developments, Midtown is a unique urban setting, poised to grow more intensely and provide more housing, jobs and recreation in the future. Frequent, visible, and accessible transit is needed to support an economic center with the intensity and regional significance of Midtown. The most intense development should accompany transit stops to maximize their benefit to the vitality and functionality of the area. Moreover, it is critical to ensure that access to transit by foot and bicycle is provided to achieve the goal of balancing modes of transportation into and within Midtown. The plan encourages walking as a primary mode of transportation by envisioning wider sidewalks, buffering between vehicles and pedestrians through the use of plantings and street furnishings, and using building details such as glazing, pedestrian entrances and plazas to activate the street level.

Creates Walkable Neighborhoods

The Midtown community has some of the best streetscape in the city; a well-connected and linear street network, sidewalks, and a mixture of building types at various densities and intensities located at the street. Where those characteristics are not present, the Community Plan expects that new development will be designed to maximize those features and be constructed at transit supportive intensities. The plan recommends concentrating mixed-use development on important corridors and at key intersections and strategically locating active uses (restaurant, retail, residential or high-traffic office) on the first floor or primary streets envisioned to be especially pedestrian friendly. On these primary streets, the plan advises development to line parking garages with active uses and limit access to parking to move traffic safely and efficiently.

Provides a Range of Housing Choices

The Midtown Plan promotes diverse residential development through a range of building types and intensities, in solely residential buildings and as part of mixed-use developments. The intensity and scale of residential development varies depending on location. In the area of the 31st and Long Urban Design Overlay, the policy is Urban Neighborhood Evolving and envisions three- and four-story buildings. In the Center Mixed Use Policy areas it is expected that densities will be more intense and buildings will range from three to above 20 stories along the West End Corridor.

Supports Infill Development and Promotes Compact Building Design

The policies of the Midtown Plan are crafted to support infill and redevelopment, as well as adaptive reuse of existing underutilized properties. The policies encourage development that makes wise use of resources by developing at transit supportive densities and use sustainable development techniques. The plan also addresses some of the barriers to redevelopment, such as constrained block sizes and difficulty in assembling parcels for redevelopment, by creating a Street Hierarchy System to prioritize the streets where streetscape and active uses are crucial versus streets that are treated more as alleys with access to structured parking. The plan also encourages shared-use parking and parking structures to allow smaller properties to redevelop while providing required parking off-site.

MIDTOWN COMMUNITY CHARACTER PLAN – COMMUNITY PARTICIPATION

Midtown has only recently seen an increase in the number of dwelling units in the area. Because of this, staff approached the community participation process slightly differently than a usual community planning effort. Staff conducted stakeholder interviews meetings between June 2011 and February 2012. The stakeholders included hospital representatives, institutional representatives, business owners, real estate professionals and developers, the East-West Connector team and MTA staff, as well as the Metro agencies involved in the development process. With the information obtained in these interviews, staff developed the concept plan and goals, community character policy plan, and the open space and transportation plans. Open house meetings were then held on February 2, 2012, to allow community members and stakeholders to speak with planners and ask questions regarding the concept plan and goals, community character policies, the open space network and the transportation system. The plan was further refined

based on the feedback received at these meetings. Additionally, staff benefited from the comments received during the public participation efforts of the MTA with the East-West Connector Transit Study.

Notification of community meetings was listed on the Planning Department's website and made public through television and newspaper media as well as through community email lists. An initial postcard was mailed to over 5,600 property owners in the Midtown Community and flyers were placed in local businesses. Over 80 people participated in the community meetings. Staff met individually with groups requesting additional meetings following the community meeting.

Regular email reminders and updates were sent to stakeholders throughout the process.

Notification of the March 22, 2012, Planning Commission Public Hearing for consideration of the Midtown Community Character Plan Update was sent by email and by U.S. Postal mail to those who participated in the update process. The public hearing was also listed on the Planning Department's website and made public through newspaper media.

MIDTOWN COMMUNITY CHARACTER POLICIES

The Midtown Community Character Plan uses the Community Character Manual (CCM) and its Community Character Policies. The Community Character Policies emphasize the character of development, encourage sustainable development and design, and link transportation and land use.

Open Space Community Character Policies

Open Space Policy in the Midtown Community is applied to Centennial Park, the Centennial Sportsplex and a few parcels of privately owned potential open space adjacent to the dog park at Centennial Park. The plan also notes that although the Midtown area is served by a park and a sports facility with regional draw, half of the study area is considered to be open space deficient. With new development, additional urban open space is needed in the form of pocket parks, neighborhood parks and urban plazas.

Neighborhood Community Character Policies

Urban Neighborhood Evolving policy is applied to two areas in the West End Park neighborhood, flanking Long Boulevard adjacent to I-440. Urban Neighborhood Evolving is used to create and enhance urban neighborhoods and to create opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. This growing neighborhood contains primarily multifamily housing and development is regulated by the 31st and Long Urban Design Overlay (UDO). In the portion of the neighborhood that flanks Fairmont Drive and Acklen Park Drive, the UDO envisions more intensity (four-story buildings) than in the rest of the neighborhood (three-story buildings). The policies applied with this plan amendment were chosen and crafted to reflect the design goals of the UDO.

Center Community Character Policies

Centers in the Midtown Community exist in the Urban and Center Transect categories.

Urban Neighborhood Center is applied to the corners of the intersection of 31st Avenue and Long Avenue, where the 31st and Long UDO envisions mixed use development. To date, this intersection has not developed as mixed use, but the policy is in place to support mixed use development in the future as residential development continues in the 31st and Long UDO and the 28th/31st Avenue connector opens.

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

- T5-MU-01-Applies to properties generally fronting West End Avenue between I-40 and 31st Avenue. This area is envisioned to be the most intense area of Midtown, with buildings rising 20 stories and above. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits.
- T5-MU-02 – Applies to properties along Charlotte Avenue between I-440 and I-40, along West End Avenue and Murphy Road adjacent to I-440, along Park Circle, along Broadway and Division Streets and 21st Avenue South, and between Charlotte Avenue and Hayes Street east of 21st Avenue North. Lower building heights and masses are intended in this area than in Area T5-MU-01. This is due to the area's structural constraints to development. Maximum building heights of up to twenty stories are most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meet the policy.

This area includes Baptist Hospital and Centennial Hospitals. Changes are proposed to the Community Character Manual to clarify that hospital and medical campuses are an intended use in the Center Mixed Use Neighborhood framework. When staff originally drafted the CCM, it was assumed that hospitals were generally monolithic and self-segregated from the community. For that reason, staff placed hospitals in the District policy. However, that through the work in Midtown, staff has come to understand that hospitals such as Baptist and Centennial are integrated into the community via the street and sidewalk network and the block structure. With the diversity of Midtown, to the average visitor, there is no boundary where Baptist or Centennial begins. Rather, the visitor understands that these hospitals are part of the community, just as the nearby restaurants, hotels and other offices are. Therefore, these hospitals are included in the T5 Center Mixed Use Neighborhood Policy.

- T5-MU-03 - It applies to properties in three areas: on the south side of West End Avenue between I-440 and 31st Avenue North, properties in the Elliston Place/State Street area; and properties in the Grand Avenue/18th Avenue South area. Industrial Uses are not appropriate in this area, although artisan and crafts uses may be considered on their merits. Office and Residential uses are preferred over other uses in this area because of the smaller lots, frequent diagonal streets, and tight block structure. These uses can exist in forms that can accommodate themselves to this restrictive environment. Lower building heights and masses are intended in this area than in Areas T5-MU-01 and -02 because of the area's numerous residential size lots. Maximum building heights of about eight stories are generally most appropriate in this area. Punctuations of greater height may be appropriate at prominent locations within this area, provided that the site and building design meeting the policy.

STREET HIERARCHY

The streets in Midtown are classified to instruct how the buildings should be designed to interact with the street. Streets are identified as Primary, Secondary, Tertiary, or Local.

- Primary Streets provide more intense, urban development with shallow build-to zones. Pedestrian comfort on these streets is of the highest importance. Active uses – residential, retail, restaurant, or office – on the ground floor of buildings enhance pedestrian safety and interaction. Primary Streets also have the highest level of urban activity such as outdoor dining, retail displays, and community activities like markets, parades and festivals. Vehicular access to parking lots and parking structures, and “back of house” functions are strongly discouraged.
- Secondary Streets have moderate levels of pedestrian, vehicular and transit activity. Vehicular access to parking lots and parking structures is allowed. When “back of house” functions are located on Secondary Streets, significant efforts should be made to reduce the impact on adjacent properties and the sidewalk.
- Tertiary Streets are the appropriate location for “back of house” functions. Care should be taken to make these streets as pedestrian-friendly as possible while accommodating loading and access needs.
- Local Streets are the smallest streets in neighborhoods. They may be residential, commercial or mixed-use in character. The build-to zone is appropriate for the associated land uses and the scale of the neighborhood. Vehicular access is less formal.

MIDTOWN TRANSPORTATION NETWORK

The Midtown Community Transportation Plan's strategy is to create a more complete transportation network by providing recommendations to improve streets, sidewalks, bikeways, and transit.

The Midtown Community Plan recommends updates to the Major and Collector Street Plan (MCSP). The MCSP focuses on creating context-sensitive, complete streets – streets that are designed to reflect their context (rural, suburban, urban) and that are accessible to multiple users (pedestrians, cyclists, transit, vehicles). As part of the Midtown Plan, five local streets in Midtown are proposed to be added to the MCSP as collectors, to recognize their importance in the area transportation network: 15th Avenue, 17th Avenue, 19th Avenue, 22nd Avenue and 23rd Avenue. The importance of these streets will increase as development increases in intensity and warrants their reclassification as collectors. There are also two designations changes to recognize existing conditions: 1) Elliston Place from West End to 25th Avenue was a T5-M-AB3 and is now a T5-M-AB4, and 2) 25th Avenue from Park Plaza to Charlotte was a T4-M-CA2 and is now T4-M-CA5.

OPEN SPACE ELEMENT

The Midtown Community Plan makes recommendations for the preservation of existing open space and the creation of new open space in the portion of the community considered an open space deficiency area. The western portion of the Midtown has ample open space with Centennial Park, however, the eastern portion of the community is lacking in park space. This is a growing concern with the addition of many new residential developments under construction and/or planned. Accessible, enjoyable open spaces are essential for vital and successful neighborhoods. Open space can be provided in a variety of forms including pocket parks, neighborhood parks, public squares and urban plazas. Private development is encouraged to create plazas and open spaces that are welcoming places for residents, employees and visitors to enjoy Midtown. The plan recommends that the City explore securing additional park land in the identified Open Space Deficiency Area by including it in the Capital Improvement Budget. The plan specifically recommends a project that would fill some of the need for open space in this area and transform the awkward, unused triangular piece of right-of-way on Elliston Place between 21st and 22nd Avenues into useable park space.

FUTURE COMPREHENSIVE ZONE CHANGE

In the past few years, the need for rezoning or for special exceptions before the Board of Zoning Appeals has become prevalent, prompting the review of the Midtown Plan. At the community meetings held for the Midtown Plan, there was support from the community for a comprehensive zone change to implement the Midtown Community Character Plan. Therefore, it is recommended that the Metro Government initiate a rezoning to the appropriate alternative zoning districts to implement the Midtown Plan. This will ensure predictability and consistency of future development and will also remove the burden from property owners of having to individually apply for rezoning or special exceptions. Developers will be able to move directly to preparing construction plans without delay. The plan proposes that any property owner that does not wish to have their property rezoned would be permitted to opt out of the rezoning.

STORMWATER AND GREEN INFRASTRUCTURE

At the Midtown Community meetings comments were received recommending that new commercial and industrial buildings should be required to meet at least LEED Silver Certification.

The objective of Green Development is generally addressed in the Goal *Creating Development of Lasting Value*. While many of the buildings constructed in the future will likely qualify to be LEED certified due to their infill location and the use of low impact and innovative stormwater techniques that are becoming common practice in Nashville, staff does not find that there is political interest

in *requiring* LEED certification on new construction efforts at this time. However, Midtown is largely paved with minimal or no stormwater management features today, and does not meet current tree planting or tree density unit requirements. As redevelopment takes place, properties are required to meet Metro Stormwater standards to handle and treat stormwater runoff and will be required to meet current standards for tree planting.

HISTORIC BUILDINGS AND FABRIC

Conflicting comments were received at the community meetings concerning whether there should be special guidance and/or protections for historic properties. There were comments that pointed to specific landmarks or areas where reduced heights should be considered. There were also, however, comments requesting that development potential in the area be maximized without restriction.

Staff mapped properties that were possibly of historic value to evaluate if there was a critical mass of properties that would warrant the use of a historic preservation tool (for example, historic zoning). Analysis revealed that there are a few historical sites in Midtown, but they are mostly scattered beyond being the basis for a preservation zoning tool. The three areas that required additional study were Elliston Place, West End between 32nd to 33rd and the 19th Avenue South and Grand Avenue area. Metro Historic has been asked to review and comment on the historic nature of properties and buildings in these areas. Preliminarily, the south side of Elliston Place is the area with the most potential to warrant the creation of a historic preservation tool.

These areas are located within proposed Policy Areas (T5-MU-03) with low-rise building heights. There are other issues affecting these areas that may also help preserve existing structures or lower building heights for new structures. These issues include small lot size, shallow lot depth and inability to consolidate property. The plan outlines the tools that are available to preserve historic sites and areas if there is community-initiated or property owner-initiated action. These tools include historic preservation zoning overlay districts, neighborhood conservation zoning overlay districts, historic landmark designation, and urban design overlay districts. Staff would be available to assist in the implementation of these tools if the community organizes themselves and desires their implementation.

CHANGES SINCE THE POSTING OF THE STATIC DRAFT

The two proposed Major and Collector Street Plan designations were made after the posting to the static draft. These changes are being proposed to recognize existing conditions: 1) Elliston Place from West End to 25th Avenue was a T5-M-AB3 and is now a T5-M-AB4, and 2) 25th Avenue from Park Plaza to Charlotte was a T4-M-CA2 and is now T4-M-CA5.

STAFF RECOMMENDATION

Staff recommends approval.

Approved, including the Historic Resources map. (6-0), Consent Agenda

Resolution No. RS2012-57

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-010-001 is **APPROVED, including the Historic Resources map. (6-0)**”

4. 2012CP-000-003

GREEN HILLS-MIDTOWN (MCSP AMENDMENT)

Staff Reviewer: Michael Briggs

A request to amend the adopted Major and Collector Street Plan designations for the Midtown area, requested by the Metro Planning Department, applicant.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Amend designations of the Major and Collector Street Plan

Major Street and Collector Plan

A request to amend the adopted Major and Collector Street Plan designations for the Midtown area.

MAJOR AND COLLECTOR STREET PLAN

The Major and Collector Street Plan (MCSP) is a comprehensive plan and implementation tool for guiding public and private investment in the major streets (Arterial-Boulevards and Arterial-Parkways) and collectors (Collector-Avenues) that make up the backbone of the city's transportation system. It is a part of, and implements, *Mobility 2030*, which is the functional plan component of the General Plan for Nashville and Davidson County.

Need to Amend the Plan

The MCSP was adopted on April 24, 2011. As an element of the General Plan, the MCSP should be amended as updates occur to each Community Plan to reflect changes that have occurred in the community since the MCSP was adopted and/or to respond to future planned growth, development, and preservation.

Analysis

The proposed amendments to the MCSP include changes to street designations to reflect existing conditions and/or reflect the future use of the streets. The Midtown Study revealed the need to amend some of the area’s major and collector street designations, so the MCSP amendments correspond with the new policies proposed in the Midtown Community Character Plan.

First, several local streets are proposed to be upgraded to a collector-avenue with wider rights-of-way. This change supports adequate pedestrian infrastructure on streets that can have significant mixed use redevelopment (generating significant pedestrian traffic). This change also recognizes how Midtown’s street network will change with the completion of the 28th/31st Avenue connector.

Second, two small street segments - Elliston Place from West End to 25th Avenue and 25th Avenue from Park Plaza to Charlotte need to be amended to reflect the number of travel lanes that exist today. The proposed amendments are detailed in the attached table.

Major and Collector Street Plan Proposed Amendments Related to Midtown Community Character Plan

Street	Segment Number	Termini	Adopted MCSP Designation	Additional Elements	Adopted Standard ROW	Amended MCSP Designation	Additional Elements	Updated Standard ROW	Recommendation				
									Amend Street Plan	Update Street Plan	Update Sidewalks Plan	Update Greenways Plan	Update Transit Plan
15th Avenue North	1	From Charlotte Avenue to Broadway	Local Street		50'	<u>T4-M-CA2</u>		60'	X	X			
17th Avenue North	2	From Charlotte Avenue to West End Avenue	Local Street		50'	<u>T4-M-CA2</u>		60'	X	X			
19th Avenue North	3	From Charlotte Avenue to Division Street	Local Street		50'	<u>T4-M-CA2</u>		60'	X	X			
22nd Avenue North	4	From Charlotte Avenue to Elliston Place	Local Street		50'	<u>T4-M-CA2</u>		60'	X	X			
23rd Avenue North	5	From Charlotte Avenue to West End Avenue	Local Street		50'	<u>T4-M-CA2</u>		60'	X	X			
25th Avenue North	6	From Park Plaza to Charlotte Avenue	T4-M-CA2		59'	T4-M-CA5		92'	X	X			
Park Plaza	7	From 25th Avenue North to 31st Avenue North	Local Street		50'	<u>T4-M-CA2</u>		60'	X	X			
Elliston Place	8	From West End Avenue to 25th Avenue North	T5-M-AB3	Planned Bike Lane & Parking	98'	T5-M-AB5		93'	X	X			

COMMUNITY PARTICIPATION

The Midtown Study process included stakeholder and community meetings where the MCSP designations related to Midtown were discussed and presented. In addition to those meetings involving the associated case, Metro Public Works and MTA were consulted on the recommended changes and asked to provide comment on the housekeeping amendments.

The related updates to the MCSP street designations in Midtown were included in the draft version posted on the Planning Commission’s website for the Midtown Community Character Plan as part of the *Green Hills-Midtown Community Plan: 2005 Update* on March 2, 2012. The housekeeping amendment package was posted on the Planning Commission’s website on March 7, 2012, and those subscribed to the Planning Department’s *Development Dispatch* were notified of the amendment package on March 7, 2012. In addition to that general notifications, e-mail notification was sent on March 7, 2012, to those individuals that participated in the update to the MCSP in 2011. Additional transportation stakeholders and related agency stakeholders were also notified via e-mail regarding the housekeeping amendments on March 7, 2012.

STAFF RECOMMENDATION

Staff recommends approval.

Approved (6-0), Consent Agenda

Resolution No. RS2012-58

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012CP-000-003 is **APPROVED. (6-0)**”

I. RECOMMENDATIONS TO METRO COUNCIL

Specific Plans

5. 2008SP-011G-04

CORNERSTONE CHURCH

Map 042, Parcel(s) 013

Council District 08 (Karen Bennett)

Staff Reviewer: Brian Sexton

The periodic review of an approved Specific Plan (IND) district known as "Cornerstone Church", to determine its completeness pursuant to Section 17.40.106.l of the Metro Zoning Code (Review of a Development Plan), for property located at 535 Boyds Hilltop Drive (1.06 acres), approved for a 3,000 square foot warehouse via Council Bill BL2007-88 adopted on February 5, 2008, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST

Four year SP review to determine activity

SP Review

The periodic review of an approved Specific Plan (IND) district known as "Cornerstone Church", to determine its completeness pursuant to Section 17.40.106.l of the Metro Zoning Code (Review of a Development Plan), for property located at 535 Boyds Hilltop Drive (1.06 acres), approved for a 3,000 square foot warehouse via Council Bill BL2007-88 adopted on February 5, 2008.

Zoning Code Requirement

Section 17.40.106.l of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a 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

The Cornerstone Church SP was approved by Metro Council in 2008 to permit the construction of a 3,000 square foot warehouse along Interstate 65. The warehouse has not been construed yet and the property is undeveloped. The warehouse will be used as an accessory structure for an existing church that is located on a separate parcel.

SPECIFIC PLAN REVIEW

Staff conducted a site visit in February 2012. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active. The owner did not respond to the letter. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

FINDING OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district’s consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission’s determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold

Section 17.40.106.l.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan

While the approved SP is not consistent with the T3 Neighborhood Maintenance Policy, the use is more compatible with the general character of the area. The SP is limited to a 3,000 square foot warehouse. The warehouse will be used as an accessory structure for an existing church that is located on a separate parcel. While the policy is intended to accommodate residential uses, a warehouse would be more appropriate for this property given its proximity to Interstate 65.

Amendments/Rezoning

As the SP is consistent with the character of the area, the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION

Staff recommends that the Cornerstone Church SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP inactive and directed staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (6-0), Consent Agenda

Resolution No. RS2012-59

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-011G-04 is APPROVED, finding the SP INACTIVE and directing staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (6-0)

Zone Changes

6. 2012Z-006PR-001

1119 MORROW AVENUE

Map 117-16, Parcel(s) 186

Council District 25 (Sean McGuire)

Staff Reviewer: Greg Johnson

A request to rezone from the R10 to CN district property located at 1119 Morrow Avenue, approximately 50 feet east of Granny White Pike (0.17 acres), and within the Lipscomb University Institutional Overlay District, requested by Debra and Raouf Mattin, owners.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Zone change from residential to commercial

Zone Change

A request to rezone from the One and Two Family (R10) to Commercial Neighborhood (CN) district property located at 1119 Morrow Avenue, approximately 50 feet east of Granny White Pike (0.17 acres), and within the Lipscomb University Institutional Overlay District.

Existing Zoning

R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

Proposed Zoning

Commercial Neighborhood (CN District) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas.

CRITICAL PLANNING GOALS N/A

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Major Institutional (MI) is intended to apply to existing areas with major institutional activities that are to be conserved, and to planned major institutional areas, including expansions of existing areas and new locations. Examples of appropriate uses include colleges and universities, major health care facilities and other large scale community services that do not pose a safety threat to the surrounding neighborhood. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with Policy?

Yes. The Major Institutional policy includes language describing appropriate ancillary land uses and mixed use development:

3. Appropriate Land Uses

...Ancillary uses are appropriate within the district that result in it being more neighborhood-like in structure, including open spaces and convenience centers. A variety of residential development is appropriate in MI areas. Mixed-use development is highly encouraged in MI areas to enhance the neighborhood structure.

The property has served as a parking area for the adjacent commercial businesses for over 30 years, and has become an established part of the adjacent commercial neighborhood convenience center along Granny White Pike. This commercial node serves both the Lipscomb University campus and the surrounding residential neighborhood, and is supported by the MI policy language promoting mixed use development to enhance the neighborhood structure.

REQUEST DETAILS

The property is occupied by a parking lot that serves several commercial businesses fronting onto Granny White Pike, which are in the CN zoning district. The existing parking lot is a legally non-conforming use, which permits its continued use as a parking lot.

The property is located within the Lipscomb University Institutional Overlay. This overlay district presents a plan for the expansion of the university within the surrounding residential neighborhood. The overlay plan identifies the existing commercial node and shows that it to remain. The plan does not envision any campus-related uses or functions on this property. The proposed zone change does not conflict with the institutional overlay.

A landscape buffer yard is required with the proposed CN zoning district. With approval of a building permit on the property under CN zoning, a type C buffer would be required along the east and south property lines that are shared with the R10 zoning district. Until a permit is requested, the landscape buffer will not be required.

PUBLIC WORKS RECOMMENDATION

- An access and parking study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.17	4.63 D	1	10	1	2

Typical Uses in Proposed Zoning District: **CN**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.17	0.324 F	2,399 SF	141	10	28

Traffic changes between typical: **R10** and proposed **CN**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+131	+9	+26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential(210)	0.17	4.63 D	1	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.17	0.25 F	1,851 SF	117	9	26

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+107	+8	+24

STAFF RECOMMENDATION

Staff recommends approval of the proposed CN zone change. The property has an established connection to the adjacent commercial node that serves the surrounding neighborhood and university campus. This type of mixed use development is supported by the Major Institutional land use policy.

Mr. Johnson presented the staff recommendation of approval.

Raouf Mattin, applicant, spoke in support of the proposal.

Attorney Ed Hiland, 20 Academy Place, spoke against the proposal on behalf of three landowners impacted by this zoning request and stated traffic, safety, and parking concerns.

Deborah Rhoads, 1101 Morrow Avenue, spoke against the proposal, stating safety concerns for Lipscomb students as well as traffic safety concerns.

Marjorie Rhoads, 1101 Morrow Avenue, spoke against the proposal, stating safety and traffic concerns as well as increased noise in the area.

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

Councilmember Claiborne spoke in support of the proposal and stated that it seems that the applicant is just trying to improve the parking.

Mr. Ponder spoke in support of the proposal and suggested to the two ladies that spoke to address their concerns with their councilmember.

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

Resolution No. RS2012-60

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-006PR-001 is **APPROVED. (7-0)**

The proposed Commercial-Neighborhood zoning district is consistent with the Major Institutional land use policy and does not conflict with the Lipscomb University Institutional Overlay.”

J. PLANNING COMMISSION ACTIONS

No Cases on this Agenda

K. RECOMMENDATIONS TO BOARD OF ZONING APPEALS

Planned Unit Developments: variances

7. 158-77P-002

ABBINGTON HEIGHTS

Map 163, Part of Parcel(s) 291

Council District 32 (Jacobia Dowell)

Staff Reviewer: Greg Johnson

A request for a variance from Section 17.32.080.B.5 of the Metro Zoning Code for a portion of property located at 500 Hickory Hollow Terrace within a Residential Planned Unit Development Overlay District, approximately 850 feet north of Bell Road, zoned R8 (4.39 acres), to permit at the driveway entrance to this nursing home a new ground sign with a height of approximately 20 feet where the maximum height of a ground sign permitted by the Zoning Code is six feet, requested by Good Samaritan Health and Rehab Center, applicant, for Goodhope LLC, owner.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST

Variance to the Board of Zoning Appeals to permit a taller ground sign than permitted by the Zoning Code

Variance Request

A request for a variance from Section 17.32.080.B.5 of the Metro Zoning Code for a portion of property located at 500 Hickory Hollow Terrace within a Residential Planned Unit Development Overlay District, approximately 850 feet north of Bell Road, zoned One and Two-Family Residential (R8) (4.39 acres), to permit at the driveway entrance to this nursing home a new ground sign with a height of approximately 20 feet where the maximum height of a ground sign permitted by the Zoning Code is six feet.

Existing Zoning

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots.

CRITICAL PLANNING GOALS N/A

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

Residential Medium-High (RMH) 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?

No, the variance request is not consistent with RMH policy. RMH policy is a residential policy and does not promote the incorporation of commercial development form. Although this policy permits some institutional uses that are compatible with residential uses, such as nursing home and assisted-living facilities, those uses must follow all of the development standards of the residential base zoning district, including the signage requirements. This is necessary in order to maintain compatibility with surrounding residential uses, both future and existing.

REQUEST DETAILS

The variance request is to permit a business sign that is taller than permitted by the R8 zoning district. The maximum height for a ground sign in the R8 district is six feet. A ground sign of 20 feet in height is requested by the applicant, Good Samaritan Health and Rehab Center. The Board of Zoning Appeals (BZA) will make the final decision on the requested variance to the Zoning Code. Because this request is within a Planned Unit Development (PUD), the Planning Commission must make a recommendation to the BZA.

The Abbington Heights PUD was approved in 1977 for a combination of multi-family residential land uses. Because there were no specific sign standards listed within the PUD, the maximum sign height of the base zoning district would have been used to determine the appropriate height for ground signs. The maximum height for a ground sign at the time of the PUD approval was six feet, the same standard that is used today. At the time of the PUD approval, variances were not permitted in PUDs because each PUD could include unique development standards that would eliminate the need for a variance.

The applicant, Good Samaritan Health and Rehab Center, has submitted a letter with the application stating that a tall ground sign is necessary to be seen from Bell Road by the family and friends of its residents.

ANALYSIS

Since the original approval of the PUD, the maximum height of ground signs within residential zoning districts has remained at six feet. Two adjacent residential developments within the same PUD have ground signs along their street frontages on Hickory Hollow Terrace. Both signs comply with Zoning Code standards.

Granting the proposed variance would permit a commercial-style ground sign within a residential zoning district with established residential developments at a distance of over 800 feet from the closest arterial street (Bell Road). Typically, commercial signs of this height are permitted only within commercial zoning districts along major roads, not in residential areas. Permitting the proposed sign runs counter to the intent of the separate signage standards of residential and commercial zoning districts.

STORMWATER RECOMMENDATION

- Sign is not to be located within roadside ditch section.

STAFF RECOMMENDATION

Staff recommends disapproval. The proposed variance is not consistent with either the RMH land use policy or the residential intent of the approved PUD.

Mr. Johnson presented the staff recommendation of disapproval.

Katie Gammon, consultant with Good Samaritan Health, spoke in support of the proposal and noted that people can't see the property from the Bell Road intersection.

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

Mr. Dalton stated support of staff recommendation of disapproval.

Mr. Adkins stated support of staff recommendation of disapproval and noted that it might be more appropriate to have some type of way-finding sign on Bell Road rather than in a residential cul-de-sac.

Dr. Cummings stated support of staff recommendation of disapproval.

Mr. Dalton out at 4:57 p.m.

Mr. Ponder stated support of staff recommendation of disapproval.

Councilmember Claiborne moved and Mr. Adkins seconded the motion to approve staff recommendation. (6-0)

Resolution No. RS2012-61

"BE IT RESOLVED by The Metropolitan Planning Commission that 158-77P-002 is DISAPPROVED. (6-0)"

Mr. Dalton in at 5:08 p.m.

L. OTHER BUSINESS

8. Employee contract renewal for Richard Bernhardt.

Resolution No. RS2012-62

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract for Richard Bernhardt is APPROVED. (6-0)"

9. Request for a rehearing by Ms. Pamela K. Ward for Case Nos. 2012CP-013-001 (Antioch Priest Lake Plan Amendment) and 2012SP-002-001 (Hickory MC Investments, G.P. Property--Franklin Limestone Road Asphalt Plant SP), originally heard on the January 26, 2012, Planning Commission meeting. (Information only)

10. Report on Urban Agriculture and Food Systems Planning APA Webinar

11. Historic Zoning Commission Report

12. Board of Parks and Recreation Report

13. Executive Committee Report

14. Executive Director Report

15. Legislative Update

M. MPC CALENDAR OF UPCOMING MATTERS

March 22, 2012

MPC Meeting

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

April 5, 2012

Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane

Topic: Antioch/Priest Lake Community Plan

April 12, 2012

MPC Meeting

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

April 16, 2012

Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane

Topic: Economic Development & Retail Centers

April 19, 2012

Community Meeting

3pm, Southeast Branch Library, 2325 Hickory Highlands Drive

Topic: Hands-On Design Workshop

April 24, 2012

MPC Meeting

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

N. ADJOURNMENT

The meeting was adjourned at 5:17 p.m.

Chairman

Secretary