



# **METROPOLITAN PLANNING COMMISSION MINUTES**

**Thursday, March 24, 2011**

**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  
Hunter Gee, Vice Chairman  
Stewart Clifton  
Judy Cummings  
Ana Escobar  
Tonya Jones  
Phil Ponder  
Councilmember Jim Gotto  
Andrée LeQuire, representing Mayor Karl Dean

### **Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Director  
Kelly Armistead, Admin Services Officer III  
Craig Owensby, Public Information Officer  
Dennis Corrieri, Planning Technician I  
Bob Leeman, Planning Manager II  
Brenda Bernards, Planner III  
Greg Johnson, Planner II  
Brian Sexton, Planner I  
Anita McCaig, Planner III  
Kathryn Withers, Planner III  
Rebecca Ratz, Planner II  
Tifinie Adams, Planner II  
Scott Morton, Planning Manager II  
David Edwards, Planner II

### **Commissioners Absent:**

Derrick Dalton

**Richard C. Bernhardt, FAICP, CNU-A**

Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**

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## Notice to Public

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

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

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

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

## Writing to the Commission

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

Mailing Address: Metro Planning Department, 800 2nd Avenue South, P.O. Box 196300, Nashville, TN 37219-6300

Fax: (615) 862-7130 E-mail: [planningstaff@nashville.gov](mailto:planningstaff@nashville.gov)

## Speaking to the Commission

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If you want to appear in-person before the Commission, view our tips on presentations on-line at [www.nashville.gov/mpc/pdfs/mpc\\_mtg\\_presentation\\_tips.pdf](http://www.nashville.gov/mpc/pdfs/mpc_mtg_presentation_tips.pdf) and our summary regarding how Planning Commission public hearings are conducted at [www.nashville.gov/mpc/pdfs/main/IRulesSummary.pdf](http://www.nashville.gov/mpc/pdfs/main/IRulesSummary.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 Commissions Rules and procedures, at [www.nashville.gov/mpc/pdfs/main/rules\\_and\\_procedures.pdf](http://www.nashville.gov/mpc/pdfs/main/rules_and_procedures.pdf)

## Legal Notice

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



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# **MEETING AGENDA**

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## **A. CALL TO ORDER**

The meeting was called to order at 4:06 p.m.

## **B. ADOPTION OF AGENDA**

Mr. Clifton moved and Mr. Gee seconded the motion, which passed unanimously, to adopt the revised agenda as presented. (9-0)

## **C. APPROVAL OF MARCH 10, 2011 MINUTES**

Mr. Ponder moved and Mr. Gee seconded the motion, which passed unanimously, to approve the March 10, 2011 minutes. (9-0)

## **D. RECOGNITION OF COUNCILMEMBERS**

Chairman McLean recognized former Councilmembers: Roy Dale, Houston Hagar, David Kleinfelter, Stewart Clifton, JB Loring, and Phil Ponder.

Councilmember Baker was in attendance but chose to speak at a later time.

Councilmember Claiborne spoke in support of staff recommendation regarding all three of his items on Consent (13a, 13b, 14).

Councilmember Stanley requested that Item 11 be removed from the Consent Agenda.

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## **E. ITEMS FOR DEFERRAL / WITHDRAWAL**

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**3. 2011Z-002PR-001**  
2631 SMITH SPRINGS ROAD

**4a. 2011Z-003PR-001**  
STONE BROOK DRIVE

**4b. 89P-032-001**  
BRENTWOOD SKYLINE

Mr. Gee requested that Item 15 be deferred to the April 14, 2011 MPC meeting.

Mr. Ponder moved and Councilmember Gotto seconded the motion to defer Item 15 to the April 14, 2011 MPC meeting and approve the Deferred and Withdrawn Items. (9-0)

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## **F. CONSENT AGENDA**

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**1. 2006SP-135U-08**  
CLIFTON AVENUE TOWNHOMES

**5. 117-84P-002**  
LIGHTHOUSE CHRISTIAN PRE-SCHOOL

**8. 2011CP-001-001**  
JOELTON COMMUNITY PLAN UPDATE

**10. 2011Z-002TX-001**  
DOWNTOWN CODE SIGNAGE COMPLIANCE

**11. 2011Z-004PR-001**  
2905 & 2907 ELM HILL PIKE

**12. 2011NL-001-001**

**13a. 32-86P-001**  
THE CROSSINGS

**13b. 2009UD-001-003**  
DOWNTOWN DONELSON UDO

**14. 5-73P-001**  
MUSIC VALLEY

**16. Reinstate Travelers Casualty and Surety Company of America, which was excluded from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations at the January 13, 2011 Planning Commission meeting, to be permitted to provide surety bonds.**

**17. Employee contract amendment for David Edwards.**

**18. Employee contract renewal for Brian Sexton and Michael Skipper.**

Mr. Ponder moved and Dr. Cummings seconded the motion to approve the Consent Agenda. (8-0-1) Chairman McLean recused himself.

Councilmember Gotto requested to hear Items 2, 9a, and 9b consecutively but separately.

Chairman McLean stated that Items 6 and 7 would be heard first, then Items 2, 9a, 9b, and 11.

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## **G. PREVIOUSLY DEFERRED ITEMS**

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### **Specific Plans**

**1. 2006SP-135U-08**  
**CLIFTON AVENUE TOWNHOMES**  
Map 091-12, Parcel(s) 197-198  
Council District 21 (Edith Taylor Langster)  
Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Clifton Avenue Townhomes", to determine its completeness pursuant to Section 17.40.106.1 of the Metro Zoning Code (Review of a Development Plan), for properties located at 711 and 713 40th Avenue North (0.54 acres), approved for ten units via Council Bill BL2006-1253 effective on January 19, 2007, review initiated by the Metro Planning Department.

**Staff Recommendation: FIND THE SP ACTIVE**

**APPLICANT REQUEST - Four year SP review to determine activity**

**SP Review** The periodic review of an approved Specific Plan (R) district known as "Clifton Avenue Townhomes", 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 711 and 713 40th Avenue North (0.54 acres), approved for ten units via Council Bill BL2006-1253 effective on January 19, 2007.

**Deferral** This item was deferred from the February 24, 2011 meeting at the request of the Councilmember and the agreement of the applicant. Staff made a second site visit on March 15, 2011. At that time, construction activity was observed on the property and the foundations for the buildings were being poured.

**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** The Clifton Avenue Townhomes SP was approved for 10 residential units. This SP has received final site plan approval for six single-family and two duplex units.

**Analysis** Staff visited the site on January 17, 2011. There was no apparent development activity on the property. Staff made a second site visit on March 15, 2011. At that time, construction activity was observed on the property and the foundations for the buildings were being poured.

The property has recently been purchased and the new owners have initiated the development of this SP. Prior to staff's second site visit, the owners' representative submitted the following to show the level of activity currently underway on this SP:

- *A master building permit for the site has been applied for (Master Permit Application # T201101257, Permit Tracking #1815953).*

The Master Permit has been approved.

- *The property paid \$6,000 in water capacity fees with approval of the final SP site plan. A new capacity requirements letter was received from Water Services as of 1-15-11 with an additional required payment of \$4,000 to satisfy Water Services capacity requirements. That payment has been made.*
- *The previously existing structure (a nightclub) has been demolished.*
- *An engineer has been retained to prepare new construction plans per the approved final site plan. The engineer and other owner representatives have met with Metro agencies, including Planning, Stormwater, and Water Services to identify all requirements to allow a building permit to be issued. Construction plans have been submitted to Metro reviewing agencies this week.*
- *The engineer has redesigned the Stormwater facilities on the property in accordance with the requirement of the final SP site plan that Stormwater requirements must be met before a building permit can be issued.*
- *The engineer has met with Water Services to discuss extending an 8-inch water main across 40th Avenue to provide water service to the project and the engineer has completed the design work for that extension.*
- *The required environmental study for the funding associated with the project is completed.*
- *Financing has closed on the project, including Federal NSP2 funds.*

**ANALYSIS** In reviewing the documentation provided by the owner, and viewing the construction activity on site, staff finds that the owner has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP in order for it to be found active. Staff would note, however, that at this time the SP remains appropriate for the site and area. The approved plan is consistent with the Urban Mixed Neighborhood policy of the North Nashville Community Plan

**STAFF RECOMMENDATION** Staff recommends that the Clifton Townhomes SP be found to be active.

Approved (8-0-1), Consent Agenda

**Resolution No. RS2011-65**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-135-08 is FOUND TO BE ACTIVE. (8-0-1)"

**2. 2011SP-006-001**

**CENTRAL PIKE NORTH**

Map 087, Parcel(s) 034, 038

Council District 12 (Jim Gotto)

Staff Reviewer: Greg Johnson

A request to rezone from RS15 to SP-MU zoning for properties located at 4161 and 4193 Central Pike, opposite S. New Hope Road (6.68 acres), to permit up to 135 multi-family units consisting of either live/work units, flats and/or townhomes with a proposed 78 units at 4161 Central Pike and 57 units at 4193 Central Pike, requested by Anderson, Delk, Epps & Associates 1nc., applicant, CDT New Hope and Central Pike Preuett, owners.

**Staff Recommendation: APPROVE WITH CONDITIONS**

**APPLICANT REQUEST - Rezone to SP for mixed-use development**

**Preliminary SP** A request to rezone from Single-Family Residential (RS15) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 4161 and 4193 Central Pike, opposite S. New Hope Road (6.68 acres), to permit up to 135 multi-family units consisting of either live/work units, flats and/or townhomes with a proposed 78 units at 4161 Central Pike and 57 units at 4193 Central Pike.

**Existing Zoning**

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

units per acre.

### **Proposed Zoning**

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

### **CRITICAL PLANNING GOALS**

- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

This SP promotes mixed-use and walkable development with the placement of multi-story mixed use buildings along the public street frontage with prominent pedestrian connections to the public street frontage. The proposed multi-family residential units will provide housing diversity to an area primarily comprised of single-family development.

### **DONELSON-HERMITAGE COMMUNITY PLAN**

**Corridor General (CG)** CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG policy also allows for live/work as an appropriate land use. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Consistent with Policy?** Yes. The SP proposes a mixed-use development with a combination of residential and non-residential uses in the form of live-work development. The commercial portion of the live-work proposal is intended to be small in scale, which is the intent of the CG policy.

**PLAN DETAILS** The proposed SP consists of two individual lots on the north side of Central Pike that are separated by approximately 700 feet. The SP includes a site plan for each lot. The lots have been grouped into one SP because the ownership is the same for both lots and the development proposal for each is similar in terms of proposed uses and building placement.

The proposal includes three, 12-unit, multi-family residential buildings placed on the rear half of each lot with a three-story live/work building placed along Central Pike. Each live/work building is placed with a strong relationship to Central Pike providing building frontage along a majority of the lot frontage. This strong building frontage combined with pedestrian connections to a proposed sidewalk along Central Pike will provide an ideal precedent for pedestrian connectivity as surrounding properties redevelop. Landscape buffers are shown on the plan along the east, west and north property boundaries for both sections.

**Access and Parking** Each lot will provide vehicular access to Central Pike through a single driveway connection. The plans identify possible locations within each lot that could allow for driveway connections to adjacent lots with future development. Each lot provides a central parking area behind the live/work building to accommodate parking for residents and customers of commercial uses within the live/work building. Additional parking is provided for residents of the residential-only buildings through a double-loaded driveway on the rear half of each lot.

All required parking for the proposed residential uses is provided on both lots within the SP. However, without some limitations on the commercial uses allowed within the SP, the number of parking spaces may not provide all of the required parking for non-residential uses. In order to reduce parking demand for commercial land uses, conditions of approval have been added to limit the size of individual tenant spaces, the amount of restaurant uses, and the overall amount of commercial square footage.

**Recreational areas** Several areas are identified within the eastern lot of this SP as "possible park areas." Because this SP proposes up to 135 residential units, the provision of activity or recreation areas is desired, though not specifically required by the SP requirements within the Zoning Code. Standards for recreation areas are present for PUDs. Within a PUD, one recreational facility would be required for a residential project of this size. A condition of approval has been added to identify and provide a minimum of one specific recreational activity within one of the identified possible park areas prior to final SP approval.

**Land uses** Permitted land uses within the live/work portion of the SP are specifically listed within the SP proposal and are intended to allow small-scale non-residential land uses that could exist appropriately within a primarily residential development.

**Community Meeting** A community meeting to discuss this SP proposal and a proposed SP and associated plan amendment across Central Pike was held on March 17, 2011. Approximately 60 people were in attendance. A number of issues were raised including traffic and residential density.

**STORMWATER RECOMMENDATION** Preliminary SP 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. Construct arterial sidewalk per Metro ST-210 (8' sidewalk with 6' grass strip), paved shoulder and curb & gutter per Metro ST-200 along whole project frontage. Construct driveway ramps per Metro ST-324.
3. A Traffic Impact study and parking analysis are required prior to development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	2.9	0.5 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached(210)	10.01	5.79 D	57 L	620	50	65

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Res. Condo/Townhome (230)	-	-	137 U	710	67	76

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office(710)	-	-	20,000 Sq. Ft.	387	52	102

Traffic changes between maximum: **AR2a, R8** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	8.97	-	-	+467	+58	+101

**METRO SCHOOL BOARD REPORT**

Projected student generation 28 Elementary 16 Middle 10 High

**Schools Over/Under Capacity** Students would attend Dodson Elementary School, Dupont Tyler Middle School, or McGavock High School. All three schools have been identified as being over capacity by the Metro School Board. There is no capacity for elementary or middle school students within the cluster. There is capacity within adjacent clusters for high school students.

The fiscal liability for 28 elementary students is \$560,000, and \$376,000 for 16 middle school students. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2010.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed mixed use project is consistent with land use policy in terms of proposed uses and design.

**CONDITIONS**

1. The maximum size of a non-residential tenant space within the SP shall be 1,400 square feet.
2. A maximum of one tenant space for the western portion of the SP and one for the eastern portion of the SP may contain a restaurant use.
3. On the western portion of the SP, the overall building square footage devoted to non-residential uses shall not exceed 5,400 square feet.
4. Stand-alone commercial development is not permitted. Non-residential uses shall occupy the first floor of a three-story building. First floor space may consist of residential uses.
5. Prior to final site plan approval, a phasing plan must be provided for both lots within the SP.
6. Prior to final site plan approval, a minimum of one recreational area shall be proposed on one of the possible park areas and shall be identified on the final SP site plan.
7. The SP shall comply with comments listed above from Metro Stormwater and Metro Public Works Departments.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Council shall be provided to the Planning

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

10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
11. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. LeQuire out at 5:27 p.m.

Ms. LeQuire in at 5:27 p.m.

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

Tom White, representing applicant, spoke in support of staff recommendation stating that all conditions have been agreed to and the SP is consistent with the subarea plan.

Joe Epps of Anderson, Delk, Epps & Associates spoke in support of staff recommendation and requested approval.

Shane Burkett, 4920 Seiner Court, spoke in support of staff recommendation, noting that development will bring much needed construction and jobs to the area.

William Mims, 4201 Central Pike, spoke in support of staff recommendation and strongly encouraged the commission to approve.

Jim Cupit, 1715 Stewarts Ferry Pike, spoke in support of staff recommendation and stated his excitement about the proposal.

Jim Murphy, 4124 Central Pike, spoke in support of staff recommendation and noted that the applicant has an extensive track record in dealing with TDOT and will continue to work with the MPC and TDOT to make sure all questions are answered and traffic concerns are addressed.

Dwight Holland, 4820 Myra Drive, spoke in support of staff recommendation stating that development in this area is needed in order to bring road, water, and sewer improvements to the area.

Sandra Estep, 4031 Dodson Chapel Road, spoke against staff recommendation stating issues with lack of privacy for homeowners, noise due to traffic, food odors from restaurants, lighting from businesses, and overcrowding of schools.

Richard Benson Jr., 4139 Central Pike, spoke against staff recommendation.

Beth Benson, 4139 Central Pike, spoke against staff recommendation stating noise, increased traffic, and stormwater concerns.

Susan Floyd, VP of DHNA, stated that the majority of citizens in this area are strongly opposed to any development on the north side of Central Pike and asked what will serve as buffer between the new multi-story developments and the current residential.

Richard Robertson, 4217 Valley Grove Drive, spoke against staff recommendation stating that multi units are taking over and that traffic is already horrendous on Valley Grove.

Richard Benson, 4169 Central Pike, spoke against staff recommendation stating stormwater, traffic, and safety concerns.

Stephen Willis, 4332 Central Valley Drive, spoke against staff recommendation stating lighting, privacy, and traffic concerns.

Houston Hagar, 4021 Timberview Lane, spoke against staff recommendation stating that approval of this would be a catastrophe for the community.

Faye Kay, 4179 Central Pike, spoke against staff recommendation stating concerns with stormwater and increased traffic.

Bertha Ward, 4151 Central Pike, spoke against staff recommendation stating traffic concerns.

Tom White, attorney for the applicant, reminded the commission that their role is land use and urged them to approve.

**Councilmember Gotto moved and Dr. Cummings seconded the motion to close the Public Hearing. (9-0)**

Councilmember Gotto pointed out the properties of several of the speakers on the map.



Mr. Ponder stated mixed emotions but noted that it is consistent with the policy.

Ms. Escobar also stated mixed emotions; it is consistent with the plan but can not picture how it is going to fit in.

Dr. Cummings stated that it is consistent with the plan, but asked if the character of the multi-story developments is in line with the community plan. Dr. Cummings also asked if there are concerns regarding the buffers between the residential and the three story buildings and if a traffic study had been completed.

Mr. Johnson clarified that there is no traffic study yet for this one.

Dr. Cummings asked if we have the infrastructure in place to support this development. Stormwater requirements?

Mr. Johnson clarified that all stormwater requirements must be met.

Mr. Clifton noted that mixed use has been promoted by the commission; we've been pushing the city to adopt standards to live and work close together. We have no clear guarantee that there will be enough traffic improvements; however, things that have been complained about are likely to get better with development.

Mr. Gee stated that the community plan clearly indicates that this is an area that makes sense to transition and this just happens to be the first of those transitions. He stated that we should pull back on the policy map a little and asked staff to address why Central Pike specifically has been called out for a very different type of place in terms of history.

Ms. McCaig clarified that during the plan update, stakeholders in Hermitage were concerned with continuing commercial strip mall patterns as well as including more apartment complexes. Corridor General was applied as it allows for a mixture of housing.

Ms. Jones stated that the difficulty is two separate properties in the midst of residential.

Councilmember Gotto stated his agreement that traffic is a huge issue in this area. He clarified that the Planning Commission's decision is ONLY a recommendation to Council, not a final decision. Final decision rests with Metro Council. More community meetings will be held.

**Councilmember Gotto moved and Mr. Gee seconded the motion to approve staff recommendation with the assurance that it is no guarantee that it will be approved at Council. (8-0-1) Mr. Clifton abstained.**

#### **Resolution No. RS2011-66**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-006-001 is **APPROVED WITH CONDITIONS. (8-0-1)**

#### **Conditions of Approval:**

1. The maximum size of a non-residential tenant space within the SP shall be 1,400 square feet.
2. A maximum of one tenant space for the western portion of the SP and one for the eastern portion of the SP may contain a restaurant use.
3. On the western portion of the SP, the overall building square footage devoted to non-residential uses shall not exceed 5,400 square feet.
4. Stand-alone commercial development is not permitted. Non-residential uses shall occupy the first floor of a three-story building. First floor space may consist of residential uses.
5. Prior to final site plan approval, a phasing plan must be provided for both lots within the SP.
6. Prior to final site plan approval, a minimum of one recreational area shall be proposed on one of the possible park areas and shall be identified on the final SP site plan.
7. The SP shall comply with comments listed above from Metro Stormwater and Metro Public Works Departments.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the OR20 zoning district.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
10. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final

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

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

**The SP request is consistent with the design principles and the use intent of the CG land use policy.”**

The meeting adjourned for a 10 minute break at 6:25.

Mr. Ponder and Ms. Jones left the meeting at 6:25 p.m.

The meeting was called back in session at 6:41 p.m.

## **Zone Changes**

### **3. 2011Z-002PR-001**

#### **2631 SMITH SPRINGS ROAD**

Map 136, Parcel(s) 043

Council District 29 (Vivian Wilhoite)

Staff Reviewer: Jason Swaggart

A request to rezone from R10 to OR20 district property located at 2631 Smith Springs Road, approximately 760 feet west of Bell Road (.36 acres), requested by Keith Jordan, owner.

**Staff Recommendation: DISAPPROVE**

**The Metropolitan Planning Commission DEFERRED Zone Change 2011Z-002PR-001 to the April 14, 2011, Planning Commission meeting. (9-0)**

### **4a. 2011Z-003PR-001**

#### **STONE BROOK DRIVE**

Map 171, Parcel(s) 159

Council District 31 (Parker Toler)

Staff Reviewer: Greg Johnson

A request to rezone from R10 to RM15 district property located at Stone Brook Drive (unnumbered), approximately 1,750 feet south of Old Hickory Boulevard (6.56 acres), requested by Lukens Engineering Consultants, applicant, Mt. View LLC, owner (see also PUD Amendment Case # 89P-032-001).

**Staff Recommendation: DEFER to the April 14, 2011, Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED Zone Change 2011Z-003PR-001 to the April 14, 2011, Planning Commission meeting. (9-0)**

### **4b. 89P-032-001**

#### **BRENTWOOD SKYLINE**

Map 171, Parcel(s) 159

Council District 31 (Parker Toler)

Staff Reviewer: Greg Johnson

A request to amend the Brentwood Skyline Planned Unit Development Overlay District for property located at Stone Brook Drive (unnumbered), approximately 1,750 feet south of Old Hickory Boulevard (6.56 acres), zoned R10 and proposed for RM15, to permit 86 multi-family units where a 129,600 square foot office building was previously approved, requested by Lukens Engineering Consultants, applicant, Mt. View LLC, owner (see also Zone Change Case # 2011Z-003PR-001).

**Staff Recommendation: DEFER to the April 14, 2011, Planning Commission meeting**

**The Metropolitan Planning Commission DEFERRED Zone Change 2011Z-003PR-001 to the April 14, 2011, Planning Commission meeting. (9-0)**

# Planned Unit Developments

## 5. 117-84P-002

### LIGHTHOUSE CHRISTIAN PRE-SCHOOL

Map 162, Part of Parcel 225

Council District 32 (Sam Coleman)

Staff Reviewer: Brian Sexton

A request to revise the preliminary plan and for final approval for a portion of the Lighthouse Christian School Planned Unit Development Overlay located at 5115 Blue Hole Road (.75 acres), at the southwest corner of Blue Hole Road and Tusculum Road, zoned One and Two-Family Residential (R8), to permit a one-story, 4,435 square foot addition where a 4,180 square foot addition was previously approved for an existing day-care center, requested by Barge Cauthen & Associates, applicant, for Lighthouse Baptist Church, owner.

#### **Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST - Revise preliminary plan and final approval to permit a building addition.**

**Revise Preliminary PUD and Final Site Plan** A request to revise the preliminary plan and for final approval for a portion of the Lighthouse Christian School Planned Unit Development Overlay located 5115 Blue Hole Road (.75 acres), at the southwest corner of Blue Hole Road and Tusculum Road, zoned One and Two-Family Residential (R8), to permit a one-story 4,435 square foot addition where a 4,180 square foot addition was previously approved for an existing day care center.

#### **Existing Zoning**

R8 District - 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% duplex lots.

#### **CRITICAL PLANNING GOALS** N/A

**REQUEST DETAILS** This request modifies the preliminary and final PUD for an existing day care center. The PUD was originally approved in 1984 and was later revised in 1994 to permit a religious institution with a separate 18,000 square foot building. Another revision for this portion of the PUD was recently approved by the Planning Commission on August 26, 2010. The approved plan replaced the 18,000 square foot building with a one-story 6,480 square foot day care center. The approved plan also granted preliminary approval only for a future one-story, 4,180 square foot addition to the day care center. This request is to increase the floor area of the previously approved addition to the day care center from 4,180 square feet to 4,435 square feet.

**Building Orientation** The proposed addition is located on the northwest portion of the property. The primary entrance into the building is located along Tusculum Road. As proposed, the total floor area of the day care center in the PUD will be increased to 10,915 square feet which does not exceed the floor area authorized by the Council approved PUD plan.

**Parking/Access** The plan proposes a total of 28 on-site parking spaces for the day care center which meets the Zoning Code requirement for parking. Walkways are proposed along the perimeter of the building that will connect to the existing sidewalks. The PUD is accessed through driveway connections from both Tusculum Road and Blue Hole Road. Internal cross-access between properties and parking lots is available.

**ANALYSIS** The request is within the limits of a revision, and it does not require Council approval. The proposed expansion to the existing day care center is minor, and there are no issues with the proposed expansion.

**STORMWATER RECOMMENDATION** Please correct the invert elevations in the "Out" column on Plan Sheet C2.0. Add a note that smooth lined HDPE pipe is to be installed. Three sets of the plans will be needed prior to scheduling the pre-construction meeting.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed changes are consistent with the approved plan.

#### **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 Stormwater Management division of Water Services.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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. 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.
6. 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.

7. 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 (8-0-1), Consent Agenda

### **Resolution No. RS2011-67**

"BE IT RESOLVED by The Metropolitan Planning Commission that 117-84P-002 is **APPROVED WITH CONDITIONS. (9-0)**

#### **Conditions of Approval:**

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 Stormwater Management division of Water Services.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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. 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.
6. 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.
7. 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."

## **6. 2005P-028-001**

### **CARILLON (Amend #1)**

Map 121, Parcel(s) 079

Council District 13 (Carl Burch)

Staff Reviewer: Jason Swaggart

A request to amend the Carillon Planned Unit Development Overlay District for property located at Bell Road (unnumbered), approximately 1,650 feet north of Couchville Pike (39.53 acres), zoned MUL and RM9, to permit 452 multi-family dwelling units, where 165,200 square feet of retail and office and 170 multi-family dwelling units were previously approved., requested by Ragan-Smith-Associates Inc., applicant, Carillon II Investment Partners, owner.

**Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST - Amend preliminary PUD plan**

**Amend Preliminary PUD Plan** A request to amend the Carillon Planned Unit Development Overlay District for property located at Bell Road (unnumbered), approximately 1,650 feet north of Couchville Pike (39.53 acres), zoned MUL and RM9, to permit 452 multi-family dwelling units, where 165,200 square feet of retail and office and 170 multi-family dwelling units were previously approved.

**Revised Report** *This is a revised report from what was initially sent to the commissioners. The revised report reflects changes made in the plan after the initial report was sent out. Changes were made to the initial plan after a community meeting and the changes reflect a compromise between the developer and the community. The revised plan will be presented at the March 24, 2011, Planning Commission Meeting. Staff finds that the revised plan is consistent with the properties Neighborhood Center and Residential Medium land use policies. The Residential Medium policy only permits residential uses, and while the Neighborhood Center policy permits a wide range of non-residential uses, it also permits residential.*

#### **Existing Zoning**

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

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

## **CRITICAL PLANNING GOALS** N/A

**REQUEST DETAILS** The Carillon Planned Unit Development (PUD) is located on Bell Road north of Couchville Pike. The PUD was authorized by BL2005-895 which was approved by Council on February 8, 2006. The PUD is approved for 165,200 square feet of retail and office uses, 170 multi-family units. The PUD is currently not developed and the property consists mostly of dense woodland. Environmental constraints on the site include some steep slopes, a stream that bisects the property and possible wetlands.

As proposed the revised plan calls for 452 multi-family units, which is an increase of 282 units from what was last approved by Council. No commercial or non-residential uses are proposed. The Zoning Code (Section 17.40.120) requires any increase in the total number of residential dwelling units be authorized by Council; therefore, the request is considered an amendment to the PUD.

Due to the stream and wetlands that bisect the property, the development is split into two separate areas. The area closer to Bell Road consists of eight multi-family residential buildings, and a club house and pool. The second portion is located near the back of the site at the northern corner. This is on the back side of the stream (from Bell Road) which bisects the property and is also located on higher ground than the area closer to Bell Road and consists of eight multi-family structures, which are terraced into the hillside.

Access to the development will be from a new, short, public street off of Bell Road. The residential portion of the development will be gated and accessed by private drives off of the new public street. Sidewalks are proposed along Bell Road, and throughout the development.

**Analysis** The revised plan is consistent with all zoning requirements, and is consistent with the properties Neighborhood Center and Residential Medium land use policies. The Residential Medium policy only permits residential uses, and while the Neighborhood Center policy permits a wide range of non-residential uses, it also permits residential. Given the topography at the back of the site, the proposed plan is more appropriate as it fits better into the hillside than the original plan. The plan provides the required stream buffers and buildings are kept out of the wetland area. To provide for better circulation and a secondary ingress/egress for emergency purposes, staff recommends a secondary access point onto Bell Road.

## **PUBLIC WORKS RECOMMENDATION**

1. At the initial construction phase, construct a southbound left turn lane on Bell Road with 200 feet of storage and transitions per AASHTO/MUTCD standards.
2. At the initial construction phase, construct a northbound right turn lane on Bell Road with 200 feet of storage and transitions per AASHTO/MUTCD standards.
3. Developer shall conduct a signal warrant analysis at the intersection of Bell Road and the access drive(s) with each final SP submittal or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.
4. Construct the access drive(s) at Bell Road with one entering and two exiting lanes (LT and RT) each with a minimum 175 ft of storage and transitions per AASHTO/MUTCD standards.
5. Additional analysis with updated traffic counts will be required for the intersection of Bell Road and Elm Hill Pike prior to approving any final SP plans to determine if additional mitigations are required.
6. If the Planning Commission requires construction of a second access drive, at a minimum, the proposed southbound left turn lane on Bell Road shall be extended as a continuous three lane cross section along Bell Road with appropriate storage and tapers to incorporate both access drives. Additional traffic analysis may be required. If a second access is required to be constructed onto Bell Road and that access is to be used by patrons of the proposed development without restriction then, at a minimum, the proposed southbound left turn lane on Bell Road shall be extended as a continuous three lane cross section along Bell Road with appropriate storage and tapers to incorporate both access drives. Additional traffic analysis may also be required. However, if the requirement is to construct a secondary access for emergency access only and that access is to be gated other than in the event of an emergency, the condition to extend the left turn lane on Bell Road may be removed.

**FIRE MARSHAL** Approve with conditions:

- Show fire hydrant location(s) with flow data or engineered flow calculations on the plan.

**STORMWATER RECOMMENDATION** Preliminary PUD approved

**STAFF RECOMMENDATION** Staff recommends that the request be approved with conditions. As proposed the request is consistent all zoning requirements.

## **CONDITIONS**

1. Plan shall be revised to provide a secondary ingress and egress point onto Bell Road.
2. The area along Bell Road in front of unit 1 as shown on the plan shall be undisturbed and indicated on the plan.
3. The requirements of the Public Works Department shall be met.
4. At the initial construction phase, construct a southbound left turn lane on Bell Road with 200 feet of storage and transitions per AASHTO/MUTCD standards.

5. At the initial construction phase, construct a northbound right turn lane on Bell Road with 200 feet of storage and transitions per AASHTO/MUTCD standards.
6. Developer shall conduct a signal warrant analysis at the intersection of Bell Road and the access drive(s) with each final SP submittal or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.
7. Construct the access drive(s) at Bell Road with one entering and two exiting lanes (LT and RT) each with a minimum 175 ft of storage and transitions per AASHTO/MUTCD standards.
8. Additional analysis with updated traffic counts will be required for the intersection of Bell Road and Elm Hill Pike prior to approving any final SP plans to determine if additional mitigations are required.
9. If the Planning Commission requires construction of a second access drive, at a minimum, the proposed southbound left turn lane on Bell Road shall be extended as a continuous three lane cross section along Bell Road with appropriate storage and tapers to incorporate both access drives. Additional traffic analysis may be required. If a second access is required to be constructed onto Bell Road and that access is to be used by patrons of the proposed development without restriction then, at a minimum, the proposed southbound left turn lane on Bell Road shall be extended as a continuous three lane cross section along Bell Road with appropriate storage and tapers to incorporate both access drives. Additional traffic analysis may also be required. However, if the requirement is to construct a secondary access for emergency access only and that access is to be gated other than in the event of an emergency, the condition to extend the left turn lane on Bell Road may be removed.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
12. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

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

Tom White, representing applicant, spoke in support of staff recommendation but requested an amended condition of only one full access point and a crash gate instead of two full access points. Mr. White noted that the Fire Marshall approved this with the stipulation of no on-street parking.

Michael Dukous, Woodbine Pointe Neighborhood HOA, spoke in support of one full access point and a crash gate versus two full access points.

Susan Floyd, Donelson Hermitage Neighborhood Association, spoke in favor of staff recommendation of approval.

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

Councilmember Gotto spoke in favor of a motion that would approve staff recommendation with removing condition one and adding a condition that would include a crash gate instead of a second access point.

Mr. Ponder spoke in favor of staff recommendation with the condition of one full access point and a crash gate.

Dr. Cummings spoke in support of approval with a crash gate.

Mr. Clifton inquired why staff recommended two full access points.

Mr. Leeman clarified that staff felt two full access points were appropriate considering the number of units.

Mr. Gee inquired if the other 5 conditions had already been incorporated; Mr. Leeman clarified that they were.

Ms. Jones asked if the parcel behind the property would be landlocked.

Mr. Leeman clarified that the parcel belongs to the Corps of Engineers.

Ms. Jones asked if a crash gate doesn't solve the issue with have two accesses, is there any necessity to having a crash gate at all.

Mr. Bernhardt stated that the hope is that they will decide to open it up at some point.

Mr. Clifton moved and Dr. Cummings seconded the motion to approve staff recommendation with the suggestion of adding a crash gate as a second entrance. (9-0)

### **Resolution No. RS2011-68**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2005P-028-001 is **APPROVED WITH CONDITIONS, including deleting Condition 1 and replacing with the following new Condition 1:**

#### **Conditions of Approval:**

- ~~1. Plan shall be revised to provide a secondary ingress and egress point onto Bell Road.~~
1. The PUD Final Site Plan shall incorporate a secondary ingress/egress access point to Bell Road for emergency access. This access point shall include a crash gate acceptable to Public Works and the Fire Marshall. (9-0)"
2. The area along Bell Road in front of unit 1 as shown on the plan shall be undisturbed and indicated on the plan.
3. The requirements of the Public Works Department shall be met.
4. At the initial construction phase, construct a southbound left turn lane on Bell Road with 200 feet of storage and transitions per AASHTO/MUTCD standards.
5. At the initial construction phase, construct a northbound right turn lane on Bell Road with 200 feet of storage and transitions per AASHTO/MUTCD standards.
6. Developer shall conduct a signal warrant analysis at the intersection of Bell Road and the access drive(s) with each final SP submittal or as directed by the Metro Traffic Engineer. The warrant analysis and traffic counts shall be submitted to the Metro Traffic Engineer for review and approval. The developer shall design and install a traffic signal when approved by the Traffic and Parking Commission.
7. Construct the access drive(s) at Bell Road with one entering and two exiting lanes (LT and RT) each with a minimum 175 ft of storage and transitions per AASHTO/MUTCD standards.
8. Additional analysis with updated traffic counts will be required for the intersection of Bell Road and Elm Hill Pike prior to approving any final SP plans to determine if additional mitigations are required.
9. If the Planning Commission requires construction of a second access drive, at a minimum, the proposed southbound left turn lane on Bell Road shall be extended as a continuous three lane cross section along Bell Road with appropriate storage and tapers to incorporate both access drives. Additional traffic analysis may be required. If a second access is required to be constructed onto Bell Road and that access is to be used by patrons of the proposed development without restriction then, at a minimum, the proposed southbound left turn lane on Bell Road shall be extended as a continuous three lane cross section along Bell Road with appropriate storage and tapers to incorporate both access drives. Additional traffic analysis may also be required. However, if the requirement is to construct a secondary access for emergency access only and that access is to be gated other than in the event of an emergency, the condition to extend the left turn lane on Bell Road may be removed.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
12. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

**The PUD amendment is consistent with all zoning requirements, and is consistent with the properties NC and RM land use policies."**

## **Institutional Overlays**

### **7. 2006IN-002-005**

#### **BELMONT UNIVERSITY**

Map 105-09, Part of Parcels 008-010, 058, 059

Council District 18 (Kristine LaLonde)

Staff Reviewer: Brenda Bernards

A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1419, 1500, 1501, 1502, 1503, 1504 and 1505 Acklen Avenue, 1812 15th Avenue South, and at 15th Avenue South (unnumbered), zoned RM20, to permit the construction of roadway improvements for Belmont School of Law, requested by Littlejohn Engineering Associates Inc., applicant, for Belmont University, owner.

**Staff Recommendation: APPROVE WITH CONDITIONS and recommend to the Council that the Belmont University IO remain in place**

#### **APPLICANT REQUEST - Roadway improvements for the College of Law Building**

**Final Plan Approval** A request for final approval for a portion of the Belmont University Institutional Overlay district located at 1419, 1500, 1501, 1502, 1503, 1504 and 1505 Acklen Avenue, 1812 15th Avenue South, and at 15th Avenue South (unnumbered), zoned RM20, to permit the construction of roadway improvements for Belmont School of Law.

**Deferral** Originally, the final site plan for the College of Law Building and roadway improvements were to be considered together. Consideration of the roadway improvements was deferred indefinitely so that Belmont and the Neighborhood Advisory Committee could continue to work on issues related to these improvements.

**At its meeting on March 10, 2011, the Planning Commission deferred this item and directed staff to respond to the following:**

1. Provide additional details regarding proposed on-street parking on 15<sup>th</sup> Avenue and examine any options to increase the amount of parking on 15<sup>th</sup> Avenue including use of Belmont owned property;
2. Provide the Commission with the landscape plan for the lot north of Acklen Avenue;
3. Further clarification of the Residential Buffer Zone, including a review of the legislative intent;
4. Provide a historical and legislative analysis of the establishment of the Institutional Overlay; and
5. Request that Public Works and the applicant's traffic engineer attend the March 24, 2011, meeting to discuss the roadway design.

**The applicant has provided a response regarding parking along 15<sup>th</sup> Avenue as well as details concerning the traffic signal and the 15th Avenue South and is included at the end of this staff report. The landscape plan is shown on the plan that is included with the staff report. An expanded discussion of the Residential Buffer Zone is included in the staff report. A section providing an analysis of the historic and legislative establishment of the overlay has been added. Staff has sent a request to the Public Works Department and the applicant's traffic engineer to attend the March 24, 2011 meeting to discuss the roadway design.**

#### **CRITICAL PLANNING GOALS N/A**

**PLAN DETAILS** Belmont University received final site plan approval for a building to house the College of Law in September 2010. At this time, Belmont is requesting final approval for associated campus alterations to support the new building. These alterations involve roadway improvements, including the removal of one house within the residential buffer on 15th Avenue, north of Acklen Avenue, the loss of a portion of the on-street parking along this section of 15th Avenue South and the installation of a traffic signal at 15th Avenue South and Wedgewood Avenue.

**Institutional Overlay** The Zoning Code provides that the purpose of the Institutional Overlay (the overlay) district is to provide a means by which colleges and universities situated wholly or partially within areas of the community designated as residential by the General Plan may continue to function and grow in a sensitive and planned manner that preserves the integrity and long-term viability of those neighborhoods in which they are situated. The institutional overlay district is intended to delineate on the official zoning map the geographic boundaries of an approved college or university master development plan, and to establish the general design concept and permitted land uses (both existing and proposed) associated with the institution by that master development plan.

The application of the overlay is intended to be limited to those properties encompassed by a college or university master development plan. The plan is designed to describe the extent of the existing and proposed campus as well as the long-range growth objectives and an assignment of institutionally related land uses.

The Belmont University Institutional Overlay was applied in August 2005. The Planning Commission first considered the overlay in February 2005, and deferred its decision to April 2005, in order for the associated traffic study to be completed.

At the time of the Planning Commission consideration, the traffic signal at 15<sup>th</sup> and Wedgewood Avenues and the separation between the residential properties to the east from Belmont, and parking along 15th Avenue South were raised as issues.

**Traffic Signal at 15th Avenue South and Wedgewood Avenue** The initial approval of the overlay by the Council did not require a traffic signal at 15th Avenue South and Wedgewood Avenue but did require ongoing traffic studies as development continued. With the construction of the College of Law building, a traffic signal is now warranted at this intersection. While a final site plan can be approved administratively if it is consistent with the approved preliminary plan, condition No. 20 of Council Bill 2005-555, the ordinance establishing the Belmont IO, states:

*"20. Approval of the IO overlay does not require the installation of a traffic signal at 15th Ave. South, and Wedgewood Avenue by Belmont University. If Belmont University proposes or otherwise agrees to provide for the installation of a traffic signal at that location, the Planning Commission must review the approved development plan and provide a recommendation to Council as to the impact on the neighborhood and whether the IO should be continued."*

As a traffic signal is proposed with this final site plan request, the Planning Commission must review this plan and make a recommendation to the Council on the continuation of the overlay.



**Traffic Impact Study** 17.36.350.B of the Zoning Code, requires an updated Traffic Impact Study (TIS) every five years for IO Districts. The original ordinance adopted the Belmont IO District on August 19, 2005. An update to the TIS accompanied the submission of the final site plan for the College of Law. Public Works has identified a number of improvements that must be made in order to accommodate the College of Law.

The proposed road design to accommodate the College of Law includes a roundabout style intersection at 15th Avenue South and Acklen Avenue. In order to accommodate this change, a residential structure at the corner of 15th Avenue South and Acklen Avenue is proposed to be demolished and the area of the property not included in the round-about is proposed to be landscaped.

**Residential Buffer Zone** The removal of this structure had generated discussion as it falls within the Residential Buffer Zone (the buffer). The buffer is a two block area on the east side of 15th Avenue South between Wedgewood and Caldwell Avenues. The original submission of the overlay by Belmont in 2002 placed the eastern boundary of the overlay along the center line of 15th Avenue South. Planning staff requested that the boundary be moved to the eastern property line of the houses fronting 15th Avenue South to better provide a transition between the institution and residential uses.

The proposal to remove this structure has generated much discussion regarding the form of the buffer. It is staff's position that this buffer is similar to other buffers and transitional areas applied through the Zoning Code and serves as a separation between the campus development and the adjacent residential neighborhood. As such, the removal of the structure is not at odds with this locational buffer. In fact, there is nothing in the overlay that requires the preservation of the structures in this two block location.

The buffer is referenced in three places in the IO Master Development Plan.

The Current Property and Expansion Area section identifies the Buffer area as:

*"Ten parcels along the east side of 15th Avenue between Caldwell and Wedgewood Avenues plus two parcels on the south side of Acklen Avenue, which are a combined twelve parcels of mixed ownership designated to remain as an existing single-family residential buffer."*

In the Residential Campus Zone section the reference to Buffer is as follows:

*"The east side of 15th Avenue between Wedgewood and Caldwell Avenue is intended to remain as an existing residential buffer subject to condition and codes permitting."*

In the Proposed Development Sites and Existing Residential Buffer Zone section the location of the Buffer is called out and includes the following:

*"Maintain the east side of 15th Avenue between Wedgewood and Caldwell Avenue as an existing single-family residential buffer; Belmont may make complementary residential modifications to any university- owned properties"*

The Zoning Code establishes the procedures for the review of Institutional Overlays. The Code requires the Planning Commission to review all final site plans to determine if they are in compliance with the Council approved preliminary overlay plan. The Commission must find that the proposed final site plan meets the standards established in the preliminary plan. Staff recommends that the proposed plan is consistent with the Residential Buffer Zone standards of the enacting ordinance since this portion of the plan will continue to serve as an area that will separate the institutional uses from the surrounding residential uses and provide the intended transition between the university buildings and the existing residential neighborhood to the east.

If the Planning Commission determines that structures need to be maintained in the buffer, then the Commission can require that the structure at the corner of 15th Avenue South and Acklen Avenue to remain. If the Commission decides that the house is to remain, the front porch of the structure will need to be removed and replaced with a smaller porch to accommodate the proposed roundabout. Details of the front of the house have been provided to show how a renovated porch can be accommodated. The overlay allows for setbacks to be reduced. There is also the option of keeping the existing four-way stop, but this may conflict with the TIS and would need to be approved by the Metro Traffic Engineer.

**Parking on 15th Avenue South** In order to support the traffic signal at Wedgewood and 15th Avenue South, turn lanes are proposed to be added and a number of the on-street parking spaces on 15th Avenue South are proposed to be removed. There are two properties along 15th Avenue South between Wedgewood and Acklen not currently owned by Belmont University. The current plan includes the necessary lanes to support the traffic signal and four on-street parking spaces on the eastern side. In order to ensure this parking is reserved for residents and not used by students or visitors to the university, a Residential Parking Permit program has been approved by the Metro Traffic and Parking Commission.

In a letter sent to the Executive Director of the Planning Department in September 2010, the Belmont Hillsboro Neighborhood, Inc. expressed concern with the loss of the on-street parking and its impact on the Residential Buffer Zone. Belmont responded to the letter by preparing a parking study for this block.

The parking study analyzed the bedroom count of each unit within the residences facing 15th Avenue South. Based on the Zoning Code, 40 parking spaces would be required. On-site parking capacity under the proposed plan for these properties is 39 spaces. The majority of these would be accessed from the existing rear alley.

In order to fully utilize this potential, Belmont has prepared an Alley Improvement Plan designed to make the rear alley parking as convenient and accessible as possible. This includes the identification of improvements and the standardization of the parking on each

property, including clearly identifying the spaces. The Plan does not include a program of ongoing maintenance within the alley. This will need to be added.

**Belmont University Neighborhood Advisory Group** An advisory committee made up of community and Belmont representation was established with the Council conditions of the overlay. The members of the Committee were confirmed by the Planning Commission. The Belmont Neighborhood Advisory Committee has met several times this year to discuss and evaluate the proposed roundabout and traffic signal. The Advisory Committee prepared a position paper and submitted it to Planning staff. There was not complete agreement on all of the points. The points and the concerns raised by the member representing the Neighborhood Association are below.

**Advisory Group Recommendation** The Belmont Neighborhood Advisory Committee met several times this year to discuss and evaluate the proposed roundabout and light that has been submitted to the Planning Commission by Belmont University. The Neighborhood Advisory Committee circulated a nine point draft (see below) to all of its members based on the discussion held at the meetings. Several comments were received.

*"Consequently, the nine point draft document is not a consensus view of the entire group.*

*There were objections to some of the language in this draft, particularly point 4, point 8 and point 9. In regards to point 4, the Belmont Hillsboro Neighborhood Association representative objected to the phrase "that we are all in agreement" about the residential buffer definition being vague. In regards to Point 8, the committee does have concerns about what kind of development might occur in the area from 15th Avenue to 12th Avenue South. However, there was not an agreement as to whether this requires re-examining the Institutional Overlay. Concerning Point 9, traffic calming around the university is something the committee would definitely like to discuss in the future, however, having Planning work with Public Works was not an agreed position.*

*Finally, the representative of the Belmont Hillsboro Neighborhood Association that is on the committee expressed the view of that organization that it believes that only the Metro Council can approve the proposal submitted by Belmont University. Their comments are included below.*

- 1. The committee is in favor of construction of the roundabout and the installation of a light at 15th and Wedgewood.*
- 2. The committee believes that the most aesthetically pleasing approach for the roundabout is to demolish the house at the northeast corner of 15th and Acklen. Building the roundabout while leaving the house makes the house unappealing. The committee believes that the demolition of this house is a one-time occurrence and that the elimination of other residential structures would not be consistent with the residential buffer that is part of the Institutional Overlay.*
- 3. That in place of the house, Belmont be required to build and to maintain an open green space area. This area should have a significant amount of plantings plus have some "park like" features like benches for sitting. In addition, lighting should be installed to make the area feel safe at night.*
- 4. That the residential buffer zone in the Institutional Overlay should be strengthened and clarified. We are all in agreement that the current language is too vague. The new language should make it clear that the residential character along 15th Avenue S should be maintained. No more structures should be demolished, but if any structure is demolished it must be replaced with a structure that fits the footprint of the old structure and have a design that all reasonable people would recognize as residential. The committee wants to ensure that the residential buffer zone is not compromised by the construction of attached, dense housing that is not in keeping with the current features of the neighborhood.*
- 5. Additionally, the alleyways behind 15th from Wedgewood to Caldwell should be cleaned up and beautified. In the rear areas, Belmont must install plantings that are consistent with the buffering requirements that separate commercial space from residential space.*
- 6. Since Belmont University owns the majority of the houses along 15th Avenue S it should also install plantings and greenery along the front of the properties that would enhance the curb appeal and beauty of the area. We understand that this work may need to wait until changes are made to the width of 15th Avenue S. However, this work should be completed within a reasonable amount of time.*
- 7. That residential permit parking be installed all along 15th Avenue S from Wedgewood to Bernard. Part of 15th Avenue S already has permit parking and this should be extended. Parking on the street must be maintained for the residents and not for the University. We believe this will further enhance the residential character of the neighborhood.*
- 8. At some time in the not too distant future, the Planning Commission and Belmont should reexamine the Institutional Overlay to determine if an amendment is required to include properties from 15th to 12th Avenue and from Wedgewood to Caldwell. The committee's concern is this section of property close to the university could be developed without the benefit of the design standards that are a part of the Institutional Overlay.*
- 9. That the Planning Commission in conjunction with Public Works renew the emphasis on the implementation of traffic calming around the University that was part of the original Institutional Overlay. The committee believes that traffic around the university is all related and that traffic changes to one part affect the other. It is the committee's understanding that the traffic calming evaluations have not been completed and may be awaiting further work from Public Works. This work needs the immediate attention of both Planning and Public Works.*

*Belmont Hillsboro Neighborhood Association (BNAG) Comments concerning the draft document:*

*Recommending the removal of a house to accommodate the roundabout is an aesthetical solution, and one that is supported by the*

approval of nearby affected residents. As a member of the advisory committee representing Belmont Hillsboro Neighbors, we feel strongly that the appropriating of property within the residential buffer for repurposing as roadway in the construction of a roundabout is against the terms defined in the Institutional Overlay. The Belmont advisory committee has struggled mightily through multiple meetings with this question of the teardown, which certainly lends support to the lack of clarity of purview.

Not all members of BNAG are in agreement that the language, "residential buffer," is vague. The term is mentioned multiple times in the IO document. The term is quite clear when read in context. The expressed intent of the language "single-family residential buffer," as stated by then Council Lady Hausser, was to provide a demarcation of future growth of the university to provide the residents of the neighborhood with a specified boundary that would protect the residential appearance and its amenities, including on street parking. The IO contemplates the acquisition of properties on 15th Ave. by the university and clearly states this occurrence will not mitigate any requirement to maintain the residential appearance of 15th Ave. In fact, the IO states clearly that any teardown be replaced by a similar home in style and scale.

Planning overlays are critical for all property owners and the process must be abided by in the implementation of development. Otherwise, trust is diminished and clarity of purpose clouded. We respectfully request that the committee recommend that the decision for the creation of the roundabout and the aesthetic removal of the home at the corner of 15th Ave. and Acklen Ave. be submitted to the Metro Council for the appropriate granting of a change to the institutional overlay to permit the construction as submitted, and further recommend that the overlay be otherwise upheld by the Council."

### **Recommendation to the Council**

As noted above, the Commission must review the approved development plan and provide a recommendation to Council as to the impact of the traffic signal at Wedgewood and 15th Avenue South on the neighborhood and whether the overlay should be continued. Staff recommends that the overlay be continued since the proposed traffic signal is warranted by development that was contemplated in the original overlay document approved by Council. The proposed TIS includes mitigation measures to adequately address traffic impacts of the continued development within the overlay as was called for in the original Council approved plan. In addition, the overlay continues to be the most effective tool for managing the growth of Belmont University over time. The overlay is recognition that the university will grow and provides the structure for that growth.

At the time of the adoption of the overlay in August 2005, Planning records show that Belmont owned three properties in the area bordered by 15th Avenue South, Wedgewood Avenue, 12th Avenue South and the alley to the south of the properties fronting Caldwell Avenue. There are 54 properties in this area and Belmont now owns 28 of these – or 52 percent of the properties. The acquisition of these properties appears to be inconsistent with the purpose and intent of the Institutional Overlay District as provided in the Zoning Code.

As the university acquires these properties, the purpose of the buffer – separating institutional uses from residential uses – becomes less clear cut. As Belmont becomes the primary land owner, it is not unrealistic to presume that the natural direction for an expansion of the overlay is onto property already owned by the university. If this were to occur, the residential buffer zone would be rendered unnecessary as it would be separating institutional uses from institutional uses, not from a separate residential neighborhood. The expansion of the overlay to 12<sup>th</sup> Avenue South would also clarify that 15th Avenue South is the appropriate location for one of the main entrances into the campus given its central location between 12th Avenue South and 16th Avenue South, and given its appropriate spacing from the existing signal at 16th Avenue South.

In addition to recommending that the overlay remain in place, staff recommends that the overlay be amended to include the properties in the area bordered by, Wedgewood Avenue, 12th Avenue South and the alley to the south of the properties fronting Caldwell Avenue.

### **NES RECOMMENDATION**

- 1) All street lighting shall meet Metro/NES requirements for the public ROW. The conduit, footings, poles and fixtures must be installed by developer – NES needs locations of street light bases for conduit stub-outs to those general areas. Current customer drawings require the removal of Metro street lights without showing a new lighting layout for the proposed improvements. Customer needs to submit a proposed lighting layout for Metro/NES approval.
- 2) Sheet C3.0 – Demolition Plan shows a pole line along the south side of Acklen Ave to be removed. Pole line has been labeled as "NES to remove". This pole line belongs to AT&T and removal must be coordinated with them.
- 3) Sheet CW3.0 – Demolition Plan shows NES to remove a pole at the corner of 15<sup>th</sup> Ave and Wedgewood Ave. If this pole is to be removed, overhead power will not be available on 15<sup>th</sup> Ave from Wedgewood to Acklen. Customer will be responsible for any relocation and easement costs required to keep electrical service to the customers along 15<sup>th</sup> Ave from Wedgewood to Acklen. Additionally, if power is removed from 15<sup>th</sup> Ave, NES does not have the ability to continue to provide temporary power to the construction offices for Belmont University located at the corner of Acklen and 15<sup>th</sup> Ave.

### **WATER SERVICES RECOMMENDATION Approve**

### **STORMWATER RECOMMENDATIONS Approve**

### **PUBLIC WORKS RECOMMENDATION Revise and Resubmit:**

- 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.
- Show and label on plans a full 1.5 inch asphalt pavement overlay to the entire reconstruction area of Wedgewood, 15th, and Acklen Avenue.
- Add note to cover sheet All streets to remain open to local traffic during construction.
- Show construction detail and cross-section for core in roundabout. Truck apron to be stamped concrete 8" thick or stamped asphalt,

include detail in street construction plans.

- Revise curbing on roundabout center and splitter islands to be TDOT mountable curb and gutter 6" Sloping Detached Concrete Curb RP-MC-2 Type B. Incorrectly shown is the mountable extruded curb.
- Show splitter island details and cross section. Provide continuous concrete 8" thick, and add detectable warnings 24" minimum on pedestrian entry and exit points.
- Revise roundabout entries to be 24' wide minimum with 12' minimum entry/exit lanes.
- Dimension the outer inscribed circle radius on the roundabout.

#### **Comply with previous conditions.**

- Sheet C4.0 Extend the proposed DSYL pavement marking on the north approach of the roundabout from the intersection of Wedgewood.
- Sheet CW3.0
  - (1) Remove the shared LT-THRU-RT pavement markings from the northbound right hand lane on 15th Avenue S at Wedgewood and replace with THRU-RT markings.
  - (2) Label the SSWL lane marking for the northbound approach on 15th Avenue S at Wedgewood
  - (3) Modify the traffic signal plan to accommodate the pavement marking changes on 15th Avenue S at Wedgewood. Submit signal plan to Chip Knauf at MPW for review.

#### **FIRE MARSHAL RECOMMENDATION Approved**

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the final site plan for the off-site roadway improvements for the College of Law building. Staff also recommends that the Planning Commission recommend to the Council that the Belmont University Institutional Overlay remain in place and the overlay be amended to include the properties in the area bordered by 15th Avenue South, Wedgewood Avenue, 12th Avenue South and the alley to the south of the properties fronting Caldwell Avenue.

#### **CONDITIONS**

##### **Final Site Plan Conditions:**

1. Belmont shall design and redevelop the rear alley parking for properties on the east side of 15th Avenue South between Acklen Avenue and Wedgewood Avenue to be as convenient and accessible as possible prior to the removal of the on-street parking. Belmont shall expand the Alley Improvement Plan to include a program of ongoing maintenance within the alley. This expanded plan shall be submitted to Planning Staff for review and approval.
2. The requirements of the Public Works Department shall be met as specified in the Public Works recommendation for approval above, and including any recommendations from Public Works received prior to the meeting.
3. With the reconstruction of 15th Avenue South, Belmont University shall plant street trees along the entire length of the Residential Buffer Zone acceptable to the Urban Forester, Public Works and Planning Departments.

##### **Recommended condition to the Metro Council:**

The Belmont Institutional Overlay remain in place, and that Belmont University submit an amendment to the overlay, within two years of the approval of the final site plan for the roadway improvement associated with the College of Law building, to include the properties in the area bordered by 15th Avenue South, Wedgewood Avenue, 12th Avenue South and the alley to the south of the properties fronting Caldwell Avenue. If Belmont has not filed an amendment application within this time period, no further final site plans shall be approved until an application is submitted.

Applicant's response to issues raised by the Planning Commission:

#### **EXISTING ON-STREET PARKING**

There is currently unmarked on-street parking on both sides of 15<sup>th</sup>. The existing 32-foot pavement width does not meet Metro standards for parking on both sides. Using Metro's standard of 23 feet for stall length, approximately 9 spaces can be accommodated on the east side and 11 on the west side.

Parking is mostly associated students, which is both seasonal and limited to week days between 8:00 am and 4:00 pm. A parking study prepared by me in August 2010, when students were out for the Summer, found four cars or less on 15<sup>th</sup> during the morning and evening periods. The cars were associated with the one owner-occupant on each side at the time. The parking study also concluded that there was sufficient on-site parking. The collective parking requirements for the block, based on the zoning code, are 18 spaces and there were 18 spaces available. The study recommended that the alley serving the housing on the east be improved for better access and that parking with access from the alley be clearly marked. Belmont has submitted an improvements plan to Planning.

The east side became eligible for residential permit parking in August 2010. There are no street signs indicating any use currently.

#### **PROPOSED ON-STREET PARKING**

The traffic improvements for 15<sup>th</sup> include reconfiguring and saving parking on the east side of 15<sup>th</sup>, which is the side where the rental apartments are located. There are no longer any owner-occupants on the east side. Because the existing pavement width is narrow, there is limited room for the proposed three lanes which means that on-street parking can be retained on one side only – the east.

In the initial phase, without any acquisition, four spaces can be reconfigured based on Metro's standards. A second phase is anticipated based on 1) acquiring the one remaining non-Belmont property on the west side and/or the one remaining non-Belmont property on the east side and 2) widening the right-of-way. Widening the right-of-way allows for the proposed three lanes and additional reconfiguration of approximately four more on-street spaces on the east side. The owner on the west side has adequate on-site parking and has agreed

to the removal of on-street parking. The owner on the east side, who has been informed of the project, has adequate on-site parking and the availability of the residential permit parking which remains in place in both phases.

### **TRAFFIC SIGNAL AT WEGEWOOD AND 15<sup>TH</sup>**

The traffic signal and lane improvements at Wedgewood and 15<sup>th</sup> Avenues were part of Public Works' approval of the two-phase Health Sciences building in 2001. Ginger Hausser requested that the signal and lane improvements not be made at the time because a member of the advisory committee living on 15<sup>th</sup> objected. Ginger Hausser also included language in the I-O approval in 2005 that any installation of a traffic signal involve Planning Commission making a recommendation to Council on retaining the I-O. The committee member on 15<sup>th</sup> who initially objected to the signal has since removed their objection.

### **15<sup>TH</sup> AVENUE'S RELATIONSHIP TO STREET SYSTEM SERVING THE CAMPUS**

Belmont is an urban campus developed over and served by a grid system of 13 streets and 17 access points. 15<sup>th</sup> has served as an institutional access street for over 120 years beginning in 1890 with Ward Belmont Seminary and transferring in 1951 to Belmont College/University. 15<sup>th</sup> has also provided access for over 50 years for the former WSM TV Station that currently serves as Metro's Office of Emergency Management and Emergency Communications Center. And 15<sup>th</sup> has provided access equally as long for residential uses including single-family, large-scale multi-family and more recently Belmont dormitories. All of these uses have focused historically on 15<sup>th</sup> as access to the Wedgewood Avenue major arterial.

In regard to major arterial access for the campus, both 15<sup>th</sup> Avenue and E. Belmont Circle provided connection with Wedgewood Avenue. 15<sup>th</sup> provided the better connection because it aligned with 15<sup>th</sup> on the north side of Wedgewood. E. Belmont Circle was less effective because of the significant misalignment with Villa Place on the north side of Wedgewood. In conjunction with approval of the Health Sciences building in 2001, an additional access was created with the building's major parking structure using the existing public alley between Wedgewood and Acklen that aligned with Villa Place on the north side of Wedgewood. At the same time as the alley improvements, and in accordance with the I-O, Belmont made the approved intersection improvements at E. Belmont Circle and Wedgewood to enhance its accessibility with the campus.

According to the Traffic Impact Study prepared in 2005 for the I-O, the alley improvements were effective in directing more traffic to the Health Sciences parking structure. The increase in alley access may have been perceived by drivers as a safer and more convenient access than E. Belmont Circle.

A Traffic Impact Study focusing on the Wedgewood access for the campus was conducted in 2009 in determining the relevance of E. Belmont Circle, the public alley, 15<sup>th</sup> and Acklen Avenue's connection with the three. The study concluded that the closure of E. Belmont Circle and an adjoining portion of Acklen was manageable and expected to affect a negligible amount of peak hour traffic. In accordance with the I-O, the request to close E. Belmont Circle and an adjoining portion of Acklen was submitted and approved by the Planning Commission in September 2009. The closure was supported by the Neighborhood Advisory Committee.

The importance of 15<sup>th</sup> historically and currently by a multiple number of users, while evident, is consistent with the use approved in the 2005 Traffic Impact Study submitted with the approved I-O. The Traffic Impact Study Update in 2010 concludes that the number of vehicles turning south onto 15<sup>th</sup> from Wedgewood Avenue at peak times is consistent with the number that was projected to be using this portion of 15<sup>th</sup> in the original 2005 Traffic Impact Study. In addition, this latest Traffic Impact Study concludes that vehicular access to the campus is spread somewhat evenly across all major access points on campus.

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

Mr. Clifton inquired if there is short term relief for the property owner on 15<sup>th</sup> regarding on-street parking.

Jason Rogers, VP of Belmont, stated that at the request of the property owner, the traffic engineers conducted an addendum study to the traffic study they were working on at the time. There was a short term solution and a long term solution that preserved on-street parking on the east side of 15<sup>th</sup> in front of this person's property. These solutions were presented to Public Works as a proposal. Public Works came back with a recommendation that there needed to be an additional lane to allow for right turns onto Wedgewood, which would remove the possibility in the short term of parking in front of this person's home. The University's position is that they would like to accommodate the wishes of the property owner and proceed with the short term solution that was outlined in the traffic study.

Mr. Clifton inquired if it was an option for the property owner to have alley related parking.

Mr. Rogers stated that there is access to the property from the alley in the rear, but property owner stated preference for tenants to park directly in the front.

Mr. Clifton inquired if any additional information had been received since the last hearing as to the specific reasons this item was deferred.

Mr. Rogers stated that a study completed last summer demonstrated adequate alley accessible parking for Belmont properties on the east side and demonstrated that in the absence of any University use of on-street parking, there was very little residential use of parking, particularly on the west side. Also noted that the study is in the record from last spring/summer.

Councilman Gotto noted that the letter from Belmont stated that they do not want to put a time frame on expanding the Institutional Overlay and recommended that this be left in the hands of Belmont, current neighbors, and the new Councilmember. He stated his agreement with staff that it is too premature to put a deadline on this.

Ms. LeQuire inquired how the traffic light at Wedgewood relates to the other lights and the rest of Wedgewood.

Bob Murphy, RPM, stated that they have been conducting traffic studies for Belmont for many years and felt that this was the best location for a traffic signal in terms of spacing between adjacent signals to the west (Magnolia & 16<sup>th</sup>) and in terms of signalization...provides good access to Belmont but also good access to the residential area on the north side of Wedgewood and 15<sup>th</sup>.

Mr. Gee stated agreement with Councilmember Gotto regarding the IO expansion, clarifying that he isn't sure what it accomplishes to put a time frame on it. He also noted that the overlay is unclear regarding the buffer but agrees with staff's interpretation that 1) It doesn't require the structures to remain, and 2) Open space could be considered an appropriate buffer between a residential area and the institution, so providing the landscaping is appropriate.

Mr. Gee asked the traffic engineer for clarification regarding the design and size of the roundabout as well as the reasoning behind needing a roundabout versus keeping the current four way stop. Mr. Gee also expressed concerns regarding the throat of the roundabout being widened to 24' which is essentially 2 lanes.

Bob Murphy, RPM, stated that they are responsible for geometric design of roundabout and explained that the roundabout looks bigger in plan view than it is actually going to be. As a comparison, the inscribed diameter (outside circle) of this roundabout will be 100' or less, whereas the Music Row roundabout is over 200'. This one will compare in terms of size to the roundabout at Two Rivers Parkway on the ramp at Briley Parkway. All entrances to the roundabout should be 15' at their widest point...approaching the roundabout will be 10'-12' and as you come to the mouth of the roundabout it increases to 15'. This was designed so it would be a low speed operation with maximum speeds of 20 mph. The traffic volume in this area is 500-700 vehicles per hour. Mr. Murphy stated that RPM did look at maintaining the current four way stop. That would work, but a problem is created when traffic volumes peak a lot from different directions, creating back-up and congestion. The advantage of a roundabout is that it keeps traffic flowing and aesthetically it will look much better than a four way stop. It will function very well for pedestrians also.

Mr. Gee stated concerns with comments supported in the staff recommendation stating that the revised roundabout entries to be 24' wide minimum with 12' minimum entry/exit lanes.

Devin Doyle, Public Works, stated that he is not sure what 24' is referring to, but clarified that the entering lane will not be 24' wide. Two lanes will not be entering the roundabout.

Mr. Gee stated his support.

Chairman McLean asked Mr. Clifton if his concerns regarding the on-street parking had been resolved.

Mr. Clifton stated that he is satisfied that this is probably the best that can be done with regard to on-street and alley parking.

Mr. Gee asked if the roundabout could be expanded to increase the number of parallel parking spaces since the university owns all but one parcel on east side.

Mr. Gee asked property owner about rear parking.

Ronald Miller, 1802 15<sup>th</sup> Ave South, stated that all doors are in the front, and that if tenants park in the rear they would have to walk through rain/mud to have access to the house. Mr. Miller also clarified that he would legally have to pave or gravel to park in the rear.

Mr. Gee suggested that Belmont and the property owner get together and discuss additional parking.

Chairman McLean inquired if the four parking spaces would be designated as permit parking?

Bob Murphy stated that all spaces would be permit parking.

Mr. Ponder moved and Mr. Clifton seconded the motion to approve staff recommendation and delete the condition that requires a two year period on expansion. (9-0)

### **Resolution No. RS2011-69**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2006IN-002-005 is **APPROVED WITH CONDITIONS Final Site Plan and recommend to the Metro Council that the Belmont University Institute Overlay remain in place. Delete the staff recommendation to require Belmont University to submit an amendment to the Overlay within two years. (9-0)**

#### **Conditions of Approval:**

1. Belmont shall design and redevelop the rear alley parking for properties on the east side of 15th Avenue South between Acklen Avenue and Wedgewood Avenue to be as convenient and accessible as possible prior to the removal of the on-street parking. Belmont shall expand the Alley Improvement Plan to include a program of ongoing maintenance within the alley. This expanded plan shall be submitted to Planning Staff for review and approval.
2. The requirements of the Public Works Department shall be met as specified in the Public Works recommendation for approval above, and including any recommendations from Public Works received prior to the meeting.

3. With the reconstruction of 15th Avenue South, Belmont University shall plant street trees along the entire length of the Residential Buffer Zone acceptable to the Urban Forester, Public Works and Planning Departments.

**Delete the following staff recommended condition:**

~~**Recommended condition to the Metro Council:** The Belmont Institutional Overlay remain in place, and that Belmont University submit an amendment to the overlay, within two years of the approval of the final site plan for the roadway improvement associated with the College of Law building, to include the properties in the area bordered by 15th Avenue South, Wedgewood Avenue, 12th Avenue South and the alley to the south of the properties fronting Caldwell Avenue. If Belmont has not filed an amendment application within this time period, no further final site plans shall be approved until an application is submitted.~~

The overlay continues to be the most effective tool for managing the growth of Belmont University over time.”

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## H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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### Community Plan Amendments

#### 8. 2011CP-001-001

##### JOELTON COMMUNITY PLAN UPDATE

Staff Reviewer: Tifinie Adams

A request to amend the Joelton Community Plan: 2003 Update to add Special Policies to the existing Rural Land Use Policy to identify the properties located near 7000 Harper Road as a Mixed Use Center, requested by Metro Planning Department applicant, for various property owners.

**Staff Recommendation: APPROVE**

##### **APPLICANT REQUEST - Amend the Joelton Community Plan to add a special policy**

**Amend the Community Plan** A request to amend the Joelton Community Plan: 2003 Update to add Special Policies to the existing Rural Land Use Policy to identify the properties located near 7000 Harper Road as a Mixed Use Center.

##### **CRITICAL PLANNING GOALS** N/A

**BACKGROUND** On January 13, 2011, the Planning Commission recommended approval of a zone change from CS to MUN for the property located at 7000 Harper Road. Staff's analysis determined that surrounding properties (nine properties in total) formed a contiguous node of land with commercial zoning (CS) and that this area was an appropriate location for a rural-scaled mixed use center with non-residential land uses.

In approving the zone change, the motion adopted by the Planning Commission included a directive that staff prepare a "housekeeping" amendment to the community plan to acknowledge the existing zoning and mixed use identity of this node. The housekeeping amendment will note that this node is an appropriate location for low intensity commercial uses within the Rural Land Use Policy.

**COMMUNITY PARTICIPATION** Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners within 500 feet of the subject site. The amendment was classified as a "housekeeping" plan amendment where a community meeting and early postcard notification are not required. The Planning Commission however, directed staff to host a community meeting. A community meeting was held on Tuesday March 8<sup>th</sup> from 6 pm to 7 pm at the First Baptist Church Joelton. Five community members and the district council member were in attendance. The meeting attendees expressed support of the amendment.

##### **JOELTON COMMUNITY PLAN**

###### **Current Policy**

**Rural (R)** R is intended for areas that are physically suitable for urban or suburban development, but where 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.

###### **Proposed Special Policy**

**Special Policy Area #2** The existing Rural Land Use Policy will include Special Policy that will identify properties located near 7000 Harper Road as a mixed use center. The following design principles within this special policy area shall apply:

**Access** Where a property has double frontage, primary access should be from Old Clarksville Highway. Access and driveways should also be shared where possible.

**Building Form** To preserve the rural character in this area, buildings should be one to two stories in height with low to moderate lot coverage. Buildings should orient toward Clarksville Highway and be placed on the site to preserve natural areas along Clarksville Highway.

**Connectivity (Bike and Pedestrian)** A bike lane is planned along Clarksville Highway in the *Strategic Bikeways and Sidewalk Plan*. Due to the rural character of Clarksville Highway, a multi-use path that accommodates pedestrians and bicyclists is also appropriate. Other

pedestrian paths should be provided on-site and should provide cross access between businesses and parking areas.

**Density / Intensity** Much of this area is zoned CS (Commercial Services). CS zoning may create a development pattern that is not consistent with the intent of the Rural Land Use Policy or the creation of a mixed-use center. If future zone changes are proposed in this area, zoning districts such as MUN (Mixed Use Neighborhood) and CN (Commercial Neighborhood) should be considered. When warranted, a site plan may be required to guide site design.

**Landscaping** Landscaping should be utilized to shield parking areas, utilities and building systems from adjacent rural residential areas. Fences associated with landscaping should be designed to provide security while complementing the surrounding rural environment.

**Lighting** Lighting should be pedestrian scaled and should be projected downward to minimize impacts on adjacent rural residential areas.

**Parking** Parking should be located beside or behind the building and should be accessed from Old Clarksville Highway. Clarksville Highway is a planned scenic corridor and therefore parking is encouraged to be on the side or behind the buildings. Bicycle parking is encouraged.

**Signage** Signage should alert motorists, pedestrians, and cyclists to their location and assist them in finding their destination. The design and location of signage should complement the rural character of the center. Appropriate signs include building signs, projecting signs, or awning signs.

**Utilities** Utilities should be carefully screened from public view.

## ANALYSIS

**Physical Site Conditions** The area surrounding 7000 Harper Road has no development constraints. This area of the Joelton Community is relatively flat, while areas to the north and south have environmental constraints due to steep slopes.

**Land Use** Land uses in the amendment area include single family residential, vacant / farm land, and an industrial land use.

**Access** Properties in the amendment area are located between Clarksville Highway and Old Clarksville Highway. Four of the properties in the amendment area have frontage on both Clarksville Highway and Old Clarksville Highway. To encourage access management in this mixed-use area and facilitate the movement of goods and people along Clarksville Highway, the Special Policies encourage primary access to be located on Old Clarksville Highway.

**Development Pattern** The development pattern and character is rural and can be characterized by large and irregular lots, deep setbacks, and low density / intensity development. The proposed Special Policies are based on T2 Rural Transect principles and encourage the preservation of the rural character while promoting the creation of a walkable mixed-use center that is rural in character.

**Historic Features** There is a farmstead located at 6728 Clarksville Pike that is considered Worthy of Conservation. This farmstead is *not* within the plan amendment area; it is nearby. The proposed Special Policies encourage development that complements and preserves the rural character of this property.

**Conclusion** This amendment acknowledges the existing CS and MUN zoning and provides guidance for changes in land use and zoning that create a rural-scaled mixed use center. The proposed Special Policy allows the existing Rural Land Use Policy to be more consistent with the existing land uses and zoning in the amendment area.

**STAFF RECOMMENDATION** Approve

Approved (8-0-1), Consent Agenda

### **Resolution No. RS2011-70**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-001-001 is **APPROVED. (9-0)**"

## 9a. 2011CP-014-001

### **DONELSON HERMITAGE COMMUNITY PLAN AMENDMENT**

Map 086, Parcel(s) 157, 160-162;

Map 087, Parcel(s) 121, 087, 088;

Map 098, Parcel 073

Council District 12 (Jim Gotto)

Staff Reviewer: Anita McCaig

A request to amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update by changing the current Land Use Policy Corridor General (CG) to Community Character Policy T3 Suburban Community Center (T3 CC) for property located along the south side of Central Pike, west of the intersection with South New Hope Road, requested by Anderson, Delk, Epps & Associates, Inc., applicant, Various owners (see also Specific Plan Case # 2011SP-005-001)

**Staff Recommendation: APPROVE, if the associated rezoning, 2011SP-005-001, is approved.**

### **APPLICANT REQUEST - Amend the land use policy from Corridor General to T3 Suburban Community Center.**

**Amend the Community Plan** A request to amend the *Donelson-Hermitage-Old Hickory Community Plan: 2004 Update* by changing the current Land Use Policy Corridor General (CG) to Community Character Policy T3 Suburban Community Center (T3 CC) for property located along the south side of Central Pike, west of the intersection with South New Hope Road.

**CRITICAL PLANNING GOALS** The proposed T3 Suburban Community Center policy is intended to meet the critical planning goal of supporting infill development. It meets this goal by:



- Developing in an existing community at a higher intensity than before
- Focusing development along a major corridor
- Adding development where existing infrastructure is available
- Providing a mixture of uses that complements surrounding land uses
- Minimizing vehicular access points

## **DONELSON-HERMITAGE COMMUNITY PLAN**

### **Current Policy**

**Residential Medium (CG)** CG policy is intended for areas at the edge of a neighborhood that extend along a major street and that are predominately residential in character. CG areas contain a variety of residential development along with larger-scale civic and public benefit activities.

### **Proposed Land Use Policy**

**T3 Suburban Community Center (T3 CC)** T3 CC policy is intended to enhance suburban community centers, encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections and serve suburban communities within a 10 to 20 minute drive.

**BACKGROUND** The applicant's property is approximately 25 acres. As part of the review process, the plan amendment area under consideration was increased to include property east to South New Hope Road to establish a firm policy boundary. The total acreage of the plan amendment area is approximately 45 acres.

During the Donelson-Hermitage-Old Hickory Community Plan update process in 2003 and 2004, stakeholders were concerned about commercial uses creeping from corridors such as Old Hickory Boulevard and Lebanon Pike into undeveloped or residential areas. Corridor General policy was placed along this stretch of Central Pike due to its predominant residential character and adjacency to the commercial center policy at the intersection with Old Hickory Boulevard.

**COMMUNITY PARTICIPATION** Planning staff held a community meeting regarding the Community Plan Amendment request on March 8, 2011 with the District Councilmember and stakeholders; approximately 40 people attended the meeting. Notification of the amendment request and the Planning Commission Public Hearing was posted on the Planning Department website and mailed to surrounding property owners and known groups and organizations within 1,300 feet of the subject site. Stakeholders had numerous questions about the rezoning process and raised concerns about the proposed development, including increasing traffic, exacerbating stormwater runoff issues, and increasing commercial and office space when there are currently vacancies in the larger area. The District Councilmember held an additional community meeting on March 17, 2011 to discuss the associated rezoning proposal with the community and to continue the conversation between the developer and the community.

### **ANALYSIS**

**Physical Site Conditions** The plan amendment area's topography is relatively flat with no prohibitively steep slopes. The amendment area does have a stream and pond and associated stormwater regulation buffers which should be taken into account with any development of this property.

**Land Use** Currently, the plan amendment area contains five single-family houses, a small church and a larger church along with a daycare. The associated rezoning request pertains to the small church and three single-family houses.

**Access** At present, properties are accessed from individual driveways along Central Pike. The applicant, however, proposes to consolidate access and also provide cross access from the adjacent apartment complex into the development and to the east as part of the rezoning. This parallel route to Central Pike is necessary to ease traffic along Central Pike.

Central Pike has a planned bike lane as part of the *Nashville-Davidson County Strategic Plan for Sidewalks and Bikeways*.

The proposed T3 Suburban Community Center policy would call for – and the development proposes to provide – sidewalks along Central Pike and within the development.

**Development Pattern** The development pattern in the area is predominantly single-family residential. To the north, across Central Pike, are single-family houses and one small office use. Single-family residential uses continue to the east of the plan amendment area, with some vacant properties, along Central Pike. Adjacent on the western boundary is a large apartment complex, the Colonnade Apartments. Further west are the commercial activities of the center along Old Hickory Boulevard and additional multi-family uses. I-40 abuts the area on the south side.

The T3 Suburban Community Center policy along Old Hickory Boulevard was recently expanded to include a vacant ten-acre parcel near Hermitage Woods Drive. This property also had an accompanying rezoning for a mixture of uses as it is planned to be developed in the future. There is also a medical office complex further west along Central Pike at the intersection with Dodson Chapel Road that was recently expanded to include another parcel. There are currently building vacancies there also.

The Colonnade apartments, on the western boundary of the amendment area, were developed in the mid-1990s. When the Donelson-Hermitage Community Plan was being updated in 2003, some stakeholders were very concerned about the concentration of apartments along the Old Hickory Boulevard corridor. These stakeholders did not want to see additional multi-family properties developed in this area as at that time there were numerous multi-family vacancies. Other stakeholders, however, were concerned about the expansion of commercial development from Old Hickory Boulevard east along Central Pike. In the end, both the north and south sides of Central Pike

were placed in Corridor General policy, which allows higher density housing and civic/public benefit uses.

Since the I-40 corridor abuts the southern edge of the plan amendment area, this area may not be attractive to certain uses, such as single-family housing, while interstate visibility makes the area more attractive for other uses, such as offices and medical uses. The successful leasing of the Colonnade apartments – directly to the west of the plan amendment area – suggests that multi-family housing is a viable option for the plan amendment area, although some community members remain opposed to additional multi-family housing.

**Historic Features** There are no recognized historic features associated with this site.

### **Conclusion**

The proposed T3 Suburban Community Center policy allows for a mixture of uses that complements the adjacent commercial center, while still allowing multi-family development and civic/public benefit uses that were allowed in the existing Corridor General policy. Essentially, it allows for a greater mixture of land uses than is encouraged by the existing land use policy.

While allowing for a greater diversity of land uses, the T3 Suburban Community Center policy also includes guidance on form and character of development that can complement the more intensely developed community center to the west while providing a smooth transition to the surrounding single-family uses to the east and north.

Hermitage is a growing community and continues to be a desirable residential and business location. The proposed Community Plan amendment would allow for growth in the area, while adding guidelines on the form and character of development to create higher quality development with better pedestrian, bicycle and vehicular connections, and improved urban design. The proposed rezoning conforms to the Design Principles of the proposed T3 Community Center policy so no special policy language is needed.

Since the associated rezoning request only covers a portion (approximately 55 percent) of the larger plan amendment area, care should be taken to see that the redevelopment does not adversely impact the remaining single-family homes. The Community Character Manual includes guidance on transitions between existing and planned development, which should aid in creating respectful transitions between proposed development and existing development.

**STAFF RECOMMENDATION** Staff recommends approval if the associated rezoning is approved.

Ms. McCaig presented staff recommendations of approval of the plan amendment if the associated rezoning is approved.

Mr. Clifton out at 6:47 p.m.

Tom White, representing applicant, urged the commission to approve and stated that many improvements need to be made and won't be made unless developments are brought in.

Joe Epps of Anderson, Delk, Epps & Associates thanked the staff and the community for their help and support and spoke in support of staff recommendation.

Jim Murphy, 4124 Central Pike, spoke in support of staff recommendation and noted that the applicant does have a lot of history working with TDOT to improve traffic in the Hermitage area and will continue to work with TDOT and Metro in terms of traffic studies to find solutions and ways to improve traffic issues.

Bobby Floyd, 6002 South New Hope Road, spoke in support of staff recommendation.

Bill Mims, 4201 Central Pike, spoke in support of staff recommendation.

Jim Cupit, 1715 Stewarts Ferry Pike, spoke in support of staff recommendation and stated his excitement about commercial development because it will offer more options for the community.

Dwight Holland, 4820 Myra Drive, spoke in support of staff recommendation and stated that all issues would be taken care of before development began...stormwater, roads, etc.

Shane Burkett, 4920 Seiner Court, spoke in support of staff recommendation.

Susan Floyd, DHNA, stated that she is not in opposition, she just wants it to be done smart/not too dense.

David Wheeler, 4150 Central Pike, spoke against staff recommendation.

Harvey Jinnette, 5971 Port Anadarko, spoke against staff recommendation due to stormwater issues.

Richard Benson, 4169 Central Pike, spoke against staff recommendation due to stormwater issues and traffic concerns.

**Dr. Cummings moved and Ms. Escobar seconded the motion to close the Public Hearing. (6-0)**

**Councilmember Gotto moved and Mr. Gee seconded the motion to reopen the Public Hearing to allow the applicant a two minute rebuttal. (6-0)**

Tom White, attorney for the applicant, asked for unanimous approval for the amendment and a majority vote for the SP.

**Councilmember Gotto moved and Mr. seconded the motion to close the Public Hearing. (6-0)**

Councilmember Gotto stated that this is a different situation that on the north side as the requested SP does not comply with current land use. The land use has to be modified and the SP has to be approved. If approved, we could put a condition in there that would hold them to more stringent stormwater requirements than what is currently in there. Traffic improvement opportunities were also noted.

Dr. Cummings stated her surprise that the stormwater report didn't take into account the pictures passed around and the testimony heard at the meeting tonight and noted that we would definitely need to add that the builder does something to correct the water issues. Do we have a traffic study?

Mr. Johnson clarified that Conditions 21-41 are constructed from the traffic study.

Dr. Cummings noted that her concerns are stormwater and traffic and she won't have a problem voting to amend the community plan but then what comes after that?

Mr. Gee asked Mr. Doyle from Public Works to summarize what the recommended offsite improvements are.

Mr. Doyle clarified and a list was handed out to the commissioners.

Mr. Gee stated that all improvements will be tied to the zoning bill. Public Works can continue to require additional improvements offsite before they will approve a final site plan. Policy intent (CG policy) transitional from higher intensity uses to single family uses. There seems to be appropriate transitions and buffers as you move towards I40. It works south to north.

Ms. LeQuire stated that it also works west to east and asked what the setback requirement is for SP to the north.

Mr. Johnson clarified that requested policy is T3, the best of both worlds. It allows for some parking in front, one row. The intent of the SP is to allow for ease of traffic movement for site as well as being pedestrian friendly.

Ms. LeQuire inquired if we can we ask for as much pervious pavement as possible to help with the stormwater issues?

Steve Mishu, Metro Stormwater, stated that some suggested recommendations might be more green infrastructure or offsite improvements.

Mr. Bernhardt stated that it would be appropriate to request that the Stormwater Department make a recommendation to Metro Council to consider as part of the bill that would enhance the stormwater management of this site.

Mr. Mishu suggested to put the burden on the design engineers to come up with some ideas to be reviewed and recommended to Council at a later time.

Ms. LeQuire asked to what level we can expect the future transit bus service.

Mr. Doyle stated that there will need to be communication with MTA; coordinate and work with them on the possibilities to serve this area somehow.

Councilmember Gotto stated that there is not unanimous community support for this, but there is not as much opposition to this side.

**Councilmember Gotto moved and Dr. Cummings seconded the motion to approve staff recommendation with an additional condition that the approval is valid only if the SP is approved at Council. (6-0)**

**Resolution No. RS2011-71**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-014-001 is APPROVED if the associated rezoning, 2011SP-005-001 is approved by the Metro Council. (6-0)"**

**9b. 2011SP-005-001**

**CENTRAL PIKE SOUTH**

Map 086, Parcel(s) 157, 160-162;

Map 098, Parcel 073

Council District 12 (Jim Gotto)

Staff Reviewer: Greg Johnson

A request to rezone from Single Family Residential (RS15) to Specific Plan Mixed Use (SP-MU) zoning for properties located at 4124, 4140, 4144 and 4156 Central Pike and at 6002 S. New Hope Road, approximately 1,200 feet west of S. New Hope Road (25.93 acres), to permit a mixed-use development consisting of office, retail, commercial, restaurant, multi-family and live/work uses, requested by Anderson, Delk, Epps & Associates Inc., applicant, Chris Pardue, Donna and Bobby Cloyd and Central Pike Church, owners.

**Staff Recommendation: APPROVE WITH CONDITIONS, including the revised Public Works conditions if the associated Community Plan Amendment is approved.**

## **APPLICANT REQUEST - Permit land uses consistent with MUL zoning**

**Preliminary SP** A request to rezone from Single Family Residential (RS15) to Specific Plan Mixed Use (SP-MU) zoning for properties located at 4124, 4140, 4144 and 4156 Central Pike and at 6002 S. New Hope Road, approximately 1,200 feet west of S. New Hope Road (25.93 acres), to permit a mixed-use development consisting of office, retail, commercial, restaurant, multi-family and live/work uses.

### **Existing Zoning**

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

### **Proposed Zoning**

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

## **CRITICAL PLANNING GOALS N/A**

## **DONELSON-HERMITAGE COMMUNITY PLAN**

### **Existing Policy**

**Corridor General (CG)** CG is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

### **Proposed Policy**

**T3 Suburban Community Center (T3 CC)** T3 CC policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

**Consistent with Policy?** The SP is not consistent with the existing CG policy because of the relatively large amount of commercial that could be developed through the SP. The applicant proposes to amend the current land use policy through an associated land use policy amendment application to the T3 CC land use policy. With the proposed conditions of approval by staff, the SP would be consistent with the T3 CC land use policy.

**PLAN DETAILS** The proposed SP consists primarily of a conceptual site diagram illustrating possible locations for the permitted land uses. Additionally, the diagram identifies intended vehicular access points to Central Pike. The SP also includes limited bulk and architectural standards.

**Traffic Impact Study** Comments from Metro Public Works require the approval of a Traffic Impact Study (TIS) prior to approval of a zone change on this site. Because the applicant has not yet submitted a TIS, staff recommends disapproval of the SP. Development of this SP could have a substantial impact on vehicle trips to/from the site. A TIS would identify the necessary infrastructure improvements to support this zone change.

**Land uses** Permitted land uses and bulk standards within the SP generally follow the MUL zoning district. Several uses including warehouse, utility, and several commercial uses permitted within the MUL zoning district have been excluded from the permitted uses list for this SP. The SP intends to permit 'hospital' within the SP. Because this use is not permitted within the MUL zoning district and could result in an intense development on the site that is not consistent with the policy as a stand-alone use, it should be removed from the permitted land uses list.

**Bulk Standards** Bulk standards proposed by the SP also generally follow MUL standards, including standards for building heights and floor area ratio (FAR) requirements. Variations to the MUL bulk standards occur in several instances, most notably in required buildings setback requirements.

**Building setbacks** The SP includes building setback standards that vary from the Zoning Code, which normally requires a minimum building setback. The SP proposes a required build-to zone for buildings placed along the Central Pike frontage with a maximum setback of 68 feet. This build-to zone will require the placement of buildings along Central Pike with stronger frontage along the public street than would be required by the MUL base zone. The SP specifies that a maximum of one row of parking will be permitted along Central Pike, which will lessen the visual impact of parking along the arterial road.

Although the build-to zone is intended to strengthen street frontage along Central Pike, the SP does not indicate the minimum amount of frontage that must meet the required build-to zone. Without a minimum level of building frontage along Central Pike, the SP may not comply with the intent of the T3 CC policy, which promotes strong building frontage along public streets. A condition of approval has been added to require a minimum of 50 percent of the build-to zone along Central Pike to be occupied by building frontage, which is defined as building façade that fronts onto Central Pike where primary pedestrian access to the building is available.

**Interior site layout** While the SP is fairly specific about its layout requirements along the Central Pike frontage, the standards do not contain much information for the intended form of development within the interior or the rear of the SP area. The SP appropriately includes minimum street and side setbacks for the tallest buildings permitted within the site (6 stories), to keep them away from the street frontage and adjacent residential development. However, the intent for a future internal street and driveway plan is without definition. Ideally, the internal driveways/private streets will develop into a block pattern, where private streets serve as low-speed vehicular and pedestrian travel ways that provide connectivity throughout the SP area and to adjacent properties that could redevelop in the future. Future mixed use development will provide strong building frontages along the internal private street system. Conditions of approval have been added with the intent, requiring minimum levels of cross-connectivity, pedestrian provisions, and building frontage within the interior of the SP.

**Access and Parking** The SP proposes three direct vehicular access points to Central Pike. Two other access points, one to Central Pike and one to New Hope Road, are listed as “possible future access points.”

Urban Zoning Overlay (UZO) parking standards are proposed through the SP. Because the project site does not have the characteristics of a typical commercial site within the UZO, including the lack of transit access and connectivity to surrounding residential development, the use of UZO parking standards is not appropriate. A condition of approval has been added to apply non-UZO parking standards of the Zoning Code.

**Architectural Standards** The SP includes minimal architectural standards that describe the intent of appropriate building design and specify acceptable materials for exterior walls, roofs, and awnings. These architectural standards do not provide direction in site-specific issues like pedestrian entrance locations or relationships between buildings and streets or public spaces.

**Signage** While specific signs are not proposed within the SP, the SP does include language describing the intent for ground signage within its boundary. The proposal would allow for the shortest signs to be placed along Central Pike with a stepped increase in height to Interstate 40 at the back of the site. Ground signage within the build-to zone, or the first 68 feet from Central Pike, on the northern boundary of the SP, are proposed to consist of monument signs and pillar signs with a maximum height of 15 feet. A transition to medium height signs within the remainder of the northern half of the site is proposed to allow for commercial ground signs with a maximum height of 20 feet. This would be consistent with the sign standards of MUL zoning. Taller signs are proposed from the middle of the site to the southern edge of the SP boundary along the Interstate 40. The proposed standards would allow billboards with a maximum height of 50 feet and commercial ground signs with a maximum height of 40 feet, consistent with the sign standards of CS zoning. A 50 foot easement along Interstate 40 has been included to permit billboards. This location for this type of sign would have the least negative impacts on the site. The billboard currently existing on the property will remain.

The signage height proposed for the Central Pike frontage, with its maximum 15 foot height maximum, would permit signage that is sized appropriately for passing vehicles and would not overly outsize pedestrians within the SP or along its Central Pike frontage. This is the intent of the T3 CC policy, which states:

*“signage alerts motorists, pedestrians, and cyclists to their location and assists them in finding their destination in a manner that is not distracting or overwhelming to the center or the streetscape.”*

Allowing for taller ground signs with the MUL zoning standards could conflict with future residential development and would be detrimental to a strong pedestrian environment within the SP and along its Central Pike frontage. Conditions of approval for signage height and location have been added to ensure that all ground signs within the SP shall meet the intent of the T3 CC policy by being visible to vehicular traffic, while providing compatibility to the intended pedestrian realm and future residential land uses.

**Community Meeting** A community meeting to discuss this SP proposal and associated plan amendment as well as a proposed SP across Central Pike was held on March 17, 2011. Approximately 60 people were in attendance. A number of issues were raised including traffic and residential density.

## **NES RECOMMENDATION**

1. Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
2. Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
3. Utility easements required adjacent to public r-o-w and centered on the duct runs on the property. Size to be determined.
4. NES can meet with developer/engineer upon request to determine electrical service options
5. NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
6. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules (see NES Construction Guidelines under “Builders and Contractors” tab @ [www.nespower.com](http://www.nespower.com)).
7. NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
8. If porches are allowed to be constructed beyond the minimum setback limits and into the public utility easements; then the easement will be considered reduced by that much of the easement. Such encroachments may increase the cost of electrical infrastructure to allow for reduced or limited access to equipment. *NES reserves the right to enter and to erect, maintain, repair, rebuild, operate and patrol electric power overhead and underground conductors and communications circuits with all necessary equipment reasonably incident thereto including the right to clear said easement and keep the same clear of brush, timber, inflammable structures, buildings, permanent structures, and fire hazards; all over, under, upon, and across the easement as granted on any plats.*

**STORMWATER RECOMMENDATION** Preliminary SP Approved with Conditions:

- Any identified wetlands will require a no disturb buffer and shall be identified prior to any final approvals.
- A building currently exists on one of the parcels that may not have been permitted. Any deficiencies should be addressed.

**PUBLIC WORKS RECOMMENDATION**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Construct arterial sidewalk per Metro ST-210 (8' sidewalk with 6' grass strip), paved shoulder and curb & gutter per Metro ST-200 along whole project frontage. Construct driveway ramps per Metro ST-324.
- A traffic study is required for this development plan prior to rezoning. The study has been scoped but has not been received.

Maximum Uses in Existing Zoning District: **RS15**

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)	25.93	3.09 D	80 U	847	66	88

Maximum Uses in Proposed Zoning District: **SP (MUL)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Shopping Center (820)	25.93	1 F	1,129,510 SF	32,834	644	3229

Traffic changes between maximum: **RS15** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+31,987	+578	+3141

Maximum Uses in Existing Zoning District: **RS15**

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)	25.93	3.09 D	80 U	847	66	88

Maximum Uses in Proposed Zoning District: **SP (RM40)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	25.93	40 D	1,037 U	6408	512	588

Traffic changes between maximum: **RS15** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+5561	+446	+500

**METRO SCHOOL BOARD REPORT**

**Projected student generation**                **216 Elementary**        **121 Middle**        **78 High**

**Schools Over/Under Capacity** Students would attend Dodson Elementary School, Dupont-Tyler Middle School, or McGavock High School. All three schools have been identified as being over capacity by the Metro School Board. There is no capacity for elementary and middle school students within the cluster. There is capacity in an adjacent cluster for high school students.

The fiscal liability for 216 elementary students is \$4,320,000. The fiscal liability for 121 middle school students is \$2,843,500. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2010.

**School Site Dedication** Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for high schools with a capacity of 2000 students.

This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the McGavock High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.

**STAFF RECOMMENDATION** Staff recommends disapproval. Staff recommends approval with conditions if the associated Community

Plan amendment related to this SP proposal is approved, and if Metro Public Works has approved a Traffic Impact Study related to this SP.

## CONDITIONS

1. The following land uses listed within the permitted uses table shall be revised as uses permitted with conditions specified by the Zoning Code:
  - Day care center (less than 75 students)
  - Day care center (more than 75 students)
  - Day care home
  - Vocational school
  - Veterinarian
  - ATM
  - Automobile convenience
  - Home improvement sales
  - Mobile storage unit
2. The “custom assembly”, distributive business/ wholesale”, “hospital” and “car wash” land uses shall be removed as permitted land uses.
3. A minimum of 50 percent of the SP frontage along Central Pike for each lot within the SP shall be occupied by building frontage. Building frontage is defined as a building façade that:
  - Faces onto Central Pike.
  - Is located within the required build-to zone.
  - Has a minimum length along Central Pike that is longer than the depth of the same building.
  - Provides primary pedestrian access to the building.
4. A maximum of one row of parking shall be permitted in front of buildings constructed within the Central Pike build-to zone.
5. A phasing plan for the SP boundary shall be submitted prior to any future final SP approvals.
6. A site plan illustrating the intended street/driveway pattern for each phase shall be submitted prior to any final SP approvals within that phase.
7. Future development of the SP shall include vehicular cross-connectivity throughout the SP via private streets/driveways that provide continuous sidewalk connectivity and landscaping (including street trees) along their edges.
8. Future development shall provide strong pedestrian frontage, including the provision of primary building entrances and walkway connections, to a primary internal street/driveway with a sidewalk. A maximum of two rows of parking may separate a building frontage from any private street/driveway.
9. The ground sign standards proposed within the SP for the Central Pike frontage shall apply throughout the entire site. The plan shall be revised to eliminate the on-premises sign standards on page 3 of the SP drawing set. All other signage shall follow the standards of the MUL zoning district. Billboard standards shall apply as stated within the SP.
10. A maximum of one ground sign per driveway entrance along the Central Pike frontage may be permitted within the SP.
11. Driveway access points to the site shall be limited to the number and general location as shown in the preliminary site plan.
12. The parking standards shall be revised to require non-UZO parking standards of the Metro Zoning Code for allowed uses.
13. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for high schools with a capacity of 2000 students or elementary or middle school as determined by the Metro School Board. This land dedication requirement is proportional to the development’s student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the McGavock High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.
14. Comments listed above from Metro Public Works and Metro Stormwater shall be addressed on the corrected copy of the preliminary SP plan.
15. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code for MUL zoning shall be met with any final site plan within the SP.
16. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district.

17. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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.
18. 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.
19. 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 staff recommendation of approval with conditions.

**Councilmember Gotto moved and Dr Cummings seconded the motion to approve staff recommendation with a condition that additional consideration be given to stormwater issues and, where appropriate, both existing conditions and future conditions be considered and addressed. (6-0)**

### Resolution No. RS2011-72

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-005-001 is APPROVED WITH CONDITIONS, including the revised Public Works conditions and that Stormwater Management Division may add conditions to address stormwater issues resulting from the development of the property. (6-0)**

#### **Conditions of Approval:**

1. The following land uses listed within the permitted uses table shall be revised as uses permitted with conditions specified by the Zoning Code:
  - Day care center (less than 75 students)
  - Day care center (more than 75 students)
  - Day care home
  - Vocational school
  - Veterinarian
  - ATM
  - Automobile convenience
  - Home improvement sales
  - Mobile storage unit
2. The "custom assembly", distributive business/ wholesale", "hospital" and "car wash" land uses shall be removed as permitted land uses.
3. A minimum of 50 percent of the SP frontage along Central Pike for each lot within the SP shall be occupied by building frontage. Building frontage is defined as a building façade that:
  - Faces onto Central Pike.
  - Is located within the required build-to zone.
  - Has a minimum length along Central Pike that is longer than the depth of the same building.
  - Provides primary pedestrian access to the building.
4. A maximum of one row of parking shall be permitted in front of buildings constructed within the Central Pike build-to zone.
5. A phasing plan for the SP boundary shall be submitted prior to any future final SP approvals.
6. A site plan illustrating the intended street/driveway pattern for each phase shall be submitted prior to any final SP approvals within that phase.
7. Future development of the SP shall include vehicular cross-connectivity throughout the SP via private streets/driveways that provide continuous sidewalk connectivity and landscaping (including street trees) along their edges.
8. Future development shall provide strong pedestrian frontage, including the provision of primary building entrances and walkway connections, to a primary internal street/driveway with a sidewalk. A maximum of two rows of parking may separate a building frontage from any private street/driveway.
9. The ground sign standards proposed within the SP for the Central Pike frontage shall apply throughout the entire site. The plan shall



be revised to eliminate the on-premises sign standards on page 3 of the SP drawing set. All other signage shall follow the standards of the MUL zoning district. Billboard standards shall apply as stated within the SP.

10. A maximum of one ground sign per driveway entrance along the Central Pike frontage may be permitted within the SP.
11. Driveway access points to the site shall be limited to the number and general location as shown in the preliminary site plan.
12. The parking standards shall be revised to require non-UZO parking standards of the Metro Zoning Code for allowed uses.
13. Due to the potential impact of this development on the public school system, the applicant is required by Planning Commission policy to offer for dedication a school site in compliance with the standards of Section 17.16.040 for high schools with a capacity of 2000 students or elementary or middle school as determined by the Metro School Board. This land dedication requirement is proportional to the development's student generation potential. Such site shall be in accordance with the site condition and location criteria of the Metropolitan Board of Education and shall be within the McGavock High School cluster. The Board of Education may decline such dedication if it finds that a site is not needed or desired. No final plat for development of any residential uses on the site shall be approved until a school site has been dedicated to the Metro Board of Education or the Board has acted to relieve the applicant of this requirement. However, failure of the Board of Education to act prior to final plat consideration and approval by the Metropolitan Planning Commission in accordance with its schedule and requirements shall constitute a waiver of this requirement by the Board of Education.
14. Comments listed above from Metro Stormwater shall be addressed on the corrected copy of the preliminary SP plan.
15. All requirements of Chapter 17.24 (Landscaping, buffering and tree replacement) of the Metro Zoning Code for MUL zoning shall be met with any final site plan within the SP.
16. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district.
17. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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.
18. 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.
19. 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.
20. 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.
21. Construct arterial sidewalk per Metro ST-210 (8 foot sidewalk with 6 foot grass strip), paved shoulder and curb & gutter per Metro ST-200 along whole project frontage.
22. Construct driveway ramps per Metro ST-324.
23. Although the proposed SP bulk requirements permit a more intense development, the traffic impact study and associated conditions are based on the following land-use development figures: 61,183 square feet of retail, 122,367 square feet of office and 680 multi-family residential units as stipulated in the traffic study. Any development intensity beyond these figures will require additional traffic analysis and may require additional mitigations.
24. With the submittal of each final SP plan, the developer shall analyze the anticipated impact at the intersection of Central Pike and Old Hickory Boulevard. Construction of a double left turn lane on the westbound approach of Central Pike or other mitigations may be required as determined by the analysis as directed by the Metro traffic engineer. Modification to the existing traffic signal will be required if the construction of a double left turn lane is recommended.
25. Developer shall conduct an intersection capacity and signal warrant analysis at the intersection of Central Pike and South New Hope Road at 4,500 SP generated daily trips or as directed by the Metro traffic engineer. Upon approval by the Traffic and Parking Commission, the developer shall design and install the traffic signal as approved by Public Works. The signal plan may include the installation of pedestrian signals and signal interconnect cable with other traffic signals in the vicinity.
26. With the approval and installation of a traffic signal at the intersection of Central Pike and South New Hope Road, construct a westbound left turn lane on Central Pike with tapers per MUTCD and AASHTO standards. The storage length shall be determined at the time construction plans are developed. Additional improvements to New Hope Road may be required as determined by the

intersection analysis.

27. The traffic impact study recommends construction of dedicated westbound left turn lanes at all four proposed driveway connections. These turn lanes are to be constructed with a minimum of 100 ft of storage and tapers per MUTCD and AASHTO standards. Because of the close proximity of each proposed driveway connection to the Tulip Grove intersection and to one another, the Central Pike improvements may require the construction of a continuous two-way left turn lane between the intersection of Tulip Grove and each of the proposed driveways.
28. Access drive A shall be constructed with a minimum of 1 entering lane and 2 exiting lanes marked for separate left and right turn lanes.
29. At access drive A, developer shall construct a westbound left turn lane on Central Pk with a minimum of 100 ft of storage and tapers per MUTCD and AASHTO standards.
30. At access drive A, developer shall construct an eastbound right turn lane on Central Pike with a minimum of 100ft of storage and 180 ft taper per MUTCD and AASHTO standards.
31. At access drive A, developer shall provide adequate sight distance. Any landscaping, grading, or signage/structure shall not be placed within the intersection sight triangles per AASHTO standards.
32. Access drive B shall align with Valley Grove Drive and shall be constructed with a minimum of 1 entering lane and 3 exiting lanes marked for separate left, thru and right turn lanes. Storage lengths shall be determined at the time construction plans are developed.
33. At access drive B, developer shall construct a westbound left turn lane on Central Pk with a minimum of 100 ft of storage and tapers per MUTCD and AASHTO standards. As part of this improvement, developer shall construct an eastbound left turn lane with a minimum of 50 ft of storage and tapers per MUTCD and AASHTO standards.
34. At access drive B, developer shall construct an eastbound right turn lane on Central Pk with a minimum of 100 ft of storage and 180 ft of taper per MUTCD and AASHTO standards.
35. At access drive B, developer shall provide adequate sight distance. Any landscaping, grading, or signage/structure shall not be placed within the intersection sight triangles per AASHTO standards.
36. Developer shall conduct signal warrant analysis at the intersection of Central Pike and access drive B/Valley Grove Drive at 6,000 SP generated daily trips or as directed by Metro traffic engineer. Upon approval by the Traffic and Parking Commission, the developer shall design and install the traffic signal as approved by Public Works. The signal plan may include the installation of pedestrian signals and signal interconnect cable with other traffic signals in vicinity.
37. Access drive C shall be constructed with a minimum of 1 entering lane and 2 exiting lanes marked for separate left and right turn lanes.
38. At access drive C, developer shall construct a westbound left turn lane on Central Pike with a minimum of 100 ft of storage and tapers per MUTCD and AASHTO standards.
39. At access drive C, developer shall construct an eastbound right turn lane on Central Pike with a minimum of 100ft of storage and 180 feet of taper per MUTCD and AASHTO standards.
40. At access drive C, developer shall provide adequate sight distance. Any landscaping, grading, or signage/structure shall not be placed within the intersection sight triangles per AASHTO standards.
41. Access drive D shall be constructed with a minimum of 1 entering lane and 2 exiting lanes marked for separate left and right turn lanes.
42. At access drive D, developer shall construct a westbound left turn lane on Central Pike with a minimum of 100 ft of storage and tapers per MUTCD and AASHTO standards.
43. At access drive D, developer shall construct an eastbound right turn lane on Central Pike at access drive A with a minimum of 100ft of storage and 180 ft of taper per MUTCD and AASHTO standards.
44. At access drive D, developer shall provide adequate sight distance. Any landscaping, grading, or signage/structure shall not be placed within the intersection sight triangles per AASHTO standards.
45. No additional driveway connections will be permitted from the SP to Central Pike.
46. Developer shall be required to provide cross access to adjacent properties and parcels within and adjacent to the proposed SP.
47. Any future connection of SP to South New Hope Road may require road improvements to New Hope Road
48. The site is to be evaluated and facilities provided to accommodate future transit/bus service.

**The SP is consistent with the form and use characteristics of the T3 CC land use policy.”**

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# I. RECOMMENDATIONS TO METRO COUNCIL

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## Zoning Text Amendments

### 10. 2011Z-002TX-001

#### DOWNTOWN CODE SIGNAGE COMPLIANCE

Staff Reviewer: Rebecca Ratz

A request to amend the Metro Zoning Code, Section 17.37 (Downtown Code) by revising the Signage Compliance deadline, requested by Metro Planning Department.

**Staff Recommendation: APPROVE**

#### **APPLICANT REQUEST - Amend the dates associated with signage compliance within the Downtown Code**

**Text Amendment** A request to modify the Metro Zoning Code, Section 17.37 (Downtown Code) by revising the signage compliance deadline.

**PURPOSE** This text amendment revises the date that Downtown Code (DTC) Sign Standards will apply to all property within the DTC zoning district.

**Existing Law and the adoption of the DTC** The existing regulations provide that all properties within the DTC district boundary that were not zoned CC prior to shall be regulated by the sign standards of the CF (Core Frame) zoning district until June 30, 2011. Then, on July 1, 2011, the sign standards of the DTC zoning district shall apply to all properties zone DTC.

**Proposed Bill** The amendment will revise the date that the current standards expire to December 31, 2011 and the date that the new standards are effective to January 1, 2012.

**BACKGROUND** During the process of adopting the Downtown Code in late 2009 and early 2010, stakeholders requested that the signage regulations be removed from the proposed DTC standards and studied separately. Many stakeholders felt the sign standards proposed for all of the DTC area, those of the former CC district, were too limiting given the diversity of development types within the Downtown area. Planning staff agreed and as a compromise, the DTC was written so that the new sign regulations would not take effect for 18 months. The intent of this was that during the 18 months a study of signage in the Downtown area would be conducted and new sign standards, appropriately calibrated to the diversity of Downtown, would be written and amended into the zoning code.

**ANALYSIS** The Metropolitan Planning Commission has recently hired a consulting group to conduct a study of the existing signage and signage regulations in Downtown Nashville. The consultants have been hired to produce a comprehensive sign code for implementation in the Downtown Code (DTC) district with the intent that, when completed, these new standards will be amended into the zoning code in place of the existing standards. Since the current Signage compliance standards are scheduled to take affect before the consultant team will have completed the study, this amendment is needed to extend the current compliance deadline. The proposed amendment will extend the deadline for six month until December 31, 2011. The new standards would apply on January 1, 2012. The six month extension should give the consultants time to finish their background work, draft the new sign code, and for the new sign regulations to be adopted by the Metro Council.

**STAFF RECOMMENDATION** Staff recommends approval.

ORDINANCE NO. \_\_\_\_\_

An ordinance to amend Sections 17.37 (Downtown Code) of the Metropolitan Zoning Code by revising the Signage Compliance deadline. (Proposal No. 2011Z-002TX-001)

WHEREAS the Metropolitan Planning Commission has recently hired a consulting group to conduct a study of the existing signage and signage regulations in Downtown Nashville; and

WHEREAS the consultants have been hired to produce a comprehensive sign code for implementation in the Downtown Code (DTC) district; and

WHEREAS the current Signage Compliance standards of the Downtown Code (DTC) will take affect before the consultant has completed the study;

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

Section 1. Section 17.37. (Downtown Code) is hereby amended by deleting on page 15 under the heading Signage Compliance the phrase "June 30, 2011. On July 1, 2011" and replacing it with the following new phrase:

"December 31, 2011. On January 1, 2012"

Section 2. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

**Resolution No. RS2011-73**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-002TX-001 is **APPROVED. (9-0)**

**The study to determine appropriate signage standards within the DTC zoning district is not yet complete. The current temporary provision to permit signage based on the standards of CF zoning should be extended to December 31, 2011.”**

**Zone Changes**

**11. 2011Z-004PR-001**

**2905 & 2907 ELM HILL PIKE**

Map 108-02, Parcel(s) 078-079

Council District 14 (James Bruce Stanley)

Staff Reviewer: Greg Johnson

A request to rezone from R10 to CL district properties located at 2905 and 2907 Elm Hill Pike, approximately 2,480 feet east of Donelson Pike (1.82 acres), requested by Barge Cauthen & Associates Inc., applicant, Metropolitan Nashville Airport Authority, owner.

**Staff Recommendation: APPROVE**

**APPLICANT REQUEST - Zone change from Residential to Commercial**

**Zone Change** A request to rezone from One and Two Family Residential (R10) to Commercial Limited (CL) district properties located at 2905 and 2907 Elm Hill Pike, approximately 2,480 feet east of Donelson Pike (1.82 acres).

**Existing Zoning**

R10 District - 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% duplex lots.

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS** N/A

**DONELSON-HERMITAGE COMMUNITY PLAN**

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

**Natural Conservation (NCO)** 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.

**Consistent with Policy?** Yes. The proposed Commercial-Limited zoning is consistent with both CMC and NCO policies and is an acceptable zoning classification for these policies. CMC policy allows for most types of commercial land uses along arterial roads, including the commercial uses allowed in CL zoning.

NCO policy recommends low-intensity development, and is present for a portion of the subject site because it is located in the floodplain. CL zoning limits individual tenants to a building size maximum, limiting the amount of building intensity allowed on the site. Within the application, the applicant states specifically that the zone change is requested to construct a parking lot for a nearby office building. Any future development will be required to comply with the requirements of the Floodplain Overlay District.

**PUBLIC WORKS RECOMMENDATION** A Traffic Impact study may be required at 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)	1.82	4.63 D	8 L	77	6	9

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.82	0.172 F	13,636 SF	288	39	39

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+211	+33	+30

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)	1.82	4.63 D	8 L	77	6	9

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (710)	1.82	0.6 F	47,567 SF	753	104	133

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+676	+98	+124

**METROPOLITAN HISTORICAL COMMISSION RECOMMENDATION** This property is adjacent to the Buchanan Cemetery, which is associated with the National Register-listed James Buchanan House and has burials as far back as the 1830s-1840s. We would advise the applicant and owner to consult with the Buchanan Memorial Association about future plans for the site (contact information available through the Buchanan Log House: [www.buchananloghouse.com/james-buchanan-cemetery](http://www.buchananloghouse.com/james-buchanan-cemetery)).

**STAFF RECOMMENDATION** Staff recommends approval of the proposed CL zoning district because it is consistent with the CMC and NCO land use policies.

Mr. Johnson presented the staff recommendation of approval.

Seth Sparkman of Barge Cauthen & Associates spoke in support of staff recommendation.

Dan Barge of Barge Cauthen & Associates spoke in support of staff recommendation.

Councilmember Stanley spoke in favor of staff recommendation, promising that he will amend this bill on 3<sup>rd</sup> reading at Council to SP for this site to allow for parking only.

Tom McNeil, 401 Leake Avenue, spoke in support of staff recommendation.

Louan Brown, 3071 Elm Hill Pike, stated that she is neither for nor against but wanted to note that this is not for airport expansion, this is for noise relief.

Susan Floyd, Waterbrook Drive, spoke against CL zoning and inquired if the Airport Authority be paying taxes as they do not right now.

**Dr. Cummings moved and Mr. Gee seconded the motion to close the Public Hearing. (6-0)**

Ms. LeQuire asked if SP is the correct way to go and should this item be deferred.

Councilmember Gotto clarified that Councilmember Stanley will take very good care of this bill and that it will be amended to SP zoning at Council. Through the SP zoning it will only be able to be used as a parking lot and he does not see any need to defer.

**Ms. LeQuire moved and Mr. Gee seconded the motion to disapprove CL zoning and approve SP with conditions. (6-0)**

**Resolution No. RS2011-74**

**“BE IT RESOLVED** by The Metropolitan Planning Commission that 2011Z-004PR-001 is **DISAPPROVED CL; APPROVE SP which will address archeological and historical issues related to the property and adjacent property, limits the uses to parking and addresses stormwater issues related to the development of a parking lot on this property. (6-0)**

**The range of uses allowed by the CL zoning classification is too broad for the subject site. SP zoning should be used instead to address the historical and natural resources associated with this site.”**

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## **Neighborhood Landmark Overlays**

### **12. 2011NL-001-001**

#### **5305 PENNSYLVANIA AVENUE**

Map 091-07, Parcel(s) 022

Council District 20 (Buddy Baker)

Staff Reviewer: Jason Swaggart

A request to establish a Neighborhood Landmark District and for approval of the Neighborhood Landmark Development Plan for property located at 5305 Pennsylvania Avenue, approximately 125 feet east of 54th Avenue North (0.52 acres), zoned R6, to permit a single-family residence and a music recording studio (Multimedia Productions) within an existing structure, requested by Dale & Associates, applicant, West Nashville Baptist Church, owner.

**Staff Recommendation: Approve Neighborhood Landmark District, Approve with conditions the Neighborhood Landmark Development Plan**

#### **APPLICANT REQUEST -Apply a Neighborhood Landmark District and approve development plan**

**Apply NLO and NLO Development Plan Approval** A request to establish a Neighborhood Landmark District and for approval of the Neighborhood Landmark Development Plan for property located at 5305 Pennsylvania Avenue, approximately 125 feet east of 54th Avenue North (0.52 acres), zoned One and Two Family Residential (R6), to permit a single-family residence and a music recording studio (Multimedia Productions) within an existing structure.

#### **Existing Zoning**

R6 District - R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. *The zoning would permit the current lot to be split into three new lots and each lot would permit duplex for a total of six units.*

#### **Proposed Zoning**

**Neighborhood Landmark Overlay District (NLOD)** The NLOD is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community.

Under the 17.36.420 of the Zoning Code, a neighborhood landmark is defined as a feature that "has historical, cultural, architectural, civic, neighborhood, or archaeological value and/or importance; whose demolition or destruction would constitute an irreplaceable loss to the quality and character of a neighborhood." To be eligible for application of the Neighborhood Landmark Overlay District, a property must meet one or more of the criteria set out in 17.36.420, which are as follows:

1. It is recognized as a significant element in the neighborhood and/or community;
2. It embodies characteristics that distinguish it from other features in the neighborhood and/or community.
3. Rezoning the property on which the feature exists to a general zoning district inconsistent with surrounding or adjacent properties such as, office, commercial, mixed-use, shopping center, or industrial zoning district would significantly impact the neighborhood and/or community;
4. Retaining the feature is important in maintaining the cohesive and traditional neighborhood fabric;
5. Retaining the feature will help to preserve the variety of buildings and structures historically present within the neighborhood recognizing such features may be differentiated by age, function and architectural style in the neighborhood and/or community;
6. Retaining the feature will help to reinforce the neighborhood and/or community's traditional and unique character.

#### **CRITICAL PLANNING GOALS N/A**

**CRITERIA FOR CONSIDERATION** Section 17.40.160 of the Zoning Code requires that NLOD meet the following six criteria:

1. The feature is a critical component of the neighborhood context and structure.
2. Retention of the feature is necessary to preserve and enhance the character of the neighborhood.
3. The only reason to consider the application of the NLOD is to protect and preserve the identified feature.
4. There is acknowledgement on the part of the property owner that absent the retention of the feature, the base zoning district is proper and appropriate and destruction or removal of the feature is justification for and will remove the NLOD designation and return the district to the base zoning district prior to the application of the district.
5. It is in the community's and neighborhood's best interest to allow the consideration of an appropriate NLOD Plan as a means of preserving the designated feature.

6. All other provisions of this section have been followed.

**STAFF FINDING** The purpose of this NOLD is to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. The property proposed for the NLOD contains the former West Nashville Baptist Church. The church is a simple white single-story clapboarded structure. The age of the church was not furnished with the application, but it has been there at least several decades, and it is a recognizable feature in the community.

Staff finds that the proposed NLOD meets all criteria for consideration of establishment of a NLOD district. While the church is of simple construction and has no apparent architectural significance, it is a landmark within the community. The inclusion of a limited non-residential use within the structure will aid in the preservation of the structure and property.

**PLAN DETAILS** The establishment of the Neighborhood Landmark District requires the approval of Council. *The development plan which implements the District only requires the approval of the Planning Commission only.* The applicant has requested concurrent approval of the overlay and the implementing development plan.

**Development Plan** The development plan calls for the existing church building to remain. Proposed uses include single-family residential and a music recording studio which is classified as Multimedia Productions in the Metro Zoning Code. Improvements include minor modifications and repairs to the exterior of the building, landscaping, two new patios, one small deck, and a parking area. New landscaping is proposed along the western property line and along Pennsylvania Avenue. The strip along the western property line will serve as a buffer to the adjacent residential property. A new patio is proposed along the east side of the building within an area that is currently fenced in (and will remain fenced); another is located at the rear of the building. The proposed deck will be located on the west side of the building. The proposed parking area is located at the rear along the alley and includes five spaces. No signage is proposed for the site.

**STORMWATERRECOMMENDATION** Approved

**PUBLIC WORKSRECOMMENDATION** No Exceptions Taken

**STAFF RECOMMENDATION** Staff recommends that the Neighborhood Landmark District be approved. The proposed District meets the criteria for consideration found in the Zoning Code.

Staff recommends approval with conditions of the development plan. It implements the proposed Neighborhood Landmark District, and is consistent with all code requirements.

**CONDITIONS (development plan)**

1. Planning Commission approval of the development plan is conditioned upon Council approval of the Neighborhood Landmark Overlay District.
2. The Planning Commission shall approve any changes to the development plan.
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.

Approved the establishment of the Neighborhood Landmark District and indefinitely deferred the Neighborhood Landmark Development Plan. (8-0-1) Consent Agenda

**Resolution No. RS2011-75**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011NL-001-001 is **APPROVED, establishing the Neighborhood Landmark Overlay District; DEFER INDEFINITELY the Neighborhood Landmark Development Plan. (9-0)**

**The proposed District meets the criteria for consideration found in the Zoning Code.”**

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## **J. PLANNING COMMISSION ACTIONS**

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### **Planned Unit Developments: final site plans**

**13a. 32-86P-001**

**THE CROSSINGS (PUBLIX)**

Map 095-03, Parcel(s) 013

Council District 15 (Phil Claiborne)

Staff Reviewer: Greg Johnson

A request for a revision to the preliminary and for final approval for The Crossings Commercial Planned Unit Development Overlay located at 2296 Lebanon Pike (15.97 acres), zoned SCC and within the Donelson Urban Design Overlay District, to permit 148,770

square feet of restaurant and retail uses where 148,770 square feet of retail and restaurant uses was previously approved, requested by Barge Cauthen & Associates, applicant, for Boyle Crossings LLC, owner (Please see also UDO case # 2009UD-001-003).

**Staff Recommendation: APPROVE WITH CONDITIONS**

Approved with Conditions (8-0-1), Consent Agenda

*[Note: Items #13a and #13b were discussed by The Metropolitan Planning Commission together. See Item #13b for staff report, actions and resolutions.]*

**13b. 2009UD-001-003**

**DOWNTOWN DONELSON UDO**

Map 095-03, Parcel(s) 013

Council District 15 (Phil Claiborne)

Staff Reviewer: Greg Johnson

A request for a modification to the Downtown Donelson Urban Design Overlay (UDO) district sign standards, located at 2296 Lebanon Pike, zoned SCC, to allow Publix and future tenants with lease areas over 12,000 square feet and facades taller than 26 feet to vary from requirements of the UDO in order to increase the permitted signage display area, requested by H. Michael Hindman Architects, PC., applicant, for Boyle Crossings LLC, owner (Please see also PUD # 32-86P-001).

**Staff Recommendation: APPROVE WITH CONDITIONS**

**APPLICANT REQUEST - Preliminary PUD revision and final approval to reallocate permitted building square footage within the PUD and to redesign parking lot layout; and a modification to the signage standards of the Downtown Donelson UDO.**

**PUD Revision and Final Approval** A request for a revision to the preliminary and for final approval for The Crossings Commercial Planned Unit Development Overlay located at 2296 Lebanon Pike (15.97 acres), zoned Shopping Center Community (SCC) and within the Donelson Urban Design Overlay District, to permit 148,770 square feet of restaurant and retail uses where 148,770 square feet of retail and restaurant uses was previously approved.

**UDO Modification** A request for a modification to the Downtown Donelson Urban Design Overlay (UDO) district sign standards, located at 2296 Lebanon Pike, zoned Shopping Center Commercial (SCC), to allow Publix and future tenants with lease areas over 12,000 square feet and facades taller than 26 feet to vary from requirements of the UDO in order to increase the permitted signage display area

**Existing Zoning**

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

**CRITICAL PLANNING GOALS** N/A

**PUD REVISION**

**Plan Details** This PUD was originally approved by Council in 1986, for 148,770 square feet of commercial square footage. The current proposal revises the PUD to reallocate building square footage within the PUD without increasing the total amount proposed. All of the proposed commercial uses are permitted by the existing SCC base zoning. Because the PUD does not propose an increase in total square footage, the proposal will not require the approval of Metro Council.

The overall layout of the proposed PUD is similar to the approved layout from 1986. Driveway access from surrounding streets will not change from the current layout. Within the proposed layout, more of the allotted building square footage will be devoted to a grocery store space and to existing individual tenant spaces. The parking lot layout has been revised to include additional parking spaces from the current layout. As proposed, the PUD will comply with Zoning Code requirements for parking.

A new sidewalk is proposed along the Fairway Drive frontage of the property. This sidewalk will provide a direct connection from businesses within The Crossings PUD to the residential neighborhood to the north.

A request for a modification to the Downtown Donelson Urban Design Overlay Sign Standards has been requested for this PUD only. The UDO allows for a maximum area for all building signs to be 15 percent of the façade area for the public entry side, however, each individual sign may only be 5 percent of the façade area or a maximum of 64 square feet. for single story buildings or 84 square feet. for multi-story buildings, whichever is less.

**Requested Modifications:**

1. The area of the primary individual building sign for the building identified as Publix shall not be limited to 64 square feet. The primary sign, as indicated on the submitted elevation, may contain up to 5 percent of the façade area, 208 square feet, based upon the current planned building. Secondary signs for this building shall be limited to 64 square feet.
2. The area of the primary individual building signs for anchor tenant spaces, with lease areas greater than 12,000 square feet. and facades taller than 26 feet shall not be limited to 64 square feet. Individual sign areas for the spaces may contain up to 84 square feet. Secondary signs for this building shall be limited to 64 square feet.

The Crossing Shopping Center is being "rebranded" to accommodate the Publix as the new main anchor tenant and a major renovation is being undertaken to update the facades on the rest of the shopping center. Staff finds the requested sign size modifications to be appropriate because:

- The tenant spaces benefiting from the larger signs have significant setbacks from surrounding public streets.
- The requested sign sizes are appropriate in proportion to the area of the building facades.
- The requested 84 square feet of signage for anchor tenants is the permitted sign size within the UDO for two-story buildings. Anchor



tenants benefiting from the modification will be required to have a façade that is consistent in height to a two-story building.

Staff recommends approval of the requested modifications for building signs.

**NES RECOMMENDATION**

1. No Issues
2. Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments)
3. Developer drawing should show any and all existing utilities easements on property.
4. NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
5. NES needs load information and future plans or options to buy other property (over all plans).

**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 as a sprinklered project.

**STORMWATER RECOMMENDATION** MWS has received the site drawing for the above referenced project. A technical review was performed and the following items were noted:

1. Provide Maintenance Agreement, Long Term Plan, Dedication of Easement, and recording fees. Provide Grading Permit fee of \$1010.
2. Provide NOC.
3. Provide all civil details (weighted sediment tube, etc.). Consider showing the bioretention elevation and the outlet structure with elevations for each rain garden (not shown for area "B").
4. For the storm structures, provide full storm sizing calculations (hgl's, spread, etc.) for the 1-2 and 2-3 pipe network). No revised calculations were observed.
5. For the canopy drain system cleanouts, show at connections and bends.
6. It appears that the canopy and some of the re-paved parking lot are bypassing water quality features. Unsure of drainage areas. Provide revised water quality drainage maps.

**STAFF RECOMMENDATION** Staff recommends approval with conditions of the PUD revision because it is consistent with the original PUD approval. In addition, staff recommends approval of the modification to the Downtown Donelson UDO for signage for this PUD.

**CONDITIONS**

1. Signage within the PUD shall follow the requirements of the Downtown Donelson Urban Design Overlay as modified for this property.
2. 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.
3. Comments from Metro Stormwater and Metro Public Works shall be met prior to permit approvals within the PUD.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with Conditions (8-0-1), Consent Agenda

**Resolution No. RS2011-76**

"BE IT RESOLVED by The Metropolitan Planning Commission that 32-86P-001 is **APPROVED WITH CONDITIONS.(9-0)**

**Conditions of Approval:**

1. Signage within the PUD shall follow the requirements of the Downtown Donelson Urban Design Overlay as modified for this property.
2. 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.
3. Comments from Metro Stormwater and Metro Public Works shall be met prior to permit approvals within the PUD.
4. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009UD-001-003 is **APPROVED. (9-0)**"

**14. 5-73P-001**

**MUSIC VALLEY (LOGAN'S ROADHOUSE)**

Map 062, Parcel(s) 169  
Council District 15 (Phil Claiborne)  
Staff Reviewer: Brian Sexton

A request to revise the preliminary plan and for final approval for a portion of the Music Valley Commercial Planned Unit Development Overlay located at 2506 Music Valley Drive (2.19 acres), approximately 2,500 feet north of McGavock Pike, zoned CA, to permit a 6,505 square foot restaurant where a 12,000 square foot restaurant was previously approved, requested by Logan's Roadhouse Inc., applicant, for William and Dorothy Oakes et al, owners.

**Staff Recommendation: APPROVE WITH CONDITIONS**

**APPLICANT REQUEST - Revise preliminary plan and final approval to permit a restaurant.**

**Revise Preliminary PUD and Final Site Plan** A request to revise the preliminary plan and for final approval for a portion of the Music Valley Commercial Planned Unit Development Overlay located at 2506 Music Valley Drive (2.19 acres), approximately 2,500 feet north of McGavock Pike zoned Commercial Attraction (CA), to permit a 6,505 square foot restaurant where a 12,000 square foot restaurant was previously approved.

**Existing Zoning**

CA District - Commercial Attraction is intended for a wide range of amusement, recreational, and retail support uses typically associated with the tourist industry.

**CRITICAL PLANNING GOALS N/A**

**REQUEST DETAILS** This request revises the preliminary and final PUD for a restaurant. The PUD was originally approved in 1973 and was later amended in 1995 to permit the development of three motels and a 12,000 square foot restaurant. The restaurant was never developed and the property is currently undeveloped. This request is to decrease the floor area of the previously approved restaurant from 12,000 square feet to 6,505 square feet.

**Building Orientation/Landscaping** The proposed restaurant will be oriented toward Music Valley Drive. The primary entrance into the building is located on the east side of the building fronting Music Valley Drive. A variety of canopy trees and shrubs are proposed on site and along the perimeter of the property which meets the Urban Foresters requirements for landscaping.

**Parking/Access** The plan proposes a total of 112 on-site parking spaces which meets the Zoning Code requirement for parking. Primary vehicular access to the site is located along Music City Circle Road. Sidewalks are proposed along the perimeter of the property and walkways are proposed along the perimeter of the building. The parking area is located on the north, east and west sides of the building. Internal cross-access between properties and parking lots is available within the PUD.

**ANALYSIS** The total floor area of the previously approved restaurant in the PUD will be decreased from 12,000 square feet to 6,505 square feet which does not exceed the floor area authorized by the Council approved PUD plan. The request is within the limits of a revision, and it does not require Council approval.

**STORMWATER RECOMMENDATION**

1. Please submit the Grading Permit of \$860 made payable to Metro Water Services. The project will not be made available for a preconstruction meeting until the grading permit fee is paid.
2. Please submit the Dedication of Easement to record drainage easements for the water quality unit and dry pond.
3. Upon final review of the O & M Agreement and the Dedication of Easement, the total cost to record both documents will be determined and you will be notified of the total amount required to be submitted for recording.
4. Please submit a copy of the Notice of Coverage and sign and date the NOC note.
5. Please remove inlet protection from existing inlets located in the ROW. These inlets must be able to drain freely and cannot be blocked during rain events. Furthermore, the inlets located in Music City Circle are located upstream of the site and should not be affected by construction.
6. Please provide a drainage area map showing sub-areas flowing to each storm structure. This information should include area, C, Tc, and Q for design event.
7. The pipe design hydraflow report only shows the capacities of the pipes for a certain depth, using Manning's equation. The pipe system must be sized at a minimum to carry the 10-yr storm event and this is what the pipe report should show. Please provide the information as described in comment #18. The Rational Method should be used to determine the actual flow (10-yr) to each

structure. Also provide hydraulic grade line at each structure. Hydraflow Storm Sewer is a commonly used program for this purpose.

8. The pipe material of the pond outlet pipe is required to be either concrete or corrugated metal because it crosses the property line and into the ROW making it a public storm pipe. Please change the 18" HDPE to either 18" RCP or 18" CMP.
9. Submit 3 sets of plans (or revised sheets).

#### **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. Show Music Valley Circle as Public right-of-way per the dedication in 2009.
3. Show Metro ST-200 curb & gutter along Music Valley Drive.
4. Show Metro ST-320 curb ramp at intersection with Music Valley Circle. Included detectable warnings per Metro ST-330.
5. Call out minimum 5-ft grass strip between back of new curb and proposed sidewalk along Music Valley Drive.
6. Include Metro Public Works details.
7. Remove proposed No Parking signs in Music Valley Drive ROW.
8. Along Music City Circle stripe 3 lanes with center Two Way Left Turn Lane along property frontage.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. The proposed changes are consistent with the approved plan.

#### **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 Stormwater Management division of Water Services.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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. 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.
6. 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.
7. 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 (8-0-1), Consent Agenda

#### **Resolution No. RS2011-78**

"BE IT RESOLVED by The Metropolitan Planning Commission that 5-73P-001 is **APPROVED WITH CONDITIONS. (9-0)**

#### **Conditions of Approval:**

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 Stormwater Management division of Water Services.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
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. 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.

6. 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.
7. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

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## **Subdivision: Regulations Amendments**

### **15. 2011S-001R-001**

#### **SUBDIVISION REGULATIONS**

Staff Reviewer: Brenda Bernards

A request to amend certain sections of Chapters 2, 3, 4, 6, 7, and 8 of the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 28, 2010, requested by the Metro Planning Department.

**Staff Recommendation: APPROVE**

**The Metropolitan Planning Commission DEFERRED Subdivision Regulations, 2011S-001R-001, to the April 14, 2011, Planning Commission meeting. (9-0)**

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## **K. OTHER BUSINESS**

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- 16. Reinstate Travelers Casualty and Surety Company of America, which was excluded from providing surety bonds for one year pursuant to Section 6-1.2.d of the Metro Subdivision Regulations at the January 13, 2011 Planning Commission meeting, to be permitted to provide surety bonds.**

Approved (8-0-1), Consent Agenda

#### **Resolution No. RS2011-79**

"BE IT RESOLVED by The Metropolitan Planning Commission that reinstating Travelers Casualty and Surety Company of America to provide surety bonds is **APPROVED. (8-0-1)**"

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- 17. Employee contract amendment for David Edwards.**

Approved (8-0-1), Consent Agenda

#### **Resolution No. RS2011-80**

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract amendment for David Edwards is **APPROVED. (8-0-1)**"

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- 18. Employee contract renewal for Brian Sexton and Michael Skipper.**

Approved (8-0-1), Consent Agenda

#### **Resolution No. RS2011-81**

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewals for Brian Sexton and Michael Skipper are **APPROVED. (8-0-1)**"

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- 19. Historical Commission Report**

**20. Board of Parks and Recreation Report**

**21. Executive Committee Report**

**22. Executive Director Report**

Mr. Bernhardt informed the commission that he received a request for a rehearing of Item 11 from the January 13, 2011 MPC meeting (Elberta Avenue Alley Abandonment). Mr. Bernhardt stated that he reviewed and turned down the request as there was no new information presented by the applicant and no new information that was not available at the time of the hearing.

**23. Legislative Update**

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**L. MPC CALENDAR OF UPCOMING MATTERS**

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**March 24, 2011**

MPC Meeting

4 pm, Sonny West Conference Center

Public Hearing: proposed amendments to the Subdivision Regulations

**March 28, 2011**

1:30 pm, Metro Southeast, 1417 Murfreesboro Pike

Community members and Council candidates

4 pm, Metro Southeast, 1417 Murfreesboro Pike

Council, Board of Education, and Planning Commission members

**March 30, 2011**

1:30 pm, Sonny West Conference Center

Council, Board of Education, and Planning Commission members

4 pm, Sonny West Conference Center

Community members and Council candidates

**March 31, 2011**

MPC Special Meeting

4 pm, Metro Southeast, 1417 Murfreesboro Pike

Topic: Consideration of new district boundaries

**April 14, 2011**

Work Session

2:15 pm, Sonny West Conference Center (note change of location to accommodate Metro 3 recording of the session)

Topic: Commission's responsibilities, powers, and duties – rescheduled from Feb. 10

MPC Meeting

4 pm, Sonny West Conference Center

Capital Budget

**April 28, 2011**

MPC Meeting

4 pm, Sonny West Conference Center

Primrose UDO

Receive consultants' preliminary comments on Downtown Sign Standards

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**M. ADJOURNMENT**

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The meeting was adjourned at 7:56 p.m.

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Chairman

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Secretary