

Metropolitan Planning Commission



Staff Reports

March 28, 2013



Metro Planning Commission Meeting of 3/28/2013

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.



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2013SP-013-001

51ST & ILLINOIS AVENUE

Map 091-11, Parcel(s) 055-056

West Nashville Community Plan

20 – Buddy Baker



Project No. Zone Change 2013SP-013-001
Project Name 51st & Illinois Avenue

Council District 20 – Baker
School District 1 – Gentry
Requested by John Brittle, applicant and Janice Collins-Matheny and S.N. Matheny and Eugene Nelson, owners

Deferral This request was deferred at the January 10, 2013, Planning Commission meeting to allow the applicant to convert their original request from MUL to SP to address neighborhood concerns.

Staff Reviewer Cuthbertson
Staff Recommendation *Approve with conditions and waive the notice requirements in the Planning Commission Rules and Procedures due to a miscommunication between staff and the applicant, and disapprove without all conditions.*

APPLICANT REQUEST

Permit commercial re-use and mixed use redevelopment

Preliminary SP

A request to rezone from One and Two-Family Residential (R6) and Commercial Services (CS) to Specific Plan - Mixed-Use (SP-MU) zoning for properties located at 5100 and 5104 Illinois Avenue, at the northwest corner of Illinois Avenue and 51st Avenue North (0.36 acres), to permit a mixture of uses.

Existing Zoning

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

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Proposed Zoning

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

WAIVER OF NOTICE REQUIREMENT

Due to miscommunication between the applicant and staff, notices for this application were mailed three days later than required by the Planning Commission Rules and Procedures, which is 13 days in advance of the public hearing. The sign notice was posted on site nine days prior to the meeting where the Planning Commission Rules and Procedures requires signs to be posted ten days prior to



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the meeting. However, staff is recommending that this application be heard by the Planning Commission as this SP is the result of an on-going dialog between the applicant, the Councilmember, the neighborhood association and other stakeholders in the neighborhood. Additionally, this application began as a MUL zone change for which the full notice requirement was executed.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development
- Promotes Compact Building Design

The property is located within an identified commercial corridor situated in the center of a residential neighborhood. The SP enables mixed use development along the corridor at a higher intensity than currently exists. The SP enables a multi-story (up to forty-five feet) mixed-use building along and oriented to the commercial corridor while providing for a transition in intensity down into the neighborhood. Additionally, the sidewalk network will be maintained and improved on 51st Avenue and expanded across the Illinois Avenue frontage toward the residential portion of the neighborhood providing for improved pedestrian connection.



The standards for this SP are included at the end of this staff report.



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WEST NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Corridor (T4 CM) policy is intended to enhance urban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of urban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The T4 CM policy allows a variety of residential and non-residential uses. The proposed SP will enable the existing home to continue to be utilized as a single family dwelling or be used for commercial purposes. The SP will also permit redevelopment of the property with a mixture of uses in buildings that contribute to the corridor's urban character.

ANALYSIS

The SP contains two parcels. A house was recently removed from the eastern parcel (Tract B) abutting 51st Avenue while the house remains on the western parcel (Tract A) adjacent to the neighborhood to the west.

The western portion of the property (Tract A), while not currently zoned for commercial uses, is located within a predominantly commercial zoned corridor centered on 51st Avenue. The surrounding commercially zoned corridor was established in 1974. Both the commercial zoning and T4 CM policy on the 51st Avenue corridor extend at least 100 feet east and west into the adjoining neighborhood. The SP zoning will bring this property into alignment with the surrounding zoning pattern along 51st Avenue. The SP site is located within the Urban Zoning Overlay (UZO).

Tract A currently contains a single-family dwelling. The surrounding commercial corridor along 51st Avenue contains other similar commercially zoned residential structures--many used as dwellings.

The sidewalk network is sporadic in the surrounding neighborhood, however, it is consistently present along 51st Avenue north and south of the SP site. Vehicular access to the site is limited to Illinois Avenue and the adjoining alley; there is no access to the site directly from 51st Avenue.

This SP establishes development standards for two phases. Phase I establishes development standards relevant to the re-use of the existing building. Phase II establishes standards relevant to construction of new buildings along 51st Avenue. Additionally, the SP provides for general standards applicable to both phases of use and development.

Phase 1: Re-Use of existing house

This SP permits re-use of the existing house on Tract A for residential or commercial purposes with limited building additions. Building additions will be limited so as to ensure that re-use of the existing house is compatible with the adjoining neighborhood. Additions will be limited to no more than thirty-three percent of the existing 1,578 square foot building and no taller than the existing building. Any required and additional parking established to accommodate re-use will be situated behind or beside the existing building. No vehicular parking will be permitted in front of the existing house. Parking areas situated between the existing house and 51st Avenue will establish a



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landscaped edge to buffer and enhance the pedestrian environment along both street frontages. Sidewalks will be maintained on 51st Avenue and a sidewalk eight feet in width will be extended along Illinois Avenue so as to improve and expand the pedestrian network. Access to parking on site will be restricted to the existing alley and limited points along Illinois Avenue.

Phase 2: Site Redevelopment

The SP enables the property to be redeveloped in a manner that enhances the urban character of the neighborhood. New buildings are required to meet a build-to zone of five to fifteen feet along seventy percent of the 51st Avenue frontage. New buildings located on Tract B (within 60 feet of 51st Avenue) are permitted up to forty-five feet in height. To ensure mixed use redevelopment of the site, commercial uses are required within the entire ground floor of new buildings. Any parking established on the site will be situated behind or beside all new buildings with access limited to Illinois Avenue and the adjoining alley. Additionally, the existing house is required to remain on site in order to provide a transition between new taller buildings on 51st Avenue and the adjoining residential neighborhood. Sidewalks along 51st Avenue will be expanded to eight feet in width while the sidewalks established on Illinois Avenue as part of phase one are required to be maintained.

General standards

Uses permitted with this SP include residential and office uses, as well as most of the commercial uses permitted in the MUL-A district. Uses prohibited with this SP include Cash advance, Check cashing, Title loan, Automobile convenience, Car wash, Funeral home, Mobile storage unit, Hotel/motel, Pawn shop, all Communication uses and all Industrial uses. Parking for all uses will be provided as required by the Zoning Code. Landscaping is required so as to mitigate the impact of any proposed parking area to the surrounding residential uses. Additionally, shade producing street trees are required to strengthen the streetscape along the edge of this SP. Signage for both phases of the site's use and development is limited so as to protect the scale and intensity of the surrounding neighborhood. Sign types are limited to building signs and wall signs. Ground signs are limited to no more than thirty-two square feet of display area and no greater than six feet in height. Any parking established behind the buildings (existing or proposed) will be screened from abutting residential uses.

As this request is for Preliminary SP approval, a Final site plan will be required prior to the issuance of a building permit to ensure that new additions and/or development are consistent with the standards adopted.

WATER SERVICES

Approved

STORMWATER

Preliminary SP approved with conditions (Stormwater):

- Add FEMA Note / Information to plans.
- Add 78-840 Note to plans: (Any excavation, fill, or disturbance of the existing ground elevation must be done in accordance with storm water management ordinance No. 78/840 and approved by The Metropolitan Department of Water Services.)
- Add Preliminary Note to plans: (This drawing is for illustration purposes to indicate the basic premise of the development. The final lot count and details of the plan shall be governed by the appropriate regulations at the time of final application.)



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- Add Access Note to plans: (Metro Water Services shall be provided sufficient and unencumbered access in order to maintain and repair utilities in this site.)
- Add C/D Note to plans: (Size driveway culverts per the design criteria set forth by the Metro Stormwater Management Manual (Minimum driveway culvert in Metro ROW is 15" CMP).)
- Add note stating that Water Quality measures may be required during construction drawing review.
- Add note stating that Detention may be required during construction drawing review.
- Add note stating that any new development will respect the Public Utility and Drainage Easements for the existing storm infrastructure.

PUBLIC WORKS

Approval is for PRELIMINARY SP only. A final SP and site plan must be submitted.

- Add access to the alley in the access section of the SP document.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	0.17	7.71 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.20	0.60	5227SF	262	12	35

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.37	1 F	16,117 SF*	728	21	61

*SP limits uses permitted in the MUL district

Traffic changes between maximum: **R6, CS** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+456	+8	+24

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Students would attend Cockrill Elementary School, McKissack Middle School, or Pearl-Cohn High School. Cockrill Elementary is the only school identified as being over capacity by the Metro School Board. There is no capacity for elementary students within the cluster.



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Fiscal Liability

The fiscal liability for one elementary student is \$21,500. 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 November 2012.

STAFF RECOMMENDATION

Approve with conditions and a waiver of the notice requirements in the Planning Commission Rules and Procedures due to a miscommunication between staff and the applicant, and disapprove without all conditions. The SP is based on the standards of the MUL-A zoning district, which is a recommended zoning district within the CM policy. The SP will enhance the 51st Avenue Mixed Use Corridor as identified by the West Nashville Community Plan.

CONDITIONS

1. Permitted land uses within this SP shall be limited to permitted land uses within the MUL-A zoning district, except Cash advance, Check cashing, Title loan, Automobile convenience, Car wash, Funeral home, Mobile storage unit, Hotel/motel, Pawn shop, all Communication uses and all Industrial uses.
2. Add the following provision to the Building Placement provisions in Phase II: *“A building constructed as part of Phase II of this SP shall occupy the corner bounded by Illinois Avenue and 51st Avenue.”*
3. Add the following language to the Access provisions in General Standards: *“No automobile access shall be permitted to the site directly to or from 51st Avenue.”*
4. Replace the language in Item 1 of the Building Placement provisions in Phase II with the following: *“A build-to-zone of five to fifteen feet shall be required on both 51st Avenue and Illinois Avenue.”*
5. Include the following language under Item 2 of the Signage provisions: *“Only one ground sign shall be permitted on the SP site. The ground sign shall be no greater than thirty-two square feet in total area and shall be limited to a maximum height of six feet. Any ground sign located on Tract A within the SP shall be no more than 24 square feet in size.”*
6. Comply with the recommendations of the Department of Public Works.
7. Comply with the recommendations of Metro Water Services, Stormwater Division.
8. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
9. A corrected copy of the preliminary SP plan incorporating the conditions of approval by 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



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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.



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51st & Illinois Avenue SP District Case No. 2013SP-013-001

Proposed Specific Plan

The intent of this SP district is to allow for properties located at 5100 & 5104 Illinois Avenue (Map 91-11, Parcels 55 & 56) to be used in a manner consistent with the property's Mixed-Use Corridor policy in the West Nashville Community Plan. This SP district is intended to guide the use and development of the site in two phases.

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

Applicability:

General Standards provided herein shall apply to all phases of the SP. Phase I standards provided herein shall apply to the re-use and/or limited expansion of the existing building on Tract A. Phase II standards provided herein shall apply to all new building construction (not including the permitted expansions of the existing building on Tract A) within the SP. Expansion of the existing building on Tract A beyond the permitted thirty-three percent may occur only after a building complying with Phase II of this SP has been constructed.

General Standards:

The following general standards are applicable to all phases of on the SP.

Allowed Uses:

All uses allowed in the MUL-A district, except those listed in this SP as prohibited uses.

Prohibited Uses:

Cash advance, check cashing, title loan, automobile convenience, car wash, funeral home, mobile storage unit, hotel/motel, pawn shop, all communication uses and all industrial uses.

Access:

No automobile access shall be permitted to the site directly from 51st Avenue. Automobile access to the site from Illinois Avenue shall be setback from 51st Avenue according to Metro Public Works standards.

Parking Standards:

Parking spaces shall be provided as required by the Zoning Code.

Signage:

1. Building signs shall comply with the standards for the MUL-A district; except
2. Only one ground sign shall be permitted on the SP site. The ground sign shall be no greater than thirty-two square feet in total area and shall be limited to a maximum height of six feet;
3. Pole signs are not permitted;
4. Illumination of signage shall be from an exterior source or internal lighting shall be permitted to illuminate letters and logotype only. Sign backgrounds shall be opaque. The lighting element shall not be visible from an adjoining property or public right-of-way;
5. Signs shall meet required site triangle provisions of 17.20.180



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Landscaping and Buffering:

Landscaping and buffering standards not specifically addressed within this SP shall comply with the requirements of the MUL-A district.

1. **Perimeter Landscape Strip:** Parking areas shall be separated from the edge of the right-of-way and/or property line by a perimeter landscape strip a minimum of five feet in width which shall be landscaped per the standards of this section.
 - a. Perimeter landscape strips may be reduced to two and one-half feet if the required perimeter trees are to be planted in tree islands within the parking lot.
 - b. Trees shall be installed at a rate of one tree for every thirty feet of property frontage within the perimeter landscape strip; Spacing may be adjusted with the approval of the Urban Forester based upon tree species, the presence of utilities, and the dimensions of the planting strip.
 - c. All perimeter landscape strips adjacent to public streets and open space shall include: evergreen shrubs at appropriate spacing to fully screen vehicles to a minimum height of two and one-half feet.
 - i. Shrubs within fifteen feet of driveways or street intersections shall be maintained to a maximum height of two and one-half feet.
 - ii. Plantings shall not obstruct views onto site as to impede the security of users.
 - d. Berms are not permitted in any landscape strips.
 - e. Adjacent residentially zoned property shall be buffered from any parking area by a solid fence a minimum height of six feet.
2. **Fences and Walls:** Fences and walls shall be constructed of any combination of brick, stone, masonry, treated wood posts and planks, rot-resistant wood, or metal. Chain link and barbed wire fencing is prohibited.
 - a. Fences and walls shall be provided to screen refuse areas and shall be opaque.
 - b. Fences and walls within the build-to-zone shall not exceed three feet in height; All other fences and walls shall have a maximum height of eight feet.
3. **Interior Planting Requirements:** Interior parking areas shall be landscaped in accordance with the interior planting requirements of Title 17.24.160.
4. Shade-producing street trees shall be planted in the public right-of-way along the length of the lot frontage at a maximum spacing of fifty feet or in accordance with the regulations of Metro departments and agencies; trees must be located between the sidewalk and roadway within planting strips or tree wells.
5. **Landscape Material:** Tree and shrub species shall be chosen from the Urban Forestry Recommended and Prohibited Tree and Shrub List or an alternative species deemed appropriate by the Urban Forester.
 - a. At planting, trees shall be a minimum of six feet in height and two caliper inches.
 - b. All landscaping shall be in a functioning bioswale, or irrigated using drip irrigation or sub-surface irrigation. If drought-tolerant species are used, no irrigation is required.
 - c. At planting, all landscaping shall meet the standards for size, form and quality set out in the American Standard for Nursery Stock (ANSI Z60.1, latest edition).
 - d. All nursery stock shall be vigorous, healthy and free of diseases or infestation.



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Phase I

Phase I standards shall be utilized to guide re-use and/or limited expansion of the structures existing on Tract A.

Access:

Automobile parking shall not be permitted in front (south of) of the principal building on Tract A. Parking shall be permitted on Tract B and must comply with the landscaping and buffering standards of the General Standards section.

Sidewalks:

An eight foot sidewalk and four foot planting strip along the entire Illinois Avenue frontage of the SP shall be required upon construction of a parking lot on Tract B. The existing sidewalk along 51st Avenue shall be maintained.

Building Additions:

Additions to the existing building shall generally be in keeping with the existing building and existing residential building types in the immediate area. If additions are proposed, a final SP application shall be submitted to the Planning Department for review and approval.

1. The existing 1,578 square foot building envelope (heated and cooled square feet) shall not be expanded by more than thirty-three percent (520.7 square feet);
2. Additions (heated and cooled, finished space) shall generally be situated at the rear, and constructed in such a way that it will not disturb the front façade with the exception that the front porch may be expanded to allow for additional room for outside seating;.

Building Materials:

1. Additions shall consist of at least sixty percent wood, brick, stone or a 'hardie type' board. Vinyl materials shall not be permitted;

Building Height:

1. The height of the existing building shall not be expanded.
2. Additions shall not exceed the height of the existing building at the top elevation.

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

Phase II

Phase II standards shall be utilized to guide redevelopment of the entire SP site.

Minimum required use:

Ground floors of new building construction shall contain only non-residential uses. Required non-residential use(s) shall not be directly associated or accessory to a residential use (i.e. leasing office, tenant lounge and/or recreational space).



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Sidewalks:

Once a building is constructed on Tract B, the existing sidewalk shall be expanded to eight feet along the 51st Ave. frontage containing a four foot planting strip (twelve feet total). Sidewalks shall be located on the entire Illinois Avenue and 51st Avenue frontages of the SP.

Building Placement:

1. A build-to-zone of five to fifteen feet shall be required;
2. Buildings on Tract B shall extend across a minimum of seventy percent of the frontage along 51st Avenue within the build-to-zone;
3. Buildings constructed to meet the build-to zone requirement shall provide a depth of at least fifteen feet;
4. All new buildings constructed as a part of phase II of this SP shall be setback twenty feet from the west property line. Any additions to the existing structure on Tract A shall conform to the existing side setback. Existing home on Tract A shall remain, but may be expanded not exceeding current height and conforming to applicable zoning codes.

Building Height:

1. The maximum height for any building constructed within sixty feet of 51st Avenue shall be limited to forty-five feet at the peak of the roof or top of parapet. All other buildings or portions of buildings shall be limited in height to two stories and thirty-five feet at the peak of the roof or top of parapet. Ground floor shall be a minimum of fourteen feet measured from the finished floor elevation to the floor of the second story.

Building Materials:

1. Vinyl materials shall not be permitted.

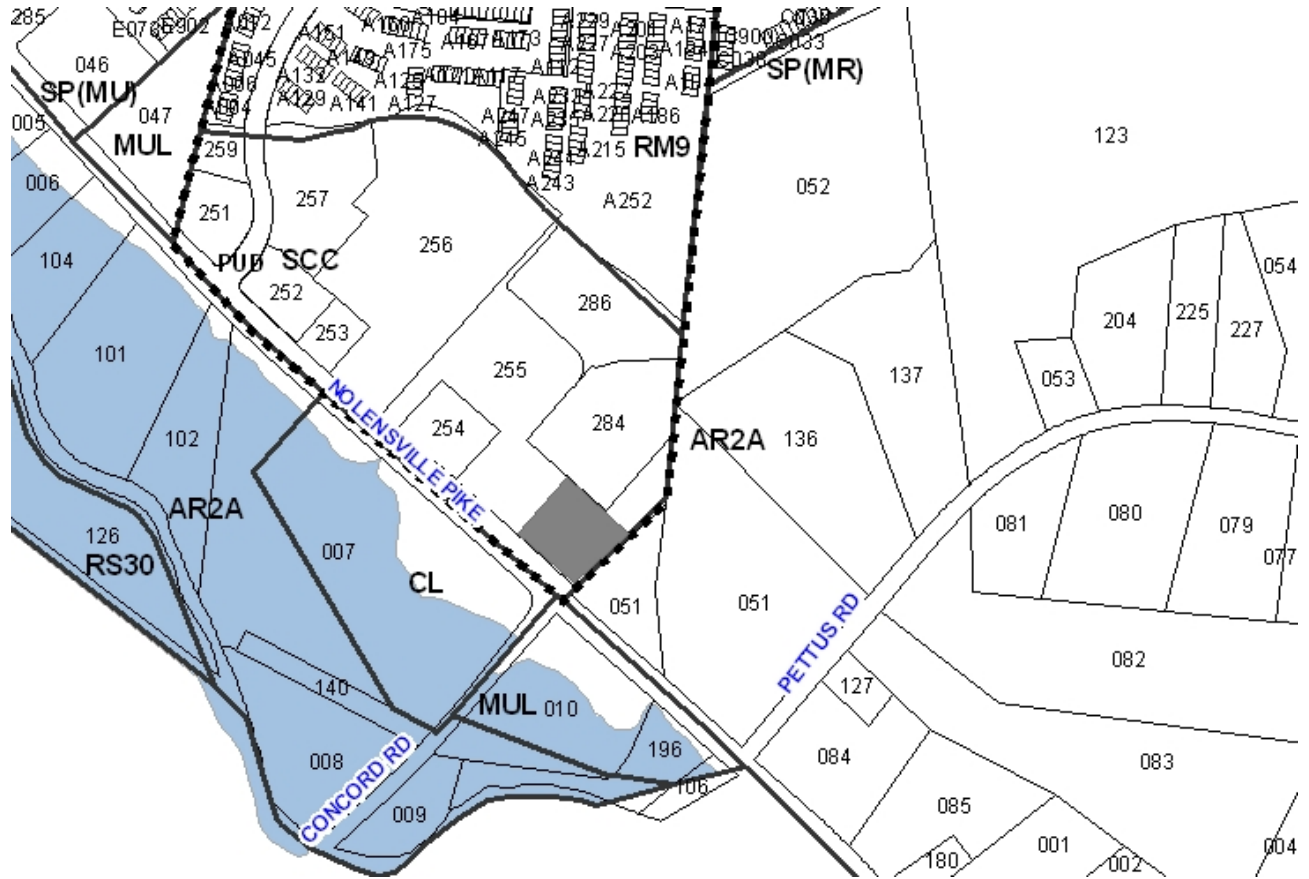
Building Glazing:

1. **Minimum ground floor glazing.** The minimum ground floor glazing (clear windows and doors) shall equal a minimum of thirty percent of the total facade area of the building facade facing a public street. Façade area is defined as the width of the building façade fronting a public street multiplied by a fixed building façade height of sixteen feet.

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



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2004P-013-003
MILL CREEK TOWNE CENTER (MCDONALD'S)
Map 181, a portion of Parcel(s) 255
Southeast Community Plan
31 - Fabian Bedne



Project No.	Planned Unit Development 2004P-013-003
Project Name	Mill Creek Towne Center PUD
Council District	31 – Bedne
School District	2 – Brannon
Requested by	T-Square Engineering, applicant, for Legg Investments-Nolensville LLC, owner
Staff Reviewer	Johnson
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Change in lot sizes and overall PUD square footage; and final approval of 4,365 square foot restaurant

Revision to Preliminary and Final PUD

A request to revise the preliminary plan and for final approval for a portion of the Mill Creek Towne Center Commercial Planned Unit Development Overlay District located on a portion of property at 6704 Nolensville Pike, approximately 800 feet north of Pettus Road, zoned Shopping Center Community (SCC) (1.27 acres), to permit the development of a 4,365 square foot fast food restaurant.

Existing Zoning

Mill Creek Towne Center Planned Unit Development - Last approved by Council in 2004 for 45 single-family lots, 248 townhomes, and 217,619 square feet of retail, restaurant, and gas station uses for the entire PUD. The portion of the PUD being revised was previously approved for a 3,500 square foot restaurant.

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

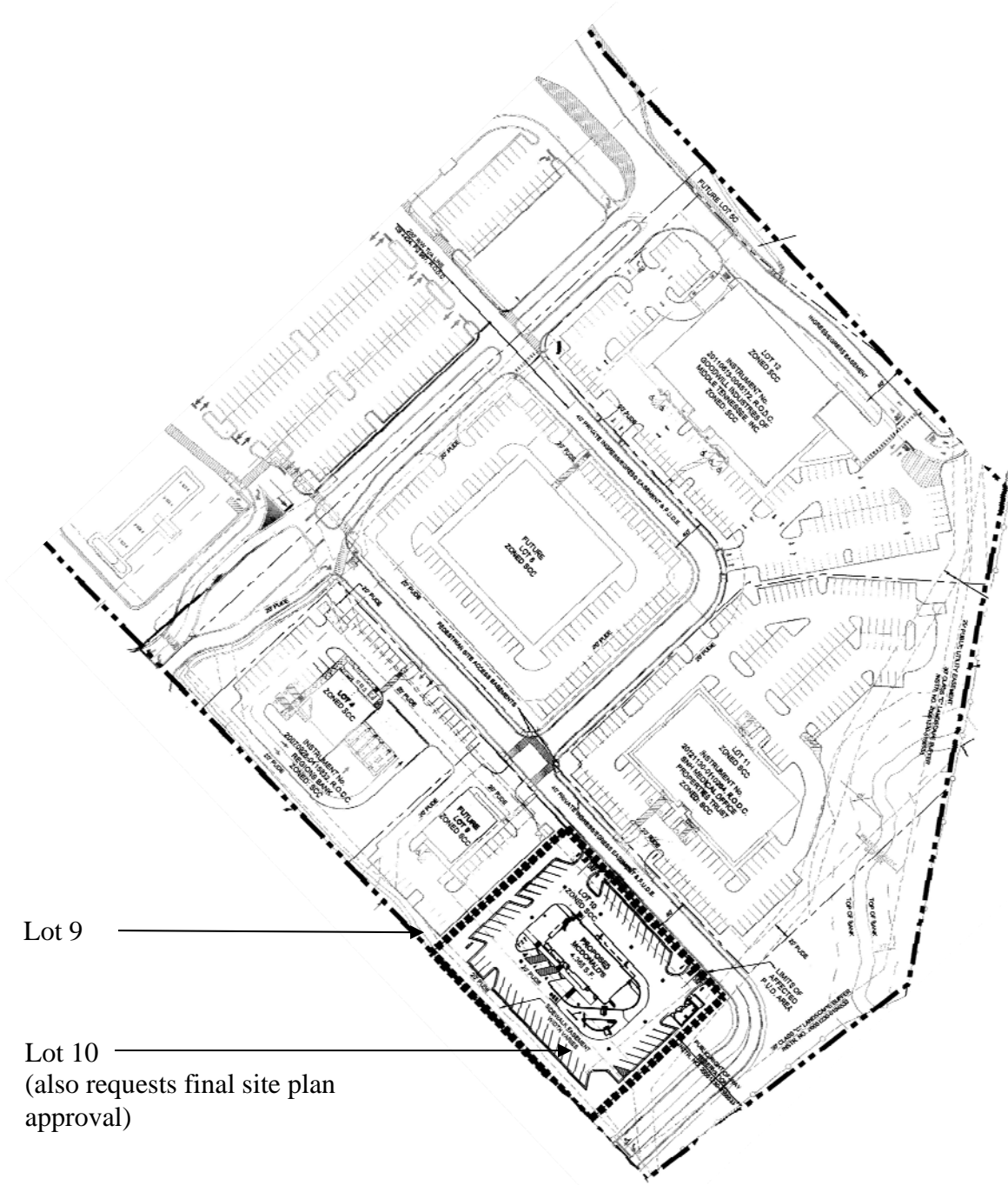
CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The Mill Creek Towne Centre PUD is located along the east side of Nolensville Pike, north of Pettus Road. The entire PUD was last approved by Council in 2004 for 45 single-family lots, 248 townhomes, and 217,619 square feet of retail, restaurant, and gas station uses. Since the last Council approval, the Planning Commission has approved several minor revisions. The last revision, which increased the total permitted non-residential development to 217,848 square feet, was approved in April 2011.

The commercial portion of the development is located adjacent to Nolensville Pike. This revision to preliminary and final site plan is focused on the southeast corner of the PUD along Nolensville Pike.



Lot 9

Lot 10
 (also requests final site plan approval)

Proposed PUD Plan



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The revision to the preliminary PUD includes two specific elements: a change in lot area for lots 9 and 10 along Nolensville Pike and an increase in square footage to the non-residential portion of the PUD to permit a fast food restaurant. This application will shift the future interior lot line between lots 9 and 10, enlarging Lot 10 to accommodate the proposed restaurant and reducing the size of Lot 9. For Lot 9, a 2,500 square foot restaurant will replace an approved 3,000 square foot restaurant. On Lot 10, a 4,365 square foot restaurant will replace a 3,500 square foot restaurant. Also, with this revision, the total floor area in the non-residential portion of the PUD will be 218,213 square feet. While this is 594 square feet beyond what was originally approved by Council, the Zoning Code permits the Planning Commission to approve increases in floor area from what was approved by Council as long as any increase will not exceed ten percent of the last Council approval. A total of 239,380 square feet of floor area is permitted without requiring Council approval.

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

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

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



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

Staff finds that the request meets all of the conditions and the Planning Commission has the authority to approve the proposed revision.

The final site plan is for a one-story, 4,365 square foot fast food restaurant at the intersection of Nolensville Pike and the private entrance driveway into the site. As shown on the site plan, the proposal is consistent with the intent of the PUD approval and meets the requirements of the Zoning Code.

FIRE MARSHAL RECOMMENDATION

Approved

STORMWATER RECOMMENDATION

Approved with conditions

1. Provide Plan Review and Grading Permit fee of \$1,341 and provide NOC.
2. For the construction entrance detail, show length to be 100' /
3. Add note on plans stating that the site drains to a 303D listed stream. Then, upsize the temporary erosion control measures to handle the 5-year event.
4. Add the following note to plans: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP-10 and CP-13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting. Grading Permittee to include BMP's designed to control site wastes such as discarded building materials, chemicals, litter, and sanitary wastes that may cause adverse impacts to water quality. The location of and / or notes referring to said BMP's shall be shown on the EPSC Plan."
5. Contour elevations were not labeled (existing or proposed).
6. If slopes are 3:1 or steeper, then apply matting, specify type, add detail, and then add note stating that the slopes are to be stabilized within 7 days of final grading.



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7. Provide all civil details (junction box, etc.).
8. For the storm inlets, revise locations D1 and D6 out of the curb return.
9. For the storm pipe calculations, double check the rim elevations and use a Tc of no less than 5 minutes.
10. Label the water quality unit on the plans.

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. Indicate location of the recycling container.
3. Add marked cross walks on access drive at Nolensville Pike, striping and arrows on access drive, curb ramps (if not currently ADA compliant) with Ped push button, add top coat on existing private drive, etc. All were conditions of previous approval with 2009 PUD revision.
4. Install approved pavement striping plan for PUD access drive at signalized intersection with Nolensville Rd and Concord Rd. Install ped signals and ramps on access drive. Coordinate Pedestrian signals and associated ped facilities on north and south sides of access drive with TDOT intersection signal plans. Submit signal plan for metro traffic engineer approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the revision to preliminary and final PUD applications. The proposal is consistent with the Council approved plan, does not increase the floor area beyond ten percent of what was approved by Council, and meets all zoning requirements.

CONDITIONS

1. The maximum permitted square footage for the restaurant use on Lot 9 shall be reduced to 2,500 square feet based on the number of parking spaces that can be provided on that site.
2. On the final SP plan, a walkway shall be provided that connects the existing sidewalk along the Nolensville Pike frontage to the southwest corner of the parking lot.
3. The revision to the preliminary and final site plans shall comply with requirements listed above from Metro Stormwater and Public Works departments.
4. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.
7. 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.

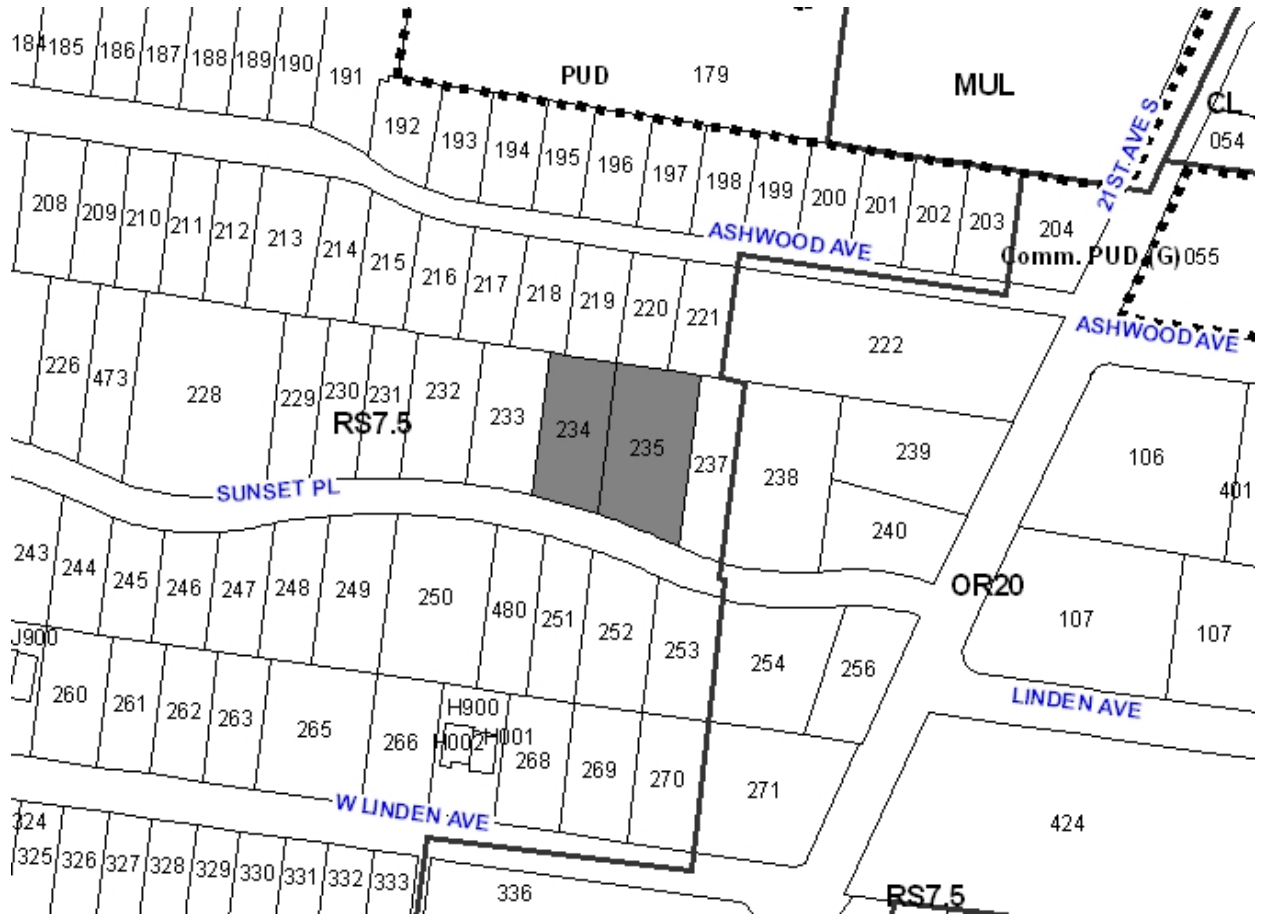


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8. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
9. The PUD final site 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.



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2013S-041-001
LINDEN PLACE, RESUB LOTS 6 AND 7
Map 104-15, Parcel(s) 234-235
Green Hills – Midtown Community Plan
18 - Burkley Allen



Project No.	Subdivision 2013S-041-001
Project Name	Linden Place, Resubdivision of Lots 6 and 7
Council District	18 – Allen
School District	8 – Hayes
Requested by	Lawrence Kamm and Helen Rogers, owners, Elite Surveying Services, LLC, surveyor
Staff Reviewer	Johnson
Staff Recommendation	<i>Approve</i>

APPLICANT REQUEST

Create three lots

Final Plat

A request for final plat approval to create three lots on property located at 2108 and 2110 Sunset Place, approximately 305 feet west of 21st Avenue South zoned Single-Family Residential (RS7.5) (0.7 acres).

Existing Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices

This subdivision will create an additional residential lot within an area already served by infrastructure and services. This subdivision is approximately 200 feet from 21st Avenue South, which is a mixed use arterial street with existing public transportation.

REQUEST DETAILS

The Linden Place Subdivision was originally platted in 1926, with lots along Sunset Place that ranged between 75 feet and 78 feet in width. Since the original subdivision plat, resubdivisions have occurred along Sunset Place resulting in some smaller lots interspersed with original lots. Newer lots along Sunset Place range in width from 50 feet to about 65 feet.

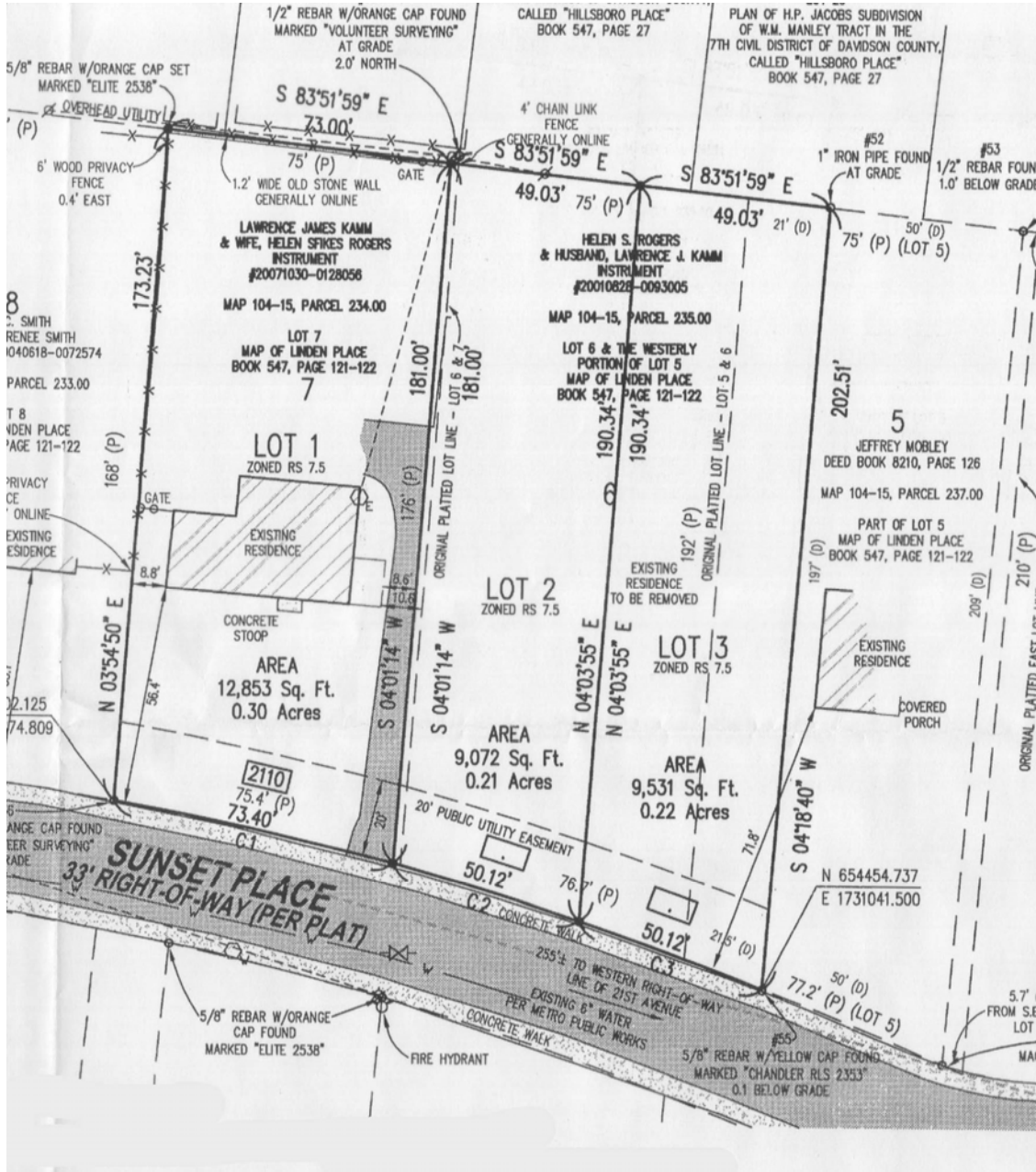
The proposed three-lot subdivision would create three single-family lots. Lot 1 contains an existing dwelling and would maintain a lot width of over 70 feet. Lots 2 and 3 would have lot widths of 50 feet, which would be consistent with several other lots along the north side of the same block, including the lot immediately to the east of the site. Because these lots are in the RS7.5 zoning district, development would be limited to a maximum of a single-family detached dwelling on each lot.

ANALYSIS

The subdivision meets the requirements of the Subdivision Regulations. Because this is an infill subdivision in the Neighborhood General land use policy area, it is required to be consistent with the character of the surrounding area. Staff finds that the subdivision is consistent with the



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Proposed Subdivision



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character of the surrounding area because the proposed lots permit residential density within the recommended limit of Neighborhood General policy, and are similar in size and frontage width to other lots on the same block of Sunset Place.

The lots have the following land area:

Lot 1: 0.30 Acres (12,853 SF)

Lot 2: 0.21 Acres (9,072 SF)

Lot 3: 0.22 Acres (9,531 SF)

Sidewalks

Because there are existing sidewalks along the Sunset Place frontage of the site, the construction of new sidewalks is not required with approval of the subdivision. If maintenance or repair of the sidewalk is necessary, the applicant will be responsible.

HISTORICAL COMMISSION RECOMMENDATION

These two properties are located within the Hillsboro-West End National Register Historic District. The residence at 2108 Sunset Place has been determined Contributing within the district while the residence at 2110 Sunset Place is Non-Contributing. The Historical Commission encourages the applicants to preserve the contributing property. If this is not possible, the applicants are encouraged to consider donating salvageable materials.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

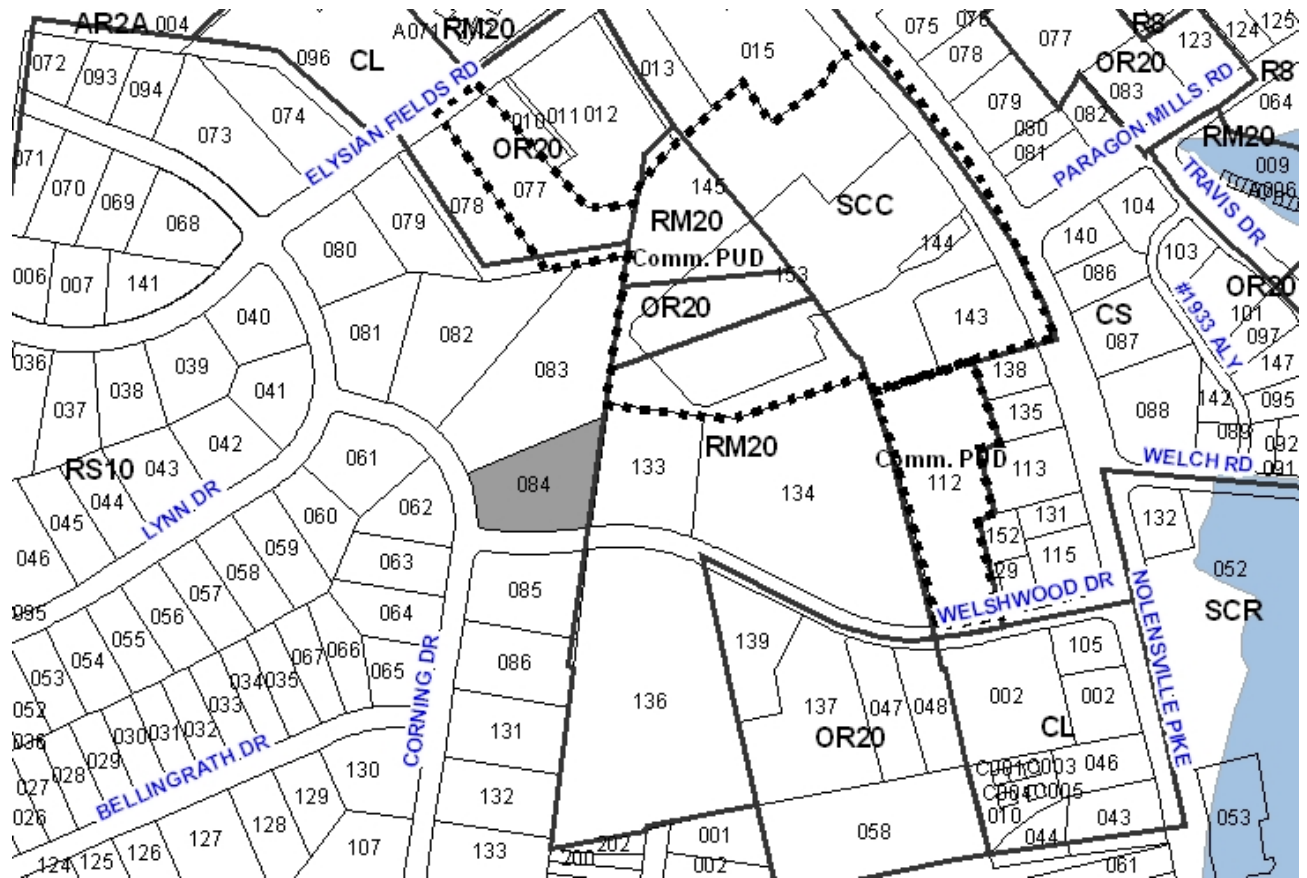
1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter.

STAFF RECOMMENDATION

Staff recommends approval. The subdivision complies with the requirements of the Zoning Code and Subdivision Regulations, and is consistent with the character of residential development on the same block on Sunset Place in terms of lot size and frontage.



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2013S-042-001

ELYSIAN PARK, RESUB LOT 15

Map 133-14, Parcel(s) 084

Southeast Community Plan

26 - Chris Harmon



Project No.	Subdivision 2013S-042-001
Project Name	Elysian Park, Resubdivision Lot 15
Council District	26 – Harmon
School District	7 – Pinkston
Requested by	Kevin Pennington, owner, Campbell, McRae & Associates, surveyor
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions</i>

APPLICANT REQUEST

Create three lots

Final Plat

A request for final plat approval to create three lots on property located at 4832 Corning Drive, at the northeast corner of Corning Drive and Welshwood Drive, zoned RS10 (1.33 acres).

Existing Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development

The subdivision creates additional residential development opportunity consistent with the land use policy in an area where infrastructure and services exist. The subdivision is located within close proximity to many commercial and employment districts and served well by existing transportation and road networks.

REQUEST DETAILS

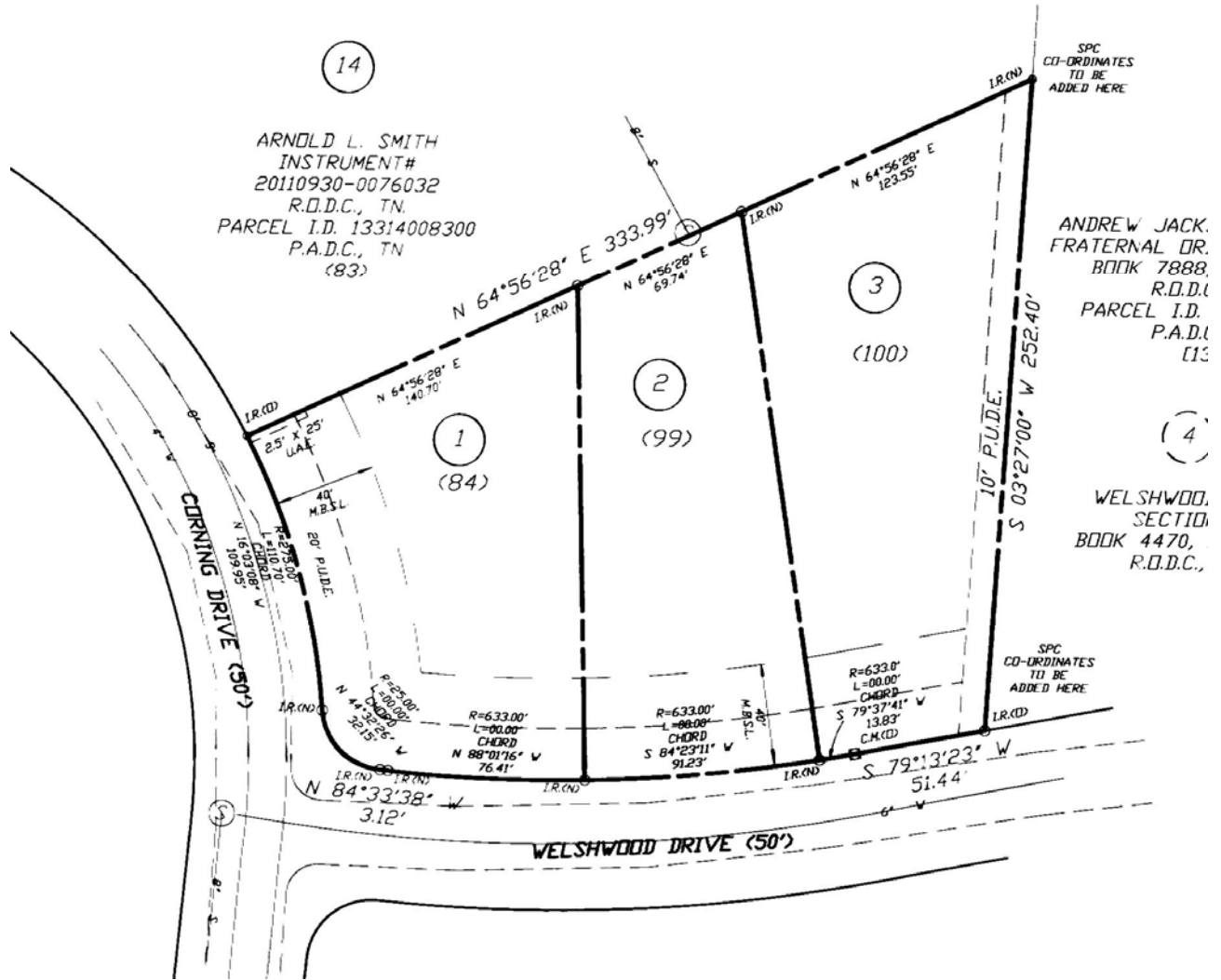
The property is located at the northeast quadrant of Corning Drive and Welshwood Drive and is near Nolensville Pike just south of the Nashville Zoo. The property is approximately 1.33 acres in size and does not contain any significant slopes or other environmentally sensitive features.

The request is to permit three single-family lots. Lot 1 is a corner lot fronting on both Welshwood Drive and Corning Drive and Lots 2 and 3 front onto Welshwood Drive. Each lot will be accessed individually. The lots have the following land area:

- Lot 1: 0.41 Acres (17,989 SF);
- Lot 2: 0.37 Acres (15,967 SF);
- Lot 3: 0.58 Acres (20,691 SF).



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Proposed Subdivision



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ANALYSIS

The proposed infill subdivision is in compliance with all Subdivision Regulations and Zoning Code requirements and meets the prescribed density of the land use policy. The applicable land use policy, Residential Low Medium, limits density to a maximum of four dwellings units per acre, which would allow up to five units on this property. In order to maintain the present character along both Corning and Welshwood the proposal retains the previously recorded 40 foot front setback. All other setbacks are consistent with Metro Zoning Code requirements.

Sidewalks are required along Corning Drive and Welshwood Drive. The applicant has elected to contribute to the sidewalk fund in-lieu of constructing the required sidewalks. The total for the required contribution is \$4,500 and will apply to pedestrian benefit zone 5-B.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter.
- Indicate the existing EOP.
- Dimension the ROW at the property corners to the centerline of the road.

STAFF RECOMMENDATION

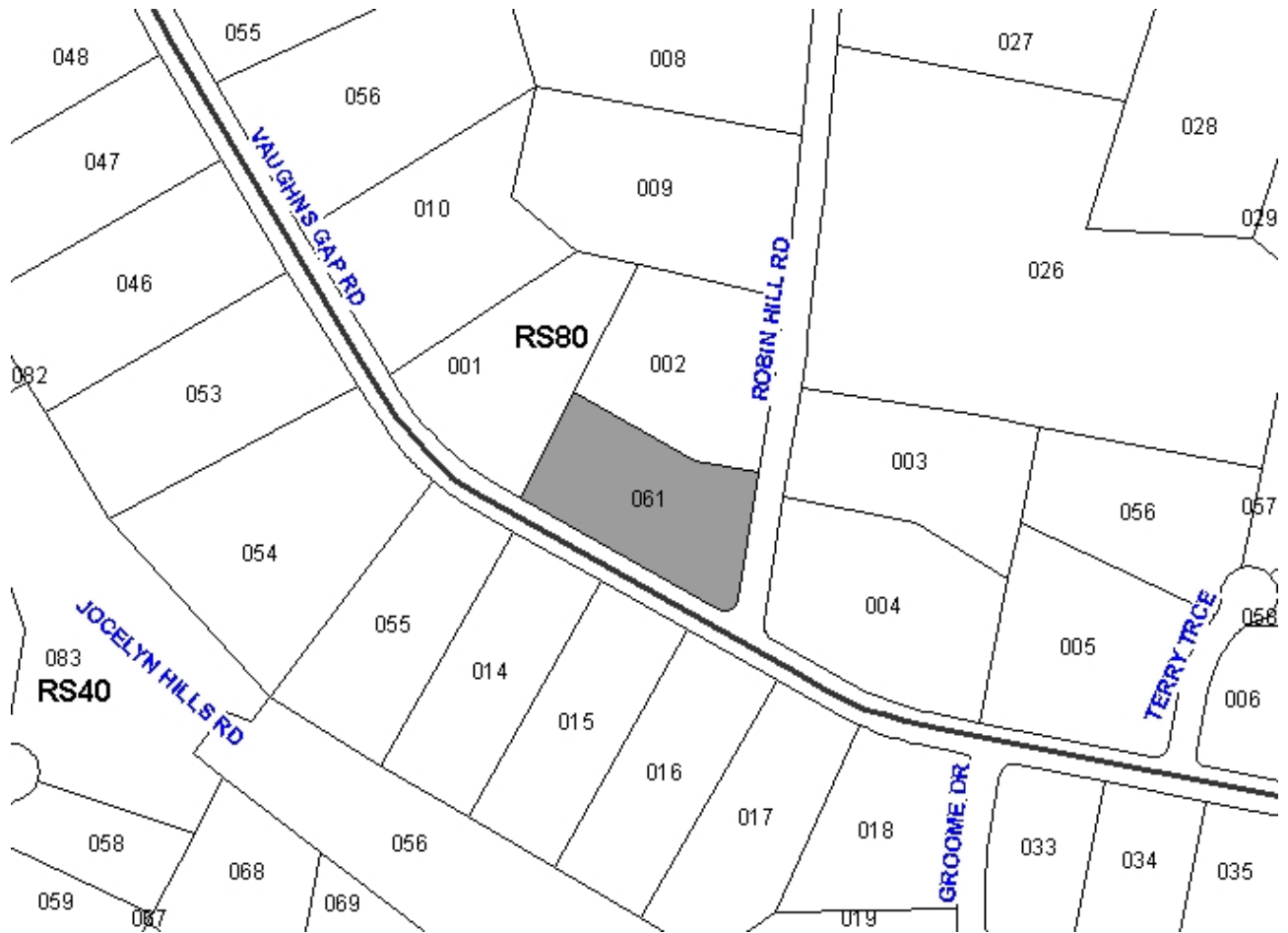
Approve with conditions. As proposed the request is in compliance with all Metro Subdivision Regulation and Zoning Code requirements and meets a critical planning goal.

CONDITIONS

1. Prior to the recordation of the final plat, the applicant shall satisfy the sidewalk requirements.



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2013S-034A-001

WEST MEADE FARMS LOT 40B, SETBACK AMENDMENT

Map 129-07, Parcel(s) 061

West Nashville Community Plan

23 - Emily Evans



Project No.	Subdivision 2013S-034A-001
Project Name	West Meade Farms, Lot 40B (Setback and Access Amendment)
Council District	23 – Evans
School District	9 – Frogge
Requested by	Mary Wester, applicant for Tara and Gary Cavazos, owners
Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove setback amendment and approve access amendment with conditions</i>

APPLICANT REQUEST

Amend setback and access restriction.

Subdivision Amendment

A request to amend the street setback along Vaughn’s Gap Road from 100 feet to 50 feet and to permit driveway access to Robin Hill Road for property located at 197 Robin Hill Road (2.05 acres), at the northwest corner of Robin Hill Road and Vaughn’s Gap Road, zoned RS80.

Existing Zoning

Single-Family Residential RS80 requires a minimum 80,000 square foot lot and is intended for single-family dwellings at a density of .46 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This request is to permit a 50 foot front setback along Vaughn’s Gap Road and to permit access onto Robin Hill Road for Lot 40B as shown on the final plat entitled Resubdivision of Lot 40, West Meade Farms Inc. Section I. The aforementioned subdivision, which subdivided one lot into two lots, was approved by the Planning Commission on January 11, 2007. The approved plat included a 100 foot setback along Vaughn’s Gap Road. The Planning Commission included a requirement for Public Works to determine the driveway location in order to address safety issues. After further review by Public Works the plat was recorded with a note limiting access for Lot 40B to an existing drive on Vaughn’s Gap Road.

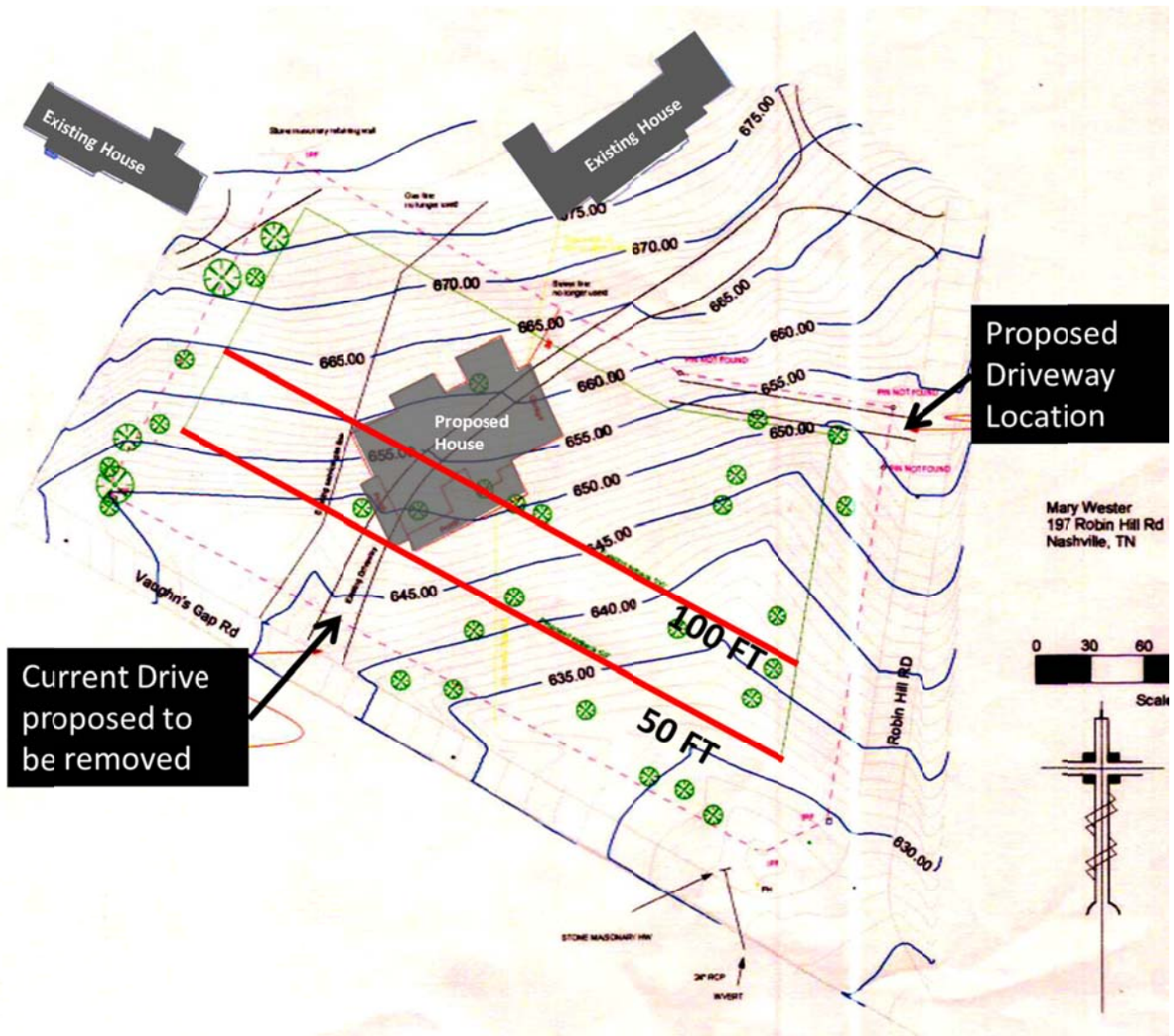
ANALYSIS

Staff is recommending disapproval of the proposed setback amendment, but has no issues with Public Works permitting a different access point. The subject lot is within a section of the West Meade Farms Subdivision which dates back to the 1940s. The subdivision includes several sections which were recorded at various times. All sections include deep front setbacks with a majority being 100 feet deep. The front setbacks set the character within West Meade Farms and along Vaughn’s Gap Road. The homes along Vaughn’s Gap Road appear to be consistent with the minimum 100 foot front setback.



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Proposed Amendment Exhibit A

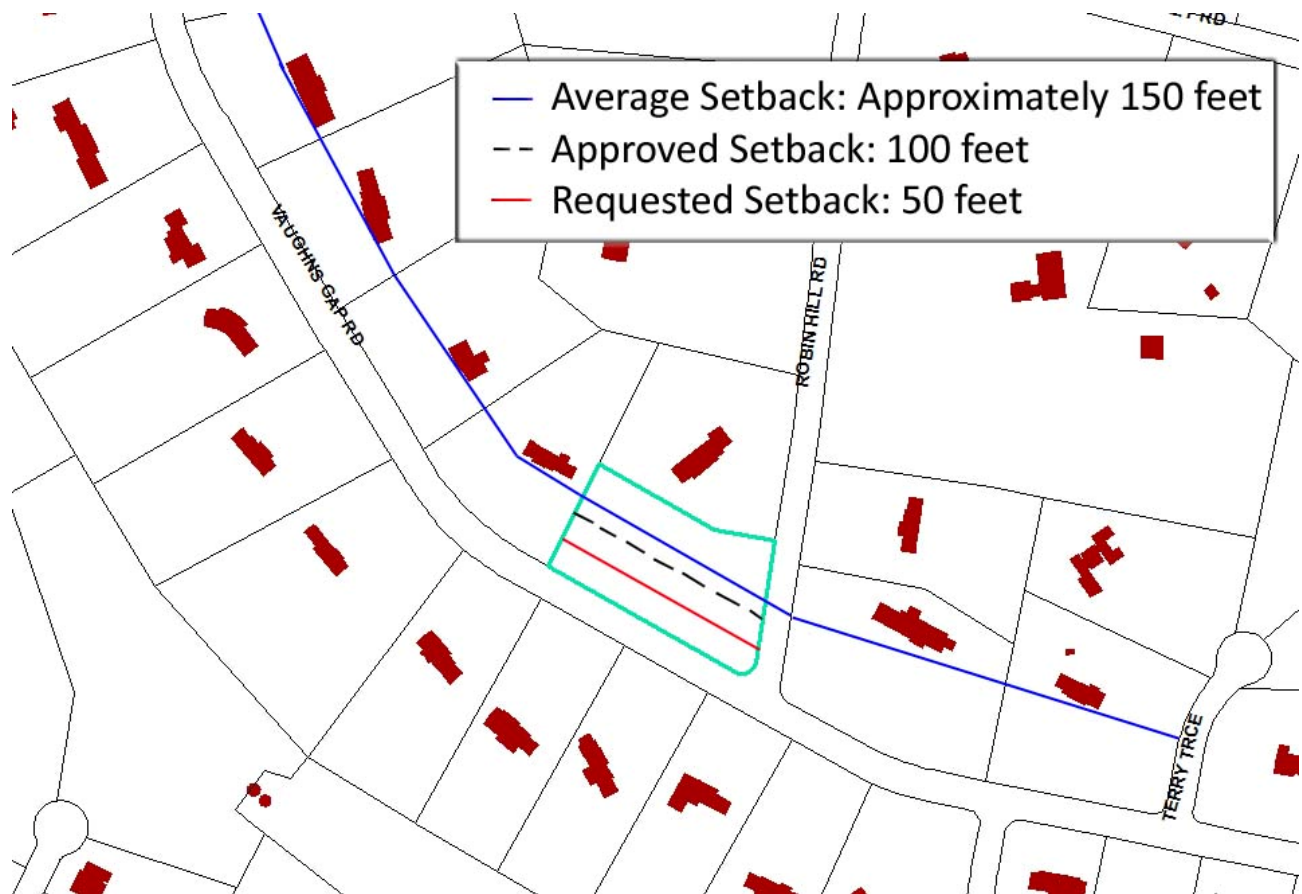


The proposed 50 foot front setback would be out of character with the existing character along Vaughn's Gap Road. The average front setback along Vaughn's Gap Road for the homes on Exhibit B is approximately 150 feet. Since the proposed setback would be out of character, creating an interruption in the existing development pattern, staff does not support the request. Furthermore, in 2007, the Planning Commission approved the subject lot with the current setback finding that the lot would permit the construction of a home in keeping with the surrounding development pattern. Permitting the proposed setback would not be consistent with the 2007 approval. Staff has no issue with the proposed amendment to the access requirement as long as the location is approved by Public Works.



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Exhibit B



WATER SERVICES RECOMMENDATION

Approved

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Provide adequate sight distance at proposed driveway. Submit sight distance analysis for metro Traffic engineer approval.

STAFF RECOMMENDATION

Staff recommends disapproval of the proposed setback amendment as the 50 foot front setback is out of character with the surrounding development pattern. Staff recommends approval of removing the existing access requirement subject to the location being approved by Public Works.

CONDITIONS

1. Prior to the issuance of a permit for additional driveways for Lot 40B, the applicant shall submit a sight distance analysis to the Metro Traffic engineer demonstrating adequate site distance.