



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, March 8, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chairman
Stewart Clifton
Greg Adkins
Jeff Haynes
Phil Ponder
Councilmember Phil Claiborne
Andree LeQuire

Staff Present:

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

Commissioners Absent:

Judy Cummings
Derrick Dalton
Hunter Gee

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300
p: (615) 862-7190; f: (615) 862-7130

Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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

MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:02 p.m.

B. ADOPTION OF AGENDA

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

C. APPROVAL OF FEBRUARY 23, 2012 MINUTES

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve the February 23, 2012 minutes. (7-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Tim Garrett explained his interest in the property discussed in Items 6a and 6b.

Council Lady Johnson spoke regarding item 1a and requested another Public Hearing

E. ITEMS FOR DEFERRAL / WITHDRAWAL

2. 2012S-019-001

BEAUMONT PLACE, RESUB LOT 37

Defer to the March 22, 2012, Planning Commission meeting

5a. 2012Z-007PR-001

PERCY PRIEST DRIVE

Defer Indefinitely

5b. 155-74P-003

LARCHWOOD

Defer Indefinitely

Councilmember Claiborne moved and Mr. Clifton seconded the motion to approve the Deferred and Withdrawn items. (7-0)

F. CONSENT AGENDA

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

3. 2012SP-004-001

GALLATIN PIKE AUTO SALES

4. 2012SP-007-001

DOLLAR GENERAL

6a. 2012Z-008PR-001

TINNIN ROAD

6b. 2002P-002-001

MAGNOLIA STATION

Mr. Ponder moved and Mr. Clifton seconded the motion to approve the Consent Agenda. (7-0)

G. PREVIOUSLY DEFERRED ITEMS

Zoning Text Amendments

1. 2012Z-006TX-001

BL2012-109 / JOHNSON

SIGNS: NON-CONFORMING STATIC BILLBOARD CONVERSION

Staff Reviewer: Brenda Bernards

A request to amend the Metro Zoning Code, Chapter 17.40 to add requirements in the conversion of nonconforming static billboards to tri-face billboards, requested by Councilmember Karen Johnson.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST

Require BZA determination to convert certain static non-conforming billboards to tri-face billboards

Text Amendment

A request to amend Chapter 17.40 of the Metropolitan Code to add requirements for the conversion of non-conforming static billboards to tri-face billboards.

DEFERRAL

The Planning Commission deferred this item one meeting in order for the Legal Department to respond to a written statement by an opponent that the proposed text amendment is in direct conflict with TCA 13-7-208. In particular, the Commission directed the Legal Department to determine if the Outdoor West of TN, Inc. (Lamar Advertising of Tri-Cities) v. City of Johnson City case cited by the opponent pertains to this text amendment.

Legal Department Response

The court case cited by the opponent at the February 23, 2012 meeting is not directly on point with the text amendment to require a process for a public hearing, but it does impact this proposed text amendment. A process for the approval of the conversion of a static non-conforming billboard to a tri-face billboard can be established, however, the BZA cannot deny a permit for the conversion based on impact to neighboring properties.

Staff Recommendation

Following the analysis provided by the Legal Department, staff recommends disapproval of this text amendment due to the fact that the proposed public hearing is misleading in that the BZA cannot deny an application based on the criteria in the ordinance.

CRITICAL PLANNING GOALS N/A

PURPOSE OF THE TEXT AMENDMENT

This text amendment will require that, before a legally non-conforming static billboard is converted to a tri-face billboard, the Board of Zoning Appeals (BZA) must first determine that the conversion will not result in a greater negative impact on the adjacent properties. For purposes of discussion, references to non-conforming billboards in this staff report include only *legally* non-conforming billboards.

Existing Law

A tri-faced billboard is defined in the Zoning Code as

"...a non-internally illuminated billboard consisting of a sign face comprised of a series of vertical triangular louvers that can be rotated to show up to three separate sign messages.

Section 17.32.050.G, tri-face billboards are specifically excluded from the height restrictions.

"Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, shall not be permitted in the CA, CS, CF, CC, SCR, IWD, IR and IG districts unless the following distance requirements are satisfied, based upon the overall height of the sign:"

Currently, the Zoning Code does not distinguish between static and tri-face billboards. These are both considered conventional billboards. When regulations for changeable message signs were added to the Zoning Code in May 2008, tri-face billboards were placed into this new category. By adding a definition for tri-faced billboards, and excluding them from the height restrictions imposed on digital signs in January 2011, tri-face billboards were, once again, treated as conventional billboards. The Planning Commission recommended approval of this text amendment at its December 9, 2010, meeting.

Proposed Bill

Originally, a text amendment that would prohibit the conversion of any non-conforming static billboard to a tri-face billboard was proposed. That text amendment was discussed at the November 10, 2011, Planning Commission meeting and the January 26, 2012, work session. As the sponsor had not intended to prohibit conversions entirely, but to add a public process to conversions, the first bill was withdrawn and substituted with this bill. Neither text amendment was intended to halt the conversion of these billboards but rather to create a public

process when the conversions would occur. This new text amendment defines that process for certain conversions of non-conforming static billboards to tri-face billboards.

ANALYSIS

Billboards are considered to be a use and the Zoning Code defines a non-conforming use in the following way:

"Nonconforming use" means a use originally legally established, but which now does not currently conform to the applicable use regulations of the zoning district in which it is located.

The state nonconforming use statutes allow certain existing non-conforming businesses to remain when a change in local zoning regulations makes the business no longer technically in compliance with the law. The purpose of the grandfathering statute is to prevent a hardship to existing property owners and businesses that were in compliance with the applicable laws at the time a new zoning restriction was enacted. Tennessee courts have interpreted the non-conforming use statute to be applicable to advertising signs, which allows the sign face to be changed without losing its protected non-conforming status.

There are many billboards that were legally installed but changes in the Zoning Code have made them non-conforming, including:

- Increasing the separation distance between billboards from 750 feet to 1,000 feet;
- Requiring all billboards to be on a single pole; and
- Requiring all billboards to be located on a street at least four lanes in width.

Alternatively, a change in circumstance may have made the billboard non-conforming. For example, the required setback for a billboard is 20 feet. But if a street is widened, the billboard may no longer be 20 feet from the property line and would become non-conforming.

Currently, any non-conforming static billboard in the County could be replaced with a tri-face billboard. With this text amendment, certain requests for conversions would require a determination by the BZA.

This bill will not impact the conversion of all non-conforming static billboards. The type of non-conformity will determine which billboards will need to go through this process. Billboards can be non-conforming for one or a combination of reasons:

- They do not meet the bulk standards of the Code (see exception below).
- They do not meet the separation requirements between billboards or other specified uses.
- They are located on a road less than four lanes in width.
- They are supported by two or more poles (see exception below).

State law offers some protections that would exempt certain non-conforming billboards from this new requirement. The scope of the text amendment is discussed in the analysis section. Non-conforming uses are given certain protections in state regulations. State Statute 13-7-208.I, provides that

(i) Notwithstanding subsection (d), any structure rebuilt on the site must conform to the provisions of the existing zoning regulations as to setbacks, height, bulk, or requirements as to the physical location of a structure upon the site, provided that this subsection (i) shall not apply to off-site signs.

Exception for Bulk Standards

This section of state law gives added protection to non-conforming billboards based on bulk regulations. If a billboard is non-conforming only because it does not meet setbacks, height requirements, or other bulk standards, then it is not considered non-conforming. A new billboard would be required to meet all of these standards but those in place prior to the change in the standards do not. As a result, if the non-conformity is based only on a bulk standard, the static billboard could be converted with the application of a permit.

Exception for Billboard Structure

Any billboard that is non-conforming because it does not meet the separation requirements, and/or is located on road less than four lanes wide, and/or has multiple poles will be required to go to the BZA before being converted to a tri-face billboard. The exception to this is a multi-poled billboard subject to the state requirements for billboards on controlled access highways. The state requires that, when a billboard is replaced, it must be replaced with a similar billboard. For example, a multi-poled billboard must be replaced with a multi-poled billboard. As a result, if the non-conformity of a billboard on a controlled access highway is only because it is on more than one pole and meets all separation requirements and is on road at least four lanes wide, the static billboard could be converted with the application of a permit.

STAFF RECOMMENDATION

Staff recommends disapproval of this bill. While a public notification process could be established for the conversion of a non-conforming static billboard to a tri-face billboard, the BZA would not be able to deny the sign based on impact to adjacent properties.

ORDINANCE NO. BL2012-109

An Ordinance amending Chapter 17.40 of the Metropolitan Code to add requirements in the conversion of nonconforming static billboards to tri-face billboards, all of which is more particularly described herein (Proposal No. 2012Z-006TX-001).

WHEREAS, tri-face billboards are potentially more distracting to motorists than static billboards, and have a more intensive impact on the

surrounding community; and

WHEREAS, the Metropolitan Council recognizes that Tennessee Code Annotated § 13-7-208 provides certain protections to non-conforming uses; and

WHEREAS, the Metropolitan Council desires to allow nonconforming static billboards to continue to be used as such in accordance with Tennessee Code Annotated § 13-7-208, but require the Board of Zoning Appeals to determine the appropriateness of the conversion of non-conforming static billboards to tri-face billboards.

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

Section 1. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.40.690 by adding the following provision as a new subsection at the end thereof:

"F. Prior to a nonconforming static billboard being altered, modified, converted, changed, or replaced to result in the billboard becoming a tri-face billboard as defined in section 17.04.060, the metropolitan board of zoning appeals shall determine that the conversion of the billboard will result in no greater negative impacts to adjacent property owners, subject to the provisions of Section 17.40.180.D."

Section 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Karen Johnson

Chairman McLean clarified that the Public Hearing was closed at the previous Planning Commission meeting, but Legal would present their findings regarding the similar Johnson City billboard case.

Mr. Sloan stated that he reviewed the Johnson City, Tennessee case involving the destruction and rebuild of a billboard by Lamar Advertising. This dealt with the application of T.S.A. 13.7.208 which is state statute that deals with grandfathering protections of nonconforming uses. Several billboards qualified in this case as protected uses under the grandfathering statute. It's up to the business owner to prove that they are protected under T.C.A. 13.7.208. The entire county was zoned so that billboards were not permitted anywhere, so every billboard existing within those boundaries were nonconforming uses. Lamar sought to take billboards down and replace them. That is protected under T.C.A. 13.7.208 under a section that says you are allowed to destroy and rebuild a nonconforming structure that has a nonconforming use as long as there is a business necessity. This does not allow a local government to deny that based on a greater adverse impact to the community. The ordinance before the Planning Commission is asking for a level of review that is not contemplated under T.C.A. 13.7.208. If a billboard is taken down and put back up within the parameters that are permitted under 13.7.208 (size, lighting, etc), then that is permitted as long as you can show a business necessity. In the Johnson City case, Lamar was able to show a business necessity because the court decided there was nowhere else in the county to put up a billboard, therefore that created a business necessity for Lamar to put the billboard back up with a second face added.

Mr. Sloan further clarified that the Johnson City case is somewhat similar to the one in this ordinance, but there are distinctions. Their decision was based on business necessity - whether or not they could prove that. What this ordinance seeks to do is determine its impact to the community, which is not contemplated in 13.7.208 as criteria that can be used to determine whether or not to grant the ability to rebuild.

Mr. Clifton inquired if the wording of the current proposed ordinance is not in keeping with state law.

Mr. Sloan stated that we would not be able to use those criteria to judge whether or not to grant a permit to rebuild a billboard. There are other issues that it could be judged by, however, just not the impact to the community.

Mr. Clifton inquired if a public notification process could be established, that it's not the concept of the ordinance as much as the wording.

Mr. Sloan affirmed that was correct. The process before the Planning Commission could be followed, but the BZA could not deny a permit based on impact to the community.

Mr. Clifton inquired if the BZA could evaluate on another basis.

Mr. Sloan stated yes, they would have to evaluate on whether or not there is a business necessity for that sign to go back at that location.

Mr. Bernhardt explained the rehearing process to Council Lady Johnson.

Mr. Clifton asked Mr. Sloan to read T.C.A. 13.7.208.

Mr. Sloan complied with Mr. Clifton's request and stated that local governments can not impose bulk restrictions on the site to billboards. A business necessity must be proven in order to destroy and replace a billboard.

Mr. Clifton inquired if a billboard's business necessity is to advertise.

Mr. Sloan stated that advertising would be the business. Whether it is necessary to conduct that business is going to be fact specific.

Mr. Ponder inquired if the East decision applies in this case.

Mr. Sloan stated that yes, it does apply.

Chairman McLean inquired if the Planning Commission passes this and Lamar files a lawsuit and this goes to court, is the court going to render its decision based on the East TN decision.

Mr. Sloan clarified that they would certainly take it into consideration.

Mr. Sloan stated that as an advisor to the Planning Commission and the Metro Government, he would suggest that the Commission follow the case law that is in place.

Mr. Adkins inquired if the ordinance would create another Public Hearing in front of the BZA.

Mr. Sloan stated yes, it would create another hearing in front of the BZA.

Mr. Adkins inquired if the BZA could ever rule against a billboard becoming a tri-face billboard based on greater negative impacts to adjacent business owners.

Mr. Sloan answered no, the BZA could not rule on that.

Chairman McLean inquired if there is a fee to go before the BZA?

Ms. Bernards stated that there is a \$250 fee and a five week process.

Councilmember Claiborne inquired if, under the current code, a billboard can be destroyed and built back with a different bulk (bigger).

Mr. Sloan stated that yes, it could possibly be built back bigger, but T.C.A. 13.7.208h discusses the specific parameters of the structure itself.

Mr. Ponder inquired if changing from a static billboard to a tri-face billboard changes the use.

Mr. Bernhardt clarified that there is no distinction in our ordinance between a single sided billboard and a tri-face billboard.

Mr. Ponder inquired legally why this should be disapproved.

Mr. Sloan stated that legally, this procedure could be created, but it would be a meaningless procedure because if the evaluation that the BZA is being asked to make is the increased adverse impact to the surrounding community, that is not a standard that they can deny a permit for. It would be approved if the evaluation is being made on that basis alone.

Councilmember Claiborne moved and Mr. Adkins seconded the motion to disapprove. (7-0)

Resolution No. RS2012-50

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

The Board of Zoning Appeals would not be able to deny a permit based on impact to adjacent properties.”

Subdivision: Final Plats

2. 2012S-019-001

BEAUMONT PLACE, RESUB LOT 37

Map 083-06, Parcel(s) 127

Council District 06 (Peter Westerholm)

Staff Reviewer: Brenda Bernards

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

Staff Recommendation: DEFER OR DISAPPROVE

The Metropolitan Planning Commission DEFERRED 2012S-019-001 to the March 22, 2012, Planning Commission meeting. (7-0)

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

Specific Plans

3. 2012SP-004-001

GALLATIN PIKE AUTO SALES

Map 051-11, Parcel(s) 072

Council District 08 (Karen Bennett)

Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning for property located at Gallatin Pike (unnumbered), approximately 1,590 feet north of Walton Lane (0.91 acres), to permit automobile sales (used), auto repair and all other uses permitted by the CS District, requested by Anthony Cherry, applicant, Sabah Badel and Ibrahim Suleiman, owners.

Staff Recommendation: APPROVE the SP WITH CONDITIONS and disapprove without all conditions

APPLICANT REQUEST

Permit vehicle sales and repair uses and all other uses permitted by CS district.

SP Development Plan

A request to rezone from Commercial Services (CS) to Specific Plan-Auto (SP-A) zoning for property located at Gallatin Pike (unnumbered), approximately 1,590 feet north of Walton Lane (0.91 acres), to permit automobile sales (used), auto repair and all other uses permitted by the CS District.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS N/A

MADISON COMMUNITY PLAN

Suburban Mixed Use Corridor (T3-CM)

T3 CM policy is intended to enhance suburban 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 suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit. *The specific policy for this area also "encourages" auto uses to relocate to the "Auto Mile" north of this site along Gallatin.*

Consistent with Policy?

Yes. The Suburban Mixed-Use (T3-CM) policy promotes a variety of land uses from residential to commercial including auto related uses. While the specific T3-CM policy for this site "encourages" auto related uses to relocate to the "Auto Mile", it would not prohibit approval of auto uses under all circumstances. The subject site is located at the rear of an existing used car lot, and will not be visible from Gallatin Pike. As it will not be visible from Gallatin Pike, it will have no noticeable impact on the corridor. It is more appropriate to permit the proposed auto use at this location rather than locating it elsewhere along the corridor or in another area where it may have a negative impact. There is a residential area west of the site; however, it is separated from the subject site by a railroad track.

PLAN DETAILS

The intent of this request is to permit used auto sale, auto repair and all other uses permitted in the Commercial Services zoning district. The subject property is located just west of Gallatin Pike. It does not have frontage along Gallatin Pike but is separated by another parcel. The property abuts a national veteran's cemetery to the south and a railroad track to the west. The property is a little under an acre in size and is currently undeveloped. This is a development plan only. Prior to the issuance of any permits, a final site plan must be approved by the Planning Department.

Site plan

The proposed site plan identifies a 208 square foot office, and associated parking. The proposed office building will be a modular building (trailer). The plan identifies 30 parking spaces. The plan identifies an existing tree canopy along the western and southern property line which is to remain. The plan also identifies a fence along the western and southern property lines. The minimum height of the fence is six feet. Access to the site will be from Gallatin Pike via a 20 foot access easement, which is depicted on the plan.

Staff Analysis

As stated above, this particular request can be considered consistent with the Suburban Mixed-Use Corridor land use policy. The only property that could potentially be impacted by this request is the cemetery to the south. As proposed the existing tree canopy is to remain along the south property line. The plan also calls for a solid fence to be located along the property line which will provide additional buffering. Staff recommends that a Standard B-Landscape buffer yard be provided along the southern property line in addition to the fence and existing vegetation. To soften the appearance of the proposal from the cemetery, staff is also recommending that the fence be located north of the buffer yard so that the area immediately adjacent to the cemetery is vegetated.

STORMWATER RECOMMENDATION Approve

PUBLIC WORKS RECOMMENDATION Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- All construction that is required to be completed in the public Right of Way a permit must be obtained from the Metro Public Works Permit office. Contact MPW Permit office at (615) 862-8782.
- Record or label recording document for "Proposed 20 foot Access and Utility Easement" on the plans.

STAFF RECOMMENDATION

Staff recommends approval with conditions. As proposed the request is consistent with the Suburban Mixed-Use Corridor land use policy.

CONDITIONS

1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, and all other uses permitted by the CS zoning district.
2. Prior to the approval of any final site plan, the proposed access easement shall be recorded with the Register of Deeds and the instrument number for the easement shall be shown on the final site plan.
3. Zoning Note No. 1 shall be deleted in its entirety and replaced with the following note: "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 CS zoning district as of the date of the applicable request or application."
4. A Standard B-Landscape buffer yard shall be required along the southern property line adjacent to the cemetery. Existing trees may be counted towards the planting requirements for the buffer yard.
5. The proposed fence along the southern property line shall be relocated to the north side of the required Standard B-Landscape buffer yard.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with conditions and disapproved without all conditions. (7-0), Consent Agenda

Resolution No. RS2012-51

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-004-001 is **APPROVED WITH CONDITIONS and disapproved without all conditions. (7-0)**

Conditions of Approval:

1. Permitted land uses within the SP shall be automobile sales (used), automobile repair, and all other uses permitted by the CS zoning district.

2. Prior to the approval of any final site plan, the proposed access easement shall be recorded with the Register of Deeds and the instrument number for the easement shall be shown on the final site plan.
3. Zoning Note No. 1 shall be deleted in its entirety and replaced with the following note: "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 CS zoning district as of the date of the applicable request or application."
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6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

The proposed SP is consistent with the T3 Suburban Mixed Use Corridor land use policy."

4. 2012SP-007-001

DOLLAR GENERAL

Map 096, Parcel(s) 059-060

Council District 14 (James Bruce Stanley)

Staff Reviewer: Greg Johnson

A request to rezone from SP-MU to SP-C zoning properties located at 541 and 551 Stewarts Ferry Pike, approximately 1,130 feet west of Lauer Drive (4.57 acres), and within the Floodplain Overlay District, to permit a 12,480 square foot retail use, replacing 20 townhomes and a 4,000 square foot warehouse previously approved, requested by Dale & Associates, applicant, Heritage Bank, owner.

Staff Recommendation: APPROVE WITH CONDITIONS and disapprove without all conditions

APPLICANT REQUEST

Permit retail uses

Preliminary SP

A request to rezone from Specific Plan – Mixed Use (SP-MU) to Specific Plan – Commercial (SP-C) zoning properties located at 541 and 551 Stewarts Ferry Pike, approximately 1,130 feet west of Lauer Drive (4.57 acres), and within the Floodplain Overlay District, to permit a 12,480 square foot retail use, replacing 20 townhomes and a 4,000 square foot warehouse previously approved.

Existing Zoning

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

Proposed Zoning

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

retail 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 CMC policy permits all types of retail uses, including the proposed retail use. CMC policy also includes design principles including recommendations for providing substantial landscaping along parking lot frontages and within parking areas and constructing sidewalk along property frontages. The site plan illustrates the intent to meet these design principles through the construction of sidewalk and the inclusion of landscaping along the street frontage and surrounding the parking areas.

The NCO policy is generally applied to environmentally-sensitive features. The site is bisected by the floodway boundary, which is the reason for the application of the NCO policy. A portion of the proposed development is located within the required floodway buffers, but not within the floodway or floodplain. The applicant will be required to receive approval from the Metro Stormwater Management Committee prior to developing within these buffers. The applicant proposes a significant number of tree plantings within the floodway buffers for mitigation of the proposed development.

PLAN DETAILS

Shown below is a table comparing currently-approved SP to the proposed SP in terms of the proposed impact of development.

	Current SP	Proposed SP	Percent change
Total Land Disturbance	2.826 acres	1.981 acres	30.0% reduction
Total Floor Area (FAR)	18,421 square feet	12,480 square feet	32.2% reduction
Total Impervious Area	1.668 acres	0.909 acres	45.5% reduction
Total Green Space	2.890 acres	3.649 acres	26.2% increase
Land uses	20 townhomes and 4,000 square feet of warehouse	12,480 square feet of retail	

In terms of land disturbance, FAR, and impervious area, the construction of the proposed SP would have less impact on the site than the approved SP. Although not calculated on the plan by the applicant, the proposed SP will have a smaller footprint in the floodway buffer than the approved SP.

Zoning History

In 2007, an SP was approved for this property for 20 townhomes and 4,000 square feet of warehouse space. That plan was not constructed. Although the current request is also for an SP zoning district, the requested commercial land uses are significantly different than the residential and warehouse uses proposed under the currently-approved SP. Prior to the currently-approved SP, the site was in the CS zoning district, which would have permitted the proposed retail use, subject to any necessary variances from the Stormwater Management Committee.

Existing Conditions and Site Plan

The site is currently vacant and vegetated. The front of the site, where development is proposed, is bisected by floodway. Under the proposed SP, a retail use is proposed that will occupy the front of the site along Stewarts Ferry Pike. One access driveway will connect the business to Stewarts Ferry Pike.

Floodway and Floodway Buffers

The proposed development is not within the floodway or floodplain. However, a portion of the proposed development is located within the floodway buffers. Development within the floodway buffers is not permitted by Metro Stormwater regulations. The applicant has applied for a variance to the Metro Stormwater Management Committee to permit development within the floodway buffers. A similar variance was approved by the Stormwater Management Committee with the previous SP from 2007. The current SP proposal would require a smaller buffer encroachment than what was approved under the currently-approved SP. The applicant proposes substantial tree planting within the buffer as mitigation to the disturbance of the floodway buffers.

Street Frontage

Two rows of parking are shown along the street frontage with additional parking along the side and rear of the proposed retail building. To

be consistent with the CMC land use policy, the applicant proposes a significant amount of landscaping along the Stewarts Ferry Pike street frontage to provide visual and physical separation between the parking area and the street frontage.

Greenway Easement

The site is identified by the Donelson-Hermitage Community Plan as a possible location for a greenway along McCrory Creek. The applicant has added a note to the plan requiring the dedication of a greenway easement along the creek with the final plat.

Signage

A signage plan and signage standards were not addressed in the SP proposal. The retail use will likely include a proposal for a ground sign. Any ground signs for the proposed use shall have a maximum height of 6 feet with a maximum display surface area of 36 square feet.

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 left turn lane by extending existing left turn lane on Stewarts Ferry Pike past proposed access drive with transitions per Manual on Uniform Traffic Control Devices (MUTCD) and American Association of State Highway and Transportation Officials (AASHTO) standards.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	4.57	-	20 U	245	14	29

Maximum Uses in Existing 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
Self-Storage Facility (151)	4.57	-	4,000 SF	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (817)	4.57	-	12,480 SF	572	18	52

Traffic changes between maximum: **SP-MU** and proposed **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+317	+3	+21

METRO STORMWATER RECOMMENDATION

- Show undisturbed buffers (or provide variance).
- Add Buffer Note to plans:
(The buffer along waterways will be an area where the surface is left in a natural state, and is not disturbed by construction activity. This is in accordance with the Stormwater Management Manual Volume 1 - Regulations.)
- 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.)

STAFF RECOMMENDATION

Staff recommends approval with conditions of the SP request. The proposed retail use is consistent with the CMC zoning district. Although some development is proposed within the NCO policy, development must receive approval from the Metro Stormwater Management Committee to permit construction within the floodway buffers.

CONDITIONS

1. Ground signs shall have a maximum height of 6 feet and a maximum display area of 36 square feet.
2. The proposal shall comply with comments listed above from Metro Public Works and Metro Stormwater.
3. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
4. This SP shall permit retail uses only.

5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. 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.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions and disapproved without all conditions. (7-0), Consent Agenda

Resolution No. RS2012-52

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-007-001 is APPROVED WITH CONDITIONS and disapproved without all conditions. (7-0)

Conditions of Approval:

1. Ground signs shall have a maximum height of 6 feet and a maximum display area of 36 square feet.
2. The proposal shall comply with comments listed above from Metro Public Works and Metro Stormwater.
3. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works.
4. This SP shall permit retail uses only.
5. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUL zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. 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.
8. 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 proposed SP is consistent with the Commercial Mixed Concentration land use policy.”

Zone Changes

5a. 2012Z-007PR-001

PERCY PRIEST DRIVE

Map 097-13, Part of Parcel(s) 034
Council District 13 (Josh Stites)
Staff Reviewer: Jason Swaggart

A request to rezone from the CL to CS district for a portion of property located at Percy Priest Drive (unnumbered), approximately 1,075 feet west of Bell Road (3.36 acres), requested by Klobber Engineering Services, applicant, for MDREA, Inc., owner. (See also Planned Unit Development Overlay Case # 155-74P-003).

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED INDEFINITELY 2012Z-007PR-001 at the request of the applicant. (7-0)

5b. 155-74P-003

LARCHWOOD

Map 097-13, Part of Parcel(s) 034
Council District 13 (Josh Stites)
Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Larchwood Commercial Planned Unit Development Overlay District located on a portion of property at Percy Priest Drive (unnumbered), approximately 1,075 feet west of Bell Road (3.36 acres), zoned CL and proposed for CS, requested by Klobber Engineering Services, applicant, for MDREA Inc., owner. (See also Zone Change Proposal No. 2012Z-007PR-001).

Staff Recommendation: DISAPPROVE

The Metropolitan Planning Commission DEFERRED INDEFINITELY 155-74P-003 at the request of the applicant. (7-0)

6a. 2012Z-008PR-001

TINNIN ROAD

Map 007, Parcel(s) 221
Council District 10 (Doug Pardue)
Staff Reviewer: Greg Johnson

A request to rezone from the RM4 to R40 district property located at Tinnin Road (unnumbered), approximately 750 feet north of Springfield Highway (1.42 acres), requested by Dale & Associates, applicant, for Magnolia Station Homeowners Association Inc., owner. (See also Planned Unit Development Overlay Proposal No. 2002P-002-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST

Zone change from multi-family to one and two family residential uses and cancel a portion of a PUD, and amend the remainder of the PUD to relocate open space.

Zone change

A request to rezone from Multi-Family Residential (RM4) to One and Two Family Residential (R40) district property located at Tinnin Road (unnumbered), approximately 750 feet north of Springfield Highway (1.42 acres).

Amend and Cancel a portion of PUD

A request to cancel a portion of the Magnolia Station Residential Planned Unit Development District Overlay on property located at Tinnin Road (unnumbered) and to amend a portion of the PUD located at 1900 Tinnin Road, approximately 750 feet north of Springfield Highway (6.26 acres), to delete six unbuilt dwelling units and convert the area shown for those dwelling units to open space within the PUD, and to delete a different 1.42 acres of open space land from the PUD (parcel 221).

Existing Zoning

RM4 is intended for single-family, duplex, and multi-family dwellings at a density of up to four dwelling units per acre.

Proposed Zoning

R40 District requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of up to 1.16 dwelling units per acre including 25 percent duplex lots.

CRITICAL PLANNING GOALS

N/A

PARKWOOD-UNION HILL COMMUNITY PLAN

Residential Low (RL)

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Consistent with Policy?

Yes. The proposed R40 zoning district and the associated PUD amendment are consistent with the density requirements for the RL land use policy.

REQUEST DETAILS

The applicant requests include:

1. Cancellation of a portion (1.42 acres) of the Magnolia Station Residential PUD, which currently serves as the required open space for the PUD.
2. Changing the zoning district of the cancelled portion from the RM4 to the R40 zoning district.
3. Amending the remaining PUD layout to place the required open space on a portion of the PUD that was previously planned for six attached residential dwelling units.

PUD proposal

The Magnolia Station PUD was originally approved in 2002, for 24 attached residential units (townhomes). After the original approval, it was revised to reduce the total to 20 units. To date, 14 units have been constructed. The PUD amendment will further reduce the total number of permitted dwelling units within the PUD from 20 to the existing 14 units. Other than the cancellation of a portion of the PUD and the conversion of six approved dwelling units to open space, no other changes to the PUD are proposed.

Zone Change

As described above, the proposed zone change will be consistent with the Residential Low land use policy in terms of the permitted residential density. R40 requires a minimum lots size of 40,000 square feet to permit development.

ANALYSIS

The proposed PUD amendment and cancellation do not compromise the intent of the original PUD approval. The existing 14 residential units follow the layout of the original approval. The open space approved under the original plan (the area that is requested for cancellation) has a relatively weak connection to the remainder of the PUD. A formal walkway was never constructed to provide access to the open space. The revised open space location will have a stronger relationship to the residential units within the PUD.

STORMWATER RECOMMENDATION

Cancellation & Amendment approved

PUBLIC WORKS RECOMMENDATION

No exception taken

Maximum Uses in Existing Zoning District: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Open Space ()	1.42	-	0*	0	0	0

*Regulated by PUD Overlay

Maximum Uses in Proposed Zoning District: **R40**

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)	1.42	1.16 D	2 U	20	2	3

Traffic changes between maximum: **RM4** and proposed **R40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+20	+2	+3

SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Goodlettsville Elementary School, Goodlettsville Middle School, or Hunters Lane High School. Of these, Goodlettsville Elementary School and Goodlettsville Middle School have been identified as being over capacity by the Metro School Board. There is capacity for elementary and middle school students within the cluster. This information is based upon data from the school board last updated October 2011.

STAFF RECOMMENDATION

Staff recommends approval of the zone change because it is consistent with the RL land use policy. Staff recommends approval of the PUD amendment and cancellation because these do not change the intent of the PUD as it was originally approved. Staff recommends disapproval of the PUD amendment if staff conditions are not included.

PUD CONDITIONS

1. All Conditions of BL2002-1081 shall continue to apply where applicable.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved (7-0), Consent Agenda

[Note: Items #6a and #6b were discussed by The Metropolitan Planning Commission together. See Item #6b for actions and resolutions.]

6b. 2002P-002-001

MAGNOLIA STATION

Map 007, Parcel(s) 221

Map 007-14-0-B, Parcel(s) 012-017

Council District 10 (Doug Pardue)

Staff Reviewer: Greg Johnson

A request to cancel a portion of the Magnolia Station Residential Planned Unit Development District Overlay on property located at Tinnin Road (unnumbered) and to amend a portion of the PUD located at 1900 Tinnin Road, approximately 750 feet north of Springfield Highway (6.26 acres), to delete six dwelling units and convert the area shown for those dwelling units to open space within the PUD and to delete 1.42 acres of open space land from the PUD (parcel 221), zoned RM4 and with a portion proposed for R40 zoning, requested by Dale & Associates, applicant, for Magnolia Station Homeowners Association Inc., owner. (See also Zone Change Proposal No. 2012Z-008PR-001).

Staff Recommendation: APPROVE WITH CONDITIONS and disapprove without all conditions

APPLICANT REQUEST

Zone change from multi-family to one and two family residential uses and cancel a portion of a PUD, and amend the remainder of the PUD to relocate open space.

Zone change

A request to rezone from Multi-Family Residential (RM4) to One and Two Family Residential (R40) district property located at Tinnin Road (unnumbered), approximately 750 feet north of Springfield Highway (1.42 acres).

Amend and Cancel a portion of PUD

A request to cancel a portion of the Magnolia Station Residential Planned Unit Development District Overlay on property located at Tinnin Road (unnumbered) and to amend a portion of the PUD located at 1900 Tinnin Road, approximately 750 feet north of Springfield Highway (6.26 acres), to delete six unbuilt dwelling units and convert the area shown for those dwelling units to open space within the PUD, and to delete a different 1.42 acres of open space land from the PUD (parcel 221).

Existing Zoning

RM4 is intended for single-family, duplex, and multi-family dwellings at a density of up to four dwelling units per acre.

Proposed Zoning

R40 District requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of up to 1.16 dwelling units per acre including 25 percent duplex lots.

CRITICAL PLANNING GOALS

N/A

PARKWOOD-UNION HILL COMMUNITY PLAN

Residential Low (RL)

RL policy is intended to conserve large areas of established, low density (one to two dwelling units per acre) residential development. The predominant development type is single-family homes.

Consistent with Policy?

Yes. The proposed R40 zoning district and the associated PUD amendment are consistent with the density requirements for the RL land use policy.

REQUEST DETAILS

The applicant requests include:

4. Cancellation of a portion (1.42 acres) of the Magnolia Station Residential PUD, which currently serves as the required open space for the PUD.
5. Changing the zoning district of the cancelled portion from the RM4 to the R40 zoning district.
6. Amending the remaining PUD layout to place the required open space on a portion of the PUD that was previously planned for six attached residential dwelling units.

PUD proposal

The Magnolia Station PUD was originally approved in 2002, for 24 attached residential units (townhomes). After the original approval, it was revised to reduce the total to 20 units. To date, 14 units have been constructed. The PUD amendment will further reduce the total number of permitted dwelling units within the PUD from 20 to the existing 14 units. Other than the cancellation of a portion of the PUD and the conversion of six approved dwelling units to open space, no other changes to the PUD are proposed.

Zone Change

As described above, the proposed zone change will be consistent with the Residential Low land use policy in terms of the permitted residential density. R40 requires a minimum lots size of 40,000 square feet to permit development.

ANALYSIS

The proposed PUD amendment and cancellation do not compromise the intent of the original PUD approval. The existing 14 residential units follow the layout of the original approval. The open space approved under the original plan (the area that is requested for cancellation) has a relatively weak connection to the remainder of the PUD. A formal walkway was never constructed to provide access to the open space. The revised open space location will have a stronger relationship to the residential units within the PUD.

STORMWATER RECOMMENDATION

Cancellation & Amendment approved

PUBLIC WORKS RECOMMENDATION

No exception taken

Maximum Uses in Existing Zoning District: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Open Space ()	1.42	-	0*	0	0	0

*Regulated by PUD Overlay

Maximum Uses in Proposed Zoning District: **R40**

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)	1.42	1.16 D	2 U	20	2	3

Traffic changes between maximum: **RM4** and proposed **R40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+20	+2	+3

SCHOOL BOARD REPORT

Schools Over/Under Capacity

Students would attend Goodlettsville Elementary School, Goodlettsville Middle School, or Hunters Lane High School. Of these, Goodlettsville Elementary School and Goodlettsville Middle School have been identified as being over capacity by the Metro School Board. There is capacity for elementary and middle school students within the cluster. This information is based upon data from the school board last updated October 2011.

STAFF RECOMMENDATION

Staff recommends approval of the zone change because it is consistent with the RL land use policy. Staff recommends approval of the PUD amendment and cancellation because these do not change the intent of the PUD as it was originally approved. Staff recommends disapproval of the PUD amendment if staff conditions are not included.

PUD CONDITIONS

1. All Conditions of BL2002-1081 shall continue to apply where applicable.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Approved with conditions and disapproved without all conditions (7-0), Consent Agenda

Resolution No. RS2012-53

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-008PR-001 is **APPROVED. (7-0)**

The proposed R40 zoning district is consistent with the Residential Low land use policy."

Resolution No. RS2012-54

"BE IT RESOLVED by The Metropolitan Planning Commission that 2002P-002-001 is **APPROVED WITH CONDITIONS and disapproved without all conditions. (7-0)**

Conditions of Approval:

1. All Conditions of BL2002-1081 shall continue to apply where applicable.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
5. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is

not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

The proposed PUD amendment and cancellation does not change the intent of the PUD as it was originally approved. The amendment will place the required open space within closer proximity to the residential units within the PUD.”

J. PLANNING COMMISSION ACTIONS

No Cases on this Agenda

K. OTHER BUSINESS

7. Historic Zoning Commission Report
8. Board of Parks and Recreation Report
9. Executive Committee Report
10. Executive Director Report
11. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

March 8, 2012

MPC Meeting

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

March 22, 2012

MPC Meeting

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

April 5, 2012

Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane

Topic: Antioch/Priest Lake Community Plan

April 12, 2012

MPC Meeting

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

April 16, 2012

Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane

Topic: Economic Development & Retail Centers

April 19, 2012

Community Meeting

3pm, Southeast Branch Library, 2325 Hickory Highlands Drive

Topic: Hands-On Design Workshop

April 24, 2012

MPC Meeting

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

M. ADJOURNMENT

The meeting was adjourned at 5:00 p.m.

Chairman

Secretary