



# METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, May 10, 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  
Stewart Clifton  
Judy Cummings  
Phil Ponder  
Greg Adkins  
Jeff Haynes  
Councilmember Phil Claiborne

### Staff Present:

Rick Bernhardt, Executive Director  
Doug Sloan, Assistant Executive Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Dennis Corrieri, Planning Technician I  
Bob Leeman, Planning Manager II  
Joni Priest, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Brian Sexton, Planner I

### Commissioners Absent:

Hunter Gee, Derrick Dalton, and Andree LeQuire

**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

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

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

## Writing to the Commission

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

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

## Speaking to the Commission

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

## Legal Notice

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



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](mailto: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**

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## **A. CALL TO ORDER**

The meeting was called to order at 4:12 p.m.

## **B. ADOPTION OF AGENDA**

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

## **C. APPROVAL OF APRIL 24, 2012 MINUTES**

Mr. Ponder moved and Mr. Haynes seconded the motion to approve the April 24, 2012 minutes. (6-0)

## **C. RECOGNITION OF COUNCILMEMBERS**

No Councilmembers were in attendance.

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

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### **1. 2012Z-004TX-001**

**SIGNS: BUILDING SIGN CONSISTENCY**

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

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## **F. CONSENT AGENDA**

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

### **2. 2010SP-022-003**

**CARMAX RIVERGATE**

### **5. 2012NL-001-001**

**609 AND 611 WEDGEWOOD**

### **6. 111-79P-001**

**BELL FORGE SHOPPING CENTER**

### **7. 2012S-036-001**

**WHERRY SUBDIVISION**

### **8. 2012S-048-001**

**SEVENTH DAY ADVENTIST AND TENNESSEE CHRISTIAN MEDICAL CENTER SUBDIVISION**

### **9. 2012S-051-001**

**ARMSTRONG ACRES SUBDIVISION**

### **10.** Planning Commission acknowledgment of the resignation of three members of the 31<sup>st</sup> Avenue and Long Boulevard UDO Design Review Committee, and the approval of three new members: Meridith Krebs, Greg Tidwell, and a representative of Third Coast Design Studio.

### **11.** Amendment to the grant between the MPC (on behalf of the MPO) to reflect an increase in grant budget amount.

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

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## **G. PREVIOUSLY DEFERRED ITEMS**

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The items below were deferred from a previous Planning Commission meeting at the request of the applicant or by the commissioners. For Community Plan Policy items, see H. Community Plan Policy Changes and Associated Cases.

## No Cases on this Agenda

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### **H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES**

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The Planning Commission will make the final decision on a Community Plan Amendment. The Commission will make a recommendation to the Metro Council on any associated cases(s). The Metro Council will make the final decision to approve or disapprove the associated case(s).

## No Cases on this Agenda

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### **I. RECOMMENDATIONS TO METRO COUNCIL**

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

#### **1. 2012Z-004TX-001**

BL2012-107/JOHNSON

##### **SIGNS: BUILDING SIGN CONSISTENCY**

Council District 29 (Karen Johnson)

Staff Reviewer: Jennifer Regen

A request to amend the Metro Zoning Code, Section 17.40.500.E (Modification to Building Signs within Multi-Tenant Developments) to require building signs to be consistent with other signage on the property as to materials, lighting, and size, requested by Councilmember Karen Johnson.

**Staff Recommendation: DISAPPROVE**

Deferred to the June 14, 2012 Planning Commission Meeting at the request of the applicant. (6-0)

## Specific Plans

#### **2. 2010SP-022-003**

##### **CARMAX RIVERGATE**

Map 026-12, Parcel(s) 006-007

Council District 10 (Doug Pardue)

Staff Reviewer: Jason Swaggart

A request to rezone from CS to SP-A zoning and for final site plan approval for properties located at 2355 and 2372 Gallatin Pike, approximately 800 feet east of Riverchase Boulevard, to permit auto sales (used), automobile repair, automobile services and automobile parking (2.33 acres ) requested by Barge, Waggoner, Sumner & Cannon Inc., applicant, Hulda B. Downs (heirs John Downs, Allen Downs) and John Allardice, owners.

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

##### **APPLICANT REQUEST**

**Zone change to permit used automobile sales and final site plan**

##### SP Development Plan

A request to rezone from Commercial Services (CS) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for properties located at 2355 and 2372 Gallatin Pike, approximately 800 feet east of Riverchase Boulevard, to permit auto sales (used) (2.33 acres ).

##### 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) 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.

### Consistent with Policy?

Yes. The T3 CM policy promotes a variety of land uses from residential to commercial including auto related uses. In addition to the overall policy supporting the proposed SP, the subject site is within an area that the policy refers as the "motor mile". The policy specifically encourages auto related uses to be located within this area.

## **PLAN DETAILS**

This request is to permit a Specific Plan (SP) zoning for used car sales. The specific request is for development plan and final site plan approval. The development plan must be approved by Council; however, the final site plan only requires Planning Commission approval.

The request is not for a new facility but is an extension of the existing CarMax SP district. The existing CarMax SP was approved by the Planning Commission in 2011. The final site plan was also approved in 2011, and the site has been developed according to the plan. The proposed amendment would increase the area of the existing CarMax by 2.33 acres for a total of 17.37 acres. The area for the extension consists of two properties currently zoned CS. The properties are relatively flat. One property is vacant and one property contains a single-family home.

### Site plan

The site plan identifies the existing CarMax as well as the proposed extension. The extension consists of parking and staging area. Additional parking provided in the extension area consists of 70 spaces increasing the overall parking from 228 to 298 spaces. The plan also calls for a sidewalk along Gallatin Pike.

### Analysis

As proposed there are no major issues with the request. The proposed use is consistent with uses found in the currently designated T-3 Suburban Mixed-Use land use policy and the SP district being expanded. Since the development plan requires Council approval, any approval of the final site plan shall be conditioned upon Council approval.

## **STORMWATER RECOMMENDATION**

Approve development plan and approve with conditions final site plan

1. Provide the Grading Permit fee of \$875. Provide maintenance / easement documents, exhibit sheet, and recording fees.
2. Add correct parcel identification number to the plan.
3. Provide NOC.
4. Show more clearly the existing storm infrastructure (onsite and along ROW).
5. Show matting proposed on all 3:1 slopes or steeper. Also add a matting detail.
6. Provide more TOW / BOW elevations (for the wall next to the staging area).
7. The Hydraflow Plan View does not match the storm layout for the pond / road network. Also, the runoff coefficients appear low.
8. Provide more information for the Gallatin Pike road / storm system (spread for Gallatin, how existing ditches and pipes are being accounted for, etc.). While spread may be less than 8', it is still suggested to add inlets.
9. Why is bypass flows shown for inlet 7?
10. For the detention pond calculations, post hydrographs, routed hydrographs, and pond report information was not observed.
11. The water quality pond short circuits. Redesign with greater distances between the headwall and the outlet structure.
12. For the Rv calculation, the impervious percentage is low. Provide a breakdown.
13. H-Ho based on the detail looks to be 2.25', not 2.4'.
14. Add a grate to the top of the outlet structure.

## **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.
- If any construction is required to be completed in the public Right of Way then a permit must be obtained from the Metro Public Works Permit office.
- Add note to remove existing driveway ramps on Gallatin Road and replace with sidewalk.

## STAFF RECOMMENDATION

Staff recommends approval with conditions of the development plan and final site plan. As proposed the request is consistent with the T3 Suburban Mixed-Use Corridor land use policy.

## CONDITIONS

1. Permitted land uses within the SP shall be automobile sales (used).
2. Final site plan approval shall be conditioned upon Council approval of the Development plan.
3. 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 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.
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. 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 the SP with conditions and disapproved without all conditions. (6-0); Consent Agenda

### Resolution No. RS2012-88

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010SP-022-003 is **APPROVED with conditions and disapproved without all conditions. (6-0)**"

**The request is consistent with the T3 Suburban Mixed-Use Corridor land use policy.**

## **CONDITIONS:**

- 1. Permitted land uses within the SP shall be automobile sales (used).**
  - 2. Final site plan approval shall be conditioned upon Council approval of the Development plan.**
  - 3. 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 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.**
  - 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. 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.**
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### 3. 2012SP-010-001

#### 2849 LOGAN STREET

Map 119-09, Parcel(s) 202

Council District 16 (Tony Tenpenny)

Staff Reviewer: Brian Sexton

A request to rezone from Specific Plan – Auto (SP-A) for a 7,500 square foot facility to Specific Plan – Auto (SP-A) zoning for a 4,000 square foot facility for property located at 2849 Logan Street, approximately 505 feet north of Thompson Lane (0.31 acres) to permit automobile repair and service, requested by Dale & Associates, applicant, Fahmy W. Ateyya, owner.

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

#### APPLICANT REQUEST

**SP request to replace the approved SP for auto-related uses with a new SP for auto-related uses.**

#### Preliminary SP

A request to rezone from Specific Plan – Auto (SP-A) for a 7,500 square foot facility to Specific Plan – Auto (SP-A) zoning for a 4,000 square foot facility for property located at 2849 Logan Street, approximately 505 feet north of Thompson Lane (0.31 acres) to permit automobile repair and service.

#### Existing 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 in a 7,500 square foot facility.

#### 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 in a 4,000 square foot facility.

#### CRITICAL PLANNING GOALS

N/A

#### SOUTH NASHVILLE COMMUNITY PLAN

##### General Policy

Neighborhood Urban (NU) is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

##### Specific policy

Mixed Housing (MH) is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street. This site is located within the Nolensville Pike Corridor Detailed Neighborhood Design Plan boundary.

#### Consistent with Policy?

While the requested SP district is not consistent with the areas predominant residential policy, the request is consistent with area's commercial and light industrial development pattern. The property is currently zoned for an auto use and is surrounded by commercial, office, and light industrial uses along Logan Street. When this policy is updated in the future, staff will recommend changing the policy to reflect the area's commercial and light industrial development pattern with which this SP is consistent.

#### PLAN DETAILS

In 2007, the Metro Planning Commission approved an SP on this property for a 7,500 square foot automobile repair and service facility. The facility was never constructed and the property is undeveloped. While the uses are similar, the new property owner is proposing a different layout and building footprint. This SP request proposes a 4,000 square foot automobile repair and service facility. The plan calls for a total of 16 parking spaces which meets the Zoning Code requirement for parking. Primary access to the site continues to be from Logan Street. The proposed facility has four garage bays that front the interior parking area on the north side of the building. A list of building materials was not submitted and will be required prior to Final Site Plan approval for this development. Prohibited building materials will include unfinished concrete blocks, plywood, and aluminum.

#### Landscaping/Sidewalks

While the proposed plan shows a variety of canopy trees and shrubs along the perimeter of the property and onsite, adequate landscape details were not submitted. Prior to Final Site Plan approval, adequate landscape details shall be submitted to staff for

review. A seven foot right of way reservation and five foot sidewalk is proposed along the property frontage. Prior to the issuance of Use and Occupancy permits, the sidewalk shall be constructed and accepted by Metro Public Works.

The proposed plan also shows a physical separation between the front parking area and the street in the form of a knee wall. The proposed knee wall has a maximum height of two feet. A list of building materials for the knee wall was not submitted and will be required prior to Final Site Plan approval for this development. The knee wall shall be constructed of concrete, stone, split-face masonry or other similar material. Pillars with wrought iron or similar material between the pillars are also permitted.

#### Signage

The plan proposes one monument sign along Logan Street. Adequate sign details for the monument sign were not included in this SP. Sign elevations will need to be submitted with the Final Site Plan for review and approval by staff. All signage shall be monument style or wall mounted. Monument signs shall have maximum sign area of 48 square feet, and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of a driveway. Wall mounted building signs shall have a maximum sign area of 48 square feet. Pole signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

#### Future Development

In order to provide flexibility for future redevelopment in an Auto SP district, future redevelopment within the district shall meet the standards of a mixed use zoning district consistent with the general plan. Minor modifications to the approved site plan may still be approved by the Planning Commission, but new construction shall generally be subject to the prescribed mixed use district. A note shall be added to the site plan that states:

"Auto related uses shall be consistent with the approved site plan. Minor modifications to the site plan may be approved by the Planning Commission including changes in use, but shall be subject to the standards, regulations and requirements of the MUL zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission."

#### **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. With the final SP and/or construction plans the following will be required:
- With the construction drawings a right of way dedication may be required to fully encompass the public sidewalk. The construction drawings should include the following ROW elements 20' minimum pavement width, curb and gutter, four foot grass strip and five foot sidewalk.
- Show curb and gutter on plans with edge of the gutter at the existing EOP.
- Detail for how the existing roadside ditch is to be relocated, coordinate with MPW and MWS.
- Add details ST-200, ST-210, and either ST-24 or ST-325.

#### **FIRE RECOMMENDATION**

- No part of any building shall be more than 500 feet from a fire hydrant via an approved hard surface road - Metro Ordinance 095-1541 Sec: 1568.020 B. Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1.

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions of the preliminary SP and disapproval of the preliminary SP without all conditions of approval. The proposed SP is consistent with area's commercial and light industrial development pattern.

#### **CONDITIONS**

1. Permitted land uses within the SP shall be limited to automobile repair and service.
2. Prior to Final Site Plan approval, a list of building materials shall be submitted. Prohibited building materials include unfinished concrete blocks, plywood, and aluminum.
3. Prior to Final Site Plan approval, adequate landscape details shall be submitted, including specific species types for landscaping shown on the plan.
4. Prior to the issuance of a Use and Occupancy permit, a sidewalk shall be constructed and accepted by Metro Public Works.
5. Prior to Final Site Plan approval, a list of materials for a knee wall shall be submitted. The knee wall shall be constructed of concrete, stone, split-face masonry or other similar material. Pillars with wrought iron or similar material between the pillars are also permitted.
6. Prior to final site plan approval, adequate sign details shall be submitted. All signage shall be monument style or wall mounted. Monument signs shall have maximum sign area of 48 square feet, and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of a driveway. Wall mounted building signs shall have a maximum sign area of 48



square feet. Pole signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

7. The following note shall be added to the site plan: Auto related uses shall be consistent with the approved site plan. Minor modifications to the site plan may be approved by the Planning Commission including changes in use, but shall be subject to the standards, regulations and requirements of the MUL zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.
8. 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.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

Dr. Cummings arrived at 4:21 p.m.

Roy Dale, representing applicant, spoke in support of the proposal.

Tim Schuett, 2971 Jim Warren Road, spoke against the proposal.

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

Councilmember Claiborne spoke in support of the proposal.

Mr. Ponder spoke in support of the proposal.

Mr. Clifton spoke in support of the proposal.

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

#### **Resolution No. RS2012-89**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-010-001 is APPROVED with conditions and disapproved without all conditions. (7-0)"**

**The proposed SP is consistent with the area's commercial and light industrial development pattern.**

#### **CONDITIONS:**

- 1. Permitted land uses within the SP shall be limited to automobile repair and service.**
- 2. Prior to Final Site Plan approval, a list of building materials shall be submitted. Prohibited building materials include unfinished concrete blocks, plywood, and aluminum.**
- 3. Prior to Final Site Plan approval, adequate landscape details shall be submitted, including specific species types for landscaping shown on the plan.**
- 4. Prior to the issuance of a Use and Occupancy permit, a sidewalk shall be constructed and accepted by Metro Public Works.**
- 5. Prior to Final Site Plan approval, a list of materials for a knee wall shall be submitted. The knee wall shall be constructed of concrete, stone, split-face masonry or other similar material. Pillars with wrought iron or similar material between the pillars are also permitted.**

6. Prior to final site plan approval, adequate sign details shall be submitted. All signage shall be monument style or wall mounted. Monument signs shall have maximum sign area of 48 square feet, and shall not exceed six feet in height or three feet in height if any portion of the sign is located within 15 feet of a driveway. Wall mounted building signs shall have a maximum sign area of 48 square feet. Pole signs are not permitted. In addition to signs prohibited by Section 17.32.050 of the Metro Zoning Ordinance, prohibited signs include roof mounted signs, pole mounted signs, billboards, and signs that flash, rotate, scintillate, blink, flicker or vary in intensity or color, including all electronic signs.

7. The following note shall be added to the site plan: Auto related uses shall be consistent with the approved site plan. Minor modifications to the site plan may be approved by the Planning Commission including changes in use, but shall be subject to the standards, regulations and requirements of the MUL zoning district. Expansions of 25 percent of the total floor area of the originally approved final site plan or total redevelopment shall meet the standards, regulations and requirements for the MUL zoning district. Minor modifications may require a new final site plan and expansions of 25 percent of the total floor area of the approved site plan or total redevelopment shall require that a final site plan be approved by the Planning Commission.

8. 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.

9. 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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## **Planned Unit Developments**

### **4. 98P-007-004**

#### **SEVEN SPRINGS (AMENDMENT #4)**

Map 160, Parcel(s) 244

Council District 04 (Brady Banks)

Staff Reviewer: Greg Johnson

A request to amend a portion of the Seven Springs Planned Unit Development Overlay District for property located at 300 Seven Springs Way, approximately 575 feet north of Old Hickory Boulevard (7.76 acres), zoned OR40, to permit 280 multi-family units where 125,000 square feet of office space was previously approved, requested by Barge Cauthen & Associates, applicant, for Seven Springs Associates, owner.

**Staff Recommendation: DISAPPROVE**

#### **APPLICANT REQUEST**

**PUD Amendment to replace office uses with multi-family units**

#### PUD Amendment

A request to amend a portion of the Seven Springs Planned Unit Development Overlay District for property located at 300 Seven Springs Way, approximately 575 feet north of Old Hickory Boulevard (7.76 acres), zoned Office/Residential (OR40), to permit 280 multi-family units where 125,000 square feet of office space was previously approved.

#### Existing Zoning

Office/Residential (OR40) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre.

Seven Springs Planned Unit Development (PUD) overlay – The Seven Springs PUD includes office, retail, and residential land uses. This specific site is currently approved for a four story, 125,000 square foot office building.

#### **CRITICAL PLANNING GOALS**

N/A

#### **SOUTHEAST COMMUNITY PLAN**

Office Concentration (OC) policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (RMH density) are also an appropriate secondary use.

### Consistent with Policy?

Yes. Multi-family residential development is appropriate within OC policy to support nearby office uses. The Seven Springs PUD contains several office uses and recently received final PUD approval for approximately 200,000 square feet of additional office space.

### **REQUEST DETAILS**

#### History

This PUD was originally approved by Council in 1999 and was amended in 2004, 2009, and 2011. In addition to residential buildings, the PUD approval includes approximately 1.2 million square feet of office and retail space on several lots. The proposed plan seeks to amend a portion of the Seven Springs PUD to permit additional residential units beyond the number last approved by Council.

Currently, the only approved residential development within the PUD is located to the south of the site along the eastern boundary of the PUD. Two residential buildings were approved in 2004. In 2011, the number of permitted residential units increased 144 to 216. To date, 72 dwelling units have been constructed within the PUD.

#### Layout

This PUD amendment will add 280 dwelling units within the PUD. The site plan includes two four-story residential buildings. Access to the site is proposed from two locations: from the terminus of Seven Springs Way, which extends into the site from Old Hickory Boulevard; and from a shared driveway along the west property line of the site. Both access points to the site are private access drives. This proposal will not add new street or driveway connections directly to adjacent public streets. The proposal complies with requirements of the Zoning Code for the OR40 base zoning district. Parking associated with the proposed dwellings units is shown on the plan. All required parking spaces are shown. Additionally, the residential density is within the maximum 40 dwelling units per acre.

#### Amendments

Two elements within the proposal require Council approval through a PUD amendment application: 1) The addition of residential units 2) Changes to the building height requirements of the PUD.

As described above, any increase in residential units requires a PUD amendment. In addition, this PUD amendment proposes to alter a building height setback line within the PUD. The Seven Springs PUD was originally approved with building height setback lines that were intended to permit shorter buildings within the PUD adjacent to residential development outside of the PUD, and taller buildings located farther away from residential development. The two four-story buildings shown on the plan are primarily within the area of the PUD that permits four-story buildings. However, a portion of both buildings is located within an area of the PUD that permits a maximum height of three stories. To account for crossing this setback line, the applicant proposes to move the line farther to the north and to redefine that line to permit a maximum height of 57 feet instead of the previous definition of four stories. The proposed increase in the number of residential units and the proposal to change the building height setback lines are the elements that require Council approval.

The site is located along Seven Springs Way as it turns from a private north-south street that connects to Old Hickory Boulevard into an east-west private street internal to the PUD. Amendments to this PUD after the initial Council approval have tended to promote more pedestrian-friendly street and building design.

### **ANALYSIS**

The disapproval recommendation from Planning staff is based on two aspects of the site plan:

- 1) The height of the proposed buildings, which creates the need to amend the building height
- 2) The lack of consistency between the proposed site layout and the approved PUD plan in its pedestrian-friendly layout.

The building height requirements were an important element of the original PUD approval to address the concerns of surrounding residential property owners. Based on the distance from surrounding residential development, the PUD includes setback lines to determine appropriate building heights throughout the PUD. The goal was to permit shorter building heights adjacent to existing residential neighborhoods and taller buildings away from these areas. The site with this application is located in the northeast corner of the PUD and is adjacent to two separate residential neighborhoods. Altering the originally-approved building height setbacks to move development closer to the residential neighborhoods is not consistent with this significant element of the original PUD approval.

In contrast to the strong street frontage currently approved under the PUD, the site plans shows a parking area separating the residential building from the street frontage along Seven Springs Way. Placing parking between the building and the street will weaken the pedestrian-friendly frontage that was emphasized by the original Council approval, and strengthened by the 2009 amendment that reorganized office and retail along the front of the PUD to provide additional sidewalk and pedestrian-friendly continuity within the PUD.

Under the approved PUD plan, the east-west portion of Seven Springs Way includes three office buildings along its north side. These office buildings are shown at the front of each building site placed adjacent to the sidewalk along the street frontage. Parking is located to the side and rear of each building, which helps to emphasize the front entrance of each building and create a strong pedestrian-friendly frontage. The strength of the frontage is evident at the front of the lone office building that has been constructed along this portion of Seven Springs Way in the northwest corner of the PUD, whose site placement helps to create a strong pedestrian-friendly environment along Seven Springs Way. Future development along this street should be encouraged to continue the precedent set by this building. The proposed residential project would replace the easternmost office building along the north of Seven Springs Way.

The site plan could be reorganized to eliminate or reduce these concerns of building height and pedestrian-oriented design. The proposed residential development should be reorganized to include stronger building placement at the site frontage along Seven

Springs Way that is consistent with the current PUD approval. Parking can be placed at the rear of the site, as currently approved for all development on the north side of Seven Springs Way. Moving the western residential building farther to the south and placing parking on the north side of the building would also lessen the encroachment of the development into the building height setbacks within the PUD.

#### **FIRE MARSHAL RECOMMENDATION**

In a meeting with Ron Holt, John Kelly and Veronica Duker several questions were raised.

1. Fire main size and flow data?
2. Construction type?
3. Type of sprinkler system?
4. Aerial access (shall comply with 2006 IFC D105)?
5. Dead ends in parking lot >150'.
6. Turn radius in the ends of the parking lot.
7. White lines through the drawing make it unclear if this is one solid building.

#### **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. Indicate solid waste plan – dumpster and recycling container locations. (1 dumpster and 1 recycling container is insufficient)
3. Once TIS is received and reviewed further comments may follow regarding public sidewalks and ROW.

#### **SCHOOL BOARD REPORT**

**Projected student generation      15 Elementary    9 Middle                      8 High**

Students would attend Granbery Elementary School, Oliver Middle School, or Overton High School. All three of the schools have been identified as being over capacity by the Metro School Board. **There is no capacity for elementary or middle school students within the cluster. There is capacity within adjacent clusters for high school students (Cane Ridge Glencilff, and Hillsboro).**

The fiscal liability for 15 elementary students is \$300,000. The fiscal liability for 9 middle school students is \$207,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2011.

#### **STAFF RECOMMENDATION**

Staff recommends disapproval of the request. The proposed site layout is not consistent with the intent of the approved PUD in terms of proposed building height, which would disrupt a fundamental element of the initial PUD approval to lessen the impact of development adjacent to residential neighborhoods; and in the its placement of development in relation to the internal street system of the PUD.

#### **CONDITIONS (if approved)**

1. Development on this site shall comply with previous Council approvals: O98-1491, BL2004-219, BL2008-564, and BL2011-75.
2. Comments listed above from Metro Public Works and the Fire Marshal shall be met.
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.

Mr. Johnson presented the staff recommendation of disapproval.

John Gore, applicant, spoke in support of the proposal and clarified that there has been no opposition from neighbors.

Gregg Turner, 778 Hill Road, spoke in support of the proposal, stating that multi-family will be a great compliment to the neighborhood creating a mixed use environment.

Todd Jackovich, 4345 Courtland Drive, spoke in support of the proposal.

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

Mr. Adkins stated that he likes the sidewalks as well as the tree line and spoke in support of the proposal.

Mr. Haynes inquired why the applicant is requesting a 57 foot height when only 51 feet are needed.

Mr. Turner stated that they would be glad to drop it down to 51 feet.

Mr. Clifton expressed concerns regarding the setback issue.

Dr. Cummings asked for clarification on the sidewalk locations.

Councilmember Claiborne expressed no issues with the height, but stated that setting this building back destroys the consistency of this portion of the development.

Mr. Haynes suggested to the applicant to have a more pronounced, celebrated crosswalk from the corner of the building to the sidewalk in front of all the buildings.

Mr. Haynes inquired if there is a way to eliminate one row of parking and also add one row of parking.

Mr. Ponder inquired if the height restrictions can be amended to 51 feet.

Mr. Ponder moved and Mr. Haynes seconded the motion to approve with conditions including conditions to permit a maximum building height of 51 feet for this proposal and to permit a maximum of one row of parking at the front of the property. (7-0)

**Resolution No. RS2012-90**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 98P-007-004 is **APPROVED with conditions, including conditions to permit a maximum building height of 51 feet for this proposal and to permit a maximum of one row of parking at the front of the property. (7-0)**”**

**The proposed residential use is consistent with the intent of the Office Concentration policy. The additional requirements for building height and parking design will help to align this proposal with the design intent of previous Council approvals within this PUD.**

**CONDITIONS**

- 1. Development on this site shall comply with previous Council approvals: O98-1491, BL2004-219, BL2008-564, and BL2011-75.**
  - 2. All Public Works and Fire Marshal conditions shall be met.**
  - 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.**
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# **Neighborhood Landmark Overlays**

## **5. 2012NL-001-001**

### **609 AND 611 WEDGEWOOD**

Map 105-11, Parcel(s) 238-239

Council District 17 (Sandra Moore)

Staff Reviewer: Brenda Bernards

A request to apply a Neighborhood Landmark Overlay District on properties located at 609 and 611 Wedgewood Avenue, approximately 260 feet west of Bransford Avenue (0.41 acres), zoned R6, requested by Chris Michaels, applicant, Kenneth M. Ballew and Louise and Robert Armstrong, owners.

**Staff Recommendation: APPROVE**

### **APPLICANT REQUEST**

#### **Apply a Neighborhood Landmark Overlay District**

#### Apply Neighborhood Landmark Overlay District

A request to apply a Neighborhood Landmark Overlay District on properties located at 609 and 611 Wedgewood Avenue, approximately 260 feet west of Bransford Avenue (0.41 acres), zoned One and Two Family Residential (R6).

#### Existing Zoning

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.

#### Proposed Zoning

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

### **CRITICAL PLANNING GOALS**

N/A

### **PROPERTY HISTORY**

The property at 611 Wedgewood Avenue was acquired by the Ballew family in 1947 for a family-operated grocery store. The property was leased to the Davis family in the mid-1950's to 2001 to operate the grocery store. In the late 1970's the adjacent lot, 609 Wedgewood Avenue, was purchased and used for parking. When the grocery store was closed, the building remained vacant for a short period and was then used for a restaurant until 2005. The building was re-leased for a new restaurant but more than 30 months have passed since the previous restaurant closed and the non-conforming status was lost.

The building has served as a neighborhood grocery, deli, market and a restaurant since 1947. According to the applicant, the building exterior has changed little over the past 60 plus years. Any remodeling will maintain the current character of the building.

### **CRITERIA FOR CONSIDERATION**

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

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

As noted above, this commercial building has been in place since 1947 and has provided neighborhood services for much of that time. Rezoning this property to a district that would permit commercial uses would be inconsistent with the surrounding residentially zoned properties. Retaining the building will preserve a recognizable structure within this neighborhood.

Section 17.40.160 of the Zoning Code requires that Neighborhood Landmark meet the following six criteria:

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

#### **STAFF FINDING**

The purpose of this Neighborhood Landmark is to preserve and protect neighborhood features that are important to maintain and enhance the neighborhood character. By placing a Neighborhood Landmark District Overlay on these properties, the structure can be preserved. With the ability to adaptively reuse the site, improvements and maintenance to the structure can be made.

Based on the criteria outlined in the Zoning Code, this property meets the standards to be considered as a landmark. However, staff recommends that the Commission also consider what information surrounding neighbors bring to the public hearing since the neighbors may be able to provide additional insight into the history and relevance of the site.

#### **STAFF RECOMMENDATION**

Staff recommends that the Neighborhood Landmark District be approved. The proposed District meets the criteria for consideration found in the Zoning Code. Staff also recommends that the Commission consider what information surrounding neighbors bring to the public hearing since the neighbors may be able to provide additional insight into the history and relevance of the site.

Approved (6-0), Consent Agenda

#### **Resolution No. RS2012-91**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012NL-001-001 is **APPROVED. (6-0)**"

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

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## **J. PLANNING COMMISSION ACTIONS**

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

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

#### **6. 111-79P-001**

##### **BELL FORGE SHOPPING CENTER**

Map 163, Parcel(s) 324

Council District 32 (Jacobia Dowell)

Staff Reviewer: Greg Johnson

A request to revise the preliminary plan for a portion of the Bell Forge Shopping Center Commercial Planned Unit Development Overlay District located on property at 5302 Mt. View Road, approximately 365 feet south of Bell Road (0.69 acres), zoned AR2a, to permit a 3,200 square foot cash advance, check cashing and title loan facility where a 1,170 square foot ATM was previously approved, requested by Dale & Associates, applicant, for Conoly Brown and David Hood, owners.

**Staff Recommendation: APPROVE WITH CONDITIONS**

##### **APPLICANT REQUEST**

**PUD Revision to construct a 3,200 square foot cash advance, check cashing and title loan facility**

##### PUD Revision

A request to revise the preliminary plan for a portion of the Bell Forge Shopping Center Commercial Planned Unit Development Overlay District located on property at 5302 Mt. View Road, approximately 365 feet south of Bell Road (0.69 acres), zoned Agricultural/Residential (AR2a), to permit a 3,200 square foot cash advance, check cashing and title loan facility where a 1,170 square foot ATM was previously approved.

##### Existing Zoning

Bell Forge Shopping Center Planned Unit Development (PUD) was approved in 1979 and includes the site. The PUD permits office and retail land uses. Although the base zoning is AR2a, the permitted uses are determined by the PUD overlay district.

## **CRITICAL PLANNING GOALS**

N/A

## **ANTIOCH – PRIEST LAKE COMMUNITY PLAN**

Regional Activity Center (RAC) is intended for concentrated mixed-use areas anchored by a regional mall. Other uses common in RAC policy are all types of retail activities, offices, public uses, and higher density residential areas. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

### Consistent with Policy?

Yes. The RAC policy recommends a variety of retail and office use types. The proposed use and development form are appropriate within the RAC policy.

## **PLAN DETAILS**

The Bell Forge Shopping Center PUD was approved by Council in 1979 for approximately 152,550 square feet of commercial development including office and retail land uses. The shopping center is essentially built-out except for the site that is the subject of this application.

The plan includes a 3,200 square foot commercial building to house the cash advance business. Required parking spaces for the business are located in one row along the front and south side of the building. Access to the site is proposed from the existing driveway system within the PUD.

### PUD revision vs. amendment application

The application was submitted as a revision to the PUD. PUD revisions require approval from the Planning Commission only. Council approval is not required for a PUD revision, but is required for an amendment. For the reasons stated below, Planning staff agrees with the applicant that the application is within the permitted boundaries of a revision.

1. This PUD allowed office uses under its original approval. The Zoning Code, at that time and now, defines a financial institution under the general category of office uses. BL2008-169 was adopted by the Metro Council in 2008, which separated many of the financial institution uses into separate uses, such as cash advance, title loan, and check cashing uses. However, all of the separate categories remain within the office category. This PUD was approved prior to January 1, 1998, when a new Zoning Code adopted by the Metro Council went into effect, and is considered a grandfathered PUD. As a grandfathered PUD, Council-approved land uses are permitted to remain.
2. The proposed uses: check cashing, cash advance, and title loan were previously approved in a different portion of this same PUD. In 2006, the Cash 2 Day establishment within this same PUD was permitted under the then existing definition of Financial Institution. Therefore, since this PUD now has this use, staff is recommending consideration as a PUD revision for the current proposal.
3. The total constructed square footage of the PUD stands at approximately 158,000 square feet, which exceeds the permitted square footage of the Council approval in 1979. However, PUD revisions may allow the total square footage to exceed the square footage last approved by Council by not more than 10 percent. With the proposed development, the total square footage of the PUD will exceed the Council approval by approximately 5.7 percent. This amount of increase allows the development to receive approval from the Planning Commission without going to Council for approval.

Section 17.40.120G2 of the Metro Zoning Code outlines the procedures for how the Metro Planning Commission is to review changes to previously approved PUD overlay districts. Based on the requirements of the Zoning Code, Planning staff recommends the review of this application as a minor revision that would require review by only the Planning Commission.

## **ANALYSIS**

As described above, the PUD revision application is appropriate because the proposed uses currently exist within the Bell Forge Shopping Center PUD and were permitted under the original Council approval. The expansion of the PUD square footage will not exceed 10 percent of the original approval, which would require Council approval.

Compatibility with the Regional Activity Center land use policy is demonstrated by the site plan. Parking along the front of the lot is limited to one row. Access to the site is provided through existing driveways. Regional Activity Center policy allows for a wide range of commercial uses, including the proposed check cashing, cash advance, and title loan uses.

## **FIRE MARSHAL RECOMMENDATION**

- Plans for construction shall show fire hydrant locations with flow data showing compliance with the Fire Codes before a building permit will be issued.

## **STORMWATER RECOMMENDATION**

- Unsure of site discharge location (GIS indicates no downstream storm structures within vicinity)?



### **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. The sidewalks shown on the plans should be per Public Works standards with the required curb and gutter, and be built or bonded prior to recording the plat. Additionally, they should be located completely in the public ROW.
3. Remove new access drive connection to northern existing private drive or submit an Access study to determine appropriate distance from Mt View Rd. for access drive location.

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions. The proposed check cashing/ cash advance/ title loan uses are permitted within the Bell Forge Shopping Center PUD. The form of the development is consistent with the approved PUD plans and the Regional Activity Center policy.

### **CONDITIONS**

1. Conditions listed above from Metro Public Works shall be met.
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 date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (6-0), Consent Agenda

### **Resolution No. RS2012-92**

"BE IT RESOLVED by The Metropolitan Planning Commission that 111-79P-001 is **APPROVED with conditions. (6-0)**"

#### **CONDITIONS:**

1. **All Metro Public Works conditions shall be met.**
  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 date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.**
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## **Subdivision: Final Plats**

### **7. 2012S-036-001**

#### **WHERRY SUBDIVISION**

Map 061-04, Parcel(s) 027

Council District 07 (Anthony Davis)

Staff Reviewer: Brian Sexton

A request for final plat approval to create two lots on property located at 5000 Ruskin Avenue and a sidewalk variance, approximately 800 feet north of Haysboro Avenue, zoned RS10 (1.62 acres), requested by Douglas and Judy Reinhard, owners, Stanley K. Draper, surveyor.

**Staff Recommendation: APPROVE and grant a variance to the Subdivision Regulations for sidewalks**

#### **APPLICANT REQUEST**

##### **Final plat to create two lots**

##### Final Plat

A request for final plat approval to create two lots on properties located at 5000 Ruskin Avenue and a sidewalk variance, approximately 800 feet north of Haysboro Avenue, zoned Single-Family Residential (RS10) (1.03 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.

#### **CRITICAL PLANNING GOALS**

N/A

#### **PLAN DETAILS**

##### Final Plat

This residentially-zoned property is located south of the Briley Parkway on Ruskin Avenue. While a two lot subdivision that meets all of the requirements of the Subdivision Regulations can be approved administratively, the applicant has requested a variance to the sidewalk requirements of Section 3-8.2. Lot 1 is approximately 53,859 square feet in size and has approximately 372 feet of frontage along Ruskin Avenue. Lot 2 is approximately 16,527 square feet in size and has approximately 140 feet of frontage along Ruskin Avenue. There is an existing single family residence and detached garage on Lot 1 that will remain. Lot 2 is undeveloped.

##### Infill Subdivisions

Lots 1 and 2 meet the requirements of the infill subdivisions section (Section 3-5) of the Subdivision Regulations and the Metro Zoning Code for lot size and orientation. Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally comparable with surrounding lots. Development on the proposed lots will be limited to single-family dwellings. The development is within the density requirement of one to two units per acre called for by the Residential Low policy.

##### Sidewalk requirements

Section 3.8.2 of the Subdivision Regulations requires sidewalks on all existing streets abutting proposed subdivisions within the Urban Services District (USD). The applicant has requested a variance to this requirement, stating that the construction of a sidewalk along Ruskin Avenue would provide no pedestrian benefit due to the location and topographical features of the property. The variance application also points out that the property to be subdivided is located at the end of a dead end street and that the street will never be extended due to its terminus at Briley Parkway.

##### Variance to the Subdivision Regulations

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

#### **1-11 Variances**

1. *General. If the Planning Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, a variance from these regulations may be granted, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations. The Planning Commission shall make findings based upon the evidence presented to it in each specific case that:*
  - a. *The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.*
  - b. *The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.*

- c. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.*
- d. *The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).*

The intent of the regulations for which the variances are sought are to ensure that, as property is subdivided in already developed areas, additions are made to the pedestrian network. The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. There are no other sidewalks within a quarter mile of this location. As Ruskin Avenue terminates at Briley Parkway with a negligible possibility of extension, this action is not detrimental to the pedestrian network for this neighborhood.
- b. This parcel is unique due to its irregular shape and exceptionally long frontage because of the snaking nature of Ruskin Avenue in this location. Other lots in the area are generally developed and more regularly shaped.
- c. The lot frontage is characterized by a significant number of mature trees that would need to be removed in order to accommodate a sidewalk. In addition a portion of the lot’s frontage is also characterized by slopes. This topographical condition would require the property owner to cut into the existing hillside to provide for a sidewalk that would not be connected to any other sidewalk.
- d. Sidewalks are a key element in the pedestrian network in Nashville and subdivisions provide an opportunity to add to the network in residential areas over time. There are no sidewalks on Ruskin Avenue and limited opportunity for future subdivisions to add sidewalks. In addition, it is likely that Ruskin Avenue will always terminate at Briley Parkway. Given these factors, there is little prospect that a sidewalk in this location would be added to or ever be a meaningful element in the overall pedestrian network.

When taken individually, the mature trees, the slopes, the exceptionally long frontage, the irregularly shaped lot and the permanent terminus of the street may not be sufficient to warrant a variance to the Subdivision Regulations. But, when taken as a whole, staff finds that there is sufficient hardship to recommend that a variance be granted.

**STAFF RECOMMENDATION**

Staff recommends approval of the subdivision and variance request to the sidewalk requirements of the Subdivision Regulations.

Approved and granted a variance to the Subdivision Regulations for sidewalks. (6-0), Consent Agenda

**Resolution No. RS2012-93**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-036-001 is **APPROVED with a variance granted to the Subdivision Regulations for sidewalks. (6-0)**”

**8. 2012S-048-001**

**SEVENTH DAY ADVENTIST AND TENNESSEE CHRISTIAN MEDICAL CENTER SUBDIVISION**

Map 052-03, Parcel(s) 124, 174, 183

Council District 09 (Bill Pridemore)

Staff Reviewer: Brian Sexton

A request for final plat approval to create 9 lots and dedicate easements on properties located at 312 Hospital Drive and Hospital Drive (unnumbered), approximately 1,050 feet north of Neelys Bend Road (51.31 acres), zoned RS7.5, RS10, and OG, requested by HTI Memorial Hospital Corporation, owner, Atwell LLC, surveyor.

**Staff Recommendation: APPROVE WITH CONDITIONS**

**APPLICANT REQUEST**

**Final plat to create nine lots and dedicate easements**

Final Plat

A request for final plat approval to create nine lots and dedicate easements on property located at 312 Hospital Drive and Hospital Drive (unnumbered), approximately 1,050 feet north of Neelys Bend Road (51.31 acres), zoned Office General (OG) and Single Family Residential (RS7.5).

Existing Zoning

Office General (OG) is intended for moderately high intensity office uses.

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**

N/A

## PLAN DETAILS

### Final Plat

The applicant is requesting final plat approval for a nine lot subdivision and to dedicate easements on the property. Subdivisions of three or more lots must be approved by the Metro Planning Commission.

The proposed subdivision is located south of State Route 45 and abuts Larkin Springs Road. An existing hospital is located on a portion of the property proposed for Lot 1. The hospital will remain. Existing structures located on Lots 3, 9, 11 and 12 will remain. Access to the subdivision is located off of Larkin Springs Road. There are three existing private drives within the proposed subdivision that provide connectivity and access to each lot. A 20 foot Public Utility Drainage Easement is proposed on a portion of Lot 1 and Lot 13. A 45 foot Access and Utility Easement is proposed on a portion of Cumberland Way Drive to the east.

### Sidewalks/Right-of-Way Reservation

Sidewalks are not present along Larkin Springs Road and Manzano Road. The property subdivision proposal is located within the Sidewalk Priority Index. Sidewalks at the corner of Manzano Road and Larkin Springs will need to be shown on a revised plat prior to recordation. The applicant has placed a note on the plat prohibiting the issuance of building permits on any lot with a required sidewalk until the sidewalk is constructed per the Department of Public Works specifications. Larkin Springs Road has been identified as being a Collector in the Major and Collector Street Plan and a future right of way reservation is required. The applicant has placed a note on the plat indicating future right of way reservation along Larkin Springs Road.

## STORMWATER RECOMMENDATION

Final plat approved with conditions (Stormwater):

1. Provide Public Utility and Drainage Easements for any pipes / ditches along ROW and for any pipes / ditches that cross proposed property lines.

## WATER SERVICES RECOMMENDATION

Final plat approved with conditions (Water Services):

1. Provide revised plat addressing agency comments

## STAFF RECOMMENDATION

Staff recommends approval with conditions.

## CONDITIONS

1. Prior to final plat recordation, all requirements of Metro Stormwater shall be satisfied.
2. Prior to final plat recordation, all requirements of Metro Water Services shall be satisfied.
3. Prior to final plat recordation, a revised plat shall be submitted to staff showing a proposed sidewalk at the corner of Manzano Road and Larkin Springs.

Approved with conditions (6-0), Consent Agenda

### Resolution No. RS2012-94

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-048-001 is **APPROVED with conditions. (6-0)**"

#### CONDITIONS

1. Prior to final plat recordation, all requirements of Metro Stormwater shall be satisfied.
  2. Prior to final plat recordation, all requirements of Metro Water Services shall be satisfied.
  3. Prior to final plat recordation, a revised plat shall be submitted to staff showing a proposed sidewalk at the corner of Manzano Road and Larkin Springs.
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## 9. 2012S-051-001

### ARMSTRONG ACRES SUBDIVISION

Map 009, Parcel(s) 028

Council District 01 (Lonnell Matthews, Jr.)

Staff Reviewer: Brenda Bernards

A request for final plat approval to create four lots on property located at 7700 Greenbrier Road, at the southeast corner of Whites Creek Pike and Greenbrier Road, zoned AR2a (10.3 acres), requested by Betty Joyce Cooper, Trustee, owner, HFR Design Survey Division, surveyor.

**Staff Recommendation: APPROVE**

### APPLICANT REQUEST

**Final plat to create four lots**

#### Final Plat

A request for final plat approval to create four lots on property located at 7700 Greenbrier Road, at the southeast corner of Whites Creek Pike and Greenbrier Road, zoned AR2a (10.3 acres).

#### Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of 2 acres and is intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per 2 acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

### CRITICAL PLANNING GOALS

N/A

### PLAN DETAILS

This is a request to subdivide an existing 10.3 acre parcel into four lots ranging in size from 2.0 acres to 4.1 acres. Three lots will front onto Greenbrier Road and the fourth lot will front onto Whites Creek Pike. Each lot will be served by a septic system.

### STORMWATER RECOMMENDATION

Approve

### PUBLIC WORKS RECOMMENDATION

No exception taken.

### WATER SERVICES RECOMMENDATION

Approve

### STAFF RECOMMENDATION

As the final plat meets all the requirements of the Subdivision Regulations, staff recommends approval.

Approved (6-0), Consent Agenda.

#### **Resolution No. RS2012-95**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-051-001 is **APPROVED. (6-0)**”

## K. OTHER BUSINESS

10. Planning Commission acknowledgment of the resignation of three members of the 31<sup>st</sup> Avenue and Long Boulevard UDO Design Review Committee, and the approval of three new members: Meridith Krebs, Greg Tidwell, and a representative of Third Coast Design Studio.

Approved (6-0), Consent Agenda

#### **Resolution No. RS2012-96**

“BE IT RESOLVED by The Metropolitan Planning Commission that the Planning Commission **acknowledges and APPROVES the resignation of three members of the 31<sup>st</sup> Avenue and Long Boulevard UDO Design Review Committee and APPROVES three new members: Meridith Krebs, Greg Tidwell, and a representative of Third Coast Design Studio. (6-0)**”

11. Amendment to the grant between the MPC (on behalf of the MPO) and TDOT to reflect an increase in grant budget amount.  
Approved (6-0), Consent Agenda

**Resolution No. RS2012-97**

“BE IT RESOLVED by The Metropolitan Planning Commission that **the Amendment to the grant between the MPC (on behalf of the MPO) and TDOT to reflect an increase in grant budget amount is APPROVED. (6-0)**”

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12. Historic Zoning Commission Report
13. Board of Parks and Recreation Report
14. Executive Committee Report
15. Executive Director Report
16. Legislative Update

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## **L. MPC CALENDAR OF UPCOMING MATTERS**

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**May 17, 2012**

Community Meeting

6pm, Lakeshore Christian Church, 5434 Bell Forge Lane  
Topic: Antioch-Priest Lake Community Plan Update: Housing & Open Space

**May 21, 2012**

Community Meeting

6pm, 2400 Fairfax Avenue, Martin Professional Development Center  
Topic: Blakemore Village SP and plan amendment applications

**May 22, 2012**

Community Meeting

11:30am, 2565 Park Plaza, Metro Parks Board Room  
Topic: Midtown Areawide Zone Change

Community Meeting

4pm, 2565 Park Plaza, Metro Parks Board Room  
Topic: Midtown Areawide Zone Change

**May 24, 2012**

MPC Meeting

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

**June 14, 2012**

MPC Meeting

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

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## **M. ADJOURNMENT**

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The meeting was adjourned at 5:25 p.m.