



# METROPOLITAN PLANNING COMMISSION MINUTES

**Thursday, May 22, 2014**

**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, Chair  
Stewart Clifton, Vice Chair  
Hunter Gee  
Greg Adkins  
Lillian Blackshear  
Phil Ponder  
Andree LeQuire  
Councilmember Walter Hunt

**Staff Present:**

Rick Bernhardt, Executive Director  
Doug Sloan, Deputy Director  
Jennifer Carlat, Assistant Planning Director  
Kelly Adams, Administrative Services Officer III  
Craig Owensby, Public Information Officer  
Bob Leeman, Planning Manager II  
Carrie Logan, Planner III  
Jason Swaggart, Planner II  
Duane Cuthbertson, Planner II  
Melissa Sajid, Planner II  
Latisha Birkeland, Planner II

Commissioners Absent: Derrick Dalton, Jeff Haynes

**Richard C. Bernhardt, FAICP, CNU-A**  
Secretary and Executive Director, Metro Planning Commission

**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300

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## Notice to Public

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

The Commission is a 10-member body, 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

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

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

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



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# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:00 p.m.

## B. ADOPTION OF AGENDA

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

## C. APPROVAL OF MAY 8, 2014 MINUTES

Mr. Clifton moved and Mr. Gee seconded the motion to approve the May 8, 2014 minutes. (7-0)

## D. RECOGNITION OF COUNCILMEMBERS

Council Lady Gilmore spoke in favor of Item 7 and Item 12.

Council Lady Johnson requested a deferral of Item 5 and clarified that sinkholes and a cemetery do exist on this property.

Mr. Ponder arrived at 4:09 p.m.

## E. NASHVILLENEXT UPDATE

Ms. Carlat presented the Nashville Next update.

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## F. ITEMS FOR DEFERRAL / WITHDRAWAL

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### 6. 2014Z-015TX-001

BL2014-772 \ WEINER

### 13. 2013Z-008PR-001

BL2013-392 / WEINER

SAWYER BROWN ROAD (UNNUMBERED)

### 18. 2014S-084-001

300 TILLMAN

Mr. Ponder moved and Councilman Hunt seconded the motion to approve the Deferred Items. (8-0)

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## G. 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.

### 1. 2006SP-077-001

ROLLING HILLS (AMENDMENT)

### 3. 2014SP-026-001

1102 JOSEPH AVENUE

### 4. 2014SP-032-001

EWING DRIVE TOWNHOMES

### 7. 2014Z-016TX-001

CULTURAL HERITAGE OVERLAY DISTRICT

### 9. 2014SP-033-001

1813 BEECH AVE

- 10. 2014SP-034-001**  
942 RIVERSIDE DRIVE
- 11. 2014SP-035-001**  
7347 CHARLOTTE PIKE
- 12. 2014SP-037-001**  
1, 7, 9 & 11 MUSIC SQUARE WEST
- 14. 2014Z-021PR-001**  
BL2014-766 \ POTTS  
PACKARD DRIVE DOWNZONING
- 15. 2014Z-036PR-001**  
BL2014-761 \ TODD  
WALLACE LANE DOWNZONING
- 16. 94P-020-002**  
FED EX GROUND

**22. Accept the Director's Report and Approve Administrative Items**

Mr. Ponder moved and Mr. Gee seconded the motion to approve the Consent Agenda. (7-0-1) Chairman McLean recused himself.

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## H. 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.

### Specific Plans

#### 1. 2006SP-077-001

##### **ROLLING HILLS (AMENDMENT)**

Map 164, Parcel(s) 062

Council District 33 (Robert Duvall)

Staff Reviewer: Jason Swaggart

A request to amend the Rolling Hills Specific Plan district for property located at 3485 Hamilton Church Road, approximately 1,205 feet west of Hobson Pike, (11.93 Acres), to permit up to 56 single-family residential lots and 7 townhomes where 27 single-family lots, 16 cottage lots and 8 townhomes were previously approved, requested by Dale & Associates, applicant; J2K Builders, LLC, and William Wallis, owners.

**Staff Recommendation: Approve with conditions.**

##### **APPLICANT REQUEST**

**Amend SP to permit 56 single-family lots and seven townhomes.**

##### Preliminary SP

A request to amend the Rolling Hills Specific Plan district for property located at 3485 Hamilton Church Road, approximately 1,205 feet west of Hobson Pike, (11.93 Acres), to permit up to 56 single-family residential lots and 7 townhomes where 27 single-family lots, 16 cottage lots and 8 townhomes were previously approved.

##### **Existing Zoning**

Specific Plan-Mixed Residential (SP-MR) 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 a mixture of housing types that includes 27 single-family lots, 16 cottages and eight townhomes.*

##### **Proposed Amendment**

Specific Plan-Residential (SP-MR) 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 a mixture of housing types that includes 56 single-family lots, 7 townhomes.*

##### **CRITICAL PLANNING GOALS**

- Provides a Range of Housing Choices
- Create Walkable Neighborhoods

While the proposed plan consists mostly of single-family lots, it does provide for an additional housing option in the form of townhomes. The area surrounding the proposed development consists of mostly single-family residential homes on individual lots, so the additional housing type will provide an option for persons looking to downsize or do not want to take care of a yard. The plan also provides for numerous future street connections. This will permit street connectivity as development occurs in the area. Street connections are important because it does not only provide vehicular options, but it fosters walkability by providing pedestrians safe and access to other areas.

##### **ANTIOCH/PRIEST LAKE COMMUNITY PLAN**

Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have higher densities than classic suburban neighborhoods and/or smaller lot sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing - challenges that were not faced when the original classic, suburban neighborhoods were built.

##### Consistent with Policy?

Yes. The proposed amendment is consistent with the T3NE land use policy. The plan provides a development that maintains a suburban character while permitting more housing diversity than what may be found in existing traditional suburban neighborhoods. The plan provides townhomes which is important because it provides options for people requiring/wanting

different living arrangements. The plan provides several stub streets to adjacent properties. This provides for better street connectivity as the area develops. The street connections are also planned for in the Community Plan.

## **PLAN DETAILS**

The approximately 11.3 acre site is located on the south side of Hamilton Church Road west of Hobson Pike. The property does not contain any significant environmental constraints.

The SP was originally approved in 2006 with a total of 51 residential units consisting of 27 single-family lots, 16 cottage lots and eight townhomes. A final site plan was approved in August of 2007. Subsequently, streets were roughed in, water and sewer lines were installed, including a sewer extension to the west, and stormwater facilities were built. In 2010, a four year review was initiated and the Commission found the SP active.

### Site Plan

The proposed plan calls for 56 single-family lots and seven townhomes with a density of approximately 5.6 dwelling units per acre. All units will be located on new streets. The single-family lots range in size from 3,900 square feet to 7,200 square feet. The plan would permit lots as small as 3,750 square feet. Setbacks are as follows:

Front: 15 foot primary structure and 20 feet for garage  
Side Street: 10 feet primary structure and 20 feet for garage  
Side: 3 Feet  
Rear: 20

A majority of the lots are fifty feet wide or greater at the street; however, the plan also calls for lots that are less than 50 feet wide. The plan requires that lots of less than fifty feet wide provide some type of shared access.

Primary access into the development is from Hamilton Church Road. Sidewalks are shown along both sides of the new road and along the site's frontage of Hamilton Church Road. The Right of Way (ROW) along Hamilton Church Road is shown as 60 feet. The plan also provides a street layout that permits public street connections to surrounding property including one to the north, one to the east, two to the south and two to the west.

The primary stormwater facility (retention pond) is located at the front of the property along Hamilton Church Road. Approximately 88,600 square feet (17%) of the site is in open space.

## **ANALYSIS**

Staff is recommending approval with conditions. The plan is consistent with the T3 NE land use policy and meets several critical planning goals.

## **FIRE MARSHAL'S OFFICE**

### **Disapprove**

Fire-flow shall meet the requirements of the International Fire Code - 2006 edition - B105.1.  
{2006 IFC B105.1 One- and two-family dwellings.

The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min) for a duration of 2 hours.}

All dead end roads over 150 ft. in length require a 100 ft. diameter turnaround, this includes temporary turnarounds. Temporary T-type turnarounds that last no more than one year shall be approved by the Fire Marshal's Office.

2 Fire Dept. access roads are required.

Fire hydrant flow data is required.

## **STORMWATER RECOMMENDATION**

### **Approved with conditions**

- Add note to plan stating that detention / water quality will be designed to meet current regulations.

## **PUBLIC WORKS RECOMMENDATION**

### **Approved with conditions**

- This development will require Public Works approval of detailed construction plans prior to grading the site. Final design and improvements may vary based on actual field conditions.
- Label streets as ST-252 cross-section and alleys ST-263.

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

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)	11.93	-	43 U	495	21	28

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

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)	11.93	-	8 U	92	11	17

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

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)	11.93	-	56 U	530	31	41

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

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)	11.93	-	7 U	92	11	17

Traffic changes between maximum: **SP-R** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 16	+35	+10	+13

**WATER SERVICES RECOMMENDAION**

Approved

**METRO SCHOOL BOARD REPORT**

Projected student generation existing **SP-MR** district: 10 Elementary 8 Middle 7 High

Projected student generation proposed **SP-R** district: 11 Elementary 9 Middle 9 High

The proposed SP-R zoning district could generate four more students than what is typically generated under the existing zoning district. Students would attend Edison Elementary School, J.F. Kennedy Middle School, and Antioch High School. All three schools are identified as over capacity. There is no additional capacity for elementary students in the Antioch Cluster but there is additional capacity for middle and high school students. This information is based upon data from the school board last updated September 2013.

**Fiscal Liability**

The fiscal liability of one new elementary student is \$21,500. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**STAFF RECOMMENDATION**

Staff recommends disapproval; and Approval with conditions if the Fire Marshal approves the plans prior to the meeting.

**CONDITIONS (If approved)**

1. Uses are limited to 56 single-family residential lots and seven townhomes.
2. A one foot Right of Way dedication shall be made along Hamilton Church Road. The dedication shall be shown on the final site plan and final plat.

3. Access for lots less than 50 feet in width at the street shall be coordinated in order to limit curb cuts. In general, one driveway shall be provided per two lots. The final arrangement of access points shall be approved with the final site plan based on the final lot configuration.

4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.

5. 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.

6. 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 (7-0-1), Consent Agenda

**Resolution No. RS2014-134**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-077-001 is **Approved with conditions. (7-0-1)**

**CONDITIONS (If approved)**

**1. Uses are limited to 56 single-family residential lots and seven townhomes.**

**2. A one foot Right of Way dedication shall be made along Hamilton Church Road. The dedication shall be shown on the final site plan and final plat.**

**3. Access for lots less than 50 feet in width at the street shall be coordinated in order to limit curb cuts. In general, one driveway shall be provided per two lots. The final arrangement of access points shall be approved with the final site plan based on the final lot configuration.**

**4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.**

**5. 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.**

**6. 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.**

**2. 2014SP-025-001**

**1209 MONTGOMERY AVENUE**

Map 071-16, Parcel(s) 292

Council District 05 (Scott Davis)

Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to SP-R zoning for property located at 1209 Montgomery Avenue, approximately 290 feet north of Richardson Avenue, (0.18 acres), to permit up to two single-family dwelling units on separate lots, requested by Dale & Associates, applicant; Regal Homes Co., owner.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST**

**Zone change from RS5 to SP-R.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for property located at 1209 Montgomery Avenue, approximately 290 feet north of Richardson Avenue, (0.18 acres), to permit up to two single-family dwelling units on separate lots.



**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 1 unit.*

Specific Plan-Residential (SP-R) 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 single-family residential.

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

**Structure Plan Policy**

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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.

**Detailed Policy**

Single-Family Detached (SFD) is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Consistent with Policy?

No. While two detached units could be consistent with the policies, the NG policy also encourages alley access for lots that are less than 50 feet wide. There is an alley that abuts the northeast corner of the property however, the alley is not built. The proposed lots would be 25 feet wide and would require access from Montgomery Avenue.

**PLAN DETAILS**

The site is approximately 0.18 (7,840 SF) acre in size. It is located on the east side of Montgomery Avenue the Cleveland Park neighborhood in East Nashville.

Site Plan

The SP calls for two lots (11 DU/AC). Lot 1 is approximately 4,300 square feet and Lot 2 is approximately 4,100 square feet. The SP provides the following requirements:

Use	Single-Family Residential
Minimum Lot Size	Lot 1 ~ 4,300 SF; Lot 2 ~ 4,100 SF
Number of Lots	2
Max FAR	0.6 (per lot)
Max ISR	0.7 (per lot)
Front Yard Setback	20' minimum or in line with adjacent context
Side Yard Setback	3.5'
Rear Yard Setback	20'
Height Standards	2 Stories
Lot Access	Montgomery

The SP also provides conceptual house plans and provides further limitations which are as follows:

1. Eifs and vinyl siding shall be prohibited.
2. Finished process shall be elevated a minimum of 24 inches from the abutting average ground area.
3. Porches shall provide a minimum of six feet of depth.

**ANALYSIS**

Staff recommends disapproval. The proposed lots would be 25 feet in width at the street and would be accessed from Montgomery because there is no rear alley. This would create a condition where the front yard of each lot will consist mostly of driveway/parking. This is not in character with the surrounding area. Front driveways are not appropriate in dense urban neighborhoods because it creates conflicts between cars entering and exiting a property and pedestrians using sidewalks. There are sidewalks along Montgomery Avenue. Since there is no alley in the area, all of the existing lots do have access from Montgomery; however, these lots are at least 50 feet wide, which permits a narrower driveway that can route to the rear of the lot for additional parking.

If the Commission approves the request, then staff recommends a modification to the front setback standard and the height standard and that additional requirements be included. The modifications are intended to reduce the impact that the proposed development could have on the surrounding area and are as follows:

Revisions to proposed standards:

- Front Setback: Shall be consistent with Section 17.12.030, Street Setbacks.
- Building Height: Two Stories and (29' at front setback and 35' max).

Additional standards:

- Building facades fronting a street, shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
- Windows shall be vertically oriented at a ratio of 2:1 or greater.
- Access shall be limited to one joint driveway for the two units.
- Parking shall be located behind the principal structure.
- No front loaded garages.

**STORMWATER RECOMMENDATION**

**Approved with conditions**

- An infill site plan review will be required during the Building Permit review.

**PUBLIC WORKS RECOMMENDATION**

**Approved 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.
- Add note indicating the access for these lots, prior to final SP.

\*A traffic table was not prepared because an additional unit would not significantly generate more traffic than the current zoning.

**WATER SERVICES RECOMMENDATION**

**Approved**

**METRO SCHOOL BOARD REPORT**

**The proposed SP would not generate any more students than what would be generated by the current RS5 district.**

Any students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. This information is based upon data from the school board last updated September 2012.

**STAFF RECOMMENDATION**

Staff recommends disapproval.

**CONDITIONS (if approved)**

1. Uses are limited to single-family residential.
2. Front setbacks shall be consistent with Metro Code, Section 17.12.030, Street Setbacks.
3. Height shall be limited to two stories (29' at front setback and 35' maximum).
4. Building facades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
5. Windows shall be vertically oriented at a ratio of 2:1 or greater.
6. Access shall be limited to one joint driveway for the two units.
7. Parking shall be located behind the principal structure.
8. No front loaded garages.
9. 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 RS3.75 zoning district as of the date of the applicable request or application.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Mr. Swaggart presented the staff recommendation of disapproval.

Roy Dale spoke in favor of the application.

Councilman Scott Davis spoke in favor of the application and noted that higher density is needed on this street.

Sarah Martin, 1020 Steinbeck Avenue, spoke in opposition to the application and stated that the neighbors do not support parking in the front yard.

Brett Withers, 1113 Granada Avenue, spoke in opposition to the application.

Roy Dale noted that SP zoning is exactly what is needed on this piece of property.

**Chairman McLean closed the Public Hearing.**

Mr. Adkins expressed concerns regarding front parking.

Mr. Clifton spoke in favor of staff recommendation of disapproval.

Mr. Gee spoke in favor of staff recommendation of disapproval and noted that if approved, it essentially suggests that this could be appropriate on any lot in the neighborhood.

Ms. Blackshear spoke in favor of staff recommendation of disapproval and expressed agreement with Mr. Gee.

Mr. Ponder spoke in favor of staff recommendation of disapproval.

Councilman Hunt spoke in favor of staff recommendation of disapproval.

**Mr. Clifton moved and Mr. Ponder seconded the motion to disapprove. (8-0)**

**Resolution No. RS2014-135**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-025-001 is **Disapproved. (8-0)**”

**3. 2014SP-026-001**

**1102 JOSEPH AVENUE**

Map 082-03, Parcel(s) 032

Council District 05 (Scott Davis)

Staff Reviewer: Jason Swaggart

A request to rezone from RS5 to SP-R zoning for property located at 1102 Joseph Avenue, approximately 80 feet north of Evanston Avenue, (0.16 acres), to permit one single-family dwelling or a detached two-family dwelling, requested by Dale & Associates, applicant; Regal Homes Co., owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

**APPLICANT REQUEST**

**Zone change from RS5 to SP-R.**

Zone Change

A request to rezone from Single-Family Residential (RS5) to Specific Plan – Residential (SP-R) zoning for property located at 1102 Joseph Avenue, approximately 80 feet north of Evanston Avenue, (0.16 acres), to permit one single-family dwelling or a detached two-family dwelling.

**Existing Zoning**

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 1 unit.*

Specific Plan-Residential (SP-R) 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 would permit one single-family dwelling as currently permitted or two detached dwellings.

**CRITICAL PLANNING GOALS**

N/A

**EAST NASHVILLE COMMUNITY PLAN**

**Structure Plan Policy**

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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.

**Detailed 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.

Consistent with Policy?

Yes. The site is within Subdistrict 4 of a Detailed Neighborhood Design Plan (DNDP). The DNDP supports higher density residential development and a variety of housing options, consistent with the MH in NG land use policy.

The proposed SP provides additional density in the area while maintaining the single-family form currently found along Joseph Avenue. The additional housing option may be desirable for persons not wanting to maintain a larger yard. The SP will also limit access for each lot from the rear alley. This is in keeping with the NG policy which promotes alley access for narrower lots.

**PLAN DETAILS**

The subject site is approximately 0.16 (6,969 SF) acres in size. It is located on the west side of Joseph Avenue in the Cleveland Park West neighborhood in East Nashville.

Site Plan

The intent of the SP is to permit a detached two family dwelling, but it would also permit one single-family dwelling. The density for two units is approximately 11 dwelling units per acre. As proposed the SP provides the following requirements:

Use	Single or Two Family Residential Detached
Number of Lots	1
Max FAR	0.6 (per lot)
Max ISR	0.7 (per lot)
Front Yard Setback	Section 17.12.030 (Metro Zoning Code)
Side Yard Setback	3
Separation between units	6'
Rear Yard Setback	20'
Height Standards	2 Stories (29' at front setback and 35' max)
Lot Access	Rear Alley

The SP also provides conceptual house plans and provides further limitations which are as follows:

1. Two-family units must be detached.
2. Separation between units and is subject to all Building and Fire Code requirements.
3. Façade Requirements:
  - a. Building facades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater.
  - c. EIFS and vinyl siding shall be prohibited.
  - d. Finished ground floors and porches shall be elevated a minimum of 2' and a max of 4' from the abutting ground elevation.
  - e. Porches shall provide a minimum of six feet of depth.

**ANALYSIS**

The request is consistent with Mixed-Housing in Neighborhood General land use policy.

**STORMWATER RECOMMENDATION**

**Approved with conditions**

- An infill site plan review will be required during the Building Permit review.

**PUBLIC WORKS RECOMMENDATION**

**No Exceptions Taken**

\*A traffic table was not prepared because an additional unit would not significantly generate more traffic than the current zoning.

**WATER SERVICES RECOMMENDATION**

**Approved**

**METRO SCHOOL BOARD REPORT**

**The proposed SP would not generate any more students than what would be generated by the current RS5 district.**

Any students would attend Shwab Elementary School, Jere Baxter Middle School, and Maplewood High School. This information is based upon data from the school board last updated September 2012.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

- 1. Uses are limited to one single-family dwelling or a detached two-family dwelling.
- 2. 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 RS3.75 zoning district as of the date of the applicable request or application.
- 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. There shall be no parking or driveways in the front yard area along Joseph Avenue.

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

Roy Dale, 516 Heather Place, spoke in favor of the application; it is an ideal location for infill, two detached units with alley access in the rear, and the policy supports it.

Councilman Scott Davis spoke in favor of the application and stated that this area is designed for multifamily.

Brett Withers, 1113 Granada Avenue, spoke in opposition due to concerns with setting a precedent.

Roy Dale asked for approval with conditions.

**Chairman McLean closed the Public Hearing.**

Mr. Ponder spoke in favor of staff recommendation of approval with conditions.

Ms. Blackshear spoke in favor of staff recommendation of approval with conditions.

Mr. Gee spoke in favor of staff recommendation of approval with conditions and noted that it will be a good transition.

**Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions and disapprove without all conditions. (8-0)**

**Resolution No. RS2014-136**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-026-001 is Approved with conditions and disapproved without all conditions. (8-0)**

**CONDITIONS**

- 1. Uses are limited to one single-family dwelling or a detached two-family dwelling.
- 2. 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 RS3.75 zoning district as of the date of the applicable request or application.
- 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. There shall be no parking or driveways in the front yard area along Joseph Avenue.

**4. 2014SP-032-001**

**EWING DRIVE TOWNHOMES**

Map 060, Parcel(s) 001

Council District 02 (Frank R. Harrison)

Staff Reviewer: Melissa Sajid

A request to rezone from RS7.5 to SP-R zoning for property located at Ewing Drive (unnumbered), at the northwest corner of Ewing Drive and Gwynnwood Drive and partially located within the Floodplain Overlay District, (3.74 acres), to permit up to 28 residential units, requested by Gerald G. Bucy, applicant; James T. McLean and William Wallis, owners.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

## APPLICANT REQUEST

### Preliminary SP to permit 28 residential units.

#### Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) to Specific Plan-Residential (SP-R) zoning for property located at Ewing Drive (unnumbered), at the northwest corner of Ewing Drive and Gwynnwood Drive and partially located within the Floodplain Overlay District, (3.74 acres), to permit up to 28 residential units.

#### **Existing Zoning**

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 21 units.*

#### **Proposed Zoning**

Specific Plan-Residential (SP-R) 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 only one residential building type.

#### **CRITICAL PLANNING GOALS**

- Supports a Variety of Transportation Choices
- Supports Infill Development
- Preserves Sensitive Environmental Features
- Provides a Range of Housing Choices

The plan provides a new housing option in the neighborhood and creates an opportunity for infill housing consistent with the character of the area. The site is served by an existing transit routes along Ewing and Gwynnwood Drives and adds to the existing sidewalk network in the area. As proposed, very little development encroaches into the floodplain which is a significant feature on the site.

#### **BORDEAUX – WHITES CREEK COMMUNITY PLAN**

Residential Medium (RM) policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Natural Conservation (NCO) policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

#### Consistent with Policy?

Yes. The proposed SP is consistent with the RM policy which supports a mixture of housing types with density of 4 – 9 units per acres. The SP proposes townhome units at a density of 7.5 units per acre. A portion of this site also falls under the NCO policy. However, the applicant does not propose to use this area as a building site; instead, most of the NCO area will be left undisturbed and some will serve as onsite stormwater detention.

#### **PLAN DETAILS**

The site is located at the northwest corner of Ewing Drive and Gwynnwood Drive. Currently, the subject property is vacant and nearly half of the site is within the 100 year floodplain. Surrounding zoning includes RS7.5 and R8, and the area is predominantly residential. Access to the site is proposed from both Ewing Drive and Gwynnwood Drive.

#### Site Plan

The plan proposes 28 single-family attached residential units which yields a density of about 7.5 units per acre. The maximum height of the units will be two stories in 35' to the top of the roof. An existing natural landscape buffer is proposed to remain along the western property line where the site is adjacent to existing residential properties.

The overall site layout includes 28 units. Fourteen units face Ewing Drive and will incorporate materials and setbacks similar to the houses located to the west. The majority of the interior units will front the open space to the north; however, three units will front the parking area. Two of the 28 units are proposed as handicap accessible units. Architectural images have been included with the preliminary SP and depict two-story buildings that are primarily Hardie siding and that incorporate significant glazing.

Parking consists of surface parking spaces; sixty-six parking spaces including two handicapped spaces are proposed. The SP is in close proximity to an existing transit line that runs along Ewing Drive and Gwynnwood Drive. Sidewalks are proposed along Ewing Drive that will tie in with the existing sidewalk and then continue along Gwynnwood Drive. In addition, sidewalks are provided interior to the site and connect to the existing public sidewalks on Ewing and Gwynnwood Drives.

A significant portion of the site is located within the floodplain. The SP proposes very little encroachment into this area. Rather, this area will primarily serve as open spaces with an area dedicated to stormwater detention.

#### **ANALYSIS**

The proposed SP is consistent with the RM land use policy and no building encroachment is proposed within the NCO policy area. In addition, the plan meets four critical planning goals. Staff recommends approval of the SP with conditions and disapproval without all conditions.

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

**STORMWATER RECOMMENDATION**  
**Approved**

**TRAFFIC & PARKING RECOMMENDATION**  
**Conditional if approved**

- Comply with road section comments regarding Ewing Dr cross section and pavement striping. Align northern Gwynwood Dr. travel lanes with laneage south of Ewing Dr.

**WATER SERVICES RECOMMENDATION**  
**Approved as Preliminary SP only.**

- Applicant must submit Construction plans and pay Capacity Fees before Final SP is approved.

**PUBLIC WORKS RECOMMENDATION**  
**Approved 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.
- Dedicate ROW to the back of the proposed sidewalk. ~ prior to building permit sign off.
- Indicate the installation of an ADA compliant ramp at Gwynwood and Ewing. ~ ramp should connect to the EOP.
- Revise the plans to indicate the existing EOP and the existing striping on Ewing

Maximum Uses in Existing Zoning District: **RS7.5**

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)	3.82	4.94 D	18 U	173	14	19

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

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)	3.82	-	33 U 28	319	18	34

Traffic changes between maximum: **RS7.5** and proposed **SP**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 15	+146	+4	+15

**SCHOOL BOARD REPORT**

Projected student generation existing RS7.5 district: 4 Elementary 3 Middle 3 High  
 Projected student generation proposed SP-R district: 6 Elementary 5 Middle 4 High

The proposed SP-R zoning district would generate five more students than what is typically generated under the existing RS7.5 district. Students would attend Alex Green Elementary School, Brick Church Middle School, and Whites Creek High School. Alex Green Elementary School has been identified as over capacity. There is capacity within the cluster for elementary school students. This information is based upon data from the school board last updated September 2013.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

## CONDITIONS

1. Uses within the SP shall be limited to 28 attached, single-family residential units.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
3. Finished ground floors and porches shall be elevated a minimum of 24 inches and maximum of 48 inches from the abutting average ground elevation.
4. Building facades fronting a street, courtyard and parking area shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
5. Wraparound porches, glazing or landscaping shall be incorporated on units with side façades facing a public street.
6. EIFS and vinyl siding shall be prohibited.
7. Maximum height of units shall be 2 stories in 35 feet to the top of the roof.
8. Landscape plans shall be submitted with the final site plan.
9. Pervious pavement shall be used for private walkways located in the floodplain and other private walkways throughout the site, where possible.
10. Prior to the 6<sup>th</sup> Use and Occupancy permit, all of Public Works required improvements along Ewing Drive shall be completed. Prior to the Use and Occupancy permit for the 15<sup>th</sup> unit, all of Public Works required improvements along Gwynnwood Drive shall be completed.
11. 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 or with final site plan application.
12. 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.
13. 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.
14. Add the following note to plan: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,000 square feet.

Approved with conditions and disapproved without all conditions (7-0-1), Consent Agenda

### **Resolution No. RS2014-137**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-032-001 is **Approved with conditions and disapproved without all conditions.** (7-0-1)

## CONDITIONS

1. **Uses within the SP shall be limited to 28 attached, single-family residential units.**
2. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.**
3. **Finished ground floors and porches shall be elevated a minimum of 24 inches and maximum of 48 inches from the abutting average ground elevation.**
4. **Building facades fronting a street, courtyard and parking area shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.**
5. **Wraparound porches, glazing or landscaping shall be incorporated on units with side façades facing a public street.**
6. **EIFS and vinyl siding shall be prohibited.**
7. **Maximum height of units shall be 2 stories in 35 feet to the top of the roof.**
8. **Landscape plans shall be submitted with the final site plan.**
9. **Pervious pavement shall be used for private walkways located in the floodplain and other private walkways throughout the site, where possible.**
10. **Prior to the 6<sup>th</sup> Use and Occupancy permit, all of Public Works required improvements along Ewing Drive shall be completed. Prior to the Use and Occupancy permit for the 15<sup>th</sup> unit, all of Public Works required improvements along Gwynnwood Drive shall be completed.**
11. **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 or with final site plan application.**
12. **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.**
13. **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.**



14. Add the following note to plan: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,000 square feet.

## **Subdivision: Final Plats**

### **5. 2014S-082-001**

#### **MOSS PLACE**

Map 150, Parcel(s) 006, Part of 007 Map 150-02, Parcel(s) 032, 093-094  
Council District 29 (Karen Y. Johnson)  
Staff Reviewer: Melissa Sajid

A request for concept plan approval to create 17 lots and open space on properties located at 2929 Moss Spring Drive, Moss Spring Drive (unnumbered) and on a portion of property located at 3120 Bluewater Way, on the south side of Moss Spring Drive, zoned R10 and AR2a (6.23 acres), requested by Moss Spring, LLC, owner; Batson & Associates, applicant.

**Staff Recommendation: Approve with conditions.**

**The Metropolitan Planning Commission deferred 2014S-082-001 to the June 12, 2014, Planning Commission meeting. (8-0)**

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## **I. 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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## **J. 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.

### **Zoning Text Amendments**

#### **6. 2014Z-015TX-001**

BL2014-772 \ WEINER

#### **CONSTRUCTION/DEMOLITION LANDFILL AND RECYCLING FACILITIES**

Staff Reviewer: Duane Cuthbertson

A request to amend Chapter 17.16 of Title 17 of the Metropolitan Code, Zoning Regulations, to modify the conditions pertaining to lot size, setbacks, street standard, landscaping, and hours of operation for construction/demolition landfills and recycling facilities, requested by Councilmember Sheri Weiner, applicant.

**Staff Recommendation: Defer to the June 12, 2014, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2014Z-015TX-001 to the June 12, 2014, Planning Commission meeting. (8-0)**

#### **7. 2014Z-016TX-001**

#### **CULTURAL HERITAGE OVERLAY DISTRICT**

Staff Reviewer: Carrie Logan

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, to create the Music City Cultural Heritage Overlay District, and to apply such Overlay District to approximately 17.22 acres of property located on Broadway, Second Avenue North, and Printer's Alley, requested by the Metro Planning Department, applicant.

**Staff Recommendation: Approve**

#### **APPLICANT REQUEST**

**Create and apply the Music City Cultural Heritage Overlay District.**

Text Amendment

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, to create the Music City Cultural Heritage Overlay District, and to apply such Overlay District to approximately 17.22 acres of property located on Broadway, Second Avenue North, and Printer's Alley.

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**ANALYSIS**

The Music City Cultural Heritage Overlay District is intended to protect specific areas of downtown that are integral to Nashville's identity. While most of the structures within the overlay are already protected by a Historic Overlay District, nothing is in place to protect the culture of the area and strong ties to what makes Music City unique. This overlay would permit all uses of the Downtown Code Zoning (DTC), but require the entities locating on Lower Broadway, Second Avenue or Printer's Alley to be uniquely Nashville. To be uniquely Nashville, formula uses shall not be permitted. Formula use is defined as an establishment which, along with eleven or more other establishments, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark. Several cities have adopted ordinances to protect unique aspects of a community. This ordinance is partially modeled after a San Francisco ordinance that was adopted in order to protect a strong history of local businesses, which adds to the specific character of San Francisco's neighborhoods. The San Francisco ordinance was supplemented and modified to protect Nashville's cultural heritage and associated tourism, by requiring a performance venue or the sale of goods that promote the district or musicians, craftsmen/makers or performance venues.

**ZONING ADMINISTRATOR RECOMMENDATION**

Approve.

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**STAFF RECOMMENDATION**

Staff recommends approval.

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**ORDINANCE NO. BL2014-776**

**An Ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, to create the Music City Cultural Heritage Overlay District, and to apply such Overlay District to approximately 17.22 acres of property located on Broadway, Second Avenue North, and Printer's Alley, all of which is more particularly described herein (Proposal No. 2014Z-016TX-001).**

Whereas, the Ryman Auditorium, just north of Broadway on Fifth Avenue North, built in 1892 for evangelical religious services, became a premier site for cultural events by the end of the nineteenth century;

Whereas, the Grand Old Opry radio program, broadcast live from the stage of the Ryman, attracted new talent, millions of fans, and music-related businesses, such as Ernest Tubb's Record Shop and Tootsie's Orchid Lounge, to Broadway. Elvis Presley, Loretta Lynn, Willie Nelson, and countless others saw their careers launched on the Ryman's stage and on the Midnight Jamboree, broadcast from Ernest Tubb's;

Whereas, the unique concentration of music and entertainment-related businesses has expanded over time to include 2nd Avenue and Printer's Alley;

Whereas, visitors from all over the world, aspiring musicians, and local people, attracted by the district's authenticity and character, came to hear and perform live music; to buy musical instruments, western wear, and souvenirs; and to experience a unique environment;

Whereas, the history of this area is central to Nashville's identity; and

Whereas, the preservation of the established tangible and intangible cultural heritage and related tourism industry of lower Broadway, 2nd Avenue and Printer's Alley is important to all of Nashville.

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

Section 1. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.500 (Purpose and intent):

The Music City cultural heritage overlay district preserves the established cultural heritage and related tourism industry of Broadway, 2nd Avenue and Printer's Alley.

Section 2. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.510 (Overlay designation):

The Music City cultural heritage overlay district shall only apply to lots abutting Broadway between 1st Avenue and 5th Avenue, to lots abutting 2nd Avenue North between Broadway and Church Street and to lots abutting Printer's Alley between Union and Church Streets, as of the effective date of this ordinance.

Section 3. That Chapter 17.36 of the Metropolitan Code is hereby amended by adding the following Section 17.36.520 (Permitted land uses):

A. The range of land uses permitted within a the Music City cultural heritage overlay district shall be those afforded by the underlying zoning district(s) as established by the zoning district land use table of Section 17.08.030.

B. Notwithstanding subsection A. of this section, all permitted uses at street level, except residential uses, must contribute to the cultural fabric of the district, as defined below:

1. All establishments shall include a performance venue or, for a retail use, 75% of the items offered for sale must support the cultural heritage district by promoting the district or musicians, craftsmen/makers or performance venues.
2. Formula Uses shall not be permitted. For the purposes of this Section, formula use is defined as an establishment which, along with eleven or more other establishments, maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, a uniform apparel, standardized signage, a trademark or a servicemark.
  - a. Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.
  - b. Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.
  - c. Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.
  - d. Decor shall be defined as the style of interior finishings, which may include but is not limited to, style of furniture, wallcoverings or permanent fixtures.
  - e. Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wallcoverings, or as used on the facade.
  - f. Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.
  - g. Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and pins (other than name tags) as well as standardized colors of clothing.

Section 4. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By making applicable the provisions of a Music City Cultural Heritage Overlay District to various properties located along Broadway, Second Avenue North, and Printer's Alley, (approximately 17.22 acres), zoned DTC, being various Property Parcel Nos. as designated on Map 093 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein

Section 5. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 093 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 4 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 6. 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: Erica Gilmore

Mr. Sloan presented the staff recommendation of approval.

Shawn Henry, 315 Deaderick Street, spoke in favor of the application and stated that Nashville's brand of "Music City" needs to be preserved and protected.

Butch Spyridon, 5358 Granny White Pike, spoke in favor of the application and noted that a lot has been invested in this area and it needs to be protected.

Bill Reynolds, 3667 Knight Drive, spoke in favor of the application.

Barrett Hobbs, 306 Broadway, spoke in favor of the application and stated that many people have worked very hard to get Nashville where it is; if we don't control this area, large corporations will hurt the independents.

Tom Turner, 4321 Prescott Road, spoke in favor of the application and noted that Nashville's authenticity needs to be protected.

Brenda Sanderson spoke in favor of the application and stated that we need to maintain Nashville's brand and authenticity.

Phil Martin, 220 Printer's Alley, spoke in favor of the application and stated that downtown Nashville needs to be protected.

Charles Robin, 125-127 2<sup>nd</sup> Ave N, spoke in opposition to the application due to the language of the bill being too restrictive.

Lance Bloom spoke in opposition to the application and noted that the variety of businesses that are currently there would not be allowed under this bill.

Seth Harlan, spoke in opposition to the application and noted that the market should determine the uses allowed, not an overlay.

Tom White, spoke in favor of the application, clarified that each current use will be grandfathered in, and stated that community meetings will continue to be held.

**Chairman McLean closed the Public Hearing.**

Ms. LeQuire expressed concerns that there is no office; also concerned that the language stating what retail products are allowed to be sold is too restrictive.

Mr. Sloan clarified that unless you have 11 similar stores that operate the same, you can operate under this overlay.

Ms. LeQuire stated that the language needs to be clarified because it sounds like it is discouraging businesses that are opening unless they support our cultural heritage.

**Mr. Adkins abstained from the discussion and vote.**

Mr. Gee noted that Section 3.B.1 in the ordinance does not appear to apply only to those businesses that have 11 establishments or more, but Section 3.B.2 does.

Mr. Sloan stated that issue does need to be clarified; the intent is that it be chain stores that are presenting themselves with a formula.

Mr. Clifton stated that this ordinance is worth looking at and refining but seems to be a dramatic assault on the free enterprise system; he would be interested in knowing more about what the current property owners think.

Mr. Gee noted that this needs to be thought through a little more. While the spirit of this is right on, authenticity includes diversity. Perhaps downtown is becoming too much of the same.

Ms. Blackshear noted that she does not necessarily agree with the type of restrictions that are in the bill as it is currently written.

Councilman Hunt stated appreciation that the council lady understands there is more work to be done on this.

**Mr. Clifton moved and Ms. LeQuire seconded the motion to disapprove and re-refer back to the Metro Planning Commission only if there are changes after the Council Public Hearing. (6-1-1) Mr. Adkins abstained. Mr. Ponder voted against.**

**Resolution No. RS2014-138**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2014Z-016TX-001 is Disapproved; Re-refer back to the Metro Planning Commission only if there are changes after the Council Public Hearing. (6-1-1)**

## **Specific Plans**

### **8. 2009SP-022-008**

BL2014-767 \ HUNT

#### **THE MANSION AT FONTANEL (AMENDMENT 4)**

Map 49, Parcels 140, 200.01, 319; Map 40, Part of parcel 40

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and located within the Floodplain Overlay District, to add approximately 1.97 acres into the SP (from approximately 136.04 acres to 138.01 acres total), relocate a private drive, increase the total number of resort rooms from 140 to 150, and amend various limitations for the Seasonal Performance Entertainment Venue, requested by EDGE Planning, Landscape Architects, applicant; Fontanel Properties LLC, owner.

**Staff Recommendation: Approve with conditions.**

#### **APPLICANT REQUEST**

**Amend SP to add additional land, permit additional hotel rooms and amend Seasonal Performance Venue standards.**

### SP Amendment

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and located within the Floodplain Overlay District, to add approximately 1.97 acres into the SP (from approximately 136.04 acres to 138.01 acres total), relocate a private drive, increase the total number of resort rooms from 140 to 150, and amend various limitations for the Seasonal Performance Entertainment Venue.

### **Existing Zoning**

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

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

### **CRITICAL PLANNING GOALS**

- Preserves Sensitive Environmental Features

The majority of this property contains steep slopes and floodplain. The floodplain is associated with Whites Creek that bisects the property. While the proposed amendment will permit additional development in an area with steep slopes currently designated as open space, it retains 75 percent (102 acres) of the site in open space.

### **BORDEAUX/WHITES CREEK COMMUNITY PLAN**

Natural Conservation (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.

Natural Conservation with a Special Policy (NCO SPA 2) is intended to meet the intent of the standard NCO policy to preserve the large majority of the land in an environmentally constrained site while continuing to support its unique commercial operation.

Rural (R) policy is intended for areas that are physically suitable for urban or suburban development, but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

### Consistent with policy?

Yes. The proposed amendment to the SP is consistent with the NCO SPA 2 policy because it maintains the unique commercial operations while preserving a majority of the site (75 percent) as open space, including a majority of the existing tree canopy. The proposal does not propose any changes along Whites Creek Pike so it does not have an impact on the rural character or the Rural policy that applies to the area in the SP along Whites Creek Pike.

### **PLAN DETAILS**

The Mansion at Fontanel Specific Plan was originally approved in 2009. Since the original approval, there have been three amendments. The last amendment was approved in 2013 (BL2013-515). That amendment permitted a rural resort with 140 rooms. The approved rural resort will be located near the back of the site adjacent to the mansion. While there have been several Planning Commission and/or Council approved changes to the original plan, a majority of the development has

progressed as originally approved.

### Plan layout

This amendment consists of three changes which are as follows:

1. Add approximately 1.97 acres into the SP.
2. Increase the number of rooms permitted in the Rural Resort from 140 to 150.
3. Amend Seasonal Performance Entertainment Venue requirements.

The approximately 1.97 acres proposed to be incorporated into the SP is located to the north of the site. The 1.97 acres would bring the total land area in the SP from approximately 136 acres to 138 acres. The primary purpose of adding the area is to permit an existing drive to be relocated. Currently, the drive to the mansion bisects the amphitheater and the concession area. This has caused problems so the proposal would reroute the drive behind the concession area.

The SP defines a rural resort as "facilities owned and operated by a non-government entity for the purpose of providing a rural setting in which lodging, and/or conference, meeting and event facilities are provided for compensation. The use may also include a restaurant and/or banquet facilities and recreational amenities of a rural nature." While the use is defined in the SP as a rural resort, it is similar to a hotel use as defined in the Metro Zoning Code. The current rural resort is approved for 140 units.

The most substantial change is to the definition of Seasonal Performance Entertainment Venue. Following is the proposed definition (removed language is struck out and additional language is in bold and underlined).

“Seasonal Performance Entertainment Venue” means a commercial land use in which the principal activity is the provision of performance entertainment, including the sale of merchandise, food, drink, and alcohol, in an outside environment with permanent stage and stage shell without fixed seating, and associated temporary trailers and storage buildings. Events may take place between April 1st and November 30th. Events shall be limited to Friday, Saturday, or Sunday, **except that one event per month may be held on a weekday, during the months of April, May, September, October, and November.** **Events may occur on any day of the week during the months of June, July, and August. Events held Sunday through Thursday shall end by 10:30 p.m. Events held Friday and Saturday shall end by 11:00 p.m.** The maximum number of events in one calendar year shall not exceed fourteen (14)\*; ~~and no more than two events may occur within one calendar month.~~ \* No event shall last more than one day. Admissions to any one single-day event shall not exceed 4,500 persons. The decibel level output shall be limited to 96dB at the soundboard location for the stage.

#### **STORMWATER RECOMMENDATION**

##### **Approved with conditions**

- A revised construction drawing shall be submitted and approved prior to Final SP approval.

#### **PUBLIC WORKS RECOMMENDATION**

##### **Condition if approved.**

A traffic and parking study shall be conducted to determine any modifications to the existing parking and traffic management plans.

#### **FIRE MARSHAL RECOMMENDATION**

**N/A**

#### **STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all staff conditions.

#### **CONDITIONS**

1. Uses within this SP shall be limited to the specific uses as described in the SP document.
2. Any additional development not shown on the Council approved plan shall require Planning Commission and/or Council approval.
3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
4. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
5. All Public Works requirements related to access, traffic, and special event traffic management, reporting and number of parking spaces shall be met with all future development.
6. Parking on the east side of Whites Creek shall be used for overflow parking only.
7. 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 CN zoning district as of the date of the applicable request or application.
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.

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

John Haas, spoke in favor of the application, looking for a little more flexibility with the amphitheater.

Janie Layten, 6951 Old Hickory Blvd, spoke in favor of the application.

Larry Layten, 6951 Old Hickory Blvd, spoke in favor of the application and expressed excitement regarding the concert season.

Bill Reynolds, 3667 Knight Drive, spoke in favor of the application, loves what Fontanel has done for the community.

Jim Wood, 4972 Laws Road, spoke in favor of the application and noted that Fontanel owners have a high sense of civic pride.

Paula Jones, 4409 Whites Creek, spoke in favor of the application and noted that Fontanel owners are great to work with.

Zan Martin, 3504 Knight Road, spoke in favor of the application.

Pam Wood, 4972 Laws Road, spoke in favor of the application, loves the new life that Fontanel has brought to Whites Creek.

Vance Nichols, 3882 Knight Road, spoke in favor of the application, never experiences any issues with traffic or noise.

Steven Whitson, 4625 Whites Creek, spoke in favor of the application.

Larry (last name unclear), 404 Green Meadow Court, spoke in favor of the application and noted that Fontanel is a wonderful place that offers many free amenities to the community.

Richard (last name unclear, spoke in favor of the application and stated that Fontanel put Whites Creek on the map.

Marc Oswald, 4325 Estes Road, co-owner of Fontanel, spoke in favor of the application and noted that it is tough to book enough shows on Fridays and Saturdays because a lot of acts are already booked on those days in other cities. This request is not a deviation from the plan, it's an adjustment to the plan.

Helen Tarleton, 7135 Old Hickory Blvd, spoke in opposition to the application due to concerns with increased noise and traffic during the week, especially during the school year.

Steve Huff spoke in opposition to the application due to concerns with increased noise and traffic during the week, especially during the school year.

Alicia Batson, 4712 Lickton Pike, spoke in opposition to the application and stated that the 1000' notification is not fair; notifications should be sent out as far as the noise travels. Many people in the community were not notified about the community meeting.

Eric Tarleton, 7135 Old Hickory Blvd, spoke in opposition to the application and noted that sound level accountability is needed.

Jim Sherraden, 6956 Old Hickory Blvd, spoke in opposition to the application, loves Fontanel but they have poor communication skills. Increased noise and traffic are concerning, especially during the school year.

John Haas apologized that some people did not receive the notification for the community meeting. He clarified that Fontanel does have a monitor at the sound board and all noise levels have been in conformance with the SP.

**Chairman McLean closed the Public Hearing.**

Mr. Gee left the meeting at 6:39 p.m.

Mr. Clifton stated that while he is huge fan of Fontanel, he is not sure that moving toward weekday concerts is a good thing, especially during the school year.

Mr. Ponder stated that he would support an amendment.

Councilman Hunt moved and Mr. Ponder seconded the motion to approve with conditions.

**Mr. Ponder amended the motion and Councilmember Hunt seconded the amendment to approve including all staff conditions with an additional condition placing a limit of three total weekday events per calendar year and that any weekday event can only be held during the summer break as designated on the official Metro school calendar and re-refer back to the Metro Planning Commission for reconsideration after the Council Public Hearing or disapproved without all conditions as amended. (6-0-1) Mr. Adkins abstained.**

#### **Resolution No. RS2014-139**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-022-008 is **Approved including all staff conditions with an additional condition placing a limit of three total weekday events per calendar year and that any weekday event can only be held during the summer break as designated on the official Metro school calendar and re-refer back to the Metro Planning Commission for reconsideration after the Council Public Hearing or disapproved without all conditions as amended. (6-0-1)**

#### **CONDITIONS**

**1. Uses within this SP shall be limited to the specific uses as described in the SP document.**

2. Any additional development not shown on the Council approved plan shall require Planning Commission and/or Council approval.
3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
4. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.
5. All Public Works requirements related to access, traffic, and special event traffic management, reporting and number of parking spaces shall be met with all future development.
6. Parking on the east side of Whites Creek shall be used for overflow parking only.
7. 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 CN zoning district as of the date of the applicable request or application.
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 commission took a break from 7:05 p.m. to 7:22 p.m.

## 9. 2014SP-033-001

### 1813 BEECH AVE

Map 105-10, Parcel(s) 014  
Council District 17 (Sandra Moore)  
Staff Reviewer: Latisha Birkeland

A request to rezone from R8 to SP-R zoning for property located at 1813 Beech Avenue, approximately 390 feet north of Wedgewood Avenue (0.49 acres), to permit up to seven detached residential units, requested by Dale and Associates, applicant; Anthony Ewing, owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

### APPLICANT REQUEST

**Preliminary SP to permit seven detached dwelling units.**

#### Preliminary SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan-Residential (SP-R) zoning for property located at 1813 Beech Avenue, approximately 390 feet north of Wedgewood Avenue (0.49 acres), to permit up to seven detached residential units.

#### **Existing Zoning**

One and Two Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *R8 would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units.*

#### **Proposed Zoning**

Specific Plan-Residential (SP-R) 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. The Specific Plan included only one residential building type.

### CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports a Variety of Transportation Choices
- Supports Infill Development
- Promotes Compact Building Design

This area is located in the Edgehill Neighborhood and is served by adequate infrastructure. The request provides an additional housing option in the area. Additional housing options are important to serve a wide range of people with different housing needs. The site is within walking distance to an active neighborhood center along 8<sup>th</sup> Ave South and Wedgewood Ave. Bus service is located along 8<sup>th</sup> Avenue South.



## **GREEN HILLS – MIDTOWN COMMUNITY PLAN**

### **Detailed policy**

Single-Family Detached (SFD) is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

### **Structure Plan Policy**

Neighborhood General (NG) is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. 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 Single-Family Detached (SFD) in Neighborhood General (NG) policies support detached single family housing options within the spectrum of housing needs.

## **PLAN DETAILS**

The subject site is approximately 0.49 (21,344 SF) acre in size. It is located in the Edgehill Neighborhood in Green Hills. There is an existing single-family structure located on the lot that will be removed. Most of the surrounding land use is single-family detached residential. A few duplexes are located along Beech Ave, east of the site and along Argyle Street to the northwest of the site. A nursing home is located directly south of this site.

### Site Plan

The SP calls for the development of seven detached single-family dwellings, replacing one single-family structure. Units are intended to be a maximum of three with a maximum height of 35 feet at the top of the ridge. All units will provide a porch entry on the facades oriented to the street or courtyard. Finished floors and porches will be raised a minimum of 18 inches and a maximum of 30 inches from the abutting average ground elevation.

One unit will use Beech Avenue for access, while the other six units will use the alley along the south and west sides. This site is located within the Urban Zoning Overlay District which requires 1.5 parking spaces per unit. The proposed parking has met and exceeded the UZO requirement of 11 total parking spaces. The applicant will be required to meet the parking standard at the final site plan review.

The seven detached homes will be built in a way that creates a courtyard towards the north property line. A portion of the courtyard and the southeast corner of the site will be used for stormwater detention. Sidewalks are proposed along the interior of the site, providing pedestrian access to each unit. Landscaping is shown throughout the development and a landscape buffer is proposed along the north property line. Landscaping will be provided to screen the north property line, guest parking area and trash enclosure with landscaping. The landscape buffer is proposed to be five feet wide.

Architectural images have not been included with the preliminary SP. The SP, however, includes notes and conditions that address design considerations. The design conditions address doorway placement, glazing, window orientation and porches. Also, EIFS and vinyl siding will not be permitted as building materials. Building elevations will be submitted and reviewed with the final SP site plan. More detailed building elevations and plans will be required with the final site plan.

## **FIRE MARSHAL RECOMMENDATION**

**N/A**

## **STORMWATER RECOMMENDATION**

### **Approved with conditions**

- Site outfall shall discharge into an adequate storm system. Should an adequate system not be present, then offsite improvements may be required.

## **PUBLIC WORKS RECOMMENDATION**

### **Approved 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.
- Revise note on the plans to indicate that the alley widening is to be coordinated with MPW. In general the alley pavement widths should be wide enough to facilitate 24' from the face of the garage/ parking stall to the opposite EOP.

## **WATER RECOMMENDATION**

### **Approved as Preliminary SP.**

- Will need to pay required capacity fees before Final SP or Plat stage.

## **Traffic Table**

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.49	5.79 D	4 U*	39	3	5

\*Based on two two-family lots

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.49	-	7 U	67	6	8

Traffic changes between maximum: **R8** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 3 U	+28	+3	+3

**SCHOOL BOARD REPORT**

The proposed SP-R zoning district would generate no more students than what is typically generated under the existing R8 zoning district. This information is based upon data from the school board last updated September 2013.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all staff conditions as the request is consistent with the Neighborhood General land use policy.

**CONDITIONS**

1. Permitted uses include single-family residential (detached).
2. A minimum six foot separation is required between units and is subject to all Building and Fire Code requirements.
3. The minimum side setback shall be five feet from north/south property lines.
4. The minimum rear setback shall be five feet.
5. The street setback shall be 30 feet from the right-of-way line. Specific encroachments permitted by SP to include 6 feet for covered porches, 2 feet for bay windows, and 6 feet for stoops and balconies.
6. No structure shall be more than three stories and shall be limited to a maximum height of 35 feet, measured to the ridge. Building elevations for all street facades shall be provided with the final site plan. Each of the proposed street facades shall have a distinct design and composition. The following standards shall be met:
  - a. Building facades fronting a street and courtyard shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing. Building No. 1 shall have façade requirements on front and rear side.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater.
  - c. EIFS and vinyl siding shall be prohibited.
  - d. Finished ground floors and porches shall be elevated a minimum of 18 inches to a maximum of 30 inches from the abutting average ground elevation.
  - e. Porches shall be required and provide a minimum of six feet of depth.
7. Unit 1 may access Beech Avenue; Units 2-7 shall use alley access only.
8. Unit 1 shall have a porch on the street and courtyard side façade.
9. 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 RM15 zoning district as of the date of the applicable request or application.
10. Add the following note to plan: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,350 square feet.
11. 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 or with final site plan application.
12. 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.

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

Ms. Birkeland presented the staff recommendation of approval with conditions and disapproval without all conditions.

Michael Garrigan, 516 Heather Place, spoke in favor of staff recommendation.

Kenneth Bass, 1806 Elliott Avenue, expressed concerns with increased traffic and parking.

Deborah Hampton, 1809 Beech, spoke in opposition and stated that seven houses is too much for that lot.

Jennifer O'Neill Lougue, 1811 Beech, spoke in opposition due to the density, concerned with the integrity of the neighborhood.

Michael Garrigan noted that each unit has a two-car garage with visitor spaces off the alley and the alley will be improved to Public Works standards.

**Chairman McLean closed the Public Hearing.**

Ms. LeQuire asked if the front two units could be combined into one.

Mr. Clifton noted that it is a very unique street in a rapidly developing area.

Ms. Blackshear spoke in favor of staff recommendation of approval with conditions.

Mr. Ponder spoke in favor of staff recommendation of approval with conditions and stated that it will add to the neighborhood.

Councilmember Hunt spoke in favor of staff recommendation of approval with conditions.

**Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions, including a new condition 14 as follows: Units 1 and 2 shall be limited to a maximum of 2.5 stories in 35 feet of maximum height, measured to the ridge. Architecture shall be bungalow or craftsman in style to blend in with the adjacent homes along Beech Avenue, and disapprove without all conditions. (7-0)**

**Resolution No. RS2014-140**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-033-001 is Approved with conditions, including a new condition 14. As follows: Units 1 and 2 shall be limited to a maximum of 2.5 stories in 35 feet of maximum height, measured to the ridge. Architecture shall be bungalow or craftsman in style to blend in with the adjacent homes along Beech Avenue, and disapprove without all conditions. (7-0)**

**CONDITIONS**

1. Permitted uses include single-family residential (detached).
2. A minimum six foot separation is required between units and is subject to all Building and Fire Code requirements.
3. The minimum side setback shall be five feet from north/south property lines.
4. The minimum rear setback shall be five feet.
5. The street setback shall be 30 feet from the right-of-way line. Specific encroachments permitted by SP to include 6 feet for covered porches, 2 feet for bay windows, and 6 feet for stoops and balconies.
6. No structure shall be more than three stories and shall be limited to a maximum height of 35 feet, measured to the ridge. Building elevations for all street facades shall be provided with the final site plan. Each of the proposed street facades shall have a distinct design and composition. The following standards shall be met:
  - a. Building facades fronting a street and courtyard shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing. Building No. 1 shall have façade requirements on front and rear side.
  - b. Windows shall be vertically oriented at a ratio of 2:1 or greater.
  - c. EIFS and vinyl siding shall be prohibited.
  - d. Finished ground floors and porches shall be elevated a minimum of 18 inches to a maximum of 30 inches from the abutting average ground elevation.

- e. Porches shall be required and provide a minimum of six feet of depth.
7. Unit 1 may access Beech Avenue; Units 2-7 shall use alley access only.
8. Unit 1 shall have a porch on the street and courtyard side façade.
9. 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 RM15 zoning district as of the date of the applicable request or application.
10. Add the following note to plan: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,350 square feet.
11. 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 or with final site plan application.
12. 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.
13. 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.

## 10. 2014SP-034-001

### 942 RIVERSIDE DRIVE

Map 083-07, Parcel(s) 090

Council District 06 (Peter Westerholm)

Staff Reviewer: Melissa Sajid

A request to rezone from SP-R to SP-R zoning for property at 942 Riverside Drive, approximately 170 feet south of Rosebank Avenue, (0.59 acres), to permit up to 11 dwelling units, requested by Dale & Associates, applicant; Venita Axley Teague, owner. **Staff Recommendation: Approve with conditions and disapprove without all conditions.**

#### APPLICANT REQUEST

**Preliminary SP to permit up to 11 dwelling units**

##### Preliminary SP

A request to rezone from Specific Plan-Residential (SP-R) to Specific Plan-Residential (SP-R) zoning for property located at 942 Riverside Drive, approximately 170 feet south of Rosebank Avenue (0.59 acres), to permit up to eleven attached dwelling units.

##### **Existing Zoning**

Specific Plan-Residential (SP-R) 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 only one residential building type.

##### **Proposed Zoning**

Specific Plan-Residential (SP-R) 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 only one residential building type.

#### CRITICAL PLANNING GOALS

- Supports a Variety of Transportation Choices
- Supports Infill Development

The proposed SP supports development that is consistent with the character of surrounding development and creates an opportunity for infill housing. In addition, the site is served by an existing transit route that runs along Riverside Drive which will be supported by the additional density proposed by the SP.

#### EAST NASHVILLE COMMUNITY PLAN

Neighborhood Center (NC) policy is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses. 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?

The proposed SP is consistent with the Neighborhood Center policy. The Neighborhood Center policy supports a variety of housing options in addition to small scale office and commercial. In addition, the proposed development is located adjacent to existing transit which will be supported by greater residential density as proposed by the SP.

**PLAN DETAILS**

The site is located on Riverside Drive south of Rosebank Avenue and east of Waters Avenue. Currently, there is an existing single-family dwelling on the subject property. Surrounding zoning includes CS, CL and R10, and the area includes a mixture of land uses. Access to the site is from Waters Avenue.

Site Plan

The plan proposes 11 attached residential units. The maximum height of the units will be three stories in 35' measured to the eave. A landscape buffer is proposed along the southern property line where the site is adjacent to an existing single-family dwelling.

The layout includes six units that front on Riverside Drive and three units that front on Waters Avenue. The units facing Riverside Drive and Waters Avenue will have front facades on those street frontages and include garages located at the rear of the units. Two other units are proposed to face north. Since one unit will have a side façade fronting Riverside Drive and the other will have a side façade on Waters Avenue, it is important that these units are designed so that the units relate well to those streets and enhance the pedestrian experience. Architectural images have not been included with the preliminary SP. The SP, however, includes notes and conditions that address the unit design. The design conditions address doorway placement, glazing, window orientation and porches. Also, EIFS and vinyl siding will not be permitted as building materials. Building elevations will be submitted and reviewed with the final SP site plan.

Each unit provides two parking spaces that are located in garages featured on each unit. Two additional guest spaces are provided near the entrance to the site, and a knee wall and shrubbery will provide screening along Waters Avenue. The SP is in proximity to existing transit lines that run along Riverside Drive and Rosebank Avenue. Sidewalks are proposed along both the Riverside Drive and Waters Avenue street fronts. In addition, interior sidewalks are provided that connect the units to the proposed sidewalk network.

**ANALYSIS**

The proposed SP is consistent with the existing Neighborhood Center land use policy, and the plan meets two critical planning goals. Therefore, staff recommends approval with conditions and disapproval without all conditions.

**FIRE MARSHAL RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

Approved

**NASHVILLE ELECTRIC SERVICE RECOMMENDATION**

Approved

**TRAFFIC & PARKING RECOMMENDATION**

No exception taken

**WATER SERVICES RECOMMENDATION**

Approved

- Applicant will need to submit construction plans and pay capacity fees before the Final SP or Final Plat Stage.

**PUBLIC WORKS RECOMMENDATION**

No exception taken

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.59	-	3 U	29	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.59	-	11 U	106	9	12

Traffic changes between maximum: **SP-R** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 8 U	+77	+6	+8

**SCHOOL BOARD REPORT**

Projected student generation existing SP-R district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-R district: 1 Elementary 1 Middle 1 High

The proposed SP-R zoning district could generate three more students than what is typically generated under the existing SP-R district. Students would attend Rosebank Elementary School, Bailey Middle School, and Stratford High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated September 2013.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all condition.

**CONDITIONS**

1. Uses within the SP shall be limited to eleven residential units.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application.
3. The street facing side façades of Units 1 and 2 shall be designed so that the units relate to the streets. Architectural elevations shall be submitted with the final site plan and shall be reviewed by the Planning Department to determine if this goal has been met.
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 or with final site plan application.
5. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Ms. Sajid presented the staff recommendation of approval with conditions and disapproval without all conditions.

Michael Garrigan, 516 Heather Place, spoke in favor of the application.

Brett Withers, 1113 Granada Ave, spoke in favor of the application and stated that this is a great use of an SP.

Cody Devass, 940 Riverside Drive, spoke regarding adequate buffer concerns.

Michael Garrigan, asked for approval and stated they will continue to work through more of the details.

**Chairman McLean closed the Public Hearing.**

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

**Resolution No. RS2014-141**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-034-001 is Approved with conditions and disapproved without all conditions. (7-0)**

**CONDITIONS**

1. Uses within the SP shall be limited to eleven residential units.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20-A zoning district as of the date of the applicable request or application.

3. The street facing side façades of Units 1 and 2 shall be designed so that the units relate to the streets. Architectural elevations shall be submitted with the final site plan and shall be reviewed by the Planning Department to determine if this goal has been met.
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 or with final site plan application.
5. 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.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

## 11. 2014SP-035-001

### 7347 CHARLOTTE PIKE

Map 114, Parcel(s) 148

Council District 22 (Sheri Weiner)

Staff Reviewer: Melissa Sajid

A request to rezone from R15 to SP-MU zoning for property located at 7347 Charlotte Pike, approximately 395 feet east of Old Hickory Boulevard, (1.74 acres), to permit an office and retail development, requested by Dale & Associates, applicant; Akm and Abu Fakhruddin, owners.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

### APPLICANT REQUEST

Preliminary SP to permit office and retail uses.

#### Preliminary SP

A request to rezone from One and Two Family Residential (R15) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 7347 Charlotte Pike, approximately 395 feet east of Old Hickory Boulevard (1.74 acres), to permit an office and retail development.

#### Existing Zoning

One and Two Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 5 lots with 1 duplex lot for a total of 6 units.*

#### Proposed Zoning

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

### CRITICAL PLANNING GOALS

N/A

### BELLEVUE 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 proposed SP is consistent with the Suburban Mixed Use Corridor policy. As proposed, the request would allow for a new office/retail building that is located just east of the intersection of Charlotte Pike and Old Hickory Boulevard both of which are scenic arterials.

### PLAN DETAILS

The site is located east of the intersection of Charlotte Pike and Old Hickory Boulevard. Currently, there is an existing single-family dwelling on the property which is proposed to be demolished. Surrounding zoning includes R15, CS, CL, OR20 and R40, and the area includes a mixture of uses. Access to the site is from Charlotte Pike, which is also designated as a scenic corridor.

Site Plan

The SP proposes an 8,000 square foot office/retail building on the site. Ample parking is located to the side and rear of the building, and the dumpster and recycling collection area is to be located at the rear of the building. Primary access to the site is from Charlotte Pike.

The site has frontage on a portion of Charlotte Pike that is identified as a scenic arterial. Since the site is located on a scenic corridor, the Zoning Code requires a 10' scenic landscape buffer along the front of the property. The plan, however, includes a 50' scenic landscape buffer but also proposes to set back the building a minimum of 100' from Charlotte Pike to maintain the existing scenic landscape. Sidewalks are to be provided along Charlotte Pike, and landscape buffers are proposed along the side and rear property lines. Type B-3 (10 feet wide) landscape buffers are proposed between the SP and adjacent residential properties to the east and west. Also, a type C-3 buffer (20 feet wide) is proposed between the site and Gower Elementary School to the south. Signs must meet the requirements of the MUL-A district which prohibits LED and digital display signs with the exception of time/temperature/date signs.

**ANALYSIS**

Staff recommends approval with conditions and disapproval without all conditions.

**FIRE MARSHAL RECOMMENDATION**

N/A

**STORMWATER RECOMMENDATION**

Approved

**TRAFFIC & PARKING RECOMMENDATION**

Conditional if approved

- Prior to Final SP, verify adequate sight distance at access drive.
- Prior to Final SP, modify WB left turn lane and transition on Charlotte Pike to provide appropriate left turn lane storage.
- Prior to Final SP, identify joint use driveways.

**HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION**

Approved with conditions

- Revise Water & Sewer Note 6 as follows: "All water meters shall be a minimum of 18" below finished grade."
- Revise Water & Sewer Note 7 as follows: "Pressure regulating devices will be required on the customer side of the meter."
- Remove Water & Sewer Note 8.
- An availability letter will need to be requested for water and sewer.

**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 sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.
- Comply with MPW Traffic Engineer.

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	1.74	3.09 D	6 U*	58	5	7

\*Based off one two-family lot

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	1.74	-	8,000 SF	380	14	41

Traffic changes between maximum: **R15** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
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-	-	-	-	+322	+9	+34
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**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all condition.

**CONDITIONS**

1. Uses within the SP shall be limited to the office and retail uses.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
3. Signage shall meet the requirements of the MUL-A zoning district.
4. The final site plan shall include a 50' scenic landscaped buffer along the Charlotte Pike frontage.
5. Prior to Final SP, adequate sight distance at access drive shall be verified.
6. Prior to Final SP, the westbound left turn lane and transition on Charlotte Pike shall be modified to provide appropriate left turn lane storage.
7. Prior to Final SP, joint use driveways shall be identified.
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 or with final site plan application.
9. 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.
10. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
11. Revise note on the plan to read as follows: Building and parking area to be setback a minimum of 100' from Charlotte Pike right-of-way with area maintained in a park-like setting.

Approved with conditions and disapproved without all conditions (8-0), Consent Agenda

**Resolution No. RS2014-142**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-035-001 is **Approved with conditions and disapproved without all conditions. (8-0)**

**CONDITIONS**

1. **Uses within the SP shall be limited to the office and retail uses.**
2. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.**
3. **Signage shall meet the requirements of the MUL-A zoning district.**
4. **The final site plan shall include a 50' scenic landscaped buffer along the Charlotte Pike frontage.**
5. **Prior to Final SP, adequate sight distance at access drive shall be verified.**
6. **Prior to Final SP, the westbound left turn lane and transition on Charlotte Pike shall be modified to provide appropriate left turn lane storage.**
7. **Prior to Final SP, joint use driveways shall be identified.**
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 or with final site plan application.**
9. **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.**
10. **The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.**
11. **Revise note on the plan to read as follows: Building and parking area to be setback a minimum of 100' from Charlotte Pike right-of-way with area maintained in a park-like setting.**

**12. 2014SP-037-001**

**1, 7, 9 & 11 MUSIC SQUARE WEST**  
 Map 092-16, Parcel(s) 391-394

Council District 19 (Erica S. Gilmore)  
Staff Reviewer: Carrie Logan

A request to rezone from CF and ORI to SP-MU zoning for properties located at 1, 7, 9 and 11 Music Square West, at the corner of Division Street and 17th Avenue South, (1.04 acres), to permit a mixed use development, requested by NV Music Row, LLC, owner.

**Staff Recommendation: Approve with conditions and disapprove without all conditions.**

## **APPLICANT REQUEST**

**Preliminary SP to permit a mixed use development.**

### Preliminary SP

A request to rezone from CF and ORI to SP-MU zoning for properties located at 1, 7, 9 and 11 Music Square West, at the corner of Division Street and 17th Avenue South, (1.04 acres), to permit a mixed-use development.

### **Existing Zoning**

Core Frame (CF) is intended for a wide range of parking and commercial service support uses for the central business District.

Office/Residential Intensive (ORI) is intended for high intensity office and/or multifamily residential uses with limited retail opportunities.

### **Proposed Zoning**

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

## **CRITICAL PLANNING GOALS**

- Promotes Compact Building Design
- Supports Infill Development
- Supports a Variety of Transportation Choices

This rezoning will allow a mixture of uses and a development that builds up rather than out. Compact building design encourages development with a small physical footprint, which will efficiently use land. This development is in an existing community, but at a higher intensity than before. Development is added where existing infrastructure is available. This property is located one block from a bus route and permits a variety of uses that would generate bus riders. Additionally, it will be required to provide bicycle parking at Zoning Code standards.

## **GREEN HILLS – MIDTOWN COMMUNITY PLAN**

T5 Center Mixed Use Neighborhood (T5 MU) policy is intended to preserve and enhance urban mixed use neighborhoods that are characterized by a development pattern that contains a diverse mix of residential and nonresidential land uses, and that are envisioned to remain or develop in a mixed use pattern. T5 MU areas are intended to be among the most intense areas in Davidson County. T5 MU areas include the County's major employment centers, representing several sectors of the economy including health care, finance, retail, the music industry, and lodging.

District Office Concentration (D OC) policy is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities as characterized by development patterns, building form, land use, and associated public realm.

### Consistent with Policy?

Yes. The proposed mixture of uses at this intensity is appropriate at this site. Development under modified MUI-A standards will provide a focal point when approaching from Demonbreun Street or Division Street and is consistent with the policies.

## **PLAN DETAILS**

This is a regulatory SP that is largely based on MUI-A standards. Only FAR and height, both in the build-to and overall height, have been varied, providing for an increase in both to allow for a more intense development in a prominent location.

## **ANALYSIS**

The proposed SP is consistent with policy and consistent with other rezonings that have taken place in Midtown.

## **FIRE MARSHAL RECOMMENDATION**

N/A

## **STORMWATER RECOMMENDATION**

Ignore

**WATER SERVICES RECOMMENDATION**

N/A

**PUBLIC WORKS RECOMMENDATION**

N/A

- A complete review for the project will be completed with the submittal of the Final SP.

- 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.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.52	5 F	113,256 SF	1469	208	206

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.52	3 F	67,953 SF	991	138	155

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.04	6 F	271,814 SF	2882	418	384

Traffic changes between maximum: **CF** and **ORI** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 90,605 SF	+422	+72	+23

**SCHOOL BOARD REPORT**

Projected student generation existing **CF/ORI** district: **1 Elementary 1 Middle 1 High**

Projected student generation proposed **SP-MU** district: **2 Elementary 1 Middle 1 High**

These numbers are based on the Urban Infill Factor (UIF). The UIF takes into account that urban development's typically do not generate as many new students because the units tend to be very small. Students would attend Eakin Elementary, West End Middle School and Hillsboro High School. Eakin Elementary is over capacity. There is capacity within the cluster for elementary school students. This information is based upon data from the school board last updated September 2013.

**STAFF RECOMMENDATION**

Staff recommends approval with conditions and disapproval without all conditions.

**CONDITIONS**

1. Uses within this SP shall be limited to uses permitted by MUI-A
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A zoning district as of the date of the applicable request or application.
3. 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 or with final site plan application.
4. 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.

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.

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

Ms. LeQuire recused herself and stepped out of the room at 8:00 p.m.

Tom White, 36 Old Club Court, spoke in favor of the application and stated they will continue to meet with anyone that has issues to be addressed; this is consistent with policy.

Joni Priest, Hastings Architecture, spoke in favor of the application and noted that new zoning would harmonize and require consistent regulations on the entire site.

David Chase, developer, spoke in favor of the application and noted that they are very conscious of neighbors and the people they work around.

Felice Apolinsky, 1707 Division Street, spoke in opposition to the application due to the disruption of Gilda's Club guests; easy access is a necessity.

Mark Carver, 1009 Greenwich Park, spoke in opposition to the application and noted that people will try to use the alley as if it's a major roadway.

Sheri Jacobs, 511 Union Street, spoke in opposition to the application due to increased traffic concerns and also noted that it is imperative that Gilda's Club guests have uninterrupted access.

Tom White clarified that the plans will mandate an alley improvement according to Public Works requirements.

**Chairman McLean closed the Public Hearing.**

Mr. Clifton stated that this improvement, with close attention to detail, will result in a better situation than what is there now.

**Mr. Clifton moved and Mr. Ponder seconded the motion to approve with conditions and disapprove without all conditions. (6-0-1) Ms. LeQuire recused herself.**

**Resolution No. RS2014-143**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-037-001 is **Approved with conditions and disapproved without all conditions. (6-0)**

**CONDITIONS**

1. **Uses within this SP shall be limited to uses permitted by MUI-A.**
2. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUI-A zoning district as of the date of the applicable request or application.**
3. **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 or with final site plan application.**
4. **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.**
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.**

Ms. LeQuire stepped back in the room at 8:24 p.m.

**Zone Changes**

**13. 2013Z-008PR-001**

BL2013-392 / WEINER  
**SAWYER BROWN ROAD (UNNUMBERED)**  
Map 128, Parcel(s) 045  
Council District 22 (Sheri Weiner)  
Staff Reviewer: Jason Swaggart

A request to rezone from SP to RS80 zoning for property located at Sawyer Brown Road (unnumbered), approximately 540 feet north of Meadow Lane Drive (39.09 acres), requested by the Metro Planning Department and Councilmember Sheri Weiner, applicants: Community Bank & Trust, owner.

**Staff Recommendation: Defer to the August 14, 2014, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2013Z-008PR-001 to the August 14, 2014, Planning Commission meeting. (8-0)**

#### 14. 2014Z-021PR-001

BL2014-766 \ POTTS

##### **PACKARD DRIVE DOWNZONING**

Map Various, Parcels Various

Council District 30 (Jason Potts)

Staff Reviewer: Melissa Sajid

A request to rezone from R10 to RS10 zoning for various properties located along Cedar Hill Road, Crosby Lane, Cypress Drive, Fairlane Drive, Gillette Road, Madeline Drive, Melpar Drive, Packard Drive, Pearson Place, Raywood Lane, Strasser Drive, Tusculum Road, Yorktown Road and a portion of property located at 4930 Nolensville Pike, on the east side of Nolensville Pike (approximately 156 acres), requested by Councilmember Jason Potts, applicant; various property owners.

**Staff Recommendation: Disapprove as submitted; Approve with a substitute ordinance.**

##### **APPLICANT REQUEST**

**Zone change from R10 to RS10.**

##### Application type

A request to rezone from One and Two-Family Residential (R10) to Single-Family Residential (RS10) zoning for various properties located along Cedar Hill Road, Crosby Lane, Cypress Drive, Fairlane Drive, Gillette Road, Madeline Drive, Melpar Drive, Packard Drive, Pearson Place, Raywood Lane, Strasser Drive, Tusculum Road, Yorktown Road and a portion of property located at 4930 Nolensville Pike, on the east side of Nolensville Pike (approximately 156 acres).

##### **Existing Zoning**

One and Two-Family Residential (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre.

According to Metro property records, there are 7 lots within the proposed rezoning area that have existing duplexes.

##### **Proposed Zoning**

Single-Family Residential (RS10) requires a minimum 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**

- Does Not Support a Range of Housing Choices
- Does Not Support a Variety of Transportation Choices
- Does Not Support Infill Development
- Does Not Promote Compact Building Design

The proposed zone change would limit residential development within the boundary to single-family detached where detached duplexes are currently permitted. By limiting development to one residential type, this zone change does not support a range of housing choices. The location of this neighborhood near Nolensville Pike and existing transit lines along Nolensville Pike provide the framework for future transportation options. However, maintaining the current low density of the neighborhood is unlikely to support additional transportation choices. Without options for additional density, this zone change does not support compact development.

##### **SOUTHEAST COMMUNITY PLAN**

Residential Low-Medium (RLM) policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

##### Consistent with Policy?

The requested zone change is not consistent with the RLM policy. The RLM policy generally recommends residential densities between two and four dwelling units per acre. Within the zone change boundary, development is predominantly single-family with a density of less than two dwelling units per acre. The addition of duplexes within the boundary, as currently permitted by the R10 zoning district, would increase the residential density of the neighborhood into the recommended range of the RLM policy. As described in the Critical Planning Goals section of this report, permitting somewhat higher residential density through duplexes will help to achieve broader goals of providing housing type diversity, improving access to multiple forms of

transportation, achieving building efficiency through compact building design, and supporting infill development. This zone change would essentially solidify the current low-density form of single-family development.

**ANALYSIS**

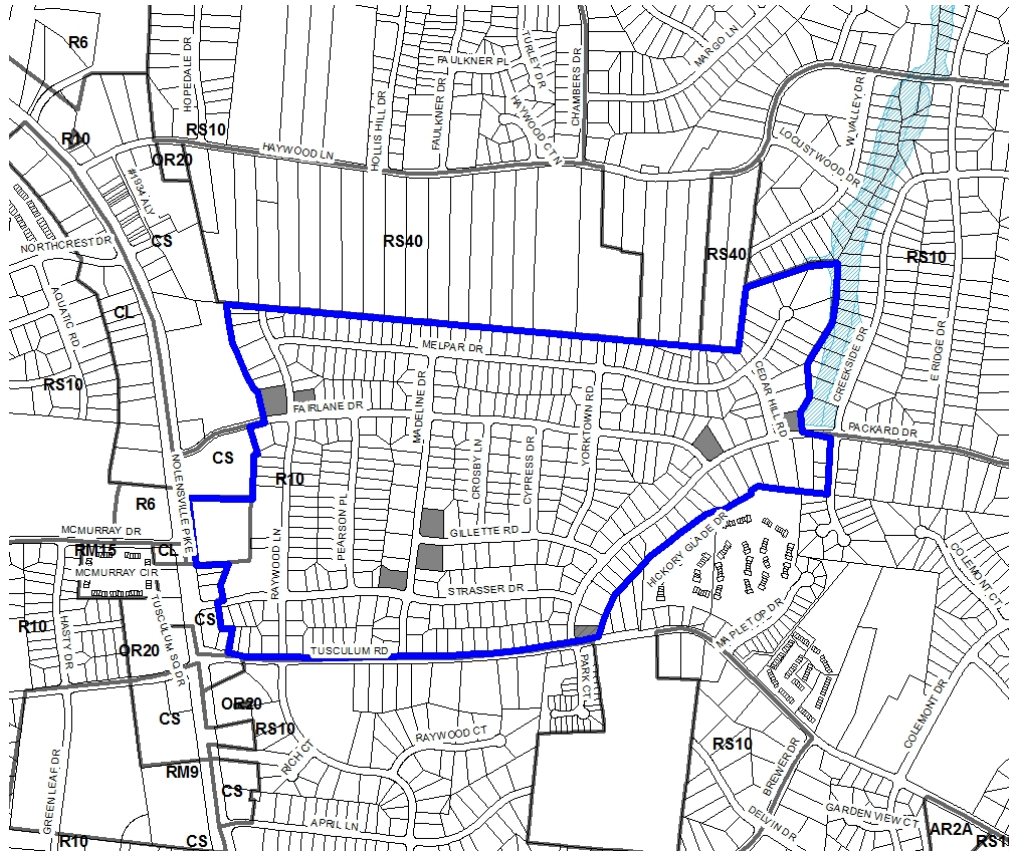
The current R10 zoning district permits single-family detached residential as well as duplexes (attached or detached). The proposed zone change to RS10 would eliminate the ability to construct duplexes. Residential density is the only aspect of development that this zone change would affect. No differences exist between the bulk standards of the RS10 and R10 zoning districts in the Zoning Code. Building height and parking requirements are the same in both districts, and redevelopment is required to be consistent with adjacent lots in terms of contextual street setbacks. This site falls outside of the Urban Zoning Overlay (UZO), which would allow duplexes to be detached. Detaching future two family dwellings would allow for the existing character of detached dwellings to be maintained. Redevelopment of lots within this neighborhood to duplexes would follow the same requirements as redevelopment of lots to new single-family dwellings. Two-family dwellings as a permitted use in the area would provide an additional housing option and the residents would benefit from and support existing public transit that runs along Nolensville Pike.

Staff proposes a substitute ordinance that would permit duplexes at strategic and appropriate locations. Permitting two family dwellings at these strategic locations would provide some additional housing diversity and opportunities within the developed community. Strategic locations are identified as corner lots where detached duplexes may be incorporated and arranged so that one of the detached duplexes is oriented toward each public street at that intersection. Such an arrangement would mirror the existing character of the neighborhood and maintain the rhythm of the street. Strategic locations would include corner lots with existing, legally built two family dwellings as well as larger corner lots that do not currently have two family dwellings. In order to discourage future subdivisions that result in duplex eligible lots, staff recommends increasing the minimum lot size on some of these parcels that would remain with an R zoning district to require a larger lot size so that the properties cannot be subdivided in the future.

**STAFF RECOMMENDED AMENDMENT**

Staff recommends keeping the following parcels R10 or rezoning to the zoning district below, since these properties are located at strategic locations for two family dwellings:

<b>Parcel Number</b>	<b>Address</b>	<b>Lot Area</b>	<b>Recommended Zoning District</b>
14716004100	4923 Raywood Lane	35,842	R20
14716010400	372 Fairlane Drive	22,041	R15
14716019000	5008 Madeline Drive	29,028	R15
14716019100	5014 Madeline Drive	30,251	R20
14176017200	5021 Madeline Drive	24,186	R15
14813009400	300 Fairlane Drive	25,721	R15
14813003800	4912 Cedar Hill Road	25,549	R15
16201012800	5032 Packard Drive	12,949	R10



R10 properties are shown with a hatch. Properties proposed for rezoning are shown in gray.

**STAFF RECOMMENDATION**

Staff recommends disapproval of the requested zone change as submitted but approval with a substitute ordinance.

Disapproved as submitted; Approve with a substitute ordinance. (8-0)

**Resolution No. RS2014-144**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2014Z-021PR-001 is **Disapproved as submitted; Approve with a substitute ordinance. (8-0)**”

**15. 2014Z-036PR-001**

BL2014-761 \ TODD

**WALLACE LANE DOWNZONING**

Map 116-16, Parcel(s) 136-138, 140, 141, 143, 144, 147, 149

Council District 34 (Carter Todd)

Staff Reviewer: Jason Swaggart

A request to rezone from RS20 to RS30 zoning for properties located at 3914, 3916, 3920, 4002, 4004, 4008, 4010, 4016 and 4128 Wallace Lane, south of Abbott Martin Road (approximately 11 acres), requested by Councilmember Carter Todd, applicant; various property owners.

**Staff Recommendation: Approve**

**APPLICANT REQUEST**

**Zone change from RS20 to RS30.**

Zone Change

A request to rezone from Single-Family Residential (RS20) to Single-Family Residential (RS30) zoning for properties located at 3914, 3916, 3920, 4002, 4004, 4008, 4010, 4016 and 4128 Wallace Lane, south of Abbott Martin Road (approximately 11 acres).

**Existing Zoning**

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 23 units.*

Single-Family Residential (RS30) requires a minimum 30,000 square foot lot and is intended for single-family dwellings at a density of 1.23 dwelling units per acre. *RS30 would permit a maximum of 15 units.*

**CRITICAL PLANNING GOALS**

N/A

**GREENHILLS/MIDTOWN COMMUNITY PLAN**

**Land Use Policy**

Residential Low Medium (RLM) policy is intended to accommodate residential development within a density range of two to four dwelling units per acre. The predominant development type is single-family homes, although some townhomes and other forms of attached housing may be appropriate.

Consistent with Policy?

Yes. The proposed RS30 district permits a density consistent with the RLM land use policy. The existing RS20 is also consistent with the land use policy; however, the proposed RS30 district is more consistent with the existing lot size for the properties requested to be rezoned.

**PUBLIC WORKS RECOMMENDATION**

A traffic study may be required at time of development.

\* No traffic table was prepared because the proposed district will not generate additional traffic.

**METRO SCHOOL BOARD REPORT**

No school support was prepared because the proposed RS30 district will generate fewer students. This information is based upon data from the school board last updated September 2013.

**STAFF RECOMMENDATION**

Staff recommends approval since the request is consistent with RLM land use policy.

Approved (8-0), Consent Agenda

**Resolution No. RS2014-145**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2014Z-036PR-001 is **Approved. (8-0)**”

**K. PLANNING COMMISSION ACTIONS**

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

**Planned Unit Developments: Final Site Plans**

**16. 94P-020-002**

**FED EX GROUND**

Map 049, Parcel(s) 326  
Council District 03 (Walter Hunt)  
Staff Reviewer: Melissa Sajid

A request to revise the preliminary plan and for final site plan approval for the Commercial Planned Unit Development Overlay District located on a portion of property at 3301 Knight Drive, at the northeast corner of Briley Parkway and Knight Drive (96.22 acres), zoned IWD and partially located within the Floodplain Overlay District, to permit a 4,000 square foot addition to an existing warehouse and an expansion to an existing parking lot, requested by Ragan-Smith Associates, applicant; Caleast Nat, LLC, owner.

**Staff Recommendation: Approve with conditions.**

**APPLICANT REQUEST**

Revise preliminary plan and final site plan approval.



### Revise Preliminary PUD and Final

A request to revise the preliminary plan and for final site plan approval for the Commercial Planned Unit Development Overlay District located on a portion of property at 3301 Knight Drive, at the northeast corner of Briley Parkway and Knight Drive (96.22 acres), zoned Industrial Warehousing/Distribution (IWD) and partially located within the Floodplain Overlay District, to permit a 4,000 square foot addition to an existing warehouse and an expansion to an existing parking lot.

### **Existing Zoning**

Industrial Warehousing/Distribution (IWD) is intended for a wide range of warehousing, wholesaling, and bulk distribution uses.

### **CRITICAL PLANNING GOALS**

N/A

### **REQUEST DETAILS**

The subject property is located at the northeast corner of Briley Parkway and Knight Drive. Surrounding zoning includes R10, ON and IWD. The zoning of the property is IWD and PUD overlay.

### **ANALYSIS**

The Fed Ex Ground PUD was approved initially by Council in 1994, to permit a package distribution center with up to 230,000 square feet in building area. The PUD has been revised twice since then to permit an additional 9,843 square feet. This revision adds an additional 4,000 square feet to an existing building as well as parking lot expansion. Since the total floor area added in previous revisions and this proposed revision (13,843 square feet) does not exceed ten percent of the originally approved 230,000 square feet, the proposed PUD revision only requires approval by the Planning Commission.

The applicant requests to permit a 4,000 square foot addition to an existing vehicle maintenance building and an employee parking lot expansion of 203 spaces. The parking lot expansion is located to the east of the site where the existing stormwater detention facility is located. As a result of the parking expansion, the detention pond is to be relocated farther east but is proposed to be located outside of the floodplain.

Planning staff recommends approval of the request.

### **FIRE MARSHAL RECOMMENDATION**

N/A

### **STORMWATER RECOMMENDATION**

#### **Approve with conditions**

- Add concrete washdown note to plans: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."

### **PUBLIC WORKS RECOMMENDATION**

#### **No exception taken**

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

### **TRAFFIC & PARKING RECOMMENDATION**

#### **No exception taken**

### **WATER SERVICES RECOMMENDATION**

#### **Approved**

### **STAFF RECOMMENDATION**

Staff recommends approval with conditions.

### **CONDITIONS**

1. 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.
2. 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.
3. The following note shall be added to the plans: "Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting."

**Resolution No. RS2014-146**

“BE IT RESOLVED by The Metropolitan Planning Commission that 94P-020-002 is **Approved with conditions. (8-0)**

**CONDITIONS**

- 1. 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.**
- 2. 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.**
- 3. The following note shall be added to the plans: “Contractor to provide an area for concrete wash down and equipment fueling in accordance with Metro CP – 10 and CP – 13, respectively. Contractor to coordinate exact location with NPDES department during preconstruction meeting.”**

**Subdivision: Final Plats**

**17. 2014S-043-001**

**RUSSWOOD HEIGHTS, RESUB LOT 6**

Map 131-01-0-S, Parcel(s) 001-002, 900  
Council District 34 (Carter Todd)  
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create two lots on properties located at 3331 and 3331 B Trimble Road and 2302 Castleman Drive, at the northwest corner of Trimble Road and Castleman Drive, zoned RS20 (1.01 acres), requested by Stanley K. Draper, applicant; Angelo Formosa III, owner.

**Staff Recommendation: Disapprove**

**APPLICANT REQUEST**

**Create two lots.**

Final Plat

A request for final plat approval to create two lots on property located at 3333 Trimble Road, at the northwest corner of Trimble Road and Castleman Drive, zoned Single-Family Residential (RS20) (1.01 acres)

**CRITICAL PLANNING GOALS**

N/A

**PLAN DETAILS**

The proposed final plat would establish two single-family residential lots on property located at 3333 Trimble Road. The existing lot is one acre in size (43,692 square feet). The site is a corner lot having frontage on Trimble Road and Castleman Drive. The applicant proposed two lots with the following areas and street frontages:

- Lot 1: 20,151 Sq. Ft., (0.463 acres), and 102.11 ft. of frontage on Trimble Road;
- Lot 2: 23,541 Sq. Ft., (0.54 acres), and approx. 120 ft. of frontage on Trimble Road and approx. 170 ft. of frontage on Castleman Drive.

The existing house has been removed from the site. The plat would create a 40 foot street setback along Trimble Road and a 60 foot street setback on Castleman Drive. The street setbacks proposed on the current plat are consistent with the street setbacks established on the original plat creating the subject lot, but are not consistent with development on Castleman Drive to the west.

The proposed subdivision would also establish the following development standards in an attempt to ensure development on the lots is compatible with the surrounding area:

- Garage doors shall not be oriented towards Trimble Road.
- Apart from the driveway access for Lot 1, there shall be no parking between the structures and Trimble Road.
- Vehicular access for Lot 2 shall be limited to Castleman Drive.
- Maximum height of 2 stories.

**ANALYSIS**

Infill Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the site’s Residential Low policy area. The review criteria attempts to ensure that proposed lots are compatible with surrounding parcels. Where surrounding parcels do not exist, the Planning Commission may grant an exception to the compatibility criteria by

considering a larger area to evaluate general compatibility.

The proposed subdivision will orient the two resulting lots toward Trimble Road. There are no other lots oriented to Trimble Road on this blockface to which staff could compare. Therefore, it is required that this request be brought before the Planning Commission for determination since there are not any lots on either side to meet the Infill standards of the Subdivision Regulations. While the resulting density of the lots does not exceed the prescribed density of the Residential Low policy for the area, the majority of the larger area surrounding the subject property is composed of lots containing over 36,000 square feet (0.84 acres) of lot area. The proposed lots would create smaller lots than typically found in the area. Further, the proposed lots would result in setbacks that are inconsistent along Castleman Drive, access points and parking pads along Castleman Drive that would not work well with the surrounding lot pattern and potentially set a precedent for an inconsistent lot pattern in the area.

The site previously contained a duplex dwelling and is currently still eligible for a detached or attached duplex. The Zoning Code permits the re-establishment of a duplex on the subject property as it currently is platted. While the applicant is able to construct two dwellings on the site without the proposed subdivision, they have chosen to request a two lot subdivision in order to establish two individual lots instead of the duplex.

As proposed, two lots are not compatible with the existing neighborhood. In addition, a subdivision would create two lots that are smaller than is typically found in the area since the orientation, access points and setbacks are not consistent with the surrounding area.

**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 sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip
- Proposed driveways must meet all Metro Code requirements for spacing.

**STORMWATER RECOMMENDATION**

Approve

**WATER SERVICES RECOMMENDATION**

Approve

**STAFF RECOMMENDATION**

Staff recommends disapproval of the subdivision as the requested lots are not compatible with the lot pattern found in the larger area surrounding the site.

Mr. Cuthbertson presented the staff recommendation of disapproval.

Michael Garrigan, 516 Heather Place, spoke in favor of the application and noted that this is a legal two family lot.

Heidi Welch, 4010 Wallace Lane, spoke in opposition and noted there has not been two houses on this lot before, does not fit the character of the neighborhood

Charlotte Cooper, 3409 Trimble Road, spoke in opposition due to the negative impact on the neighborhood.

Michael Garrigan clarified that two units are permitted.

**Chairman McLean closed the Public Hearing.**

Mr. Ponder spoke in favor of staff recommendation of disapproval.

Ms. Blackshear spoke in favor of staff recommendation of disapproval.

**Mr. Ponder moved and Councilmember Hunt seconded the motion to disapprove. (7-0)**

**Resolution No. RS2014-147**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2014S-043-001 is **Disapproved. (7-0)**

**18. 2014S-084-001**

**300 TILLMAN**

Map 083-07, Parcel(s) 149  
Council District 06 (Peter Westerholm)  
Staff Reviewer: Melissa Sajid

A request for final plat approval to create three lots on property located at 300 Tillman Lane, at the southeast corner of Tillman Lane and Skyview Drive, zoned R6 (0.57 acres), requested by Dale & Associates, applicant; Graham C. Gray and James Carson Gray, owners.

**Staff Recommendation: Defer to the June 12, 2014, Planning Commission meeting.**

**The Metropolitan Planning Commission deferred 2014S-084-001 to the June 12, 2014, Planning Commission meeting. (8-0)**

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**L. OTHER BUSINESS**

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19. Historic Zoning Commission Report

20. Board of Parks and Recreation Report

21. Executive Committee Report

22. Accept the Director's Report and Approve Administrative Items

1<sup>st</sup> motion: In accordance with Section VI K 2 of the Planning Commission's Rules and Procedures, Mr. Clifton moved and Ms. LeQuire seconded the motion to place on the June 12, 2014 agenda consideration of whether sufficient new evidence exists to rehear 2014S-021-001 Vista Cluster Lot Subdivision. (2-5) Mr. Adkins, Chairman McLean, Ms. Blackshear, Mr. Ponder, and Councilmember Hunt voted against.

**Resolution No. RS2014-148**

"BE IT RESOLVED by The Metropolitan Planning Commission that The motion to place on the June 12, 2014 agenda consideration of whether sufficient new evidence exists to rehear 2014S-021-001 Vista Cluster Lot Subdivision failed. (2-5)

Mr. Ponder moved and Mr. Adkins seconded the motion to Accept the Director's Report and Approve Administrative Items. (7-0)

**Resolution No. RS2014-149**

"BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved**. (7-0)

23. Legislative Update

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**M. MPC CALENDAR OF UPCOMING MATTERS**

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**May 22, 2014**

MPC Meeting

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

**June 12, 2014**

MPC Meeting

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

**June 26, 2014**

MPC Meeting

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

**Location change for the following MPC meetings:**

July 24, 2014 & October 23, 2014

MDHA Training Center

1419 Rosa Parks Boulevard

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**N. ADJOURNMENT** – The meeting adjourned at 8:53 p.m.

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building, 2<sup>nd</sup> Floor  
800 Second Avenue South  
Nashville, Tennessee 37219

Date: May 22, 2014

To: Metropolitan Nashville-Davidson County Planning Commissioners

From: Richard C. Bernhardt, FAICP, CNU-A

Re: Executive Director's Report

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The following items are provided for your information.

**A. Planning Commission Projected Attendance (6 members are required for a quorum)**

1. Attending: McLean; Blackshear; Clifton; Ponder; Adkins; Hunt
2. Leaving Early: Gee (6-6:30); LeQuire (7:30)
3. Maybe: Haynes
4. Absent: Dalton

**B. May 22, 2014 MPC meeting NashvilleNext MPC Topic**

1. Education and Youth Resource Team Goals, Policies and Findings (Driving Forces and Influence Diagrams) (Carlat)
2. Upcoming – June 12, 2014 - Futures Overview and Scheduling (Claxton)

**C. Rehearing Requests**

1. A request presented by Mr. David Kleinfelter for rehearing of Item #12 concept plan approval to create 43 clustered lots on a portion of property located at Whites Creek Pike (unnumbered), at the northeast corner of Whites Creek Pike and Green Lane, zoned R10 (11.81 acres) from the MPC meeting of February 27, 2014 was denied in accordance with the Commission's Rules and Procedures. (see attached request and response)
2. MPC relevant rules and procedures. Section VI.K.2 ... "If the Chairperson and Executive Director determine that a rehearing request is without merit and need not be considered by the Commission, that decision will be noted on the Commission's next available agenda. The Commission may, by a majority vote of the members present, overrule the decision of the Chairperson and Executive Director and consider the request at a subsequent meeting."

**D. Planning Commission Meetings**

1. Due to a conflict with the Election Commission:
  - a. July 24, 2014 – 4:00 pm; MDHA Training Center, 1419 Rosa Parks Blvd; Nashville.

b. October 23, 2014 – 4:00 pm; MDHA Training Center, 1419 Rosa Parks Blvd; Nashville.

## **E. Employee News**

1. We are still looking for the following:
  - a. Vacant Positions
    - i. Planner II in Land Development
    - ii. Urban Designer for the Design Studio with an architectural background.

## **F. Communications**

## **G. Community Planning**

## **H. Land Development**

## **I. GIS**

1. The Mayor signed the Open Data Executive Order. [Data.Nashville.gov](http://Data.Nashville.gov) is now live. Planning cases that are on the Development Tracker are there. Jennifer Higgs has been appointed the Data Coordinator with a requirement that the data sets be current and all new datasets be presented within 90 days.

## **J. Executive Director Presentations**

1. 2014 Healthy Nashville Summit (May 9, 2014)
2. Cary Intercity visit – NashvilleNext (May 14, 2014)
3. Briefing of the MTA Planning Committee on the status of NashvilleNext and the Futures (May 15, 2014)

## **K. NashvilleNext**

1. **Presentations and Meetings**
2. **Guiding Principles** – They have been vetted and in final Draft Stage. They will form the basis for next stages. **These are the second DRAFT version**

### **Be Nashville**

- Nashvillians lift one another up and help people help themselves.
- Our culture celebrates creativity, respect for history, and optimism for the future.
- Nashville’s welcoming nature represents the best of Southern hospitality and celebrates our cultural and economic diversity, bringing new and old Nashvillians together.

### **Foster Strong Neighborhoods**

- Neighborhoods are the building blocks of our community: they are where we live, work, shop and gather as a community.
- Our neighborhoods are healthy, safe, and affordable – friendly to pedestrians, with vibrant parks, welcoming libraries, accessible shopping and employment, valued and protected natural and historic features, and strong schools.
- Our neighborhoods offer Nashvillians choice in where and how to live, including rural, suburban, urban, and downtown options. They grow with us as we move into the future.

## **Expand Accessibility**

- Nashville is accessible, allowing all Nashvillians to come together to work, to play, to learn, and to create community and contribute to civic life, regardless of background or ability.
- Nashville has a complete and efficient transportation system, adding transit, walking, and biking options to our existing road network.
- Nashvillians have genuine access to employment and educational opportunities, online capabilities, civic representation, nature and recreation, and government services.

## **Create Economic Prosperity**

- Nashville's economy is diverse, dynamic and open. It benefits from our culture of arts, creativity and entrepreneurialism.
- Our strong workforce and quality of life make Nashville competitive in the evolving international economy.
- Nashville's success is based on promoting opportunities for growth and success for individuals from all communities in all sizes and kinds of businesses.
- To provide a foundation for future growth and prosperity, Nashville meets its infrastructure needs in an environmentally responsible way.

## **Advance Education**

- Nashville recognizes that education is a lifelong endeavor; it is how we prepare our children for tomorrow's challenges, and how all Nashvillians remain able to successfully participate in the workforce and civic life. Life-long learning also benefits from the community's investment in continuing education, retraining opportunities and literacy.
- Nashvillians support children and families by ensuring quality PK-12 education for all through support from neighborhoods, businesses, institutions, non-profits, individuals, and governments.
- Nashville's excellent colleges and universities are community assets and tremendous resources for the community that add to its prestige.

## **Champion the Environment**

- Nashville has unique natural environments of breath-taking beauty, exceptional parks and greenways, abundant water and agricultural land that supports local food production. The natural landscapes of Nashville – from the Cumberland River to the steep slopes in the west and the lush tree canopy – are part of our identity.
- We protect these landscapes because they contribute to our health and quality of life and provide a competitive advantage to Nashville.
- Nashville enables sustainable living through transportation options, housing choices, economic and social diversity and thoughtful design of buildings and infrastructure.



## Ensure Equity for All

- Nashville is stronger because we value diversity in all its forms and welcome all Nashvillians, regardless of age, race, ethnicity, ability or limitation, income, gender, sexual orientation, where you were born or where you live.
- Ensuring equity has been and continues to be central to Nashville's culture. As Nashville changes, we remain committed to removing unjust differences.
- We are vigilant in protecting human rights for all to ensure that all are engaged in decision making and share in the city's growth, prosperity and quality of life.

### 3. NashvilleNext Overall Schedule

- a. Mapping Future Growth and Preservation (Currently - Spring 2014)
  - i. Community Engagement on Growth Mapping
  - ii. Scenario Development
  - iii. Initial Policy Option Development
- b. Making Policy Decisions (Spring/Fall 2014)
  - i. Community Engagement on Scenario Options
  - ii. Resource Teams and Steering Committee develop policy options
  - iii. Community engagement on policy options
- c. Creating and Adopting the Plan (Fall 2014/Summer 2015)
  - i. Community Vision
  - ii. Policies and Actions
  - iii. Preferred Alternative
  - iv. Implementation Schedule
  - v. Planning Commission Adoption

### 4. NashvilleNext Key Activities:

- a. Phase 3 (of 5) of the process is completed with over 10,000 participants.
- b. Developing the alternative development scenarios and policy implications based on community input through the priority and growth mapping exercises.
- c. Steering Committee has begun the review of the Resource Teams Goals and Policies.
- d. The launch of the 'Go To Meeting' component of the Scenario community engagement will begin this week.
- e. Scenarios are being processed in CommunityViz.
- f. Schedule is shifting to begin phase 4 in June, though we may unveil the scenarios at the Healthy Nashville summit on May 16.
- g. List of special projects underway include:
  - i. The Airport Employment Center Master Design
  - ii. Identification of Downtown open space network
  - iii. Examining the potential use for the Missing Middle housing typology
- h. Coordinating with MTA and Nashville GreenPrint (tree canopy master plan) as they begin their master planning efforts.

### 5. Resource Teams:

- a. NashvilleNext Resource Teams have moved into Phase 2 (of 3) of their process. The purpose of this Phase is to develop goals and policies for each plan element and as impacted by the scenario

alternatives. As of Thursday, May 22, 2014, all Resource Teams have met to review and assess the alternative futures.

Resource Team - Phase 2	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
Economic/Workforce Development	●	●	●	○
Arts, Culture, & Creativity	●	●	●	○
Natural Resources/Hazard Adaptation	●	●	●	○
Education & Youth	●	●	●	●
Housing	●	●	●	○
Health, Livability, & Built Environment	●	●	●	○
Land Use, Transportation, & Infrastructure (different schedule)	●	○	○	○

**1. NashvilleNext Town Hall Meetings (all held at the Martin Professional Development Center)**

- a. June 9, 2014      Culture and Placemaking
- b. June 24, 2014    Housing and Gentrification
- c. June 30, 2014    Economic Development
- d. August ??, 2014   Transportation

**2. NashvilleNext Futures Review Community Meetings**

**3. NashvilleNext Future Open Lounges**

Tentative Date	Time	Venue / Location
6/16/2014	5 - 7 pm	Green Hills Library (W)
6/19/2014	5 - 7 pm	Edmondson Pike Library (W)
7/7/2014	5 - 7 pm	First Presbyterian on Franklin Pike
7/8/2014	5 - 7 pm	Antioch High School
7/14/2014	5 - 7 pm	Loveless Café
7/17/2014	5 - 7 pm	Bellevue Baptist
7/21/2014	5 - 7 pm	Harding Place YMCA

7/22/2014	5- 7 pm	Newk's (Belle Meade) - Check Space
7/24/2014	5 - 7 pm	Peacock Ballroom
7/28/2014	5 - 7 pm	Coleman Community Center
7/29/2014	5 -7 pm	Hermitage Community Center
7/31/2014	4:30 - 6:30 pm	Easley Community Center (Rose Park)
8/4/2014	5 - 7 pm	West Nashville Police Precinct
8/7/2014	5 - 7 pm	Hadley Park Community Center
8/8/2014	5-7 pm	Donelson Farmer's Market Location
8/11/2014	4:30 - 6:30 pm	East Park Community Center
8/12/2014	Lunchtime	Farmers Market (Lunch time)
8/16/2014	9 - 11 am	Beaman Park Nature Center (W -Sat's. only)
8/18/2014	5 - 7 pm	Old Hickory Community Center
8/21/2014	5 - 7 pm	Hartman Park Community Center
8/25/2014	5 - 7 pm	Paradise Ridge Community Center
8/27/2014	5 - 7 pm	Madison Library (W)
9/4/2014	5 - 7 pm	Madison Police Precinct
9/8/2014	5 - 7 pm	MT Zion Church
9/9/2014	5 - 7 pm	Goodlettsville City Hall

#### 4. NashvilleNext Special Studies

- a. **Gentrification Analysis and Recommendations** – Work is underway with Ms. Amie Thurber, Ms. Jyoti Gupta, Dr. James C. Fraser and Dr. Doug Perkins of Vanderbilt University on issues and recommendations related to gentrification in Nashville. The recommendations will be considered in the NashvilleNext policy and action phase.
- b. **Suburban Retrofit** – In conjunction with the National Association of Realtors will provide real life retrofit examples to make suburban areas more sustainable. The study began with field visits in February 7-9, 2014. Final presentations were be made by the University of Tennessee Students and the Georgia Tech students. We are not waiting for the final work to be provided for our use. 2014.
- c. **Jefferson Street Economic Analysis** - Identification of inner-city commercial districts comparable to Jefferson Street in other cities that have achieved sustained economic revitalization. Analysis of public policies, private investments, and other public- private interventions that was instrumental

to the successful revitalization. Focus of the study is to identify cases, interventions and factors that lead to revitalization without gentrification-related displacement of existing residents and small businesses. The case studies will include identification of programs beyond the typical public sector approaches of land acquisition, rezoning, and streetscape improvements. We have received a copy of the final draft for review. Vanderbilt (Dr. Doug Perkins and Karl Jones) and TSU (Dr. David Patchett)

**B. Planning Commission Workshops** (all include 1.5 hours Planning Commissioners Training credits)

**C. APA Training Opportunities**

4. Scheduled APA Webinars
5. Nashville Room, 2<sup>nd</sup> floor MOB.
6. All are scheduled from 3:00 – 4:30 pm
7. All have 1.5 hours AICP and Planning Commissioner training credit

Date	Topic (Live Program and Online Recording )
June 4, 2014	Introducing New Density to the Neighborhood
June 25, 2014	2014 Planning Law Review

**Administrative Items**

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff and are ready to be approved by the Planning Commission through acceptance and approval of this report or otherwise approved on behalf of the Planning Commission **through 05/14/2014.**

APPROVALS	# of Applications	<i>Total # of Applications 2014</i>
Specific Plans	1	12
PUDs	0	2
UDOs	0	1
Subdivisions	5	61
Mandatory Referrals	2	58
<b><i>Grand Total</i></b>	<b>8</b>	<b>134</b>

**SPECIFIC PLANS (finals only): MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
04/11/13	5/9/14	APADMIN	2012SP-005-002	VOCE (FINAL PHASES 1A & 1B)	A request for final site plan approval for a portion of property located within the Voce Specific Plan district at 5570 Granny White Pike, approximately 300 feet north of Oman Drive (4.84 acres), to permit 19 single-family homes and a sales center, requested by Civil Site Design Group, PLLC, applicant, Granny White Cabin Realty, LLC, owner.	34 (Carter Todd)

**PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
NONE						

**URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District # (CM Name)
NONE						

**MANDATORY REFERRALS: MPC Approval**

Date Submitted	Staff Determination		Case #	Project Name	Project Caption	Council District (CM Name)
04/30/14	5/7/14	APADMIN	2014M-002OT-001	EDWIN WARNER PARK PEDESTRIAN CROSSING LICENSE AGREEMENT	A request to approve an intergovernmental license agreement with the State of Tennessee, Department of Transportation, for the use and benefit of the Board of Parks and Recreation in the construction and maintenance of a pedestrian	34 (Carter Todd)

					crossing at Edwin Warner Park, requested by the Metro Department of Parks and Recreation, applicant.	
05/02/14	5/12/14	APADMIN	2014M-027ES-001	WESTIN MUSIC CITY HOTEL	A request to abandon approximately 77 feet of an 8" public sewer main and easement and to accept one new public sewer manhole on properties located at 301, 307 and 315 8th Avenue South and 300 and 312 9th Avenue South, requested by Civil Site Design Group, PLLC, and Metro Water Services, applicants; Nashville Hospitality Capital, LLC, and the Board of Publication of Methodist Church, owners.	19 (Erica S. Gilmore)

## SUBDIVISIONS: Administrative Approval

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District (CM Name)
04/03/14	5/2/14	APADMIN	2014S-088-001	WESTBROOK TWO LOT SUBDIVISION	A request for final plat approval to create two lots within the Richland-West End Neighborhood Conservation Overlay District on property located at 3616 Westbrook Avenue, approximately 600 feet west of Bowling Avenue (0.54 acres), zoned RS7.5, requested by Jeff Estep, LLC, owner; Donlon Land Surveying, LLC, applicant.	24 (Jason Holleman)
04/15/14	5/2/14	APADMIN	2014S-093A-001	WEST MEADE FARMS, LOT 715 SETBACK AMENDMENT	A request to amend the recorded front setback along Neilwood Drive from 80 feet to 68 feet for property located at 6448 Bresslyn Road, at the northwest corner of Bresslyn Road and Neilwood Drive (0.95 acres), zoned RS40, requested by Sharon Durham, applicant; Richard W. Feldman, Trustee, owner.	23 (Emily Evans)
09/11/13	5/13/14	APADMIN	2013S-178-003	VAULX LANDS, RESUB LOT 5 AND PART OF LOT 4	A request for final plat approval to create five lots on property located at 929 Gale Lane, at the southeast corner of Gale Lane and Craig Avenue, zoned R10 (1.49 acres), requested by Robert J. Deal, owner; Smith Land Surveying, LLC, applicant.	17 (Sandra Moore)
04/21/14	5/13/14	APADMIN	2014S-098A-001	BRIDLE DOWNS, LOT 5 SETBACK AMENDMENT	A request to amend the recorded rear setback from 20 feet to 10 feet for property located at 1545 Celebration Way, approximately 95 feet north of Walking Horse Court (0.2 acres), zoned R15 and located within the Bridle Downs Planned Unit Development Overlay District, requested by Robert and Elaine Rucker, owners.	04 (Brady Banks)
04/17/14	5/15/14	APADMIN	2014S-096-001	W.S. ASHWORTH, RESUB LOT 1	A request for final plat approval to create two lots on property located at 1101 Porter Road, at the northeast corner of Porter Road and Rosebank Avenue, zoned R6 (0.42 acres), requested by Advantage Land Surveying, applicant; Raeanne Rubenstein, owner.	06 (Peter Westerholm)

## Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
5/8/14	Approved Call	2007B-008-007	NASHVILLE COMMONS
5/9/2014	Approved Extension/Reduction	2012B-035-002	LEE CHAPEL AME CHURCH
5/9/2014	Approved Extension	2008B-005-008	VILLAGES OF RIVERWOOD, PHASE 1, SECTION 1

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### Calendar of Events

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- A. Tuesday; May 27, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- B. Thursday, June 12, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- C. Tuesday; June 24, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- D. Thursday, June 26, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- E. Tuesday; July 22, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- F. Thursday, July 24, 2014** - [MPC Meeting](#); 4pm, **MDHA Training Center, 1419 Rosa Parks Blvd; Nashville, TN 37208.**
- G. Thursday, August 14, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- H. Tuesday; August 26, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- I. Thursday, August 28, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- J. Thursday, September 11, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- K. Tuesday; September 23, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- L. Thursday, September 25, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- M. Thursday, October 9, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- N. Thursday, October 23, 2014** - [MPC Meeting](#); 4pm, **MDHA Training Center, 1419 Rosa Parks Blvd; Nashville, TN 37208.**



- O. **Tuesday; October 28, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- P. **Thursday, November 13, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- Q. **Tuesday; November 25, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- R. **Thursday, December 11, 2014** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- S. **Tuesday; December 23, 2014** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)
- T. **Thursday, January 8, 2015** - [MPC Meeting](#); 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- U. **Tuesday; January 27, 2015** - [NashvilleNext Steering Committee](#) (Jim McLean; Jeff Haynes; Andree LeQuire)

# RENO & CAVANAUGH PLLC

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David L. Kleinfelter  
(615) 866-2320  
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April 25, 2014

## **VIA HAND DELIVERY**

James McLean, Chairman  
Richard C. Bernhardt, FAICP, CNU-A, Executive Director  
Metro Nashville Planning Commission  
800 Second Avenue South, 2<sup>nd</sup> Floor  
Nashville, TN 37219

RE: **REHEARING REQUEST**  
Vista Cluster Lot Subdivision, 2014S-021-001

Dear Chairman McLean and Mr. Bernhardt:

I have been retained by residents of the Whites Creek community to represent their interests with respect to the above-captioned matter. Please accept this letter as a formal Request for Rehearing pursuant to Rule VI. K. of the Rules and Procedures of the Metro Planning Commission (the "Rules"). The minutes memorializing the commission's action relevant to this matter were approved on March 13, 2014. Accordingly, this Request is being filed within the applicable 45-day deadline.

### **Factual Background**

As you know, on February 27, 2014, by a vote of 5-2, the Commission approved an application from the Cornerstone Land Company to approve the Vista Cluster Lot Subdivision, MPC# 2014S-021-001 (the "Development"). The Development proposes 43 residential lots, which pursuant to the cluster lot option, could have a minimum lot size of 6,000 square feet, or 0.14 acres. The Department's staff report does not indicate the actual average or minimum lot size shown on the proposed plat. The staff report also does not indicate the size of any of the residential parcels that have been developed adjacent to the Development.

The "Infill Subdivisions" provisions of Section 3.5 of the Metro Subdivision Regulations address whether proposed lot sizes are comparable to surrounding parcels. The staff report for the Development, however, includes no discussion or analysis of whether the Development meets the requirements of Section 3.5. In the interest of brevity, I will not quote the entire regulation here, but Subsection 1 of Section 3.5 states that it applies "[i]n areas previously subdivided and predominantly developed . . . ."

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James McLean, Chairman  
Richard C. Bernhardt, FAICP, CNU-A, Executive Director  
Metro Nashville Planning Commission  
April 25, 2014  
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During the Commission's discussion of the Development, Mr. Bernhardt indicated that possible reason staff did not apply Section 3.5 in reviewing the Development was due to a misunderstanding as to what land should be considered to be "subdivided." When reviewing the Development, staff believed that only a platted lot could be considered "subdivided." Section 7-2 of the regulations, however, defines subdivision as "[a]ny land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests of less than five (5) acres in size . . . ." Mr. Bernhardt further noted that in order to determine if Section 3.5 should apply, staff would need to "go back" and determine whether the five parcels adjacent to the Development on both Whites Creek Pike and Green Lane are less than five acres in size. If the Commission determined that the parcels meet that condition, then the Development "would need to be evaluated based on the infill subdivision regulations."

At the hearing, 28 area residents spoke in opposition to approval of the Development, with the majority of those questioning whether the density was appropriate in this location. As noted above, however, neither the Planning staff nor the Commission applied the one provision contained in the Commission's regulations that addresses whether the proposed density of a subdivision is appropriate – Section 3.5.

#### Analysis

This Request is not an attack on judgments made by Planning staff or the Commission. I understand well that there are a multitude of regulations and other provisions that may or may not apply to any given application. In this instance it simply turns out that one of those regulations – the Section 3.5 infill subdivision provision – was overlooked prior to the Commission meeting. It was also an unfortunate coincidence that Section 3.5 is critical in determining the paramount issue for this matter of whether the proposed lots are an appropriate size pursuant to the Regulations. The issue before you and the Commission at this point is not precisely how the Development should be analyzed in light of Section 3.5. Rather, the issue is simply whether staff and the Commission should have performed that analysis per the Regulations.

Rule VI. K. requires a party requesting rehearing to demonstrate "what conditions have changed or what new information has become available since the original hearing." The "conditions" are not defined as physical conditions, and the "information" is not defined as being physical facts. The facts described above – especially the statements by Mr. Bernhardt at the Commission meeting – demonstrate that the Commission was not presented with a complete analysis of whether the Development complies with the Subdivision Regulations. The question of whether and how Section 3.5 would apply to the Development was raised at the very end of the hearing, but staff expressly stated that an analysis of the issue had not been performed. That analysis – of whether the Development is appropriate under the Commission's infill subdivision regulations – is new information that was not available at the original meeting and can readily be made available by staff at a rehearing of this matter.

James McLean, Chairman  
Richard C. Bernhardt, FAICP, CNU-A, Executive Director  
Metro Nashville Planning Commission  
April 25, 2014  
Page 3 of 4

As you likely are aware, appeals of most Planning Commission decisions to the courts are decided according to an “abuse of discretion” standard. The Commission’s decision generally is only overturned if the court finds that the Commission’s decision was arbitrary or capricious. In this instance, a complete failure to consider whether an application complies with a particular regulation would appear to be “arbitrary” – certainly in light of a properly submitted request for a rehearing that brings the issue to the Commission’s attention.

Review of the Development in light of Section 3.5 will have one of two results: 1) the application will be disapproved by the Commission or approved with conditions added to bring it into compliance with the section; or 2) Section 3.5 will be found to have no effect and the Commission’s prior determination will stand. If the latter proves to be true, and the Development is found to comply with the Section 3.5 requirements, then the Commission’s decision could become more difficult to challenge on appeal. On the other hand, if the Development does not comply with Section 3.5, then the Commission will have the opportunity to correct the decision made on February 27. An arbitrary decision simply not to apply the regulations would have a profound and inequitable effect on the surrounding landowners.

As discussed in the statement of facts above, during the Commission’s February 27 meeting, Mr. Bernhardt noted that in reviewing the Development staff used a definition of “subdivided” that required the lots considered in the analysis to be part of a platted subdivision. Mr. Bernhardt further said that staff had subsequently – apparently during the February 27 meeting – determined that the actual definition of “subdivision” in the Regulations is not limited to platted subdivisions. Because of this belated realization, Mr. Bernhardt concluded that staff needed an opportunity to “go back” and review the Development in light of this definition. Essentially, Mr. Bernhardt was noting to the Commission that staff had not considered whether and how Section 3.5 might affect their recommendation with respect to approval of the Development.

#### Conclusion

It is important to keep in mind the strict language of Rule VI. K. with respect to the role of the Chair and Executive Director in reviewing this rehearing request. The issue currently in front of you is not whether the request should, without question, be granted. Your role is to review this request and you are authorized to reject it only if you determine that the request “is without merit.” By definition, even if you determine that this request involves some close questions, then it is not “without merit.” We do believe the Commission should ultimately approve the request, but the immediate question for you is only whether it has some “merit” and is worthy of being presented to the full Commission for a vote. For that reason, I ask that you do not summarily reject this request, but rather present it to the full Commission for consideration.

James McLean, Chairman  
Richard C. Bernhardt, FAICP, CNU-A, Executive Director  
Metro Nashville Planning Commission  
April 25, 2014  
Page 4 of 4

Please do not hesitate to contact me if you have any questions about this matter.

Sincerely,



David L. Kleinfelter  
Reno & Cavanaugh, PLLC

Copy: Doug Sloan, Deputy Director  
Bob Leeman, Manager, Land Development and Design  
Dr. Alicia Batson

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**METROPOLITAN GOVERNMENT  
OF NASHVILLE AND DAVIDSON COUNTY**  
Planning Department  
Metro Office Building  
800 Second Avenue South  
Nashville, Tennessee 37201

May 12, 2014

Mr. David L. Kleinfelter  
Reno & Cavanaugh, PLLC  
424 Church Street, Suite 1750  
Nashville TN 37219

RE: A request for rehearing of Item #12 from the MPC meeting of February 27, 2014.

2014S-021-001  
VISTA CLUSTER LOT SUBDIVISION  
Map 079, Parcel(s) 154  
Council District 3 (Walter Hunt)  
Staff Reviewer: Duane Cuthbertson

A request for concept plan approval to create 43 clustered lots on a portion of property located at Whites Creek Pike (unnumbered), at the northeast corner of Whites Creek Pike and Green Lane, zoned R10 (11.81 acres), requested by Cornerstone Land Company, owner; Anderson, Delk, Epps & Associates, Inc., applicant.

Dear Mr. Kleinfelter:

The Planning Department received your request, dated April 25, 2014, for a rehearing of the above-identified case which was approved at the February 27, 2014 Planning Commission meeting.

In accordance with the Commission's rules, your request has been reviewed by Chairman McLean and me and we have the following comments:

1. The request for rehearing was received within the 45-day time period required by the Commission rules.
2. Commission Rule VI. K. states that a request for rehearing "must state what conditions have changed or what new information has become available since the original hearing that may serve as cause for rehearing." Listed below are the items you state are "new information" and our response in each instance.

"The question of whether and how Section 3.5 would apply to the Development was raised at the very end of the hearing, but staff expressly stated that an analysis of the issue had not been performed. That analysis - of whether the Development is appropriate under the Commission's infill subdivision regulations - is new information that was not available at the original meeting and can readily be made available by staff at a rehearing of this matter."

**Response:** Upon review, the issue of whether the infill subdivision criteria of the Subdivision Regulations should be applied to this development was discussed briefly by the Planning Commissioners at the February 27, 2014, Planning Commission meeting. During debate, the Commissioners did not indicate a willingness to analyze that issue any further after being presented that option by the staff. Nor was a motion offered that would request

staff present such an analysis. The Commission was certainly made aware of the issue and chose not to investigate its applicability any further.

It has been determined that conditions have not changed nor has new information become available to serve as cause for rehearing this case. Consequently, your request will not be presented to the Planning Commission.

Thank you for your interest in this matter and if you have additional concerns, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in blue ink that reads "Richard C. Bernhardt" with a stylized flourish at the end.

Richard C. Bernhardt, FAICP, CNU-A  
Executive Director

Reviewed and concurred in by: Mr. Jim McLean

cc: Mr. Walter Hunt, Councilmember District 3  
Mr. Jim McLean, Chair, Metro Planning Commission  
Metropolitan Planning Commission Members  
Mr. Doug Sloan, Metro Planning Department  
Ms. Jennifer Carlat, Metro Planning Department  
Mr. Bob Leeman, Metro Planning Department  
Ms. Susan Jones, Metro Legal Department