



METROPOLITAN PLANNING COMMISSION

DRAFT MINUTES

Thursday, May 23, 2013

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
Jeff Haynes
Derrick Dalton
Phil Ponder
Andree LeQuire
Councilmember Phil Claiborne

Staff Present:

Rick Bernhardt, Executive Director
Doug Sloan, Deputy Director
Jennifer Carlat, Assistant Planning Director
Kelly Adams, Admin Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Kathryn Withers, Planning Manager II
Carrie Logan, Planner III
Anita McCaig, Planner III
Cindy Wood, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Amy Diaz-Barriga, Planner I
Susan Jones, Legal

Commissioners Absent: Greg Adkins, Judy Cummings

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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MEETING AGENDA

A. CALL TO ORDER

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

B. ADOPTION OF AGENDA

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

C. APPROVAL OF MAY 9, 2013 MINUTES

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve the May 9, 2013 minutes. (7-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Potts requested disapproval of Item 5.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

7. Contract amendment No. 2 between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC to the existing Contract L-2781 to authorize additional work on the development of booklets stemming from NCDC/UTK studio work.

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

F. CONSENT AGENDA

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

2. 2009SP-021-003

BLAKEMORE PRIMITIVE BAPTIST (AMENDMENT)

3. 2013Z-016PR-001

3533 BRICK CHURCH PIKE

4. 2013S-072-001

LINDEN PLACE, RESUB LOTS 8 & 9

6. Contract between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and Nashville MTA for federal planning grant funds to the Nashville MTA for their participation in regional transit planning activities.

Mr. Haynes moved and Councilmember Claiborne seconded the motion to approve the Consent Agenda. (7-0)

Mr. Dalton arrived at 4:10 p.m.

G. PREVIOUSLY DEFERRED ITEMS

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.

Community Plan Amendments

1a. 2013CP-007-001

WEST NASHVILLE COMMUNITY PLAN AMENDMENT

Map 103-04, Parcel(s) 161-162

Council District 24 (Jason Holleman)

Staff Reviewer: Anita McCaig

A request to amend the West Nashville Community Plan: 2009 Update by changing the Community Character Policy from Urban Neighborhood Maintenance (T4-NM) to Urban Neighborhood Center policy for properties located at 132 and 134 46th Avenue North, at the southeast corner of Utah Avenue and 46th Avenue North (0.54 acres), requested by Laodice, LLC, owner and applicant.

Staff Recommendation: Approve

APPLICANT REQUEST

Change the policy from Urban Neighborhood Maintenance to Urban Neighborhood Center.

Amend the Community Plan

A request to amend the *West Nashville Community Plan: 2009 Update* by changing the current Community Character Policy Urban Neighborhood Maintenance (T4-NM) to Urban Neighborhood Center (T4-NC) for properties located at 132 and 134 46th Avenue North (0.54 acres).

CURRENT POLICY

Urban Neighborhood Maintenance (T4-NM) policy is intended to preserve the general character of urban neighborhoods, including their development pattern, building form, land use, and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. Where not present, enhancements should be made to improve pedestrian, bicycle, and vehicular connectivity.

PROPOSED POLICY

Urban Neighborhood Center (T4-NC) policy is intended to preserve, enhance, and create urban neighborhood centers that are compatible with the general character of urban neighborhoods. T4 NC areas are pedestrian-friendly areas, generally located at intersections of urban streets that contain commercial, mixed use, civic and public benefit land uses, with residential present in mixed use buildings. These areas serve urban neighborhoods within a five minute walk. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

BACKGROUND

The properties at 132 and 134 46th Avenue North are located on the east side of 46th Avenue, and the south side of Utah Avenue. The northernmost property is zoned RS7.5 and currently contains one single-family house that fronts onto 46th Avenue. It is comprised of two residential lots, which have been combined into a single tax parcel. The southernmost lot is zoned Commercial Neighborhood (CN) and currently contains a small commercial building, presently operating as a market. The commercial building is approximately 3,000 square feet and was constructed in the 1950s.

The current property owners have requested a plan amendment and rezoning in order to redevelop these two properties. Their plans include three single-family houses facing Utah Avenue and a 4,900 square foot commercial building facing 46th Avenue North, which would contain two businesses – a local restaurant or retail use and a smaller business.

The *West Nashville Community Plan* was last updated in 2009. These two properties are located in the Sylvan Park Neighborhood, a developed urban neighborhood. These two properties were included as part of the larger established neighborhood and, as such, Urban Neighborhood Maintenance policy was placed here. The commercially-zoned property was recognized as “non-conforming” to the policy at that time. The Sylvan Park Neighborhood’s desire is to protect their residential houses while also enhancing the pedestrian environment and bicycle usage.

COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on April 4, 2013. The meeting was attended by approximately 35 people from the surrounding Sylvan Park Neighborhood. Several attendees were supportive of the project and mentioned that the proposed rezoning, if approved, would:

- Be a much needed improvement to the site since the current house and commercial building have fallen into disrepair;
- Provide a sidewalk along the property’s frontage with 46th Avenue North and complete the sidewalk along the length of 46th Avenue as this block is currently the only missing segment;

- Provide houses that complement the surrounding residences;
- Provide local businesses that would benefit the community;
- Provide a gathering spot and destination to walk or bike to; and
- Be a better neighbor than the current business that is located there as that business is noisy at night.

Other attendees expressed concerns about the proposed development's impact to the neighborhood and future impact if the property were rezoned. These attendees were mainly concerned that the proposed rezoning, if approved, would:

- Create three residential lots that are smaller in size than the surrounding residential lots and might set a precedent for smaller lot sizes in the neighborhood;
- Allow a business, such as a local restaurant, that might need more parking than is being provided (proposed parking meets required parking of Zoning Code), cause patrons to park on the street, and create parking problems for residents, especially those without driveways;
- Create additional traffic in the alley, which is at the southern end of the property; and
- Create noise and lighting concerns for the immediate neighbor to the east.

In addition to this community meeting, the applicant has been working with the Sylvan Park Neighborhood Association since November 2012, has participated in six additional neighborhood meetings to discuss their development proposal, and has revised their plans throughout that time period based on neighborhood thoughts and concerns.

ANALYSIS

The properties at 132 and 134 46th Avenue North are located along a busy corridor in the Sylvan Park Neighborhood. Immediately adjacent to the east are single-family homes. Across Utah Avenue, which borders the properties to the north, are single-family homes. Across 46th Avenue to the west are more single-family homes.

These properties are seven blocks south of businesses and services along Charlotte Pike and approximately two blocks north of the 46th Avenue/Murphy Road neighborhood center that contains several restaurants and shops. The Music City Bikeway runs along 46th Avenue North.

As previously mentioned, these two properties currently contain an older, commercial building and a dilapidated, single-family house. With one property currently zoned Commercial Neighborhood (CN) and the other zoned RS7.5, today's property rights allow for a commercial building and two single-family houses oriented towards 46th Avenue North. The applicant proposes three single-family houses, oriented toward Utah Avenue, that match the lot pattern and character of homes along Utah Avenue. In addition, the applicant wants to replace the commercial building with a newer, commercial building that would allow two businesses. Under the accompanying Specific Plan zoning, a restaurant or retail use is defined for one space. The second, smaller space is restricted to office, retail, personal care, and take-out restaurant. The most recent business discussed for the smaller space is a local bakery.

The applicant's proposal meets the intent of Urban Neighborhood Center policy. The proposal enhances the character and built form of the site while adding to the pedestrian and bicycle infrastructure.

Planning staff believes the proposed Specific Plan zoning, which requires a plan amendment, improves the aesthetics and building form of these two properties by:

- Completing the single-family housing pattern along the Utah Avenue frontage with houses that complement the existing neighborhood character in form, setbacks, materials, and size;
- Utilizing the largest of the three houses to anchor the corner with 46th Avenue by wrapping the porch around both frontages;
- Completing the sidewalk network along the east side of 46th Avenue North, along with an 8 foot-wide sidewalk (even wider in certain locations), street trees, and on-street parking;
- Creating a mixed use neighborhood center that encourages pedestrian and bicycle use through pedestrian-oriented site and business design;
- Constructing a small, one-story, commercial building that frames the street (46th Avenue) with well-designed storefronts and includes outdoor dining, which further encourages street level activity;
- Providing parking at the rear of the commercial building, along with a sidewalk connecting the parking with the frontage along 46th Avenue;
- Creating a landscape buffer and fence that screens the commercial uses and parking from the adjacent single-family residence to the east;
- Restricting commercial uses to small, neighborhood-scale services; and
- Using low impact development techniques, including a bio-retention swale and pervious pavement, to keep and filter stormwater on site.

STAFF RECOMMENDATION

Staff recommends approval of the Urban Neighborhood Center (T4-NC) policy.

Since appropriate transition language is included in the *Community Character Manual*, there are no special policies associated with the T4-NC policy area in the *West Nashville Community Plan: 2009 Update* that need to be added with the proposed amendment.

Chairman McLean reminded everyone that the Public Hearing was closed at the last meeting.

Mr. Bernhardt confirmed with Ms. LeQuire, Mr. Gee, and Mr. Clifton that they all viewed the video of the last meeting regarding this Item.

Mr. Johnson presented the staff recommendation of approval.

Councilmember Holleman stated that he has had several conversations with developers and immediate neighbors since the last MPC meeting. The neighbors reviewed and agreed to the latest plan which designates 2,300 square feet instead of 3,000.

Mr. Bernhardt clarified that the discussion is to reduce the square footage from 3,000 to 2,300.

Ms. LeQuire asked if the presented plan would limit them to two spaces.

Councilmember Holleman noted that making a third space has not been discussed; however, a condition will be that a wall cannot be torn down to create one large space.

Mr. Johnson clarified that they have been specific about two spaces and labeling the specific uses and square footage for each space.

Councilmember Claiborne asked staff to confirm that there are only 19 parking spaces to serve a 70+ seat restaurant.

Mr. Johnson confirmed and stated that it meets the requirements of the UZO which assumes that it is in an area where there is on-street parking and where it is in close proximity to residential.

Councilmember Claiborne stated that a lot of the houses along 46th do not have driveways.

Mr. Johnson stated that most properties have access of some type – either from the alley or from the street frontage.

Mr. Clifton inquired how comfortable we can be that this specific proposal will not be an overwhelming inconvenience/harm to the closest relatives. He also inquired as to what changes have been made since this was originally brought before the commission.

Mr. Johnson noted that since the original submittal, the commercial building has remained the same size in terms of square footage, the three residential dwellings along Utah remain within the same footprint, and the same bulk standards proposed within the SP.

Mr. Clifton expressed concerns with the enforceability of some of our traditional tools to protect neighborhoods if a specific situation gets bad.

Mr. Gee stated that the developers will have to construct a new curb and sidewalk to provide for the new parking spaces. He inquired if there is room within the right of way on the other blocks for additional parallel parking. He also inquired if parallel parking is allowed on 46th.

Mr. Johnson stated that parallel parking is allowed on surrounding side streets and noted that there is a bike lane on a portion of 46th where on-street parking would not be allowed. A curb has been added and the sidewalks have been widened since the original submittal.

Councilmember Holleman stated that Murphy Road has a bike lane that allows on-street parking at night. While this option has been discussed, at this point there is no on-street parking due to the bike lane.

Mr. Hayes inquired how close residents with no on-street parking live in proximity to the proposed development.

Councilmember Holleman stated that one neighbor is within a block; this is an immediate issue.

Mr. Haynes inquired if there have been discussions regarding valet parking or using other industrial uses for parking spaces in the neighborhood.

Councilmember Holleman noted that a condition that has been discussed is a requirement that a certain amount of off-street parking is provided.

Chairman McLean inquired if a community center is nearby.

Councilmember Holleman clarified that there is a community center two blocks away.

Mr. Haynes inquired if the restaurant and/or other tenant employees could be designated in the lease agreement to park at the nearby church.

Mr. Johnson stated that there are off-site parking requirements in the zoning code. He also stated that it would be relatively easy in the SP to put in requirements for off-street parking; not sure how easy it would be to review standards for who parks in the off-site parking location. Off-site parking allowance could be written into the SP if the applicant wanted to put into the lease agreement something in reference to who is allowed to park there.

Mr. Gee noted that the councilmember and developers might want to consider making improvements for designated parallel parking on an additional block or two. Mr. Gee also stated that he would be in favor of night time parking in the bike lane. There could be some additional, more useful parking created as part of this project.

Mr. Clifton stated that he likes the idea of gradual expansion of non-residential in urban neighborhoods. He also stated that he would support a motion to defer this again because he doesn't feel this area is as fully protected as it could be if some other options are explored.

Ms. LeQuire stated that if we restrict it now, then other future uses will be restricted, i.e. a market instead of a restaurant.

Mr. Haynes noted that he would like to hear from Councilmember Holleman again before a deferral is considered. He noted that this has been going on for eight or nine months now and he isn't sure what a deferral would accomplish.

Councilmember Holleman stated that there is a resolution among the neighbors regarding the 2300 square feet. Some of the on-street parking concerns are beyond the scope of this project, but definitely a discussion that needs to take place. He noted that he will support the 2300 square feet of commercial space B at Council; MPC could add a condition reflecting this if desired. He also clarified that the existing space is 3000 square feet.

Mr. Haynes inquired if the developers wanted to adaptively reuse the 3000 square foot building, could it be a 3000 square foot restaurant.

Mr. Johnson confirmed.

Mr. Gee stated that he will support the project as is.

Mr. Ponder stated that he likes the reduction in size; he will support the project as is.

Councilmember Claiborne stated that he is uncomfortable with the parking and the lack of protection to this neighborhood at the time; too many unknowns.

Mr. Clifton stated that he doesn't think it's appropriate to make developers feel micro-managed when they are trying to move ahead with a project. He noted that he wants to disapprove this and move it on so it can be re-referred back from Council if they so desire; not comfortable approving as is.

Ms. LeQuire stated that she doesn't feel comfortable approving as is.

Councilmember Holleman noted that if the MPC approves with a condition that the second unit be no more than 2300 square feet, then either the applicant will agree to that or if not, the only way it can pass at Council is with 27 votes.

Mr. Ponder moved and Mr. Gee seconded the motion to approve. (7-0-1) Councilmember Claiborne abstained.

Resolution No. RS2013-95

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-007-001 is **Approved. (7-0-1)**

1b. 2013SP-012-001

46TH AND UTAH

Map 103-04, Parcel(s) 161-162
Council District 24 (Jason Holleman)
Staff Reviewer: Greg Johnson

A request to rezone from RS7.5 and CN to SP-MU zoning for properties located at 132 and 134 46th Avenue North, at the southeast corner of Utah Avenue and 46th Avenue North (.54 acres), to permit up to three single-family residential units, office, restaurant, and or retail uses; requested by Laodice, LLC, owner and applicant.

Staff Recommendation: Approve with conditions if associated plan amendment is approved, and disapprove without all conditions. Disapprove preliminary SP if plan amendment is not approved.

APPLICANT REQUEST

Rezoned to permit three single-family dwellings and 4,900 square feet of commercial space.

Preliminary SP

A request to rezone from Single-Family Residential (RS7.5) and Commercial Neighborhood (CN) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 132 and 134 46th Avenue North, at the southeast corner of Utah Avenue and 46th Avenue North (.54 acres), to permit up to three single-family residential units, office, restaurant, and/or retail uses.

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. *The portion of the site currently zoned RS7.5 would permit a maximum of two dwellings based on land area within the zoning district.*

Commercial Neighborhood (CN) is intended for very low intensity retail, office, and consumer service uses which provide for the recurring shopping needs of nearby residential areas. The CN zoned area would permit a maximum of 2,300 square feet of commercial uses because of the floor-area ratio requirements of the CN zoning district. However, there is a legally non-conforming, existing commercial building of 3,000 square feet on the site.

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 proposes three single-family residential uses in addition to 4,900 square feet of commercial uses.

CRITICAL PLANNING GOALS

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

The SP proposes the redevelopment of a site in an established residential neighborhood, served by existing infrastructure. Installation of sidewalks and removal of existing head-in parking along the 46th Avenue street frontage, along with the addition of outdoor seating will improve the walkability of the neighborhood. Small-scale, mixed-use development of this kind supports a variety of transportation choices because it provides additional choices for residents within walking and bicycling distances. Residential development proposed on the site will have a compact footprint compared to surrounding dwellings, but have been designed to be consistent with setbacks of surrounding residential development.

WEST NASHVILLE COMMUNITY PLAN

Existing Policy

T4 Neighborhood Maintenance (T4 NM) policy is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T4 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use and the public realm. Where not present, enhancements are made to improve pedestrian, bicycle and vehicular connectivity.

Proposed policy

T4 Urban Neighborhood Center (T4-NC) policy is intended to preserve, enhance, and create urban neighborhood centers that are compatible with the general character of urban neighborhoods. T4 NC areas are pedestrian-friendly areas, generally located at intersections of urban streets that contain commercial, mixed use, civic and public benefit land uses, with residential present in mixed use buildings. These areas serve urban neighborhoods within a five minute walk. Where not present, infrastructure and transportation networks should be enhanced to improve pedestrian, bicycle, and vehicular connectivity.

Consistent with Policy?

Yes, this rezoning is consistent with the proposed policy. This SP requires an amendment to the West Nashville Community Plan policy to permit the proposed commercial uses even though the existing CN zoning permits some of these uses currently. As discussed in the plan amendment report, the T4 Neighborhood Center policy is appropriate in this location. The SP complies with the T4 Neighborhood Center policy. It provides a mixed use project with residential development completing the residential block along Utah Avenue and commercial development facing 46th Avenue, which is an arterial street with a bike lane.

SITE/PLAN DETAILS

The site is currently divided into three lots of approximately equal size facing 46th Avenue North. The two northern lots are zoned RS7.5, and would permit a single-family dwelling on each lot. These two residential lots have been combined by deed into one parcel, but could be divided back to the previously-platted two lots. Currently, one single-family dwelling occupies these two lots. The third lot is zoned CN or Commercial Neighborhood, which is intended for low-intensity retail and office uses. This property has been zoned for commercial development since 1974. A commercial building with a size of approximately 3,000 square feet occupies this site. Until recently, a market operated within the commercial building.

The existing CN zoning district would permit all the uses proposed within the SP. However, not all of the uses could be accommodated under the existing site layout. For example, sufficient parking does not exist to permit a full-service restaurant use. However, removal of a shed at the rear of the CN-zoned lot and the placement of a new parking lot in that location might provide sufficient parking to permit a restaurant use in the current space.

Plan layout

The SP divides the site into approximately two halves: a residential portion on the northern half of the site that would face Utah Avenue and a commercial portion that would face 46th Avenue.

Three single-family residential lots are proposed to face Utah Avenue. These lots, which would have sizes between 3,750 and 4,000 square feet, would be smaller than the surrounding residential lots. However, these new lots would maintain the character of surrounding development. The widths of all three lots will be consistent with the prevailing lots widths on this block of 50-55 feet. Additionally, the proposed single-family detached dwellings will have similar street setbacks to surrounding houses on the same block. Each lot will be accessed by a driveway connection to Utah Avenue, which is also similar to other lots on this block. The dwellings proposed for the Utah Avenue frontage will have a maximum size of 3,000 square feet and a maximum height of three stories for the corner lot and the center lot. The dwelling proposed for the eastern lot will have a maximum size of 2,600 square feet and a maximum height of two stories. The shorter height of the interior dwelling will allow the maximum height to transition to the shorter height of surrounding dwellings on this block which are mostly one-story with some two-story dwellings.

A one-story commercial building is proposed on the southern half of the site. It will contain two tenant spaces totaling 4,900 square feet. Two sets of permitted land uses are permitted for the tenant spaces.

- Tenant space A would permit general office, restaurant (take-out), medical office, general retail, convenience retail, and/or personal care service.
- Tenant space B would permit full service restaurant or retail uses. Front entrances for both tenant spaces will face 46th Avenue. According to the site plan, tenant space B includes an outdoor dining area along the 46th Avenue street frontage.

Sidewalks

Sidewalks are proposed along both street frontages along the site. Sidewalks are not currently present along Utah Avenue. The addition of sidewalk along that frontage will provide a critical link that could be extended in the future. The block face along 46th Avenue North is currently the only block between Charlotte Avenue and Murphy Road, a distance of approximately three-quarters of a mile, without a sidewalk. The proposed sidewalk will complete an important gap in sidewalk connectivity. Along the 46th Avenue block frontage, the sidewalk will have a width of 12 feet, except in one location where a tree planter will narrow the width to 8 feet.

Landscape buffer

A five foot wide alley right-of-way separates the site from the residential lot to the east; the alley has never been constructed. Even though the site does not share a property line with the closest residential lot to the east, a landscape buffer is proposed along the edge of the rear parking lot of the commercial portion of the site where it would be visible from that lot.

Parking

The SP complies with the parking requirements of the Zoning Code for the intended residential and commercial uses. Fourteen spaces are shown behind the commercial building along an alley to the south of the site. Five on-street parking spaces are shown along 46th Avenue North. The existing parking layout along 46th Avenue includes "head-in" perpendicular spaces in front of the restaurant use. This is a parking standard that is no longer permitted because it requires vehicles to back-up into traffic. The SP would resolve this parking design issue by placing buildings along the street frontage, providing formal parking behind the commercial building, and providing on-street parallel parking spaces along the block frontage.

Signage

Signage proposed for the commercial building is intended to be modestly-sized and illuminated. Ground signs are prohibited by the SP plan. Each business may have one wall sign facing 46th Avenue. Internally-illuminated box signs are prohibited. If signs are illuminated, it shall be from an external source or from a diffused internal source that illuminates only letters and logos.

ANALYSIS

The maximum square footage of commercial development will increase from the existing 3,000 square foot legally non-conforming building to the proposed 4,900 square foot commercial building. The number of dwellings will increase from two to three. The applicant has taken steps to improve the interaction of development with the surrounding neighborhood through compatible design. The SP will add neighborhood amenities of sidewalks, on-street parking, street trees, and outdoor seating to the 46th Avenue street frontage. Along Utah Avenue, new residential lots will allow for single-family dwellings that screen the side and rear of the commercial use while blending with the character of surrounding residential uses.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. With final SP, submit sight distance calculations for any proposed landscaping within the bulb outs at the intersection of the Alley and Utah with 46th Avenue.
3. With the final SP, sidewalks along the property frontage must be ADA compliant and provide curb ramps at the terminus of the sidewalk on this project where they abut public streets or alleys.

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 Detached (210)	0.34	7.41 D	2 L	20	2	3

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail (814)	0.20	0.25 F	2,178 SF	131	9	27

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
Single-Family Detached (210)	0.54	-	3 U	29	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.54	-	1,700 SF	111	9	26

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
Restaurant Full Service (932)	0.54	-	3,200 SF	407	37	36

Traffic changes between maximum: **RS7.5** 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
-	-	-		+9	+1	+1

Traffic changes between maximum: **CN** 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
-	-	-		+387	+37	+35

SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Students would attend Sylvan Park Elementary School, West End Middle School, or Hillsboro High School. Of these, West End Middle School has been identified as being over capacity by the Metro School Board. However, the proposed development is not anticipated to generate any additional students. This information is based upon data from the school board last updated October 2012.

STAFF RECOMMENDATION

With approval of the associated community plan amendment, staff recommends approval of the preliminary SP with conditions and disapproval without all conditions. Staff recommends disapproval of the SP if the associated plan amendment is disapproved. The SP is consistent with the intent of the T4 Neighborhood Center policy. Residential development will be used to allow the SP to blend with surrounding residential development. The small-scale commercial building will provide a walkable destination within the neighborhood. With the installation of sidewalks along the street frontages and the revised parking layout, street frontages will be improved.

CONDITIONS

1. Permitted land uses shall be limited to single-family residential development, and for the non-residential building the following non-residential land uses: general office, restaurant (take-out), medical office, general retail, convenience retail, personal care service, and full service restaurant. The financial institution use shall be removed from the list of permitted uses within the SP.
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 RS3.75 zoning district for the residential lots and the CN zoning district for the commercial lot, as of the date of the applicable request or application.
3. Sight distance calculations for any proposed landscaping within the bulb-outs at the intersection of the alley and Utah with 46th Avenue shall be submitted with the final SP application.
4. Sidewalks along the property frontage must be ADA compliant. Curb ramps at the terminus of the sidewalk on this project where they abut public streets or alleys shall be shown on the final SP plan.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. 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.

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

Chairman McLean reminded everyone that the Public Hearing was closed at the last meeting.

Mr. Bernhardt confirmed with Ms. LeQuire, Mr. Gee, and Mr. Clifton that they all viewed the video of the last meeting regarding this Item.

Mr. Johnson presented the staff recommendation of approval with conditions if associated plan amendment is approved and disapproval without all conditions.

Councilmember Holleman stated that he has had several conversations with developers and immediate neighbors since the last MPC meeting. The neighbors reviewed and agreed to the latest plan which designates 2,300 square feet instead of 3,000.

Mr. Bernhardt clarified that the discussion is to reduce the square footage from 3,000 to 2,300.

Ms. LeQuire asked if the presented plan would limit them to two spaces.

Councilmember Holleman noted that making a third space has not been discussed; however, a condition will be that a wall cannot be torn down to create one large space.

Mr. Johnson clarified that they have been specific about two spaces and labeling the specific uses and square footage for each space.

Councilmember Claiborne asked staff to confirm that there are only 19 parking spaces to serve a 70+ seat restaurant.

Mr. Johnson confirmed and stated that it meets the requirements of the UZO which assumes that it is in an area where there is on-street parking and where it is in close proximity to residential.

Councilmember Claiborne stated that a lot of the houses along 46th do not have driveways.

Mr. Johnson stated that most properties have access of some type – either from the alley or from the street frontage.

Mr. Clifton inquired how comfortable we can be that this specific proposal will not be an overwhelming inconvenience/harm to the closest relatives. He also inquired as to what changes have been made since this was originally brought before the commission.

Mr. Johnson noted that since the original submittal, the commercial building has remained the same size in terms of square footage, the three residential dwellings along Utah remain within the same footprint, and the same bulk standards proposed within the SP.

Mr. Clifton expressed concerns with the enforceability of some of our traditional tools to protect neighborhoods if a specific situation gets bad.

Mr. Gee stated that the developers will have to construct a new curb and sidewalk to provide for the new parking spaces. He inquired if there is room within the right of way on the other blocks for additional parallel parking. He also inquired if parallel parking is allowed on 46th.

Mr. Johnson stated that parallel parking is allowed on surrounding side streets and noted that there is a bike lane on a portion of 46th where on-street parking would not be allowed. A curb has been added and the sidewalks have been widened since the original submittal.

Councilmember Holleman stated that Murphy Road has a bike lane that allows on-street parking at night. While this option has been discussed, at this point there is no on-street parking due to the bike lane.

Mr. Hayes inquired how close residents with no on-street parking live in proximity to the proposed development.

Councilmember Holleman stated that one neighbor is within a block; this is an immediate issue.

Mr. Haynes inquired if there have been discussions regarding valet parking or using other industrial uses for parking spaces in the neighborhood.

Councilmember Holleman noted that a condition that has been discussed is a requirement that a certain amount of off-street parking is provided.

Chairman McLean inquired if a community center is nearby.

Councilmember Holleman clarified that there is a community center two blocks away.

Mr. Haynes inquired if the restaurant and/or other tenant employees could be designated in the lease agreement to park at the nearby church.

Mr. Johnson stated that there are off-site parking requirements in the zoning code. He also stated that it would be relatively easy in the SP to put in requirements for off-street parking; not sure how easy it would be to review standards for who parks in the off-site parking location. Off-site parking allowance could be written into the SP if the applicant wanted to put into the lease agreement something in reference to who is allowed to park there.

Mr. Gee noted that the councilmember and developers might want to consider making improvements for designated parallel parking on an additional block or two. Mr. Gee also stated that he would be in favor of night time parking in the bike lane. There could be some additional, more useful parking created as part of this project.

Mr. Clifton stated that he likes the idea of gradual expansion of non-residential in urban neighborhoods. He also stated that he would support a motion to defer this again because he doesn't feel this area is as fully protected as it could be if some other options are explored.

Ms. LeQuire stated that if we restrict it now, then other future uses will be restricted, i.e. a market instead of a restaurant.

Mr. Haynes noted that he would like to hear from Councilmember Holleman again before a deferral is considered. He noted that this has been going on for eight or nine months now and he isn't sure what a deferral would accomplish.

Councilmember Holleman stated that there is a resolution among the neighbors regarding the 2300 square feet. Some of the on-street parking concerns are beyond the scope of this project, but definitely a discussion that needs to take place. He noted that he will support the 2300 square feet of commercial space B at Council; MPC could add a condition reflecting this if desired. He also clarified that the existing space is 3000 square feet.

Mr. Haynes inquired if the developers wanted to adaptively reuse the 3000 square foot building, could it be a 3000 square foot restaurant.

Mr. Johnson confirmed.

Mr. Gee stated that he will support the project as is.

Mr. Ponder stated that he likes the reduction in size; he will support the project as is.

Councilmember Claiborne stated that he is uncomfortable with the parking and the lack of protection to this neighborhood at the time; too many unknowns.

Mr. Clifton stated that he doesn't think it's appropriate to make developers feel micro-managed when they are trying to move ahead with a project. He noted that he wants to disapprove this and move it on so it can be re-referred back from Council if they so desire; not comfortable approving as is.

Ms. LeQuire stated that she doesn't feel comfortable approving as is.

Councilmember Holleman noted that if the MPC approves with a condition that the second unit be no more than 2300 square feet, then either the applicant will agree to that or if not, the only way it can pass at Council is with 27 votes.

Mr. Ponder moved and Mr. Gee seconded the motion to approve with conditions, including a condition to restrict Tenant Space B to 2300 square feet gross floor area. (4-3-1) Mr. Clifton, Mr. Dalton, and Ms. LeQuire voted against. Councilmember Claiborne abstained.

Resolution No. RS2013-96

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-0012-001 is **Approved with conditions, including a condition to restrict Tenant Space B to 2,300 square feet gross floor area, and disapprove without all conditions. (4-3-1)**

The SP is consistent with the intent of the T4 Neighborhood Center policy. The residential component of the site plan will complement the surrounding development pattern. With the conditions of approval, the size of the commercial component will be compatible with surrounding development.

CONDITIONS

1. Restrict Tenant Space B to 2,300 square feet gross floor area.
2. Permitted land uses shall be limited to single-family residential development, and for the non-residential building the following non-residential land uses: general office, restaurant (take-out), medical office, general retail, convenience retail, personal care service, and full service restaurant. The financial institution use shall be removed from the list of permitted uses within the SP.
3. 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 RS3.75 zoning district for the residential lots and the CN zoning district for the commercial lot, as of the date of the applicable request or application.
4. Sight distance calculations for any proposed landscaping within the bulb-outs at the intersection of the alley and Utah with 46th Avenue shall be submitted with the final SP application.
5. Sidewalks along the property frontage must be ADA compliant. Curb ramps at the terminus of the sidewalk on this project where they abut public streets or alleys shall be shown on the final SP plan.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

I. RECOMMENDATIONS TO METRO COUNCIL

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.

Specific Plans

2. 2009SP-021-003

BLAKEMORE PRIMITIVE BAPTIST (AMENDMENT)

Map 104-07, Parcel(s) 391
Council District 18 (Burkley Allen)
Staff Reviewer: Greg Johnson

A request to amend the Blakemore Primitive Baptist Specific Plan District for property located at 2411 B Blakemore Avenue, approximately 330 feet west of 24th Avenue South, (0.2 acres), to construct a roof over an outdoor terrace along Blakemore Avenue and to modify conditions in the original SP approval pertaining to outdoor music, hours of operation, the allowance of outdoor events, and notice to Metro Nashville Public Schools and Metro Parks and Recreation regarding event dates, requested by Dragon Park, LLC, owner and applicant.

Staff Recommendation: Approve with conditions and disapprove without conditions.

APPLICANT REQUEST

SP Amendment to change conditions related to hours of operation, outdoor sound, outdoor events, and notice to Metro departments.

SP Amendment

A request to amend the Blakemore Primitive Baptist Specific Plan District for property located at 2411 B Blakemore Avenue, approximately 330 feet west of 24th Avenue South, (0.2 acres), to construct a roof over an outdoor terrace along Blakemore Avenue and to modify conditions in the original SP approval pertaining to outdoor music, hours of operation, the allowance of outdoor events, and notice requirements to Metro Nashville Public Schools and Metro Parks and Recreation regarding event dates.

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 residential uses in addition to office and/or commercial uses.

Proposed Zoning

The amendment would allow for the construction of a terrace roof along the Blakemore Avenue frontage and changes to the operational standards of the SP.

CRITICAL PLANNING GOALS

N/A

GREEN HILLS MIDTOWN COMMUNITY PLAN

Open Space (OS) policy is intended to encompass public, private not-for-profit, and membership-based open space and recreational activities.

Consistent with Policy?

Yes. The proposals to add a terrace roof along the Blakemore Avenue frontage and to change operational standards of the SP will not impact the consistency of the SP with the OS policy.

REQUEST DETAILS

The Blakemore Primitive Baptist SP was approved in 2009 to allow the property to be used for an event hall for weddings, corporate, charitable, and similar events; and residential uses permitted under the previous RM40 zoning district.

The SP is located on the south side of Blakemore Avenue, east of Natchez Trace Road. The 2,000 square foot hall includes an outdoor terrace facing Blakemore Avenue and an outdoor patio at the rear of the site. Metro property surrounds the site, with Fannie Mae Dees Park to the east and south and Harris-Hillman Elementary to the west of the site. The SP utilizes an access easement in the Metro Parks driveway adjacent to the site, but is not permitted to use parking spaces for Fannie Mae Dees Park. Harris-Hillman and Eakin Elementary Schools, along with the Martin Professional Development Center currently provide contract parking for most of the events at the event hall.

The proposed changes to the SP are summarized below:

Construction of terrace roof along Blakemore Avenue frontage

The applicant requests to construct a roof over the existing terrace facing Blakemore Avenue. As proposed, the roof will extend up to five feet beyond the edges of the terrace. The Zoning Code permits roofs to extend into required setback areas up to six feet beyond the edge of a building wall. The proposed roof falls into this category. A condition of approval has been added to ensure that these roof overhangs do not cross a property line.

Proposed changes to operational requirements

The applicant requests to amend several operational restrictions of the original SP approval related to noise, hours of operation, maintenance of common areas, location of events and notice to Metro for the dates and times of events. The operational standards reflect desires of community members at the time of SP approval. Outside of proposed changes to outdoor amplification and hours of operation standards, most of the requested changes would fix conflicting or awkwardly-worded standards.

Outdoor amplification

The existing SP includes a requirement for “no amplified music outdoors.” The applicant seeks to replace this statement with the following: “Speakers for sound amplification are permitted in the front courtyard area only. Amplified sound from these speakers shall comply with the Metro Code section 17.28.090 as it applies to noise.” Staff finds no issues with this proposed change because it will comply with the noise requirements of the Zoning Code. The Zoning Code permits up to 65 decibels between 7:00 am and 7:00 pm. Up to 60 decibels are permitted after 7:00 pm.

Hours of operation

The SP includes a requirement for events to end “no later than 11 pm.” The applicant seeks to allow events to end by midnight. The Zoning Code does not include restrictions of hours of operation unless a business intends to stay open after 3:00 am.

Outside events

The SP includes a statement requiring all events to be within the building. The applicant proposes to remove this statement. As currently written, this requirement would not allow events to occur on the terrace along Blakemore Avenue or the rear patio, even though these spaces were intended to be used as part of the event space under the original SP. Removal of this statement will clarify the intent of these spaces.

Notice to Metro Schools and Metro Parks and Recreation

The SP requires notice to Metro Parks at the time of each event booking and to Metro Nashville Public Schools (MNPS) prior to event dates when parking will be at Harris-Hillman and Eakin Elementary Schools and the Martin Professional Development Center.

Metro Parks has agreed that notice to Metro Parks is not needed prior to each event. Metro Parks already requires a permit for use of a public park associated with an event. If an event intends to use Fannie Mae Dees Park, or to use the access easement for valet parking, a permit would be required.

Another section of the SP requires approval from MNPS for parking at MNPS sites. Each year, the events hall is required to renew its Facility Use Agreement with MNPS, which includes a waiver of liability for the use of MNPS parking and proof of insurance. Additionally, the events hall is required to work with principals of the school sites and MNPS to ensure that parking is available for each event.

Based upon comments provided by MNPS and Metro Parks, staff finds that removal of the notice requirements is appropriate.

ANALYSIS

The proposed roof along the Blakemore SP frontage complies with the bulk standards of the SP and will meet the applicable requirements of the Zoning Code with the conditions of approval. Additional proposed changes to the SP are largely operational in nature and will not cause a conflict with the Zoning Code or with Green Hills – Midtown Community Plan.

METRO NASHVILLE PUBLIC SCHOOLS RECOMMENDATION

MNPS has had no issues related to the events hall. The events hall is up-to-date on its parking requirements with MNPS.

METRO PARKS AND RECREATION RECOMMENDATION

Valet parking, vehicle stacking or parking of any kind that utilizes the Metro Parks driveway shall not be allowed except through a permit issued by the Metro Board of Parks and Recreation.

METRO POLICE DEPARTMENT RECOMMENDATION

No complaints have been received related to the events hall use.

PUBLIC WORKS RECOMMENDATION

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

2. Comply with original conditions of MPW regarding parking, valet, loading and shuttle operations.

Original Public Works conditions

- No event parking including guest and service vehicles shall occur within the public right-of-way.
- Events should be supervised by the applicant or a designated management company to ensure that no parking occurs within the public right-of-way.
- All guest parking shall be off-site at the locations designated in the application submitted to the Metro Planning Department.
- Agreements between the applicant and the off-site parking providers shall be in writing and should be bound to this rezoning.
- Parking at all off-site locations shall be coordinated with the owners of those facilities for each event unless contractual agreements with a parking provider is in place and addresses the specific days and times the parking will be made available for use.
- Adequate off-site parking shall be provided for all events.
- No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
- No loading and unloading of guests shall occur within the public right-of-way.
- If shuttle service is provided for any event, the following conditions shall apply:
- Shuttles shall not park or idle within the public right-of-way.
- No loading and unloading of guests from shuttles shall occur within the public right-of-way.

Because the proposed SP amendment will not increase development rights within the site, a traffic table was not generated.

STAFF RECOMMENDATION

Staff recommends approval of the proposed SP amendment with conditions, including relevant conditions from the original Council bill, and disapproval without all conditions. The proposed changes will not impact the consistency of the SP with the community policy.

CONDITIONS

1. Valet parking, vehicle stacking or parking of any kind that utilizes the Metro Parks driveway shall not be allowed except through a permit issued by the Metro Board of Parks and Recreation.
2. Prior to final site plan approval, the terrace roof design shall demonstrate that the overhangs to not extend beyond surrounding property lines.
3. Parking at Fannie Mae Dees Park for events shall be prohibited. Prior to each event, parking shall be available at Harris Hillman Elementary, Eakin Elementary, or Martin Professional Development Center as specified in the Facilities Use Agreement, or parking shall be available at an off-site location where shuttle service may be provided.
4. All Public Works requirements related to parking, loading and unloading, and shuttle services shall be met.
 - A. No event parking including guest and service vehicles shall occur within the public right-of-way.
 - B. Events should be supervised by the applicant or a designated management company to ensure that no parking occurs within the public right-of-way.
 - C. All guest parking shall be off-site at the locations designated in the application submitted to the Metro Planning Department.
 - D. Agreements between the applicant and the off-site parking providers shall be in writing and should be bound to this rezoning.
 - E. Parking at all off-site locations shall be coordinated with the owners of those facilities for each event unless contractual agreements with a parking provider is in place and addresses the specific days and times the parking will be made available for use.
 - F. Adequate off-site parking shall be provided for all events.
 - G. No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
 - H. No loading and unloading of guests shall occur within the public right-of-way.
 - I. If shuttle service is provided for any event, the following conditions shall apply:
 - Shuttles shall not park or idle within the public right-of-way.
 - No loading and unloading of guests from shuttles shall occur within the public right-of-way.
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 uses of this SP shall be limited to events hall, single-family residential, two-family residential, multi-family residential, monastery or convent, orphanage, assisted-care living, hospice, nursing home, residence for handicapped, greenway, and park. Special exception approval is required for a Community Education use.

7. 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 RM40 zoning district as of the date of the applicable request or application.

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

Resolution No. RS2013-97

“BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-021-003 is **Approved with conditions and disapproved without conditions. (7-0)**

The proposed amendments to the SP meet Zoning Code requirements and will not impact the consistency of the SP with the community policy.

CONDITIONS

1. Valet parking, vehicle stacking or parking of any kind that utilizes the Metro Parks driveway shall not be allowed except through a permit issued by the Metro Board of Parks and Recreation.
2. Prior to final site plan approval, the terrace roof design shall demonstrate that the overhangs to not extend beyond surrounding property lines.
3. Parking at Fannie Mae Dees Park for events shall be prohibited. Prior to each event, parking shall be available at Harris Hillman Elementary, Eakin Elementary, or Martin Professional Development Center as specified in the Facilities Use Agreement, or parking shall be available at an off-site location where shuttle service may be provided.
4. All Public Works requirements related to parking, loading and unloading, and shuttle services shall be met.
 - A. No event parking including guest and service vehicles shall occur within the public right-of-way.
 - B. Events should be supervised by the applicant or a designated management company to ensure that no parking occurs within the public right-of-way.
 - C. All guest parking shall be off-site at the locations designated in the application submitted to the Metro Planning Department.
 - D. Agreements between the applicant and the off-site parking providers shall be in writing and should be bound to this rezoning.
 - E. Parking at all off-site locations shall be coordinated with the owners of those facilities for each event unless contractual agreements with a parking provider is in place and addresses the specific days and times the parking will be made available for use.
 - F. Adequate off-site parking shall be provided for all events.
 - G. No valet parking shall be allowed unless a valet parking plan is submitted to and approved by the Department of Public Works.
 - H. No loading and unloading of guests shall occur within the public right-of-way.
 - I. If shuttle service is provided for any event, the following conditions shall apply:
 - Shuttles shall not park or idle within the public right-of-way.
 - No loading and unloading of guests from shuttles shall occur within the public right-of-way.
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 uses of this SP shall be limited to events hall, single-family residential, two-family residential, multi-family residential, monastery or convent, orphanage, assisted-care living, hospice, nursing home, residence for handicapped, greenway, and park. Special exception approval is required for a Community Education use.
7. 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 RM40 zoning district as of the date of the applicable request or application.

Zone Changes

3. 2013Z-016PR-001

3533 BRICK CHURCH PIKE

Map 050-02, Parcel(s) 001

Council District 03 (Walter Hunt)

Staff Reviewer: Duane Cuthbertson

A request to rezone from RS7.5 to R6 zoning for property located at 3533 Brick Church Pike, approximately 685 feet north of Westchester Drive (0.2 acres), requested by O'Neill Property Management, applicant; Russell and Gayle L. Jones, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from RS7.5 to R6.

Zone Change

A request to rezone from Single-Family Residential (RS7.5) to One and Two Family Residential (R6) zoning for property located at 3533 Brick Church Pike, approximately 685 feet north of Westchester Drive, (0.2 acres).

Existing Zoning

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

Proposed Zoning

One and Two Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. *R6 would permit a maximum of 1 duplex lot for a total of 2 units.*

CRITICAL PLANNING GOALS

N/A

PARKWOOD – UNION HILL COMMUNITY PLAN

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 proposed R6 district permits one and two family residential use consistent with the land use policy.

A two-family dwelling exists on this site. The site fronts Brick Church Pike and is situated in the northwest corner of a subdivision established in 1983. This subdivision developed with almost exclusively two-family dwellings. The subdivision was zoned R8 in 1974; however, the zoning was amended to RS7.5 as part of a Metro-wide zoning update in 1998, after the subdivision was developed.

The site is located on an arterial street and has RM zoning districts with PUD overlays situated to the north and southwest.

This zone change, from RS7.5 to R6, will not increase development on this property. The property contains 8,206 square feet of lot area and could not be subdivided to accommodate more dwellings than the existing two-family dwelling.

The requested zone change will re-establish a zoning district on the site that accurately reflects the existing dwelling type; although replacement of the two-family dwelling would be permitted as a non-conforming use. The zone change will not alter the character of the site or of the surrounding area.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

SCHOOL BOARD REPORT

This request does not represent an increase in development rights over what is currently built on the site. The requested R6 zoning will not create any additional school students as it is reflective of the dwelling type existing on the site.

STAFF RECOMMENDATION

Staff recommends approval of the zone change. The request is consistent with the Neighborhood General land use policy and is reflective of the development established on the site and in the surrounding area.

Resolution No. RS2013-98

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-016PR-001 is **Approved. (7-0)**

The R6 district is consistent with the Neighborhood General land use policy and is reflective of the development on the site and in the surrounding area.

J. PLANNING COMMISSION ACTIONS

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

Subdivision: Final Plats

4. 2013S-072-001

LINDEN PLACE, RESUB LOTS 8 & 9

Map 104-15, Parcel(s) 232-233

Council District 18 (Burkley Allen)

Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create three lots on properties located at 2112 and 2114 Sunset Place, approximately 475 feet west of 21st Avenue South, zoned RS7.5 (0.6 acres), requested by John and Cheryl Smith and Ethan Dunham and Jill Farnham-McLester, owners; Elite Surveying Services, LLC, surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST

Create three lots.

Final Plat

A request for final plat approval to create three lots on property located at 2112 and 2114 Sunset Place, approximately 475 feet west of 21st Avenue South zoned Single-Family Residential (RS7.5) (0.6 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 3 single-family lots for a total of 3 units.*

CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices

This subdivision will create an additional residential lot within an area already served by infrastructure and services. This subdivision is approximately 500 feet from 21st Avenue South, which is a mixed use arterial street with existing public transportation.

REQUEST DETAILS

The Linden Place Subdivision was originally platted in 1926, with lots along Sunset Place that ranged between 75 feet and 78 feet in width. Since the original subdivision plat, several resubdivisions have occurred along Sunset Place, resulting in smaller lots ranging between 50 feet and 65 feet in width.

The proposed subdivision will create three single-family lots. The two existing dwellings on the site will be removed. All three proposed lots will provide just over 50 feet of lot width and contain more than the minimum required 7,500 square feet of lot area. The proposed lots are consistent with several other lots along the north side of the same block, including the three lots recently approved immediately to the east of the site. The RS7.5 zoning district would limit redevelopment of the site to one single-family dwelling per proposed lot.

Sidewalks

Sidewalks exist along the Sunset Place frontage of the site and are required to be maintained during redevelopment of the site.

ANALYSIS

The subdivision meets the requirements of the Subdivision Regulations. Because this is an infill subdivision in the Neighborhood General land use policy area, it is required to be consistent with the character of the surrounding area. Staff finds that the subdivision is consistent with the character of the surrounding area because the density is within the limit of Neighborhood General policy and the lots are similar in size and width to other lots on the same block of Sunset Place.

The Planning Commission also approved a subdivision plat on March 28, 2013, which subdivided the neighboring property to the east from two lots into three lots, which was also consistent with the Neighborhood General land use policy.

These two properties are located within the Hillsboro-West End National Register Historic District. However, they are not within neighborhood conservation or historic preservation overlay district. Inclusion in a district listed on the National Register does not prevent redevelopment of the site.

STORMWATER RECOMMENDATION

Approved

HISTORICAL COMMISSION

No comment received.

PUBLIC WORKS RECOMMENDATION

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

STAFF RECOMMENDATION

Staff recommends approval. The subdivision complies with the requirements of the Zoning Code and Subdivision Regulations, and is consistent with the Neighborhood General policy and the character of the neighborhood.

Approved (7-0), Consent Agenda

Resolution No. RS2013-99

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-072-001 is **Approved. (7-0)**"

Subdivision: Amendments

5. 2013S-068A-001

LOCUSTWOOD, REV TO LOT 134, LOT 2 AMENDMENT

Map 148-10, Parcel(s) 154

Council District 30 (Jason Potts)

Staff Reviewer: Greg Johnson

A request to amend the recorded plat for property located at 235 Haywood Lane to remove a note restricting Lot #2 to single-family residential uses only, at the southeast corner of Haywood Lane and East Ridge Drive (0.48 acres), zoned R10, requested by Jamal Aldarbashi, owner.

Staff Recommendation: Approve with a condition.

APPLICANT REQUEST

Remove a note from the plat prohibiting a duplex for Lot 2.

Subdivision Amendment

A request to amend the recorded plat for property located at 235 Haywood Lane to remove a note restricting Lot #2 to single-family residential uses only, at the southeast corner of Haywood Lane and East Ridge Drive (0.48 acres), zoned One and Two-Family Residential (R10).

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 including 25 percent duplex lots. *As it applies to Lot 2 of the previous subdivision, R10 would permit a maximum of 1 duplex lot for a total of 2 units.*

CRITICAL PLANNING GOALS

- Provides a Range of Housing Choices
- Supports Infill Development

Permitting a two-family dwelling on this lot will allow for an additional housing option in an area of Davidson County where single-family development is the ubiquitous housing type. This location, at an intersection of an arterial road, Haywood Lane, is appropriate for additional building types. As an infill lot, the duplex will use existing infrastructure.

REQUEST DETAILS

Section 1 of the Locustwood Subdivision was originally recorded in 1957. This subdivision included Lot 134 at the southeast corner of Haywood Lane and East Ridge Drive. In 2007, Lot 134 was resubdivided into two lots: Lot 2 at the corner of

Haywood Lane and East Ridge Drive (parcel 154) and Lot 1 to the south of Lot 2 along East Ridge Drive (parcel 66).

A note restricting development to single-family residential was added to the 2007 plat, even though the R10 zoning district permitted two-family dwellings. At that time, the lot comparability section of the Subdivision Regulations required new lots to be comparable in lot size and frontage to surrounding lots, using a formula provided in the Subdivision Regulations. Both lots failed the lot comparability analysis. However, the Subdivision Regulations permitted an exception if the subdivision was consistent with the General Plan. Limiting the lots to single-family allowed the lots to remain under the maximum density of the Residential Low-Medium (RLM) policy.

This application is to remove the note restricting single-family development as it applies to Lot 2. This requirement would remain for Lot 1. Even though the 2007 subdivision approval included this requirement for both lots, the density recommendation of the RLM policy could have been met by restricting only Lot 1 to single-family development.

ANALYSIS

Under the current Subdivision Regulations for an infill subdivision within the RLM policy, the resulting density of lots must not exceed the prescribed densities of the policy. RLM recommends a density range of 2-4 dwelling units per acre. Removing the single-family restriction for Lot 2 will not result in densities of greater than 4 dwelling units per acre for either the 1957 or 2007 subdivisions.

The applicant has also worked with Planning and Public Works staff to add additional notes to the plat to ensure the placement of parking outside of the front setback and the location of vehicle access at a safe location away from the intersection. Another note will require both street frontages to be addressed by a front façade if a two-family dwelling is constructed.

STORMWATER RECOMMENDATION

Approved

Note: Stormwater will apply the current 30' buffer during the Building Permit review as opposed to the recorded 25' buffer on the previous plat.

PUBLIC WORKS RECOMMENDATION

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Add note to the plat noting that access should be provided per Metro Zoning Code, or Metro Traffic Engineer.
- 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.

STAFF RECOMMENDATION

Staff recommends approval with a condition. The amendment will comply with the Subdivision Regulations for infill subdivisions. Additional notes will be added to the plat to provide additional design guidance to ensure that development will be compatible with surrounding development.

CONDITION

1. The following notes shall be added to the subdivision amendment:
 - Parking shall not be located within the front setbacks of Lot 2.
 - If a duplex is constructed on Lot 2, the front façade of one unit shall be oriented to East Ridge Drive. The front façade of the other unit shall be oriented to Haywood Lane.
 - Vehicular access shall be provided according to the requirements of the Metro Zoning Code. Approval of access by the Metro Traffic Engineer may be required.

Mr. Johnson presented the staff recommendation of approval with a condition.

Jamal Aldarbashi, 108 Castaway Court, spoke in favor of the application.

Ray Mercer, 3904 East Ridge Drive, spoke in opposition to the application due to increased traffic concerns and it doesn't fit with the character of the neighborhood.

Councilmember Potts stated that the residents of the area have expressed that they want to preserve the character of the neighborhood. Increased traffic is also a concern; asked the commission to disapprove. A single family home in this area is best.

Mr. Haynes moved and Mr. Dalton seconded the motion to close the Public Hearing. (8-0)

Mr. Dalton asked for the setback requirements if built facing Haywood Lane.

Mr. Johnson stated that it would be a significant setback – approximately 60'.

Mr. Clifton asked for clarification on the current zoning.

Mr. Johnson noted that this does meeting the current subdivision regulations.

Mr. Ponder stated that he will support this.

Councilmember Claiborne asked if it is possible to build an "L" shaped structure that has two separate facing portions given the location of the buffers and the setbacks.

Mr. Johnson stated that based on the square footage of the buildable area, it would be possible to do a duplex with both units facing opposite street frontages.

Councilmember Claiborne spoke in support and noted that from a planning perspective, this is allowed in the current zoning and it meets the subdivision requirements.

Mr. Gee moved and Mr. Ponder seconded the motion to approve with a condition. (8-0)

Resolution No. RS2013-100

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-068A-001 is **Approved with a condition. (8-0)**

CONDITION

1. **The following notes shall be added to the subdivision amendment:**

- **Parking shall not be located within the front setbacks of Lot 2.**
- **If a duplex is constructed on Lot 2, the front façade of one unit shall be oriented to East Ridge Drive. The front façade of the other unit shall be oriented to Haywood Lane.**
- **Vehicular access shall be provided according to the requirements of the Metro Zoning Code. Approval of access by the Metro Traffic Engineer may be required.**

K. OTHER BUSINESS

6. Contract between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and Nashville MTA to pass-through MPO federal planning grant funds to the Nashville MTA for their participation in regional transit planning activities.

Staff Recommendation: Approve

Approved (7-0), Consent Agenda

Resolution No. RS2013-101

"BE IT RESOLVED by The Metropolitan Planning Commission that the Contract between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and Nashville MTA to pass-through MPO federal planning grant funds to the Nashville MTA for their participation in regional transit planning activities is **Approved. (7-0)**

7. Contract amendment No. 2 between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC authorizing additional work on the development of booklets stemming from NCDC/UTK studio work.

Staff Recommendation: Defer to the June 13, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred contract amendment No. 2 between the Nashville-Davidson County Metropolitan Planning Commission on behalf of the Nashville Area MPO and NCDC to the June 13, 2013, Planning Commission meeting. (7-0)

8. Election of Officers

Ms. LeQuire moved and Mr. Gee seconded the motion to elect Jim McLean as Chairman and Stewart Clifton as Vice Chair. (8-0)

Mr. Ponder moved and Mr. Gee seconded the motion to elect Andree LeQuire to the Executive Committee. (8-0)

Resolution No. RS2013-102

"BE IT RESOLVED by The Metropolitan Planning Commission that Jim McLean was elected as Chairman, Stewart Clifton was elected as Vice Chairman, and Andree LeQuire was elected as the Executive Committee Representative. (8-0)

Mr. Ponder asked to serve on the Parks Board again and Chairman McLean appointed him.

9. Historic Zoning Commission Report

10. Board of Parks and Recreation Report

11. Executive Committee Report

12. Executive Director Report

13. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

June 13, 2013

MPC Meeting

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

June 26, 2013

American Planning Association web-based seminar – 2013 Planning Law Review

3pm to 4:30pm, 800 Second Ave. South, 2nd Floor, Metro Office Building, Nashville Conference Room

June 27, 2013

MPC Meeting

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

M. ADJOURNMENT

The meeting adjourned at 5:38 p.m.

Chairman

Secretary