



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, May 24, 2012

4:00 pm Regular Meeting

700 Second Avenue South

(Between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chair
Hunter Gee, Vice Chair
Greg Adkins
Jeff Haynes
Phil Ponder
Judy Cummings
Andree LeQuire
Councilmember Phil Claiborne

Staff Present:

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

Commissioners Absent:

Stewart Clifton
Derrick Dalton

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County

800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300 p:
(615) 862-7190; f: (615) 862-7130

Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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

MEETING AGENDA

A. CALL TO ORDER

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

B. ADOPTION OF AGENDA

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

C. APPROVAL OF MAY 10, 2012 MINUTES

Mr. Ponder moved and Mr. Adkins seconded the motion to approve the May 10, 2012 minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Council Lady Langster spoke in support of Item 5 and asked for approval.

Ms. LeQuire arrived at 4:06 p.m.

Councilmember Dominy and Councilmember Potts were in attendance but elected to speak at a later time.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

No Cases on this Agenda

F. CONSENT AGENDA

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

3. 2012Z-007TX-001

TWO-FAMILY DEFINITION CHANGE

4. 2007SP-171G-14

OLD HICKORY VILLAGE SP

6. 2012Z-012PR-001

7301 HIGHWAY 70 S

7. 2012Z-013PR-001

265 OLD HICKORY BLVD

8. 118-76P-001

CHIPPINGTON II

9. 134-84P-002

GROVE AT DEVON HILLS

14. New Employee Contract for Duane Cuthbertson

Councilmember Claiborne arrived at 4:09 p.m.

Mr. Ponder moved and Mr. Gee seconded the motion to approve the Consent Agenda. (8-0)

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.

Zone Changes

1. 2012Z-010PR-001

18 FERN AVENUE

Map 071-14, Parcel(s) 317
Council District 05 (Scott Davis)
Staff Reviewer: Greg Johnson

A request to rezone from the RS5 to R6 district property located at 18 Fern Avenue, approximately 225 feet east of Whites Creek Pike (0.14 acres), requested by LaShaunda Bryant, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Zone change from RS5 to R6

Zone Change

A request to rezone from Single-Family Residential (RS5) to One and Two Family Residential (R6) district property located at 18 Fern Avenue, approximately 225 feet east of Whites Creek Pike (0.14 acres).

Existing Zoning

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.

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

EAST NASHVILLE COMMUNITY PLAN

General Policy

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

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 Cleveland Park Detailed Neighborhood Design Plan (DNDP), which includes this site, recommends a variety of housing types within the Mixed Housing detailed policy. Specifically, the DNDP identifies relatively intense zoning districts such as RM40 and RM60 as appropriate zoning districts within this portion of the study area. The proposed R6 zoning district permits duplex development, which would be consistent with the intent of the land use policy within the DNDP.

PUBLIC WORKS RECOMMENDATION

No exception taken

Maximum Uses in Existing Zoning District: **RS5**

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)	0.14	7.41 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.14	7.71 D	1 L 2 U (Duplex)	20	2	3

Traffic changes between maximum: **RS5** and proposed **R6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 1	+10	+1	+1

SCHOOL BOARD REPORT

Projected student generation 0 Elementary 0 Middle 0 High

Students would attend Shwab Elementary School, Jere Baxter Middle School, or Maplewood High School. None of the schools has been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated October 2011.

STAFF RECOMMENDATION

Staff recommends approval. The proposed zone change is consistent with the Mixed Housing land use policy and its intent to permit a variety of housing types.

Mr. Johnson presented the staff recommendation of approval.

Daniel Bryant, applicant, spoke in support of staff recommendation and stated that he is trying to enhance and clean up the neighborhood.

Thomas Hale, 8 Fern Avenue, spoke against staff recommendation and clarified that he wants it to remain a single family neighborhood.

Helen Allen, 20 Fern Avenue, spoke against staff recommendation and stated that she does not want multi family dwelling in the neighborhood.

Ken Jakes spoke against staff recommendation and stated that this will not fit in with the character of the community.

Daniel Bryant, applicant, again clarified that his intent is to clean up and enhance the neighborhood.

Dr. Cummings moved and Mr. Ponder seconded the motion to close the Public Hearing. (8-0)

Ms. LeQuire inquired about the overall intent of the plan.

Mr. Johnson clarified the land use policy and noted that a much higher density was envisioned.

Mr. Gee expressed concerns regarding spot zoning.

Dr. Cummings also expressed concern regarding spot zoning and setting a precedent.

Mr. Ponder expressed concern with spot zoning.

Mr. Bernhardt stated that this is not spot zoning; it is consistent with policy.

Councilmember Claiborne expressed that he would feel more comfortable rezoning more than one lot.

Mr. Ponder asked if there was any discussion in including both lots owned by the applicant rather than just one.

Mr. Bryant, applicant, stated that the plan is to include both lots.

Mr. Ponder suggested deferring this item and having it brought back as a group.

Dr. Cummings stated that she would rather see a more intentional development if it's going to be more intentional to have mixed housing available. Dr. Cummings also noted that she would like to see the neighbors have input with the design.

Mr. Ponder moved and Councilmember Claiborne seconded to defer to the June 28, 2012 Planning Commission Meeting. (8-0)

Resolution No. RS2012-98

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-010PR-001 is DEFERRED to the June 28, 2012 Planning Commission Meeting. (8-0)”

Planned Unit Developments

2a. 74-79P-003

NASHBORO VILLAGE SITE 14

Map 135, Parcel(s) 276

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, Site 14, zoned R10 (4.48 acres), approved for 144 multifamily units in two six-story buildings, requested by Councilmember Karen Y. Johnson, applicant, Flintlock Investors, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE; RECOMMEND TO THE METRO COUNCIL THAT PUD CONTINUE TO BE IMPLEMENTED AS ADOPTED.

APPLICANT REQUEST

Periodic Review of Sites 14, 15, 25 and 27 within the Nashboro Village PUD

This staff report is organized to give a brief description of the overall PUD and a description of the PUD Periodic Review process. The staff analysis of each individual portion will follow. Staff is recommending that Sites 14, 15 and 27 be found inactive but retain as approved. These will be discussed first. Staff is recommending that Site 25 be found inactive and that it be amended. This will be the concluding discussion.

PLAN DETAILS

The Nashboro Village PUD is located between Murfreesboro Pike and Bell Road south of Smith Springs Road in the Antioch area of Davidson County. The PUD was originally approved by the Metro Council in 1979 for a range of housing types, commercial uses, recreational facilities and a day care center. The PUD was divided into 28 development sites and these have been developed in phases over time. Portions of the PUD have been revised and the master plan updated a number of times. The main recreational facilities include a golf course, which is the central feature of the PUD, and a tennis facility.

This PUD is within the Antioch/ Priest Lake Community Plan. The Land Use policy is Residential Medium (RM). This policy supports a variety of housing types within a density range of four to nine dwelling units per acre. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre.

INITIATION OF THE PUD REVIEW

Councilmember Johnson sent letters to the Planning Department on February 22, 2012, and March 12, 2012, requesting that four portions of the Nashboro Village PUD be reviewed to determine whether or not they are active. The review was initiated on March 1,

2012 for Sites 14 and 15, the next scheduled filing deadline for a Planning Commission meeting. The review was initiated on March 12, 2012, for Sites 25 and 27 to track with the other requests for a periodic review of portions of this PUD. Certified letters were sent to the property owners informing them of the initiation of the review and requesting documentation of activity.

A site visit was made in March 2012 to these four portions of the PUD.

Section 17.40.120.H of the Metro Zoning Ordinance authorizes a councilmember to request, and the Metropolitan Planning Commission to review, any Planned Unit Development (PUD) overlay district, or portion thereof, to determine whether the PUD is "inactive," and if so, to recommend to the Council what action should be taken with respect to the PUD. The Commission determines whether the PUD is "inactive" by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the PUD to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

ANALYSIS

Classification of the PUD

Under 17.40.120 H., the Commission is first required to determine whether the portion of the Nashboro Village PUD is active or inactive by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council.

Section 17.40.120 H.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a PUD has been active or inactive:

- i. Six or more years have elapsed since the latter of*
 - (1) The effective date of the initial enacting ordinance of the PUD,*
 - (2) The effective date of any ordinance approving an amendment to the PUD,*
 - (3) The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
 - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and*

The initial enacting ordinance for the Nashboro Village PUD became effective January 1979. There have been no amendments to these portions of the PUD that required Metro Council approval since the initial enactment date.

- ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and*
- iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.*

Property owners were requested to provide documentation of any activity for the above measures.

Section 17.40.120 H.3.a. states that the Commission "may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review." The letters sent via certified mail also requested details of any development activity on the property over the past 12 months.

PLANNING COMMISSION RECOMMENDATION TO METRO COUNCIL

If the Planning Commission determines that any of the five portions of the PUD under review are active, then no further action is required for that portion of the PUD.

If the Commission determines that any of the portions of the PUD are inactive, then the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

First, the Commission is to determine whether the "existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans."

Second, the Commission is to recommend the legislation, and include, as needed:

- (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.

- (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
- (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.

Metro Zoning Code
Section 17.40.120 H: Periodic Review of Planned Unit Developments

H. Periodic Review of Planned Unit Developments.

1. *Authorization to Review.* The metropolitan planning commission is authorized to review any planned unit development overlay district (PUD), or portion thereof, to determine whether development activity has occurred within six years from the date of the latter of initial enactment, subsequent amendment, or re-approval by the metropolitan council, and, if determined inactive in accordance with subsection 4.a. of this section, to recommend legislation to the council to re-approve, amend or cancel the PUD and make conforming changes to the base zoning if necessary.
 2. *Initiation.* Review of a PUD or portion thereof to determine inactivity may be initiated by the metropolitan planning commission
 - a. On its own initiative,
 - b. By written request of a member of the metropolitan council, or
 - c. By written request of a property owner within the area of the PUD overlay requested for review.
 - d. *Notice of Review.* Within five business days of the initiation of a review, the planning commission shall send written notice to the district councilmember(s) for the district(s) in which the PUD is located, to the zoning administrator, and to the owner(s) of property in the portion of the PUD overlay district to be reviewed.
 3. *Metropolitan Planning Commission Procedure.* Within 90 days from the initiation of its review, the planning commission shall hold a public hearing in accordance with the planning commission's adopted Rules and Procedures to concurrently consider if the PUD or portion thereof should be classified as inactive and, if found inactive, provide a recommendation to the metropolitan council on legislation to re-approve, amend or cancel the PUD and make conforming changes to the base zoning district if necessary.
 - a. *Determination of Inactivity.* To determine that a PUD or portion thereof is inactive, the planning commission shall establish each of the findings i. through iii. below. The planning commission may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review.
 - i. Six or more years have elapsed since the latter of
 - (1) The effective date of the initial enacting ordinance of the PUD,
 - (2) The effective date of any ordinance approving an amendment to the PUD,
 - (3) The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or
 - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and
 - ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and
 - iii. Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the PUD approval.
 - b. *Recommendation to Metropolitan Council.* If the planning commission determines that the PUD or portion thereof under review is inactive, the commission shall recommend legislation to the metropolitan council to re-approve, amend, or cancel the PUD, or portion thereof that is determined to be inactive, including conforming changes to the base zoning district if necessary. In recommending legislation, the planning commission shall:
 - i. Determine whether the existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans adopted by the metropolitan government.
 - ii. Recommend legislation to re-approve, amend, or cancel the existing overlay district, including as required:
 - (a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.
 - (b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
 - (c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.
- Failure of the planning commission to act within 90 days from the initiation of a review shall be considered a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.*
- c. *When Inactivity Not Established.* If the planning commission determines that the PUD or portion thereof under review does not meet the criteria of Section 17.40.120.H.4.a for inactivity, the PUD review is concluded, the limitations of subsection 5 are terminated, and a re-review of the PUD shall not be initiated in the manner of subsection 2 of this section for 12 months following the commission's determination.

4. *Metropolitan Council Consideration. The procedures of Article III of this chapter (Amendments) shall apply to metropolitan council consideration of ordinance(s) to:*
- a. *Re-approve the existing PUD master plan and apply the appropriate base zoning district(s), if different from current base zoning,*
 - b. *Amend the PUD master plan, or*
 - c. *Cancel the PUD overlay district, including any change(s) to the underlying base zoning district.*
 - d. *Decline to take action by ordinance. If the metropolitan council does not act to re-approve, amend, or cancel the PUD within six months of receipt of the planning commission's recommended legislation, the property may be developed in accordance with the master development plan last approved by the metropolitan council, or subsequently revised by the planning commission.*
5. *No grading permit nor any building permit for new building construction shall be issued within the PUD overlay district or portion thereof for which a review has been initiated until the earlier of:*
- a. *The metropolitan council's final action to re-approve, amend or cancel the PUD overlay district, or*
 - b. *Six months following the planning commission's submission of a recommendation to the metropolitan council, or the deadline for that submission should the commission fail to act.*

APPLICANT REQUEST

Periodic Review of Site 14 of the Nashboro Village PUD

PUD Review

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, Site 14, zoned One and Two Family Residential (R10) (4.48 acres), approved for 144 multi-family units in two six-story buildings.

Timeline for Planning Commission Action

The Zoning Code requires that within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. This request was initiated on March 1, 2012 and the 90 day period extends to May 30, 2012. A If the Planning Commission does not make a determination within 90 days from the initiation of a review it will be considered that a recommendation was made to re-approve by ordinance the existing PUD overlay district without alteration.

Existing Zoning

Site 14 is zoned R10 with a PUD overlay District. This portion of the PUD overlay allows 144 multi-family units in two, six-story buildings.

ANALYSIS

As noted above, staff made a site visit in March 2012. There was no evidence of development activity on this portion of the PUD. The property owner's representative did respond to the letter requesting documentation of activity. The documentation provided consisted of a series of emails between the owner and an engineering firm discussing potential layouts of an assisted living facility on this site as well as a marketing analysis for a potential assisted living facility. There was no documentation of infrastructure installation or right-of-way installation or acquisition. The documentation provided was not sufficient to determine activity. Repeated calls and emails to the representative for additional information were not answered.

Staff recommends that Site 14 of the Nashboro Village PUD be found to be inactive. If the Planning Commission concurs with staff, then the Commission must first determine whether Site 14 is consistent with the Community Plan and whether it should be retained as approved, amended or rezoned.

Consistency with Policy

As noted above, the land use policy on this property and all properties within the PUD is Residential Medium (RM). This policy supports a variety of housing types within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate, including an assisted living facility. The most common types include compact, single-family detached units, town-homes, and walk-up apartments. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre. This density fits within the RM policy.

In 2007, the district Councilmember at-that-time requested that this portion of the PUD be cancelled. The Planning Commission recommended disapproval of that request. The recommendation was based on the finding that the request to cancel the PUD overlay on one property within the Nashboro Village PUD negates the intent of the Planned Unit Development. As a portion of the overall PUD, Site 14 is consistent with the land use policy for the area.

Recommended Legislation

If the PUD is found to be inactive, staff recommends that the PUD be maintained as approved as it "is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans."

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find this portion of the Nashboro Village PUD to be inactive.

If the Planning Commission finds the PUD to be inactive, staff recommends that the PUD be maintained as approved.

The Public Hearing and Commission discussion for Items 2a, 2b, and 2c were heard together.

Resolution No. RS2012-99

“BE IT RESOLVED by the Metropolitan Planning Commission that 74-79P-003 is FOUND TO BE INACTIVE, and recommending to Metro Council that the PUD continue to be implemented as adopted. (8-0)”

2b. 74-79P-004

NASHBORO VILLAGE SITE 15

Map 135, Parcel(s) 418
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, Site 15, zoned R10 (3.46 acres), approved for approximately 27,600 square feet of commercial uses, requested by Councilmember Karen Y. Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE; RECOMMEND TO THE METRO COUNCIL THAT PUD CONTINUE TO BE IMPLEMENTED AS ADOPTED.

APPLICANT REQUEST

Periodic Review of Site 15 of the Nashboro Village PUD

PUD Review

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, Site 15, zoned One and Two Family Residential (R10) (3.46 acres), approved for approximately 27,600 square feet of commercial uses.

Timeline for Planning Commission Action

The Zoning Code requires that within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. This request was initiated on March 1, 2012 and the 90 day period extends to May 30, 2012. A If the Planning Commission does not make a determination within 90 days from the initiation of a review it will be considered that a recommendation was made to re-approve by ordinance the existing PUD overlay district without alteration.

Existing Zoning

Site 15 is zoned R10 with a PUD overlay District. This portion of the PUD overlay allows neighborhood commercial uses.

Site 15 was originally approved for 40 stacked flat units and 21 townhouse units. In 1983, the PUD was revised. The commercial development originally proposed for Site 24 across Nashboro Village Boulevard from Site 15 was replaced with 64 stacked flat units. The neighborhood commercial development was moved to Site 15.

ANALYSIS

As noted above, staff made a site visit in March 2012. There was no evidence of development activity on this portion of the PUD. The property owner did not provide any documentation of activity on this site.

Staff recommends that Site 15 of the Nashboro Village PUD be found to be inactive. If the Planning Commission concurs with staff, then the Commission must first determine whether Site 15 is consistent with the Community Plan and whether it should be retained as approved, amended or rezoned.

Consistency with Policy

The land use policy on this property and all properties within the PUD is Residential Medium (RM). This policy supports a variety of housing types 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. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre. This density fits within the RM

policy. The centrally located neighborhood commercial development in this primarily residential PUD is an important element in the concept of Nashboro Village as a master planned community.

In 2007, the former Councilmember requested that this portion of the PUD be cancelled and the R10 base zoning remain in place. At that time, the Planning Commission recommended that the PUD remain in place. The recommendation was based on the following analysis.

The location of the portion of the PUD that is proposed to be cancelled is approved for approximately 27,600 square feet of commercial uses. The property is located along the south side of the main boulevard and is fairly close to the geographical center of the PUD district and was intended to provide a neighborhood commercial center.

While this PUD was originally approved many years ago, it has remained active and continues to be developed. The original concept represents a fully planned community, with a mixture of uses. The neighborhood center is properly located and sized to provide local services. If redesigned, it should serve an important role in maintaining the sustainability of the neighborhood.

The PUD should remain as approved for several reasons:

- 1. The commercial use for this property is close to the center of the development along the main thoroughfare.*
- 2. The commercial use represents a neighborhood center that can provide additional neighborhood amenities to meet the daily convenience needs for residents in the area and/or provide a place to gather and socialize.*
- 3. The concept behind the location of this commercial area complies with accepted planning principals and is the same concept used to determine appropriate locations for community and neighborhood centers throughout Davidson County.*

As there are few details in the preliminary approval, in order to develop this neighborhood commercial site, a revision to the preliminary PUD will be necessary. At that time, staff will work with the applicant to ensure that any development will contribute to the overall PUD by providing neighborhood services at an appropriate scale that also contributes to the walkability of the area. This can be accomplished by having the buildings framing the street with entrances oriented to the street, locating parking behind or beside the building, and ensuring the development is well connected to other portions of the PUD with sidewalks and strategically locating vehicular entrances to minimize curb cuts.

Recommended Legislation

If the PUD is found to be inactive, staff recommends that the PUD be maintained as approved as it “is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans.”

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find this portion of the Nashboro Village PUD to be inactive.

If the Planning Commission finds the PUD to be inactive, staff recommends that the PUD be maintained as approved. Further, it is recommended that, when an application is received to develop this portion of the PUD, the Planning Commission direct staff to work with the applicant to ensure that the development will contribute to the overall PUD by providing neighborhood services at an appropriate scale and design that also contributes to the walkability of the area.

The Public Hearing and Commission discussion for Items 2a, 2b, and 2c were heard together.

Resolution No. RS2012-100

“BE IT RESOLVED by the Metropolitan Planning Commission that 74-79P-004 is **FOUND TO BE INACTIVE, and recommending to the Metro Council that the PUD continues to be implemented as adopted and direct staff to work with the applicant to ensure that the development will contribute to the overall PUD by providing neighborhood services at an appropriate scale and design that also contributes to the walkability of the area. (8-0)”**

2c. 74-79P-006

NASHBORO VILLAGE SITE 27

Map 135, Parcel(s) 317

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), approximately 1,500 feet east of Murfreesboro Pike, Site 27, zoned RM6 (1.7 acres), approved for a day care center, requested by Councilmember Karen Y. Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE; RECOMMEND TO THE METRO COUNCIL THAT PUD CONTINUE TO BE IMPLEMENTED AS ADOPTED.

APPLICANT REQUEST

Periodic Review of Site 27 of the Nashboro Village PUD

PUD Review

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located at Nashboro Boulevard (unnumbered), approximately 1,500 feet east of Murfreesboro Pike, Site 27, zoned Multi-Family (RM6) (1.7 acres), approved for a day care center.

Timeline for Planning Commission Action

The Zoning Code requires that within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. This request was initiated on March 12, 2012 and the 90 day period extends to June 10, 2012. A If the Planning Commission does not make a determination within 90 days from the initiation of a review it will be considered that a recommendation was made to re-approve by ordinance the existing PUD overlay district without alteration.

Existing Zoning

Site 27 is zoned RM6 with a Planned Unit Development overlay that permits a day care center.

ANALYSIS

As noted above, staff made a site visit in March 2012. There was no evidence of development activity on this portion of the PUD. The property owner did not provide any documentation of activity on this site.

Staff recommends that Site 27 of the Nashboro Village PUD be found to be inactive. If the Planning Commission concurs with staff, then the Commission must first determine whether Site 27 is consistent with the Community Plan and whether it should be retained as approved, amended or rezoned.

Consistency with Policy

The land use policy on this property and all properties within the PUD is Residential Medium. This policy supports a variety of housing types 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. Certain civic benefit and institutional uses, such as a day care center, are appropriate uses within this residential policy. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 units per acre. This density fits within the RM policy. A day care center is supported by the policy and the base zoning district. This service is appropriately located within this primarily residential PUD.

Recommended Legislation

If the PUD is found to be inactive, staff recommends that the PUD be maintained as approved as it "is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans."

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find this portion of the Nashboro Village PUD to be inactive.

If the Planning Commission finds the PUD to be inactive, staff recommends that the PUD be maintained as approved.

Ms. Bernards presented the staff recommendation of finding the PUD Inactive.

Items 2a, 2b, and 2c were heard and discussed together.

Council Lady Johnson spoke in support of staff recommendation of Items 2a, 2b, and 2c.

Nigel Hodge, 484 Flintlock Court, spoke in support of staff recommendation.

Elizabeth Hembree, 1151 Nashboro Blvd, spoke in support of staff recommendation.

Natasha Blackshear, spoke in support of staff recommendation of finding the PUD Inactive but also asked that a lower density zoning be considered.

Jo Beth Hastings, 805 Musket Trail, spoke in support of staff recommendation.

Vivian Wilhoite, 1029 Flintlock Court, spoke in support of staff recommendation of finding the PUD Inactive, but also asked that a lower density zoning be considered.

Ken Renner, 905 Kingfisher Point, spoke in support of staff recommendation.

Iris (last name unclear), spoke in support of staff recommendation.

Sam Neal, VP of Nashboro Greens HOA, spoke in support of staff recommendation.

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

Councilmember Claiborne spoke in support of staff recommendation.

Councilmember Claiborne moved and Mr. Haynes seconded the motion to approve staff recommendation of Items 2a, 2b, and 2c. (8-0)

Resolution No. RS2012-101

“BE IT RESOLVED by the Metropolitan Planning Commission that 74-79P-006 is **FOUND TO BE INACTIVE; and recommending to the Metro Council that the PUD continue to be implemented as adopted. (8-0)”**

2d. 74-79P-007

NASHBORO VILLAGE, SITE 25

Map 135, Part of Parcel(s) 308

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Brenda Bernards

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located on a portion of property at 171 Bell Road, approximately 1,000 feet south of Nashboro Boulevard, Site 25, zoned R10 (1.2 acres), approved for 100 units in a five-story building, requested by Councilmember Karen Y. Johnson, applicant, Nashboro Golf Course, LLC, owner.

Staff Recommendation: FIND THE PUD INACTIVE; RECOMMEND TO THE METRO COUNCIL THAT PUD BE AMENDED.

APPLICANT REQUEST

Periodic Review of the a portion of the Nashboro Village PUD

PUD Review

A request to the Metro Planning Department for a periodic review of a portion of the Nashboro Village Planned Unit Development Overlay District located on a portion of property at 171 Bell Road, approximately 1,000 feet south of Nashboro Boulevard, Site 25, zoned One and Two Family (R10) (1.2 acres), approved for 100 units in a five-story building.

Timeline for Planning Commission Action

The Zoning Code requires that within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. This request was initiated on March 12, 2012 and the 90 day period extends to June 10, 2012. If the Planning Commission does not make a determination within 90 days from the initiation of a review it will be considered that a recommendation was made to re-approve by ordinance the existing PUD overlay district without alteration.

Existing Zoning

Site 25 is zoned R10 with a PUD overlay District. This portion of the PUD overlay allows 100 multi-family units in a five-story building.

ANALYSIS

A site visit was made in March 2012. There was a golf course maintenance building on this site. Site 25 is approved for a 100 unit multi-family building. There was no evidence of development activity to support the residential use. The property owner did not provide any documentation of activity.

Staff recommends that Site 25 of the Nashboro Village PUD be found to be inactive. If the Planning Commission concurs with staff, then the Commission must first determine whether Site 25 is consistent with the Community Plan and whether it should be retained as approved, amended or rezoned.

Consistency with Policy

The land use policy on this property and all properties within the PUD is Residential Medium. This policy supports a variety of housing types within a density range of four to nine dwelling units per acre. The Nashboro Village PUD covers approximately 393 acres with 2,475 residential units for an overall density of 6.3 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. The density of the overall PUD fits within the RM policy.

Site 25 is on the same parcel of land as much of the golf course. At this time, there is a maintenance facility for the golf course in this location. Permit records show that this building was constructed in 1974. According the website, the Nashboro Village Golf Course opened in July 1975. The Nashboro Village PUD was approved in 1979 with a 100 unit multi-family building on this site.

While the RM policy supports the multi-family use when the entire PUD is considered, this particular location does not appear to be appropriate for a five-story structure. This site is isolated from the remaining development in the PUD and a five-story structure is inconsistent with the development pattern along this portion of Bell Road. When the maintenance facility is no longer located on this site, this portion of the PUD could be considered appropriate for a residential use at a scale consistent with the development pattern along Bell Road.

Recommended Legislation

If the PUD is found to be inactive, staff recommends that this portion of the PUD be amended to remove the five-story building at this location. A note should be added that residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road within this PUD could be considered as a revision to the PUD.

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find this portion of the Nashboro Village PUD to be inactive.

If the Planning Commission finds the PUD to be inactive, staff recommends that this portion of the PUD be amended to remove the five-story building of Site 25 and add a note that residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road within this PUD could be considered as a future revision.

Ms. Bernards presented the staff recommendation of finding the PUD Inactive.

Council Lady Johnson spoke in support of staff recommendation.

Vivian Wilhoite, 1029 Flintlock Court, spoke in support of staff recommendation.

Mr. Gee moved and Dr. Cummings seconded the motion to close the Public Hearing. (8-0)

Councilmember Claiborne moved and Mr. Ponder seconded the motion to approve staff recommendation. (8-0)

Resolution No. RS2012-102

“BE IT RESOLVED by The Metropolitan Planning Commission that 74-79P-007 is FOUND TO BE INACTIVE; recommending to the Metro Council that the PUD be amended to remove the five-story building of Site 25 and add a note that residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road within this PUD could be considered as a future revision. (8-0)”

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.

Zoning Text Amendments

3. 2012Z-007TX-001

TWO-FAMILY DEFINITION CHANGE

Staff Reviewer: Jennifer Regan

Sponsor: Councilmember Claiborne

A request to amend the Metropolitan Code of Laws, Section 17.04.060, in its definition of "Two-family" units, requested by the Metropolitan Historic Zoning Commission, applicant, Councilmember Claiborne, sponsor.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Modify Zoning Code change definition of "Two-family" units.

Zoning Text Amendment

A request to amend the Metropolitan Code of Laws, Section 17.04.060, in its definition of "Two-family" units.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

Section 17.040.060 (Definitions) of the Zoning Code defines a "two-family" use and structure. Within the Urban Zoning Overlay, a two-family unit (duplex) must be constructed as an attached unit, either sharing a common wall or a connection of at least eight feet. The connection must be fully enclosed space with a roof, walls, and floor such as a storage area, garage, or sunroom. It does not have to be heated or cooled space. A breezeway or screened porch does not count as a connection. Outside the Urban Zoning Overlay (UZO), a two-family unit can be connected, or if separated, a minimum distance of 10 feet is required between the two units. These provisions apply regardless of a property's zoning.

PROPOSED ZONING CODE

The proposed text amendment modifies Section 17.040.060 by deleting the connection requirement for a two-family unit constructed in a historic overlay district. The connection requirement would remain, however, for all other UZO properties located outside of a historic zoning overlay. A qualifying historic zoning overlay district would be those identified in Section 17.36.110 (Historic Overlay Districts Established): Historic preservation, neighborhood conservation, historic landmark, and historic bed and breakfast homestay.

ANALYSIS

The proposed text amendment supports infill development. The Historic Zoning Commission will review the design of proposed structures for their consistency with the applicable adopted Historic Zoning Commission guidelines and policies.

METRO CODES ADMINISTRATION RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No exception taken.

STAFF RECOMMENDATION

Staff recommends approval of this bill.

ORDINANCE NO. BL2012-153

An ordinance amending Metropolitan Code of Laws 17.04.060 in its definition of "Two-family" units (Proposal No. 2012Z-007TX-001).

WHEREAS, the Metropolitan Historic Zoning Commission wishes to bring clarity to the zoning definition of "Two-family" units as codified in MCL 17.04.060, relating to which structures are subject to regulation by the Metropolitan Historic Zoning Commission; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this amendment be accepted.

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

Section 1: That the Council of The Metropolitan Government of Nashville and Davidson County does hereby amend Metropolitan Code of Laws 17.04.060, Sub-section 2 of the definition of the term "Two-family" units by deleting the language, "two detached dwelling units within a historic zoning overlay district shall not be permitted, and".

Section 2: This ordinance shall take effect from and after its final passage, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Phil Claiborne

Approved (8-0), Consent Agenda

Resolution No. RS2012-103

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-007TX-001 is **APPROVED. (8-0)**”

Specific Plans

4. 2007SP-171G-14

OLD HICKORY VILLAGE SP

Map 044-15, Parcel(s) 020-021, 023, 030, 440-441

Council District 11 (Darren Jernigan)

Staff Reviewer: Brian Sexton

The periodic review of an approved SP-MU district known as "Old Hickory Village" , to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 807 Debow Street, 803 Elliston Street and at Elliston Street (unnumbered), Hadley Avenue (unnumbered) and Donelson Avenue (unnumbered), (5.25 acres), approved for a maximum of 91 multifamily units and a maximum of 45,000 square feet of non- residential uses via Council Bill BL2007-89, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP INACTIVE and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST

Four year SP review to determine activity

SP Review

The periodic review of an approved Specific Plan – Mixed Use (SP-MU) district known as "Old Hickory Village" to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 807 Debow Street, 803 Elliston Street and at Elliston Street (unnumbered), Hadley Avenue (unnumbered) and Donelson Ave (unnumbered), (5.25 acres), approved for a maximum of 91 multifamily units and a maximum of 45,000 square feet of non-residential uses via Council Bill BL2007-89 adopted on April 15, 2008.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

Each development within a SP District is to be reviewed in order to determine if the project is complete or actively under development to implement the approved development concept. If the review determines that the project is complete or actively under development, then no further review is necessary at this time. If the review determines that the project is inactive then the Planning Commission is to determine if its continuation as an SP District is appropriate.

DETAILS OF THE SP DISTRICT

The plan was approved for two sub-districts. Sub-district 1 was approved for a future neighborhood center that lines Donelson Avenue. The building(s) will be a maximum of three stories and will permit a mixture of uses, including office or residential on the second and third floors. The parking for this sub-district is located behind the building(s).

Sub-district 2 was approved for single-family cottages and townhomes. The cottages are located on the southern border of the site and provide a transition into the existing single-family neighborhood. The townhomes are between the future neighborhood center and the cottages. These units will front either the street or an interior green.

SPECIFIC PLAN REVIEW

Staff conducted a site visit in April 2012. There was no construction activity on the property and the property is undeveloped. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active. The owner did not respond to the letter. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

FINDING OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council action including:

- 1. An analysis of the SP district’s consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
- 2. Whether any amendments to the approved SP district are necessary, or
- 3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission’s determination to Council with a recommendation on the following:

- 1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
- 2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

Consistency with the General Plan

The SP is consistent with the Mixed Use in Neighborhood Center policy of the Donelson Hermitage community plan. Appropriate uses within this policy area include residential, commercial, and office. The SP was approved for residential, commercial and office uses.

Amendments/Rezoning

As the SP is consistent with the Mixed Use in Neighborhood Center policy of the community plan, the SP remains appropriate for the site and area. There are no amendments to the plan proposed and no new zoning district is proposed for the property.

Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission’s determination to Council to continue the implementation of the development plan as adopted and that no rezoning is required on this property.

STAFF RECOMMENDATION

Staff recommends that the Old Hickory Village Condominiums and Neighborhood Center SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

Find the SP District Inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (8-0), Consent Agenda

Resolution No. RS2012-104

“BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-171G-14 is APPROVED, finding the SP District Inactive and recommending to the Metro Council that the PUD be amended to remove the five-story building of Site 25 and adding a note that residential uses, not to exceed 100 units, consistent with the scale of development along Bell Road within this PUD could be considered as a future revision. (8-0)”

5a. 2012SP-011-001

WESTMONT APARTMENTS SP

Map 104-02, Parcel(s) 413
Council District 21 (Edith Taylor Langster)
Staff Reviewer: Joni Priest

A request to rezone from RM40 to SP-R zoning for "Westmont Apartments" located at 111 Acklen Park Drive, approximately 625 feet north of West End Avenue, and within the 31st Avenue and Long Boulevard Urban Design and I-440 Impact Overlay Districts, to permit up to 347 multi-family units and parking structure (3.57 acres), requested by Civil Site

Design Group, applicant, Westmont Property Holdings LLC, owner.

Staff Recommendation: Approve with conditions including any requirements from the traffic impact study or additional requirements from Public Works, and disapprove without all conditions.

APPLICANT REQUEST

A request to rezone from residential to SP

Preliminary SP

A request to rezone from Multi-Family Residential (RM40) to Specific Plan – Residential (SP-R) zoning for "Westmont Apartments" located at 111 Acklen Park Drive, approximately 625 feet north of West End Avenue, and within the 31st Avenue and Long Boulevard Urban Design and I-440 Impact Overlay Districts, to permit up to 347 multi-family units, an amenity area, and parking structure (3.57 acres).

Existing Zoning

RM40 District – RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

31st Avenue and Long Boulevard Urban Design Overlay – The design intent of the UDO concept plan are as follows:

- Encourage and maintain a pedestrian friendly environment while minimizing the impact of the automobile.
- Encourage an appropriate mix of compatible uses consistent with the location, access, and amenity characteristics of the area in relation to the West End Corridor.
- Maintain and enhance current public spaces and provide new public spaces for recreational use by area residents.
- Encourage an appropriate mix of compatible housing types that work together to create a harmonious streetscape.

I-440 Impact Overlay – The property is within subarea 1-B of the overlay district. Policies within this overlay apply to zone change proposals that have been determined by Council to be related to the presence and or operational effects of Interstate 440.

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 multi-family residential uses.

CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

The Midtown community has some of the best streetscape in the city; a well-connected street network, and appropriately-scaled sidewalks. This system is deficient on some streets in the West End Park neighborhood. With the redevelopment of this site, a curb, gutter, and new sidewalks will be added on Fairmont Drive. The proposed building will be closer to street than the existing building, with stoops near the sidewalk, creating an interesting streetscape. Parking will be located interior to the site and will not be visible from streets. The streetscape created by this building and others in the neighborhood create safety by adding more "eyes on the street" and providing a defined façade wall along the street.

Supports a Variety of Transportation Choices

There are currently initiatives underway to create a dedicated bus rapid transit on West End Avenue. The redevelopment of this site will support transit, walking and cycling by adding housing near employment centers, retail, services and parks. The plan also includes bicycle parking into the parking garage for residents and at the corner entrance for visitors.

Provides a Range of Housing Choices

The Midtown Community continues to experience residential growth in low and mid-rise residential buildings. As interest in city living continues to grow, many of the nearby historic neighborhoods are thriving. In an effort to provide housing choice in the community and the region at-large, infill sites are important opportunities to integrate stacked-flats, townhouses, and other multi-family housing types into the city's overall housing stock.

Supports Infill Development

Situated inside the I-440 loop, the proposed SP is an infill site, with access to transit, parks, employment, education, retail and services.

Promotes Compact Building Design

By utilizing structured parking, the proposed SP increases the amount of "useable" ground and reduces land consumption.

GREEN HILLS MIDTOWN COMMUNITY PLAN

T4 – Urban Neighborhood Evolving (T4-NE) is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and

associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots 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.

The Midtown Study states that “residential density in this area may be higher than is typical for T4 NE areas because of the area’s Midtown location and support role in providing a planned high level of public and private mass transit service.”

Consistent with Policy?

The requested SP is consistent with Policy. The West End Park neighborhood continues to evolve into one of Nashville’s premier urban neighborhoods. Transportation improvements, such as the 28th/31st Avenue Connector and the East West transit line, are improving mobility in the area. The requested SP continues to improve vehicular connectivity by extending Long Boulevard to Fairmont Drive, and improves pedestrian connectivity by adding sidewalks on Fairmont.

PLAN DETAILS

In 2003, Planning staff worked with the councilmember and the community to create urban design standards and bulk regulations for an Urban Design Overlay (UDO) for the West End Park neighborhood. The 31st and Long UDO was adopted in March 2004, with an accompanying zone change. Much of the area was rezoned to RM40 – allowing 40 units per acre. The requested SP complies with the majority of the UDO standards (modification requests are included in a separate application) while adjusting the density and impervious surface ratio (ISR) of the current RM40 zoning.

The requested SP shows a residential structure – 4 stories and 5 stories – surrounding a 6 story parking structure. The parking structure will be equal to or shorter in height than the residential structure and will not be visible from the streets or from the adjacent properties.

The requested SP shows a new street connection from Long Boulevard to Fairmont Drive. This connection was illustrated in the 31st and Long UDO. The street connection allows service access to the rear of the property while providing much needed connectivity in the area. The parking structure will have two ingress/egress points; one on Acklen Park Drive and one on the new service drive.

Landscaping/Sidewalks

The requested SP shows widening the sidewalk on Acklen Park Drive to 8 feet and adding street trees to the existing planting strip, and construction of a new curb, gutter, and sidewalk on Fairmont Drive. These improvements contribute to pedestrian safety and encourage walking as a form of transportation.

Signage

No signage is included in the SP request. Signage will follow the standards of the UDO.

I-440 Impact Overlay

Policies within this overlay apply to zone change proposals that have been determined by Council to be related to the presence and or operational effects of Interstate 440. The property is located within subarea 1-B of the overlay district. For residential projects proposed within the overlay, the general policies of the overlay indicate the need for design-based zoning to address site design. The existing UDO and the proposed SP fulfill this expectation. The general policies of the overlay and the specific policies of subarea 1-B focus on the need for sufficient traffic access to accommodate higher residential densities. In this subarea, greater densities are appropriate only if “accessibility is substantially improved to major arterial streets other than West End Avenue, such as Charlotte Pike.” The 28th/31st Avenue Connector is currently under construction and will give this neighborhood direct access to Charlotte Avenue – a T5 mixed-use, multi-modal, arterial boulevard – and 28th Avenue – a T4 residential, multi-modal, arterial boulevard – which gives direct access to I-40. A traffic impact study has been submitted and is currently under review by Metro Public Works.

Due to the use of SP zoning to ensure compatibility of the project with its surroundings, and the improved traffic access within the vicinity of the project due to the 28th/31st Avenue Connector, the proposal satisfies the policies of the I-440 Impact Overlay. Therefore, the overlay is no longer applicable. The zone change can be considered in the same manner that zone change proposals outside of the I-440 Impact Overlay are considered.

Design Review Committee

The 31st and Long Design Review Committee met on April 10, 2012 to discuss the SP proposal. Comments, questions and concerns were given to the applicant at that time. Efforts have been made by the applicant to address the issues brought to light at that meeting; many of which have been addressed in the revised site plan.

Community Meeting

At the request of Council Lady Langster, the applicant met with the community on May 16, 2012, to discuss the SP proposal. Comments, questions and concerns were given to the applicant at that time and in subsequent emails. Based on community feedback, staff strongly encourages the applicant to increase the interior side setback to the greatest dimension possible; to include a detailed landscaping plan along the interior side setback including a fence and/or vegetation that provides privacy; to provide a

substantial amount of guest parking within the parking structure in addition to the parking required by the zoning code; and to maintain a 4-story building height along all streets and property lines and consolidate the requested 5-story portions to the center of the building/property.

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.
- All trees and/ or plantings located within the public ROW shall be approved by MPW.
- With final SP provide MPW with full civil site plans and all associated details.
- A TIS is required to determine Roadway improvements.

[The applicant submitted a traffic impact study to Public Works for review to determine necessary improvements associated with the proposal. This study was submitted on May 16, 2012, one day prior to the completion of this staff report. Due to the short amount of time, Public Works will attempt to review the report and provide a recommendation prior to the May 24th Planning Commission meeting.]

Maximum Uses in Existing Zoning District: **RM40**

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)	3.57	40 D	142 U	985	74	96

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)	3.57	-	347 U	2227	174	209

Traffic changes between maximum: **RM40** 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
-	-	-	+205	+1242	+100	+113

STORMWATER RECOMMENDATION

- Site outfall will need to be discharged to either a dedicated storm line or a combination line 18" or larger.

NES RECOMMENDATION

- NES Pole and anchors located on south side of Acklen Park Drive at West End Circle are in conflict with the new entrance into the parking garage and underground water detention system.
- NES Overhead high voltage line located on south side of Acklen Park Drive from West End Circle to Fairmont Drive has possible NESC clearance issues with new building. NESC Clearance issues will depend on the setback of the building.
- NES Pole located at intersection of Fairmont Drive and access drive on south side of site is in conflict with new access drive entrance.
- NES Overhead high voltage line located on west side of Fairmont Drive from Acklen Park Drive has possible NESC clearance issues with new building. NESC Clearance issues will depend on the setback of the building.
- NES Overhead high voltage line located along access drive on south side of site has possible NESC clearance issues with new building. NESC Clearance issues depend on building setback. This NES pole line will need to remain because it serves customers at 3308 Long Bv, Longview Condos.
- NES Overhead high voltage line located along west property line from access drive to Acklen Park Drive has NESC clearance issues with new building. This line also will have no truck access to maintain line in the future if building is built as shown on conceptual site plan. This line also serves customers at 3306 Long Bv and 119 Acklen Park Drive which if new building is built as shown in conceptual site plan the line will have to be relocated and these customers would have to be re-fed from possibly Long Bv

or Acklen Park Drive. Developer would be required to obtain easements from the property owners to accommodate this line relocation.

- There will be a cost incurred to the developer to relocate any NES pole line on this project.
- Developer to provide construction drawings and a digital .dwg file @ state plane coordinates that contains the civil site information (after approval by Metro Planning w/ any changes from other departments)
- Developer drawing should show any and all existing utilities easements on property.
- NES follows the National Fire Protection Association rules; Refer to NFPA 70 article 450-27; and NESC Section 15 - 152.A.2 for complete rules
- NES needs load information and future plans or options to buy other property (over all plans).
- The location for the permanent transformers at the loading dock is close to the building and a fire wall might have to be built around them depending on the transformer size.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary SP including any requirements from the traffic impact study or additional requirements from Public Works, and disapproval without all conditions.

SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 1 High

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Eakin Elementary has been identified as being over capacity by the Metro School Board. There is capacity for elementary school students within the cluster. This information is based upon data from the school board last updated October 2011.

CONDITIONS

1. The SP shall comply with comments listed above from Metro Public Works and Stormwater departments.
2. Permitted uses are single-family, duplex, and multi-family dwellings.
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 RM40 zoning district as of the date of the applicable request or application. The 31st Avenue and Long Boulevard UDO standards also apply.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. 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.

The Public Hearing and Commission discussion for Items 5a and 5b were heard together. See Item 5b for public hearing comments.

Mr. Ponder moved and Mr. Adkins seconded the motion to approve with conditions including any requirements from the traffic impact study or additional requirements from Public Works, and disapprove without all conditions. (6-0)

Resolution No. RS2012-105

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-011-001 is APPROVED with conditions including any requirements from the traffic impact study or additional requirements from Public Works, and disapproved without all conditions. (8-0)”

CONDITIONS

- 1. The SP shall comply with comments listed above from Metro Public Works and Stormwater departments.**

2. Permitted uses are single-family, duplex, and multi-family dwellings.
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 RM40 zoning district as of the date of the applicable request or application. The 31st Avenue and Long Boulevard UDO standards also apply.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. 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.

5b. 2005UD-006-005

31ST AVENUE & LONG BOULEVARD UDO (111 ACKLEN PARK DRIVE MODIFICATION)

Map 104-02, Parcel(s) 413

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Joni Priest

A request for a modification to the 31st Avenue and Long Boulevard Urban Design Overlay (UDO) District for property located at 111 Acklen Park Drive, zoned RM40 and proposed for SP, requested by Civil Site Design Group, applicant, for Westmont Property Holdings, LLC, owner (Please see also associated Specific Plan case # 2012SP-011-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST

A request modify standards to the 31st Avenue and Long Boulevard Urban Design Overlay

UDO Modification

A request to modify standards of the 31st Avenue and Long Boulevard Urban Design Overlay (UDO) District for property located at 111 Acklen Park Drive, zoned Multi-Family Residential (RM40) and proposed for SP, requested by Civil Site Design Group, applicant, for Westmont Property Holdings, LLC, owner (Please see also associated Specific Plan case # 2012SP-011-001).

Existing Zoning

RM40 District – RM40 is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

31st Avenue and Long Boulevard Urban Design Overlay – The design intent of the UDO concept plan are as follows:

- Encourage and maintain a pedestrian friendly environment while minimizing the impact of the automobile.
- Encourage an appropriate mix of compatible uses consistent with the location, access, and amenity characteristics of the area in relation to the West End Corridor.
- Maintain and enhance current public spaces and provide new public spaces for recreational use by area residents.
- Encourage an appropriate mix of compatible housing types that work together to create a harmonious streetscape.

CRITICAL PLANNING GOALS

See associated Specific Plan Case #2012SP-011-001

PLAN DETAILS

In 2003, Planning staff worked with the councilmember and the community to create urban design standards and bulk regulations for an Urban Design Overlay (UDO) for the West End Park neighborhood. The 31st and Long UDO was adopted in March 2004. This UDO modification application is in conjunction with 2012SP-001-011.

Requests to Modify the UDO standards

The property is in Sub-district G2 of the UDO. The Build-to Line is 20 feet from the property line and porches and stoops are allowed to encroach to 10 feet from the property line. Instead of a required building setback from property lines along public streets, the UDO uses Build-to Lines. Build-to Lines specify the location of a building façade instead of specifying only a minimum setback. Buildings constructed within the UDO must have a minimum percentage of their facades constructed along the required Build-to Lines. The UDO requires the building mass of the building to be 20 feet from the property line and allows stoops and porches to come closer to the property line. The applicant requests to modify to a Build-to Zone of 5-15 feet on Acklen and 5-20 feet Fairmont. This modification would allow the mass of the building, stoops and porches to undulate between 15 feet and 5 feet of the property line. In essence, the effect would be similar to the standards of the UDO except that the mass of the building could come closer to the property line.

The maximum height allowed is 4 stories within 50 feet. The applicant requests to modify to 5 stories within 70 feet for habitable space in areas identified on the plan and 4 stories within 58 feet on the remainder of the plan. The majority of habitable space, particularly those areas adjacent to other properties, will be 4 stories. The additional story of habitable space is located interior to the site, around the amenity spaces, and at the key architectural feature at corner of Acklen and Fairmont.

The maximum height allowed is 4 stories within 50 feet. The applicant requests to modify to 6 stories within 70 feet for the parking structure. The parking structure is interior to the site and will not be visible from streets or adjacent properties. The parking structure will not be taller than the surrounding habitable space.

The Westmont property has significant topography. The west corner of the site is over 30 feet higher than the east corner of the site. The request for height modifications is indicative of a difficult site; a 5 story building on one side of the site will be perceived as a 4 story building on the opposite side of the site. The requested modifications allow the building to transition along the topography and allow the habitable space to screen the parking structure from view.

Design Review Committee

The 31st and Long Design Review Committee met on April 10, 2012 to discuss the proposal. Comments, questions and concerns were given to the applicant at that time. Efforts have been made by the applicant to address the issues brought to light at that meeting; many of which have been addressed in the revised site plan.

STAFF RECOMMENDATION

Staff recommends approval of the requested modifications to the UDO standards with approval of the preliminary SP.

Ms. Priest presented the staff recommendation of approval with conditions.

Items 5a and 5b were heard and discussed together.

Tom White, 36 Old Club Court, spoke in support of staff recommendation and noted that this project will create walkable neighborhoods, will support a variety of transportation choices, will provide a range of housing choice, will support infill development, and will promote compact building design.

Kevin Gangaware, Civil Engineer for the project, spoke in support of staff recommendation and noted that all storm water runoff will be collected, treated, and connected to the catch basin. He also noted that the results of the traffic study showed a negligible effect on traffic.

Nelson Crowe, Developer, spoke in support of staff recommendation.

Jeff Zeitlin, 201 Acklen Park Drive, spoke in support of staff recommendation.

Christina Varallo, 111 Acklen Park Drive, spoke in support of staff recommendation.

Ted Kromer, Design Review Committee, spoke in support of staff recommendation and stated that the project meets the spirit of the UDO.

Amy Anstey, 3323 Long Blvd, stated that she is not opposed to development but does have concerns regarding increased traffic in the

area.

Vladimir Enlow, 111 Acklen Park Drive, spoke against staff recommendation and expressed concern with increased traffic in the area.

Mr. Gee left at 5:58 p.m.

Josh Dearth, 209 Fairmont Court, asked for a deferral and expressed concern regarding increased traffic.

Charlie Bailey, 3225 West End Circle, stated that he is not opposed to the development but does have concerns regarding increased traffic.

Darlene Hamilton, 3306 Long Blvd, spoke against staff recommendation and stated concern regarding increased traffic.

Greg Tidwell, 3306 Long Blvd, stated that he is not in opposition to the project but does have increased traffic concerns. He also suggested adding privacy fencing along common property lines.

Mr. Haynes stepped out at 6:05 p.m.

Mr. Haynes back in at 6:07 p.m.

Tom White asked for approval of staff recommendation, noting approval of both the Council Lady as well as the Design Review Committee.

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

Dr. Cummings stated support of the project and asked applicant if they would be willing to install a privacy fence as mentioned by a community member.

The applicant stated that they would have no problem with that.

Mr. Haynes spoke in support of the project.

Mr. Adkins spoke in support of the project.

Councilmember Claiborne left at 6:11 p.m.

Ms. LeQuire spoke in support of the project.

Mr. Ponder moved and Dr. Cummings seconded the motion to approve staff recommendation. (6-0)

Resolution No. RS2012-106

“BE IT RESOLVED by The Metropolitan Planning Commission that 2005UD-006-005 is APPROVED. (6-0)”

Zone Changes

6. 2012Z-012PR-001

7301 HIGHWAY 70 S

Map 142, Part of Parcel(s) 045

Council District 22 (Sheri Weiner)

Staff Reviewer: Greg Johnson

A request to rezone from the R15 to RM20 district a portion of property located at 7301 Highway 70 S, approximately 1,280 feet west of Hicks Road (1.93 acres), requested by Noble Properties Inc., owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Zone change from One and Two Family Residential to Multi-Family Residential

Zone Change

A request to rezone from One and Two Family Residential (R15) to Multi-Family Residential (RM20) district a portion of property located at 7301 Highway 70 S, approximately 1,280 feet west of Hicks Road (1.93 acres).

Existing Zoning

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.

Proposed Zoning

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

T3 Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 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 may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The proposed RM20 zoning district will encourage development that is consistent with the development on surrounding lots. The adjacent lot to the west is developed with multi-family residential development and is zoned RM9. The adjacent lots to the east and south are zoned RM20. The T3 NM policy would normally require a site plan with a zone change request. Because this site is already surrounded by developed multi-family residential sites, and because there are no opportunities for street/driveway connections to adjacent properties, a site plan is not needed.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required at time of development.

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
Single-Family Residential (210)	1.93	4.94 D	5 L	48	4	6

Maximum Uses in Proposed Zoning District: **RM20**

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)	1.93	20 D	38 U	354	23	39

Traffic changes between maximum: **R15** and proposed **RM20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+306	+19	+33

SCHOOL BOARD REPORT

Projected student generation 7 Elementary 4 Middle 3 High

Students would attend West Meade Elementary School, Bellevue Middle School, or Hillwood High School. West Meade Elementary and Bellevue Middle have been identified as being over capacity by the Metro School Board. There is capacity for elementary school students within the cluster. There is no capacity for middle school students within the cluster.

The fiscal liability for 4 middle school students is \$94,000. This data is for informational purposes only and is not a condition of approval. This information is based upon data from the school board last updated October 2011.

STAFF RECOMMENDATION

Staff recommends approval of the zone change. The proposed RM20 zoning district is consistent with the T3 Neighborhood Maintenance land use policy within the Bellevue Community Plan.

Approved (8-0), Consent Agenda.

Resolution No. RS2012-107

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-012PR-001 is **APPROVED. (8-0)**”

7. 2012Z-013PR-001

265 OLD HICKORY BLVD

Map 043-13, Parcel(s) 012

Council District 09 (Bill Pridemore)

Staff Reviewer: Greg Johnson

A request to rezone from the CS to MUL district property located at 265 Old Hickory Boulevard, approximately 1,175 feet east of Gallatin Pike (1.52 acres), requested by Larry Bryant, applicant, Keith & Kini Jorgensen, Trustees, owners.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Zone change from the Commercial Services district to the Mixed Use Limited district

Zone Change

A request to rezone from the Commercial-Service (CS) to Mixed Use Limited (MUL) district property located at 265 Old Hickory Boulevard, approximately 1,175 feet east of Gallatin Pike (1.52 acres).

Existing Zoning

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

Proposed Zoning

Mixed Use Limited (MUL District) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses.

CRITICAL PLANNING GOALS

N/A

MADISON COMMUNITY PLAN

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

Consistent with Policy?

Yes, the proposed MUL zoning district would permit many of the residential and non-residential land uses that are envisioned for the T4 Mixed Use Corridor land use policy. The properties north of Old Hickory Boulevard and south of Highway 45 are generally zoned CS, which allows for commercial development. The uses permitted by the MUL zoning district will be more consistent with the intent of the T4 CM policy.

PUBLIC WORKS RECOMMENDATION

Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.52	0.368 F	24,365 SF	1080	27	80

Typical Uses in Proposed Zoning District: **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.52	0.458 F	30,324 SF	1335	32	95

Traffic changes between typical: **CS** and proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+5,959	+255	+5	+15

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.52	0.6 F	39,726 SF	1738	39	117

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.52	1 F	66,211 SF	2871	60	181

Traffic changes between maximum: **CS** proposed **MUL**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+26,485 SF	+1133	+21	+64

SCHOOL BOARD REPORT

Projected student generation **8** Elementary **6** Middle **4** High

Students would attend Stratton Elementary School, Madison Middle School, or Hunters Lane High School. Stratton Elementary School and Madison Middle School have been identified as being over capacity by the Metro School Board. There is capacity for elementary and middle school students within the cluster.

STAFF RECOMMENDATION

Staff recommends approval. The proposed MUL zoning district will permit a range of residential and non-residential land uses envisioned by the T4 Urban Mixed Use land use policy.

Approved (8-0), Consent Agenda

Resolution No. RS2012-108

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-013PR-001 is **APPROVED. (8-0)**”

Planned Unit Developments

8. 118-76P-001

CHIPPINGTON II

Map 051-12, Parcel(s) 129
Council District 07 (Anthony Davis)
Staff Reviewer: Jason Swaggart

A request to cancel a portion of the Chippington II Planned Unit Development Overlay District on property located at 1306 Coreland Drive, approximately 725 feet east of Gallatin Pike, zoned RM40 (1.52 acres), requested by Ragan Smith Associates Inc., applicant, St. Joseph Catholic Church, owner.

Staff Recommendation: APPROVE

APPLICANT REQUEST

Cancel a portion of a Planned Unit Development.

Cancel PUD

A request to cancel a portion of the Chippington II Planned Unit Development Overlay District on property located at 1306 Coreland Drive, approximately 725 feet east of Gallatin Pike, zoned Multi-Family Residential (RM40) (1.52 acres).

Existing Zoning

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

MADISON COMMUNITY PLAN

Suburban Neighborhood Maintenance (T3-NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 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 may be made to improve pedestrian, bicycle and vehicular connectivity.

A special policy (04-T3-NM-24) also applies to this property and offers more guidance on future development. The special policy recognizes the RM40 zoning district and recommends that no additional density should be permitted than what the current zoning would permit.

Consistent with Policy?

Yes. The request only cancels the PUD and the underlying RM40 base zoning will remain. No additional density would be permitted by this request that is not currently permitted under the underlying RM40 base zoning district.

PLAN DETAILS

Since this request is only to cancel the Planned Unit Development Overlay then there is no new associated plan to review. The original overlay was approved in 1976. Currently two high-rise apartment buildings are located within the PUD. The area proposed to be canceled is currently vacant. Plans on record for the site to be canceled are unclear as to what specifically has been approved by Council for the subject property; however, it could be developed under RM40 with Council approval of a PUD amendment.

ANALYSIS

As proposed, staff has no issue with this request. The request is in keeping with the land use policy, and does not create any zoning conflicts. According to the applicant the property to be taken out of the PUD will be used as an activity/play field for St.

Joseph Catholic Church. The field is a use that is permitted with conditions within the RM40 zoning district.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends that the request be approved. As proposed the request does not conflict with the land use policy and does not create any zoning conflicts.

Approved (8-0), Consent Agenda

Resolution No. RS2012-109

“BE IT RESOLVED by The Metropolitan Planning Commission that 118-76P-001 is **APPROVED. (8-0)**”

J. PLANNING COMMISSION ACTIONS

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

Planned Unit Developments: final site plans

9. 134-84P-002

GROVE AT DEVON HILLS

Map 143, Parcel(s) 050

Council District 34 (Carter Todd)

Staff Reviewer: Greg Johnson

A request to revise the preliminary plan for a portion of Devon Hills Residential Planned Unit Development Overlay District located on property at 2816 Old Hickory Boulevard, approximately 500 feet north of Highway 100 (49.66 acres), zoned RM4, to permit the development of 220 multifamily units where 350 multifamily units were previously approved, requested by Littlejohn Engineering Associates, applicant, for Colonial Properties Services, Inc., owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST

PUD revision to change approved PUD layout

PUD Revision

A request to revise the preliminary plan for a portion of Devon Hills Residential Planned Unit Development Overlay District located on property at 2816 Old Hickory Boulevard, approximately 500 feet north of Highway 100 (49.66 acres), zoned Multi-Family Residential (RM4), to permit the development of 220 multifamily units where 350 multifamily units were previously approved.

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The Devon Hills PUD, 250.77 acres in size, was originally approved for 997 multi-family residential units in a mix of stacked flats and townhouse units. Over time, the PUD has been amended and the mix of units has changed to include single-family and two-family units and a reduction in multi-family units. At this time, there are 183 single-family lots, 16 two-family units and 350 apartment units in Phase I of the PUD, which is constructed and occupied. Phase II of the PUD, which is the subject of this application, was approved in 1994 for an additional 350 apartment units.

The site plan shows 220 multi-family residential units in ten buildings and includes a three-story height limit for these residential buildings. Access to the site is provided through an existing driveway connection through the adjacent Phase I of the same PUD. This connection to Phase II is the same connection that was approved by Council in 1994. The PUD revision includes the dedication of 48.5 acres of land within the PUD boundary for the inclusion into the Warner Parks.

The PUD revision received approval from the Fire and Building Code Appeal Board in May 2012 and approval from the Stormwater

Management Committee in 2008. The Stormwater approval has been renewed each year and remains in effect. The PUD revision application included a preliminary geotechnical report that identified issues with future construction on the site related to existing fill material, the construction of future building foundations and retaining walls, existing ground slopes, and pavement design. Additionally, it identified actions that could be taken to mitigate these issues. With the submittal of final site plan, the applicant will be required to submit an addendum to this geotechnical report identifying the measures recommended by the preliminary report that will be used to implement the final site plan.

ANALYSIS

The PUD proposal meets the requirements of a revision that will not need Council approval. The uses are not changing or expanding, and the PUD boundary is not changing with this application. The Zoning Code would require Council approval if the nature of the change will have greater adverse impact on environmental features within the site, than if the PUD were developed under the current approval. For several reasons, staff finds that the proposal will not have greater adverse impact on environmental features:

1. The total number of residential units will be reduced from 350 to 220.
2. The boundary of development within Phase II will be smaller under this PUD revision than that of the 1994 Council approval.
3. Development will be placed farther away from the existing stream along the eastern property boundary under the current proposal, as compared to the previous Council approval.
4. The dedication of 48.5 acres of land to the Warner Parks will conserve the remaining undeveloped land within the PUD.

FIRE MARSHAL RECOMMENDATION

1. Per agreement with Fire Marshal's Office (Fire Marshal Danny Hunt)
 - Grade is acceptable.
 - 220 units (every building, including garages, sprinklered) with 1 Fire Department access road is acceptable.
2. Per Appeal 201200030, distance of the fire lane from the building is extended from 30' to 40'.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Conditions if approved

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. The roadway paving cross section should be the same paving cross section as ST-252.

PARKS RECOMMENDATION

Recommended notes to be added to the landscape plan (L1.0).

1. Final PUD plan shall include additional planting on the slopes to be cleared and graded on the eastern side of the property – west of the indicated stream buffer. Plantings shall be equivalent to the canopy and understory tree planting requirements of a C Buffer, as listed in figure 17.24.2420C of the Metropolitan Zoning Code. Shrubs will not be required.
2. All species in the above required buffer, as well as plantings in the stream buffer/stream relocation area shall be species deemed native to the Warner Parks as approved by the Parks Department.

STAFF RECOMMENDATION

Staff recommends approval of the requested PUD revision. The proposal is a reduction in the number of residential units approved by Metro Council. The request is consistent with the previous PUD approval and has been approved by applicable Metro departments.

CONDITIONS

1. The submittal of final site plan shall include an addendum to the preliminary geotechnical report. This addendum shall identify the measures recommended by the preliminary report that will be used to implement the final site plan in the mitigation of issues related to existing fill, building foundations, retaining walls, slopes, and pavements. This addendum shall include a plan for periodic site inspections during construction by a state-certified geotechnical engineer to examine the application of these measures within the site.
2. 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.
3. The roadway paving cross section should be the same paving cross section as ST-252.
4. Final PUD plan shall include additional planting on the slopes to be cleared and graded on the eastern side of the property – west of the indicated stream buffer. Plantings shall be equivalent to the canopy and understory tree planting requirements of a C Buffer, as listed in figure 17.24.2420C of the Metropolitan Zoning Code. Shrubs will not be required.
5. All species in the above required buffer, as well as plantings in the stream buffer/stream relocation area shall be species deemed native to the Warner Parks as approved by the Parks Department.

6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. 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.
9. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with conditions (8-0), Consent Agenda

Resolution No. RS2012-110

"BE IT RESOLVED by The Metropolitan Planning Commission that 134-84P-002 is **APPROVED WITH CONDITIONS. (8-0)**"

CONDITIONS

1. The submittal of final site plan shall include an addendum to the preliminary geotechnical report. This addendum shall identify the measures recommended by the preliminary report that will be used to implement the final site plan in the mitigation of issues related to existing fill, building foundations, retaining walls, slopes, and pavements. This addendum shall include a plan for periodic site inspections during construction by a state-certified geotechnical engineer to examine the application of these measures within the site.
2. 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.
3. The roadway paving cross section should be the same paving cross section as ST-252.
4. Final PUD plan shall include additional planting on the slopes to be cleared and graded on the eastern side of the property – west of the indicated stream buffer. Plantings shall be equivalent to the canopy and understory tree planting requirements of a C Buffer, as listed in figure 17.24.2420C of the Metropolitan Zoning Code. Shrubs will not be required.
5. All species in the above required buffer, as well as plantings in the stream buffer/stream relocation area shall be species deemed native to the Warner Parks as approved by the Parks Department.
6. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. 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.
9. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. Failure to submit a corrected copy of the preliminary PUD within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Subdivision: Final Plats

10. 2011S-046-002

FAIRLANE PARK, RESUB LOT 264, REV 1

Map 148-13, Parcel(s) 158

Council District 30 (Jason Potts)

Staff Reviewer: Greg Johnson

A request for plat revision including a sidewalk variance along a portion of Fairlane Drive and Packard Drive bordering 301 Fairlane Drive, at the southwest corner of Fairlane Drive and Packard Drive, for a final plat previously approved by the Planning Commission on July 28, 2011 for 3 lots, and where the plat has not yet been recorded (0.96 acres), zoned R10, requested by Thomas Mattingly and Jerry Thurman, owners, Delle Land Surveying, surveyor.

Staff Recommendation: DISAPPROVE

No action due to lack of quorum.

Subdivision: Performance Bonds

11. 2007B-028-003

CAMBRIDGE FOREST, PHASE 6

Map 149-15-A, Parcel(s) 423-452

Council Districts 28 (Duane Dominy) and 32 (Jacobia Dowell)

Staff Reviewer: David Edwards

A request to extend the subdivision performance bond for one year for Cambridge Forest, Phase 6, located off of Bridgecrest Drive, zoned R15 and Residential PUD, requested by Austin Daniel, Danco Property Investments, LLC, developer.

Staff Recommendation: APPROVE

No action due to lack of quorum.

12. 2006B-081-003

CAMBRIDGE FOREST, PHASE 10

Map 149-15-A, Parcel(s) 388-421

Council District 32 (Jacobia Dowell)

Staff Reviewer: David Edwards

A request to extend the subdivision performance bond for one year for Cambridge Forest, Phase 10, located off of Bromley Way, Wellenstein Way, and Welshcrest Court, zoned R15 and Residential PUD, requested by Austin Daniel, Danco Property Investments, LLC, developer.

Staff Recommendation: APPROVE

No action due to lack of quorum.

K. OTHER BUSINESS

13. Election of Officers

Mr. Ponder moved and Mr. Haynes seconded the motion to elect Jim McLean as Chairman, Stewart Clifton as Vice Chairman, and Andree LeQuire as the Executive Committee Representative. (6-0)

Resolution No. RS2012-111

“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. (6-0)”

Mr. Haynes left at 6:17 p.m.

14. New employee contract for Duane Cuthbertson.

Resolution No. RS2012-112

“BE IT RESOLVED by The Metropolitan Planning Commission that a New Employee Contract for Duane Cuthbertson was **APPROVED. (8-0)**”

15. Historic Zoning Commission Report
16. Board of Parks and Recreation Report
17. Executive Committee Report
18. Executive Director Report
19. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

May 24, 2012

MPC Meeting

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

June 6, 2012

Association web-based seminar on **Adapting Cities to Climate Change**

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

June 14, 2012

MPC Meeting

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

June 26, 2012

Antioch plan update - draft policy recommendations & implementation

6pm, 5434 Bell Forge Lane East, Lakeshore Christian Church

June 27, 2012

American Planning Association web-based seminar -- **2012 Planning Law Review**

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

June 28, 2012

MPC Meeting

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

M. ADJOURNMENT

The meeting was adjourned at 6:17 p.m.

Chairman

Secretary