



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, May 26, 2011

4:00 pm Regular Meeting

700 Second Avenue South
(between Lindsley Avenue and Middleton Street)
Howard Office Building, Sonny West Conference Center (1st Floor)

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chairman
Hunter Gee, Vice Chairman
Stewart Clifton
Judy Cummings
Ana Escobar
Tonya Jones
Phil Ponder
Councilmember Jim Gotto
Andrée LeQuire, representing Mayor Karl Dean

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Director
Kelly Armistead, Admin 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
Brian Sexton, Planner I
Whitney Gage, Intern

Commissioners Absent:

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 appointed by the Metro Council. 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 Commissions 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 4:08 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Dr. Cummings seconded the motion, which passed unanimously, to adopt the agenda as presented. (9-0)

C. APPROVAL OF MAY 12, 2011 MINUTES

Dr. Cummings moved and Mr. Ponder seconded the motion, which passed unanimously, to approve the May 12, 2011 minutes. (9-0)

RECOGNITION OF COUNCILMEMBERS

Council Lady Wilhoite spoke in support of staff recommendation regarding Items 3 and 7 on the Consent Agenda.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

5. 53-84P-001

HICKORY HEIGHT VILLAS

6a. 2011CP-006-001

CP 6: BELLEVUE COMMUNITY PLAN AMENDMENT

6b. 2011SP-011-001

THE ACADEMY OF BELLEVUE

Chairman McLean requested to defer only Richard Bernhardt's contract renewal on Item 9 for one meeting in order for the Executive Committee to meet.

Mr. Ponder moved and Councilmember Gotto seconded the motion to defer Richard Bernhardt's contract renewal to the June 9, 2011 MPC meeting and approve the Deferred and Withdrawn Items. (9-0)

F. CONSENT AGENDA

1. 2011S-001R-001

SUBDIVISION REGULATIONS AMENDMENTS

2. 2007SP-019U-14

NORTH LAKE TOWNHOMES

3. 2011SP-004-001

SMITH SPRINGS ROAD

7. 2010NL-004-001

NASHBORO BOULEVARD OFFICE NLO

8. 2011S-024-001

DEER MEADOWS, PH 1, LOT 17C RESERVE PARCEL

9. Contract renewal for Chin-Cheng Chen, Bob Leeman, and Jason Swaggart

Ms. LeQuire moved and Councilmember Gotto seconded the motion to approve the Consent Agenda. (9-0)

G. PREVIOUSLY DEFERRED ITEMS

Subdivision: Regulations Amendments

1. 2011S-001R-001

SUBDIVISION REGULATIONS (AMENDMENT #2)

Staff Reviewer: Brenda Bernards

A request to amend certain sections of Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 28, 2010, requested by the Metro Planning Department.

Staff Recommendation: APPROVE WITH AMENDMENT

APPLICANT REQUEST - Amend the Subdivision Regulations

Amendment A request to amend certain sections of Chapters 1, 2, 3, 4, 5, 6, 7, and 8 of the Subdivision Regulations of Nashville-Davidson County, adopted on March 9, 2006, and last amended on January 28, 2010.

Deferral The Planning Commission deferred consideration of the amendments to the Subdivision Regulations in order to meet with staff to address remaining questions of the Commissioners. A question and answer session was held on April 25, 2011, and further refinements to the proposed amendments for Chapters 2, 3, and 7 were made based on the discussion. These are included in the report below. In addition, changes are now proposed for Chapters 1 and 5.

- In Chapter 1, the reference to the City of Lakewood has been deleted. Once the transition of Lakewood to Metro has been completed, the Subdivision Regulations of Nashville Davidson County will apply to these properties.
- Chapter 5 includes regulations for subdividing cottage developments. The Planning Commission recommended approval of a Zoning Code text amendment to permit cottage developments in R zoning districts in certain areas of the city. The amendment would permit up to twelve cottages on a single open space area. Currently, the Subdivision Regulations permit only ten cottages per open space. An amendment to Chapter 5 to permit twelve cottages on an open space has been added.

AUTHORITY Both the Metro Charter and Tennessee state law authorize the Commission to adopt subdivision regulations. These regulations are intended to "provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience and prosperity."

PURPOSE The current Subdivision Regulations were adopted in March 2006. A three step process for approving subdivisions was introduced as well as chapters on Walkable Subdivisions and Conservation Subdivisions. At the time of adoption, it was anticipated that there would be amendments to the process once it had been applied. After five years of experience with the three-step process, staff proposes that it be fine-tuned based on that experience.

In addition, the Planning Commission adopted the Community Character Manual (CCM) in 2008, which introduced a number of new land use policies. Chapters 3, 4, and 7 have references to land use policies. These references have been updated to include the CCM policies. Amendments are also proposed to Chapters 3, 6, and 8 that updated the Regulations. The proposed amendments are discussed in detail below.

The proposed amendments can be viewed at the following link: <http://nashville.gov/mpc/subdivregs/amend2011.asp>

PROPOSED AMENDMENTS

Chapter 1. General Provisions The reference to the City of Lakewood is proposed to be deleted.

Chapter 2. Procedures for Plat Approval There are a number of proposed amendments in this chapter. These include language to add clarification and proposed amendments to improve the process. The options for a minor subdivision, one that can be processed as a final plat have increased. The proposed changes clarify that a subdivision of three or more lots requires Planning Commission approval and the reapplication for the same plat previously disapproved will not be accepted for a period of one year. In the past, plats have been recorded that include reserve parcels. Often the parcels are in reserve until utility services are available. There are some reserve parcels that do not include the reason for the reserve status. Criteria have been added to help guide the Planning Commission in determining when it is appropriate to remove a reserve status.

The original intent of the three step process was to provide four years from the approval of the concept plan to the recording of the plat--the approval of the Concept Plan being two years and the development plan two years. After reviewing subdivisions for five years under the new regulations, staff is proposing that the process be amended so that a Concept Plan approval is in place for four years. Any approvals of the associated Development Plan would expire with the expiration of the approval of a concept plan. The ability to extend approval of the

Concept Plan has been clarified.

Through the public input process, two additional amendments are proposed. First, the period of the Final Plat approval has been extended from 180 days to one year. Second, on infill subdivisions where an existing structure becomes non-conforming with the recording of the plat, a process has been included that allows that structure to remain until new construction is undertaken.

Additional Proposed Amendments from April 25, 2011 Based on the discussion with the Planning Commission staff added additional clarification of the classification of subdivision and purpose sections for concept plans and final plats. A new provision to provide six week notification prior to the expiration of a concept plan is proposed.

Chapter 3. Requirements for Improvements, reservations and Design chapter There are a number of amendments proposed to this chapter. Many are minor in nature and are proposed for clarification. The amendments proposed for Section 3-4. Lot Requirements primarily call out when the regulations apply to attached and detached single-family lots. Frontage options are expanded that will allow lots to front onto open space. Options for the setback from railway right-of-ways have been expanded to allow the increased setback to be on the property or within common open space.

Section 3-5. Lot Comparability is proposed to be modified and renamed Infill Subdivisions with new standards to ensure infill subdivisions complement existing development. The new standards are more qualitative than quantitative – more about the character of an area and less about the numbers - and more in line with the new CCM Manual. The Planning Commission would retain the ability to evaluate infill subdivision to ensure consistency with the surrounding area's character. Joint access or rear access for narrow lots is also proposed for these subdivisions.

The proposed amendments for Section 3-8. Requirements for Sidewalks and Related Pedestrian and Bicycle Facilities represent the most significant change. Because of this, staff recommends that this section not take effect until mid-June in order to give the development community more time to address this amendment. This section has been reworded to add clarity. The definition of the Financial Contribution to the Pedestrian Network has been moved to Chapter 7 and the bond related details have been deleted as they are covered in Chapter 6. Sidewalks are proposed to be required on all lots within an infill subdivision meeting the criteria for sidewalks. Currently, sidewalks are required on the newly created development rights only. Through the public input process this has been further modified to clarify that on corner lots, sidewalks are required on the frontages only. There is a proposed provision that allows the Planning Commission to have the sidewalk placed on the side property line if that location is a more appropriate contribution to the sidewalk network. Bicycle facilities are proposed to be required when called for in the adopted Strategic Plan for Sidewalks and Bikeways. Sidewalk widths for residential zoning districts will remain five feet but sidewalks for all other districts, including mixed-use zoning districts, are proposed to be required to be consistent with the Public Works Department standards.

Additional Proposed Amendments from April 25, 2011 Based on the discussion with the Planning Commission staff added references to the urban and rural subdivision options of Chapters 4 and 5 and clarified provisions for access arterial and collector streets. The deletion of lot width restrictions is proposed as the proposed Infill Subdivision deals with the community character issues of this section.

Chapter 4. Conservation Subdivision The proposed amendments to this chapter are in Section 4-2. Applicability. The reference to Interim Non-Urban land use policy is deleted as this policy is no longer applied in the County. References to Conservation and T2 Rural Neighborhood Maintenance CCM policy areas have been added.

Chapter 5. Walkable Subdivisions In order to be consistent with the proposed text amendment (BL2011-901) to permit single-family cottage development in all two-family (R) zoning districts, Section 5-3.2.b is proposed to be amended to allow up to twelve cottage units fronting on to a common open space.

Chapter 6. Assurance for Completion and Maintenance of Improvements There are two important amendments proposed in this chapter, as well as a number of minor amendments that have been made to increase clarity of language. The first amendment is the deletion of a Certificate of Deposit as an option for a security document. The Planning Commission no longer accepts this form of document and the deletion reflects an existing policy of the Commission. The second amendment clarifies the number of times a bond can be reduced. Currently, no more than two reductions for any one agency can be requested. This is proposed to be amended to allow no more than three total bond reduction applications since each application is sent to all agencies for review anyway.

Chapter 7. Definitions A number of definitions are proposed to be added or modified. The major reasons for the modifications are to add the CCM policy areas, to define the added references to Chapter 3 and to ensure that the definitions for streets are the same as the definitions in the Major and Collector Street Plan. The proposed amendments to the street related definitions shall not come into effect until the updated Major and Collector Street Plan comes into effect.

Additional Proposed Amendments from April 25, 2011 Based on the discussion with the Planning Commission a definition for Development Plan is proposed.

Chapter 8. Adoption of Regulations and Amendments There is a minor amendment proposed to Section 8-2.

Notice of Public Hearing for Amendments to the Subdivision Regulations. State law requires that amendments be advertised in a

newspaper of general circulation at least 30 days prior to the date of the hearing. The Regulations now require 30 days notice and the proposed amendment will add the phrase "at least" before "30 days".

PUBLIC OUTREACH Details of proposed amendments to the Subdivision Regulations were included in the January 7, 2011, and January 14, 2011 Development Dispatch. Included was the link to the Subdivision Amendment page on the Planning Department website and details of two meetings to obtain community input. A third meeting was added and notice sent to the same group. The Development Dispatch is sent, via email, to 654 addresses on the Neighborhood Contact list, 735 addresses on the Development Professionals list and 794 addresses from various community lists maintained by the Planning Department. In addition, notice of the third meeting to obtain input was sent to approximately 100 addresses from a list managed by the Codes Department and other addresses of development professionals who work frequently with the Planning Department.

Three informational meetings were held. In addition to the notification on the website, the dates of the meeting were included on the MPC Calendar of Upcoming Matters on the Planning Commission agenda. A work session with the Planning Commission, also advertised on the website and listed in the Calendar of Upcoming Matters, was held on February 24, 2011. A second session to respond to Planning Commissioners' questions was held on April 25, 2011. Finally, as required by State law, a notice was placed in the Nashville City Paper advertising the March 24, 2011, Planning Commission consideration of the proposed amendments. A second newspaper ad was placed to advertise the May 26, 2011 public hearing at the Planning Commission.

STAFF RECOMMENDATION Staff recommends approval and further recommends that the amendments to Chapter 7 to incorporate the Major and Collector Street Plan are to become effective when that Plan is effective on August 1, 2011, Section 3.8 is to become effective on July 14, 2011, and all other amendments are to become effective on June 16, 2011.

Approved with an amendment Section 6-3.2 regarding reductions in the bond amount, to add the language "" .., unless the agency indicates a lower amount is sufficient to complete the infrastructure." (9-0), Consent Agenda

Resolution No. RS2011-126

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-001R-001 is APPROVED WITH AN AMENDMENT to Section 6-3.2. (9-0)"

Specific Plans

2. 2007SP-019U-14

NORTH LAKE TOWNHOMES

Map 096, Parcel(s) 059-060

Council District 14 (James Bruce Stanley)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (MU) district known as "North Lake Townhomes", 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 541 and 551 Stewarts Ferry Pike (4.57 acres), approved for 20 townhomes and 4,000 square feet of warehouse space via Council Bill BL2007-1343 effective on March 23, 2007, review initiated by the Metro Planning Department.

Staff Recommendation: FIND THE SP ACTIVE

APPLICANT REQUEST - Four year SP review to determine activity.

SP Review The periodic review of an approved Specific Plan (MU) district known as "North Lake Townhomes", 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 541 and 551 Stewarts Ferry Pike (4.57 acres), approved for 20 townhomes and 4,000 square feet of warehouse space via Council Bill BL2007-1343 effective on March 23, 2007.

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 SP includes 20 townhouse units and a 4,000 square foot warehouse space on approximately 4.57 acres. The residential density for this plan is approximately 4.4 units per acre. The floor area ratio for the warehouse is approximately 0.02, and 0.16 for the overall development. The 20 townhouses units are in two 10-unit buildings.

SPECIFIC PLAN REVIEW Staff conducted a site visit in March 2011. There did not appear to be any construction activity on the site. A letter was sent to the property owner of record requesting details that could demonstrate that the SP was active.

Analysis The owner did not respond to the letter. As no documentation of activity was submitted, the staff had initially recommended that the preliminary assessment of inactivity remains in place.

Since the initial letter was sent, this property was acquired by the Heritage Bank of Kentucky. The new owner did contact staff and the owner's representative has provided the following documentation of activity:

"On June 28, 2007 the Planning Commission voted to recommend approval of a Final SP plan for the construction of 20 townhomes and a 4000 square foot warehouse. After that approval Dale and Associates, Inc. proceeded with the design, construction plans, and approvals of the project that included approvals from TVA, The State of Tennessee (Notices of Coverage), Metro Public Works, Metro Water and Sewerages Services, and Metro Stormwater. Permits, as well as recording of easements, most of which was completed in March of 2009.

It should be noted that his site has been graded to generally conform to the SP plan requiring only a small amount of grading work to be completed when the project resumes. The project has been relatively untouched for approximately two years, however, the new owner Heritage Bank, 4155 Lafayette Rd., Hopkinsville, KY 42241 has hired realtors and engineers to evaluate the property to the extent two potential buyers have indicated strong interest within the last two months.

The owner has indicated with a high level of confidence that this project will proceed towards completion prior to the next review cycle of this SP zoning."

ANALYSIS In reviewing the documentation provided, staff finds that the owner's representative has described an aggregate of actions that indicates activity. Staff recommends that this SP be found active and that it be placed back on the four-year review list. At that time, if the SP is not found to be complete, the owner will need to demonstrate that additional activity has taken place in the SP in order for it to be found active. Staff would note, however, that at this time the SP is consistent with the Natural Conservation and Commercial Mixed Concentration policies of the Donelson/Old Hickory/Hermitage Community plan and remains appropriate for the site and area.

STAFF RECOMMENDATION Staff recommends that the Northlake Townhomes SP be found to be active.

Find the SP active. (9-0), Consent Agenda

Resolution No. RS2011-127

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-019U-14 is **FOUND TO BE ACTIVE. (9-0)**"

3. 2011SP-004-001

SMITH SPRINGS ROAD

Map 135, Parcel(s) 146-148, 163
Council District 29 (Vivian Wilhoite)
Staff Reviewer: Brenda Bernards

A request to rezone from R20, RM9, and IWD to SP-MU zoning for properties located at 2114 Smith Springs Road, 1806 Reynolds Road, 1812 Reynolds Road and at Reynolds Road (unnumbered), approximately 1,700 feet north of Smith Springs Road (48.57 acres), to permit a maximum of 950,000 square feet of industrial, office, warehouse and distribution, up to 78 multi-family residential units and open space uses, requested by Dale & Associates, applicant, Stevenson Trust No. 8, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST -Permit industrial, office, warehousing and multi-family.

Preliminary SP A request to rezone from Single and Two-Family Residential (R20), Multi-Family Residential (RM9), and Industrial/Warehousing and Distributing (IWD) to Specific Plan-Mixed-Use (SP-MU) zoning for properties located at 2114 Smith Springs Road, 1806 Reynolds Road, 1812 Reynolds Road and at Reynolds Road (unnumbered), approximately 1,700 feet north of Smith Springs Road (48.57 acres), to permit a maximum of 950,000 square feet of industrial, office, warehouse and distribution, up to 78 multi-family residential units and open space uses.

Existing Zoning

R20 District - R20 requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25% duplex lots.

RM9 District - RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

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

Proposed Zoning

SP-MU District -Specific Plan-Mixed Use 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 office, warehouse, industrial, multi-family and open space uses.

CRITICAL PLANNING GOALS N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

Neighborhood General (NG) NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

Industrial (IN) IN areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. On sites for which there is no endorsed campus or master plan, an Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in this policy area.

Consistent with Policy? Yes. The area proposed for multi-family uses is located within the NG policy and the area proposed for industrial uses and open space are located within the IN policy. Currently, the portion of these properties zoned R20 fall within the IN policy area. This plan will bring these properties into conformance with the land use policy.

PLAN DETAILS The proposed SP includes three districts, each with its own land uses and bulk standards. While a plan is included showing a potential lot layout, this is meant to be illustrative only and to outline permitted uses and their locations. A public street is shown with stub streets to the north and east. This will be the location of the street with minor alterations that might improve the horizontal or vertical alignments.

The SP district provides a cap on the maximum square footage for the industrial uses and permits medium manufacturing uses as well as the uses permitted in the IWD zoning district. The new public street will provide an alternative to Reynolds Road as the prime access to Smith Springs Road for the rear portion of these properties. Also, the SP provides for areas of permanent open space.

District A District A, with approximately 13 acres in area, is proposed for residential uses to provide a transition from Smith Springs Road to the District B. The uses and bulk standards for this district are similar to those for the RM6 zoning district with a maximum density of 78 residential units. The SP includes setback, height, floor area ratio (FAR) and impervious surface ratio (ISR). Limits are placed on the use of vinyl siding and a B Landscape buffer yard (as defined by the Metro Zoning Code) is shown on the eastern boundary. The proposed plan provides setbacks but does not discuss building orientation. A condition is proposed to require buildings on lots adjacent to Smith Springs Road be oriented towards Smith Springs Road, with the primary pedestrian entrances facing the street.

District B District B, with approximately 28.6 acres in area, is proposed for industrial, office, and warehouse uses in the center of the property and fronting on Reynolds Road. Uses permitted within this sub-district are those allowed under the Industrial Warehousing/ Distribution (IWD) zoning district with the addition of medium manufacturing. The bulk standards of the IWD zoning district will apply in District B and there is a maximum floor area of 950,000 square feet proposed.

Various building materials are permitted. These include various types of concrete, brick and stone, architectural metals and glazing. Gloss, highly reflective metals are prohibited as the primary building material.

A 30 foot D Landscape buffer is identified along the west, east and northwest boundary adjacent to the existing R20 zoning districts.

District C District C is approximately 7 acres in area and is proposed for open space or park only. No permanent structures are permitted. It will be placed in a separate parcel and maintained by a Property Owners Association.

Sidewalks Sidewalks are shown on both sides of the new public street. Sidewalks will also be required along the frontage of the property being rezoned on Smith Springs Road with the development of District A.

Signs Signs for District A are limited to one six foot tall ground sign with external lighting and shall be a monument style sign. Signs for District B are limited to building signs and six foot tall ground signs that shall be monument style signs, with external lighting. No permanent signage shall be permitted in District C. Any phase of development in District B that will include multiple stories and/or tenants shall submit an overall sign program with the final site plan.

Cemetery There is a cemetery located near the eastern property line. A 30 foot wide buffer with a permanent fence outside of the buffer is shown around the cemetery. A note on the plan states that permanent, unencumbered access to the cemetery shall be shown on the final site plan.

HISTORICAL COMMISSION RECOMMENDATION "We agree with the proposed 30' buffer zone around the existing cemetery as well as

the installation of a permanent fence outside of the buffer. The cemetery is not easily accessible at the moment, but the property owner told me that he has plans to build up the grade around it. Hopefully this will improve accessibility to the cemetery—if, by chance, descendants come searching for it. We will continue to research the history of the cemetery for our own files, and hope one day it can be properly surveyed.” (Scarlett Miles, Historical Commission)

NES RECOMMENDATION

- 1) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 2) 20 foot public utility easement required adjacent to all public r-o-w.
- 3) NES can meet with developer/engineer upon request to determine electrical service options
- 4) NES needs any drawings that will cover any road improvements to Metro r-o-w that Public Works will require.
- 5) 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 (see NES Construction Guidelines under “Builders and Contractors” tab @ www.nespower.com).
- 6) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 7) 20 foot public utility easement shall be clear of any permanent footings and structures.

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. A TIS will be required prior to development.

Maximum Uses in Existing Zoning District: **R20**

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)	6.56	2.31 D	15 U	144	12	16

Maximum Uses in Existing Zoning District: **RM9**

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)	8.3	9 D	74 U	572	40	59

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	28.27	0.8 F	985,152 SF	3508	296	316

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	28.6	0.8 F	996,652 SF	3549	299	319

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential(220)	13	6 D	78 U	597	42	61

Traffic changes between Maximum: **R20, RM9, IWD, and proposed SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-78	-7	-11

METRO SCHOOL BOARD REPORT A school board report was not generated because the request reduces the overall number of units permitted on this property.

STAFF RECOMMENDATION Staff recommends approval with conditions of the Smith Spring Road SP. The proposed uses are consistent with the Neighborhood General and Industrial land use policies on the property.

CONDITIONS

1. A sidewalk, meeting Public Works standards, shall be required along the frontage of the property on Smith Springs Road with the first phase of development within District A.
2. Ground signs in District A and B shall be monument style signs with a maximum height of six feet.
3. Buildings on lots adjacent to Smith Springs Road shall be oriented towards Smith Springs Road, with the primary pedestrian entrances facing the street.
4. Any phase of development in District B that will include multiple stories and/or tenants shall submit an overall sign program with each final site plan.
5. The uses of this SP shall be limited to those uses shown on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district for District A, IWD zoning district for District B and AR2a zoning district for District C as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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.
8. 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.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions. (9-0), Consent Agenda

Resolution No. RS2011-128

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-004-001 is **APPROVED WITH CONDITIONS. (9-0)**

Conditions of Approval:

1. A sidewalk, meeting Public Works standards, shall be required along the frontage of the property on Smith Springs Road with the first phase of development within District A.
2. Ground signs in District A and B shall be monument style signs with a maximum height of six feet.
3. Buildings on lots adjacent to Smith Springs Road shall be oriented towards Smith Springs Road, with the primary pedestrian entrances facing the street.
4. Any phase of development in District B that will include multiple stories and/or tenants shall submit an overall sign program with each final site plan.
5. The uses of this SP shall be limited to those uses shown on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RM6 zoning district for District A, IWD zoning district for District B and AR2a zoning district for District C as of the date of the applicable request or application.
7. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the 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.

8. 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.
9. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The proposed uses are consistent with the Neighborhood General and Industrial land use policies on the property.”

Planned Unit Developments

4. 2005P-023-003

BELLE ARBOR

Map 041, Parcel(s) 147 Map 050, Parcel(s) 031, 132

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request to amend the preliminary plan for the Belle Arbor Planned Unit Development Overlay located at 3549 Brick Church Pike and at Westchester Drive (unnumbered), south of Bellshire Drive (73.59 acres), zoned RM6, R10 and partially located within the Floodplain Overlay District, to permit 351 residential units where 371 were previously approved and to eliminate three street connection, requested by Dale & Associates, applicant, for Eatherly/Ring Joint Venture, owner.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST - Eliminate three approved street connections

Amend PUD A request to amend the preliminary plan for the Belle Arbor Planned Unit Development Overlay located at 3549 Brick Church Pike and at Westchester Drive (unnumbered), south of Bellshire Drive (73.59 acres), zoned Multi-Family Residential (RM6), One and Two-Family Residential (R10) and partially located within the Floodplain Overlay District (FO), to permit 351 residential units where 371 were previously approved and to eliminate three street connections.

MPC Discussion This request was deferred from the May 12, 2011, Commission meeting. In the deferral the Commission asked that staff work with the applicant to address concerns, if possible. Staff has discussed the request further including speaking to the Fire Marshal staff. *While the Fire Marshal is recommending disapproval, they indicated that they would not hold up the final PUD as long as all dead end streets within Belle Arbor meet Fire Code requirements.* After further review, staff finds that recommendation to disapprove is appropriate. While staff finds that the recommendation to disapprove the request is appropriate, the following options have been provided in the instance that the Commission does not agree with the staff recommendation to disapprove. It is important to note that there may be other options that staff has not considered.

Option 1

Approve the elimination of the connection to Willow Creek Road, and that right-of-way be reserved for possible connection in the future, and disapprove the elimination of the connections for Brookway and Brookdale Drive, which can be reviewed with future phases.

Option 2

Approve the elimination of all three connections to the Willow Creek Subdivision, and require that right-of-way be reserved for possible connections in the future.

Existing Zoning

RM6 District - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

R10 District - R10 requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

FO District - Floodplain Overlay District (FO) represents all properties or portions of properties within the floodway, the 100 year FEMA floodplain, including specific local flood basin studies, and is established to preserve the function and value of floodplains and floodways to store and convey floodwater flows through existing and natural flood conveyance systems to minimize damage to property and human life.

CRITICAL PLANNING GOALS N/A

REQUEST DETAILS

History The original plan was entitled Victory Village and was renamed Belle Arbor. The Planning Commission recommended that the Council approve the preliminary plan in 2005, and the plan was subsequently approved by Metro Council in 2006. The original plan included 135 single-family lots, 28 two-family lots (56 units), 155 multi-family units, an assisted-living facility with 75 beds, and a community center. In 2007 the Planning Commission approved a revision to the preliminary that included 135 single-family lots, 164 townhomes and cottages, and 36 duplex lots (72 units) with an overall density of 4.3 units per acre, eliminating the assisted-living facility, and the community center. The last revision was approved in 2010. It had minor changes to the lot and open space layout, but did not increase the density or alter the basic concept of the last Council approved plan. To date 36 lots have been platted, and an additional 44 single-family lots have final site plan approval, but have not been platted.

General This is a request to amend the Council approved preliminary PUD plan. The primary intent of the request is the elimination of three street connections. The request also reduces the overall number of residential units and proposes minor changes to the overall layout.

As proposed, three local street connections to the south will be eliminated. All three connections would connect to existing streets in the adjacent Willow Creek Subdivision – Willow Creek Road, Brookway Drive and Brookdale Drive. One street connection to the Willow Creek Subdivision, Westchester Drive, will remain, and will eventually connect to a northern section of Westchester Drive in the Tuckahoe Subdivision to the northeast. Additional street connections are provided to Brick Church Pike and Brick Drive. Three stub-streets provide for future connections to undeveloped land to the north.

The proposed amendment would reduce the total number of residential units from 371 to 351.

Approved	Proposed
181 Single-Family	198 Single-Family
62 Duplex Units	26 Duplex Units
103 Town Homes (Multi-Family)	103 Town Homes (Multi-Family)
25 Cottage Units	24 Cottage Units
371 Total	351 Total

ANALYSIS Street connectivity is important for many reasons. Among many other reasons, street connectivity provides for better traffic movement, including safer routes for pedestrians and bicycles, and effective fire protection, street connectivity connects people and communities. The elimination of the three street connections proposed with this request will substantially reduce the connectivity of this development.

Staff is recommending disapproval of the request for several reasons. The elimination of the three street connections is not consistent with the overall intent of the PUD ordinance. According to the Metro Zoning Code (Section 17.36.030), the intent of a Planned Unit Development Overlay is to provide an “alternative zoning process that allows for the development of land in a well-planned and coordinated manner”. It permits a “greater mixing of land uses”, and “a framework for coordinating the development of land with the provisions of an adequate roadway system”. Minimum performance standards for a Planned Unit Development include “Coordinated Vehicular Access” requiring strong internal street connectivity as well as coordinated access to existing streets and surrounding properties.

The request is not consistent with the approved long-range transportation plan for the Parkwood/Union Hill community plan. The long-range transportation plan calls for at least two connections within the area connections are proposed to be eliminated.

The plan is not consistent with the adjacent Willow Creek Subdivision that was approved by the Planning Commission in 1983. The subdivision provides for the connections now proposed to be eliminated. Removal is in contradiction to the concept that was originally approved by the Commission, which provided for sufficient connectivity. With the removal of the connections Willow Creek Road, Brookway Drive and Brookdale Drive become permanent dead-end streets without a turn-around. Each street is well over 150 linear feet, and current regulations including the Subdivision Regulations and the fire code prohibit dead-end streets over 150 feet without a turn-around. Due to the fact that the streets will be over 150 feet, and will not have a turn-around, the Fire Marshal’s Office is recommending disapproval.

While the plan does not eliminate all street connections to the south, a majority of the southern connections, which would connect to existing streets, will be lost. Westchester Drive, the remaining southern connection will eventually link Brick Church Pike to Bellshire Drive and Dickerson Pike. Because Westchester will provide a more direct connection between major streets, and will also provide access to numerous homes, then it should be expected to have more trips than Willow Creek Road, Brookway Drive and Brookdale Drive. The three connections now proposed to be removed will provide for more options for local traffic and provide for safer connections for pedestrians and bicycles.

In conclusion, staff recommends disapproval of the proposal to eliminate the three street connections. The elimination of the connections is not consistent with the PUD Overlay requirements, the Parkwood/Union Hill community plan, or the concept for the adjacent Willowcreek Subdivision. Removing the street connections is also not consistent with overall planning goals, which among other goals, is to provide for a well-connected community which provides for better traffic movement including safer walking routes for pedestrians and bicycles and effective fire protection. *To address concerns expressed by the Commission at the May 12, 2011, meeting, staff has provided other options for the Commission to consider; however, staff recommends disapproval.*

FIRE MARSHAL RECOMMENDATION Disapprove

The Fire Marshal's Office (FMO) is recommending disapproval because the request will create permanent dead-end streets in the Willow Creek Subdivision. *While the FMO is recommending disapproval, the FMO cannot require the Willow Creek Subdivision be retrofitted with turnarounds, and will not hold up permits in Belle Arbor as long as it meets all Fire Code requirements including providing sufficient turnarounds.*

PUBLIC WORKS RECOMMENDATION

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. The bridge on Belle Arbor Drive connecting Phase 2 to Phase 3 of this development shall be bonded with the recording of the final plat for phase 2, and shall be constructed prior to the recording of any additional plats for any phase of the Belle Arbor development.
3. The southernmost bridge on Westchester Drive shall be bonded with the recording of the final plat for phase 3, and shall be constructed prior to the recordation of any additional phases on the east side of the stream.
4. Comply with all previous traffic conditions.

STORMWATER RECOMMENDATION Approved

METRO SCHOOL BOARD REPORT

A school board report was not generated because the request reduces the overall number of units permitted on this property

STAFF RECOMMENDATION Staff recommends disapproval. The removal of the three street connections is not consistent with the PUD Overlay requirements, the Parkwood/Union Hill community plan, or the concept for the adjacent Willowcreek Subdivision. Removing the street connections is also not consistent with overall planning goals, which among other goals, is to provide for a well-connected community which provides for better traffic movement including safer walking routes for pedestrians and bicycles and effective fire protection.

CONDITIONS

1. The bridge on Belle Arbor Drive connecting Phase 2 to Phase 3 and 4 of this development shall be bonded with the recording of the final plat for phase 2, and shall be constructed prior to the recording of any additional plats for any phase of the Belle Arbor development.
2. The southernmost bridge on Westchester Drive shall be bonded with the recording of the final plat for phase 3, and shall be constructed prior to the recording of any additional phases on the east side of the stream.
3. While the PUD permits duplex lots, locations shall be approved by the Planning Commission and shall be located at appropriate locations and shall not be grouped within one area. If appropriate locations are not provided then the Planning Commission may limit the total number of duplex lots below what is shown in the site data table.
4. 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.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.
7. Prior to any additional development applications for this property, and in no event later than 120 days after the effective date of the enacting ordinance, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan. If a corrected copy of the preliminary PUD plan incorporating the conditions of approval therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the preliminary PUD plan shall be presented to the Metro Council as an amendment to this PUD ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

Mr. Swaggart presented the staff recommendation of disapproval.

Mr. Bernhardt reminded everyone that the Public Hearing was closed at the previous meeting.

Mr. Clifton stated that he is a proponent of connectivity and is not sure how we articulate a reason for doing this here. He stated that if Council chooses to make an exception to what the MPC considers to be a good planning principle, then they should be the ones to do that.

Dr. Cummings spoke in support of staff recommendation.

Mr. Ponder spoke in support of the applicant's request.

Councilmember Gotto stated that his biggest concern is not the connectivity; it's the public safety issue. He stated that putting in hammerheads on existing streets was a discussion at the last meeting and asked if the property owners are willing to provide that type of arrangement?

Mr. Swaggart stated that it was briefly discussed internally but there was not a final answer.

Councilmember Gotto stated his support of the applicant's request and noted that he would raise the issue of hammerheads at Council.

Ms. LeQuire spoke in support of connectivity and in favor of staff recommendation.

Ms. Jones stated that she likes connectivity but does not want to see this subdivision fail and spoke in support of Option 1.

Mr. Gee spoke in support of staff recommendation, stating that from a Planning perspective, it's important to uphold principles.

Mr. Clifton moved and Dr. Cummings seconded the motion to approve staff recommendation.

The motion failed (4-5). Councilmember Gotto, Mr. Ponder, Ms. Escobar, Ms. Jones, and Chairman McLean voted against.

Ms. Jones moved and Councilmember Gotto seconded the motion to disapprove the applicant's request, but to approve Option 1. (8-1) Mr. Clifton voted against.

Resolution No. RS2011-129

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-023-003 is **DISAPPROVED the applicant's request. **Approve the elimination of the connection to Willow Creek Road with the preservation of right-of-way for a future connection and disapprove the elimination of the connections for Brookway and Brookdale Drives. (8-1)****

While street connectivity is important throughout Davidson County, the construction of the Willow Creek Road street connection to the Willow Creek subdivision is not necessary, at this time, to the functionality of the street system within the Belle Arbor and adjacent subdivisions. Right-of-way will be reserved for the connection of Willow Creek Road if it is determined to be appropriate in the future."

5. 53-84P-001

HICKORY HEIGHT VILLAS

Map 161, Parcel(s) 093

Council District 31 (Parker Toler)

Staff Reviewer: Greg Johnson

A request to revise a portion of the preliminary plan for the Hickory Heights Residential Planned Unit Development Overlay located at Swiss Avenue (unnumbered), approximately 750 feet west of Zermatt Avenue (3.87 acres), zoned RM15, to permit 325 multi-family dwelling units with structure parking within two buildings, requested by Wamble & Associates, applicant, for McL-R Partnership, owner.

Staff Recommendation: DEFER to the June 9, 2011, Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 53-84P-001 to the June 9, 2011, Planning Commission meeting.

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

6a. 2011CP-006-001

CP 6: BELLEVUE COMMUNITY PLAN AMENDMENT

Map 155, Parcel(s) 088
Council District 35 (Bo Mitchell)
Staff Reviewer: Anita Mccaig

A request to amend the Bellevue Community Plan: 2003 Update by changing the current Land Use Policy from Residential Low Medium Density (RLM) to Office Transition Policy (OT) for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike (1.26 acres), requested by Barge Cauthen & Associates Inc., applicant, Corporate Investors Partnership VIII LLC, owner (See also Specific Plan Case # 2011SP-011-001).

Staff Recommendation: DEFER to the June 9, 2011, Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 2011CP-006-001 to the June 9, 2011, Planning Commission meeting.

6b. 2011SP-011-001

THE ACADEMY OF BELLEVUE

Map 155, Parcel(s) 088
Council District 35 (Bo Mitchell)
Staff Reviewer: Greg Johnson

A request to rezone from RS40 to SP-MNR zoning and for final site plan approval for property located at 7836 Old Harding Pike, at the intersection of Learning Lane and Old Harding Pike (1.26 acres), to permit a day care center, requested by Barge Cauthen & Associates Inc., applicant, Corporate Investors Partnership VIII LLC, owner (See also Community Plan Amendment Case # 2011CP-006-001).

Staff Recommendation: DEFER to the June 9, 2011, Planning Commission meeting

The Metropolitan Planning Commission DEFERRED 2011SP-011-001 to the June 9, 2011, Planning Commission meeting.

I. RECOMMENDATIONS TO METRO COUNCIL

No Cases on this Agenda

J. PLANNING COMMISSION ACTIONS

Neighborhood Landmark Overlays: final site plans

7. 2010NL-004-001

NASHBORO BOULEVARD OFFICE NLO

Map 135, Parcel(s) 302
Council District 29 (Vivian Wilhoite)
Staff Reviewer: Jason Swaggart

A request for approval of the Neighborhood Landmark Development Plan for property located at 200 Nashboro Boulevard, approximately 850 feet east of Murfreesboro Pike (7.33 acres), zoned RM6 and located within the Nashboro Village Planned Unit Development Overlay District and a Neighborhood Landmark Overlay District, to permit general office uses within the existing structure, requested by Civil Site Design Group PLLC, applicant, David J. Waynick, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST -Approval of the development plan to permit an office within a Neighborhood Landmark District.

Neighborhood Landmark Development Plan A request for approval of the Neighborhood Landmark Development Plan for property located at 200 Nashboro Boulevard, approximately 850 feet east of Murfreesboro Pike (7.33 acres), zoned RM6 and located within the Nashboro Village Planned Unit Development Overlay District and a Neighborhood Landmark Overlay District, to permit general office uses within the existing structure.

Existing Zoning

RM6 District - RM6 is intended for single-family, duplex, and multi-family dwellings at a density of 6 dwelling units per acre.

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

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

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

CRITICAL PLANNING GOALS

Preserves Historic Resources The proposal preserves a significant historical home. According to the documentation provided with the application, the home which was built in the 1830’s was used by the Underground Railroad as a hideout after the Civil War and later used for a hospital and army command post.

PLAN DETAILS The Neighborhood Landmark Overlay District for this property was approved by Council in 2001 (BL2000-529). This request is for approval of the development plan. The development plan requires approval from the Planning Commission. The property contains a historical home known as the Gran Dale Mansion.

Development Plan The Development Plan recognizes the existing building and identifies minor modifications to the building and the site. Modifications to the building include but are not limited to a wooden entrance ramp and landing at the rear of the building. Site modifications include the addition of a parking area at the rear of the building and stormwater facilities. The plan also calls for additional landscaping.

Uses In addition to the residential use that is permitted by the RM6 base zoning district, the development plan will permit general office.

Access and Parking Vehicular access will be from a single drive onto Nashboro Boulevard.

Signage As proposed signage will be located on the mailbox.

ANALYSIS The proposed request is consistent with code requirements for the development plan for a Neighborhood Landmark Overlay. The plan protects the significant structure on the property and provides all the information required by zoning. The office use proposed will provide a transition between the more intense commercial located along Murfreesboro Pike and the residential area east of the landmark.

STORMWATER RECOMMENDATION

Approve with the following conditions:

1. Provide a signed Dedication of Easements and provide recording fees.
2. Provide the Grading Permit fee (\$500).
3. Provide additional sets of plans for approval.

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.

Only stopping sight distance is documented on plan. Provide and identify intersection sight distance. Show sight distance triangle and measurements.

FIRE MARSHAL RECOMMENDATION Approve with conditions
Project shall meet all current codes for business occupancy when permitted.

STAFF RECOMMENDATION Staff recommends approval with conditions of the development plan. It implements the proposed Neighborhood Landmark District, and is consistent with all code requirements.

CONDITIONS

Approved with conditions. (9-0), Consent Agenda

Resolution No. RS2011-130

"BE IT RESOLVED by The Metropolitan Planning Commission that 2010NL-004-001 is APPROVED WITH CONDITIONS. (9-0)

Conditions of Approval:

1. Prior to the issuance of any permits, confirmation of development plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of development plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The development plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
6. A corrected copy of the development plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the development plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

Subdivision: Final Plats

8. 2011S-024-001

DEER MEADOWS, PH 1, LOT 17C RESERVE PARCEL

Map 049-15, Parcel(s) 022

Council District 03 (Walter Hunt)

Staff Reviewer: Greg Johnson

A request for final plat approval to remove the reserve status and create one lot on property located at 500 Green Lane, approximately 1,060 feet west of Knight Road (0.23 acres), zoned R10, requested by Theodore Vaughan, owner, Dale & Associates, surveyor.

Staff Recommendation: APPROVE

APPLICANT REQUEST - Create one buildable lot.

Final plat A request for final plat approval to remove the reserve status and create one lot on property located at 500 Green Lane, approximately 1,060 feet west of Knight Road (0.23 acres), zoned One and Two-Family Residential (R10).

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Final Plat Lot 17C was recorded as a reserve parcel with the original recording of Phase 1 of the Deer Meadows Subdivision. The original plat does not provide an explanation of why it was recorded as a reserve parcel. Parcels were platted as reserve parcels for various reasons, most often because services, such as sewer, were not available. The lot proposed through the plat meets applicable requirements of the Subdivision Regulations and can be provided with all necessary infrastructure to be a buildable lot through the proposed plat.

Lot Comparability A lot comparability analysis is not required for the proposal because surrounding land is not predominately subdivided into lots and does not provide developed land for lot size and frontage comparison.

STORMWATER RECOMMENDATION Final plat approved

PUBLIC WORKS RECOMMENDATION No exception taken

STAFF RECOMMENDATION Staff recommends approval of the final plat to remove the reserve status of Lot 17C and create a buildable lot.

Approved (9-0), Consent Agenda

Resolution No. RS2011-131

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-024-001 is APPROVED. (9-0)”

K. OTHER BUSINESS

9. Contract renewal for Richard Bernhardt, Chin-Cheng Chen, Bob Leeman, and Jason Swaggart.

Approved the contracts for Chin-Cheng Chen, Bob Leeman, and Jason Swaggart and deferred the contract renewal for Richard Bernhardt to the June 9, 2011 MPC meeting to allow the Executive Committee to meet. (9-0)

Resolution No. RS2011-132

“BE IT RESOLVED by The Metropolitan Planning Commission that employee contract renewals for Chin-Cheng Chen, Bob Leeman, and Jason Swaggart are **APPROVED**. **Employee contract renewal for Richard Bernhardt is DEFERRED to the June 9, 2011, Planning Commission meeting to allow the Executive Committee to meet.** (9-0)”

10. Historical Commission Report

11. Board of Parks and Recreation Report

12. Executive Committee Report

13. Executive Director Report

14. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

May 26, 2011

MPC Meeting

4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
Amendments to the Subdivision Regulations

June 1, 2011

Work Session

5:30pm to 7:00pm, 700 Second Avenue South, Howard Office Building, Sonny West Conference Room

Hosted by Councilmembers Cole and Toler and the Metro Planning Department

Topic: Single-family Cottage Developments, BL2011-901. A brief presentation will be made followed by a question and answer session.

June 9, 2011

MPC Meeting

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

June 23, 2011

MPC Meeting

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

June 30, 2011

Community Meeting

6-8 pm, Cross Point Church, 7675 Hwy 70S (former Circuit City building next to Home Depot)

Bellevue Community Plan Update

Discussion of community character policies as they apply to conservation, open space, and residential areas.

M. ADJOURNMENT

The meeting was adjourned at 4:51 p.m.

Chairman

Secretary