



# **METROPOLITAN PLANNING COMMISSION MINUTES**

**Thursday, November 10, 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:**

Jim McLean, Chairman  
Hunter Gee, Vice Chair  
Stewart Clifton  
Judy Cummings  
Andree LeQuire  
Greg Adkins  
Councilmember Phil Claiborne

### **Staff Present:**

Rick Bernhardt, Executive Director  
Ann Hammond, Assistant Executive Director  
Marie White, Planning Technician II  
Craig Owensby, Public Information Officer  
Dennis Corrieri, Planning Technician I  
Bob Leeman, Planning Manager II  
Brenda Bernards, Planner III  
Cindy Wood, Planner III  
Jason Swaggart, Planner II  
Greg Johnson, Planner II  
Brian Sexton, Planner I  
Doug Sloan, Legal

### **Commissioners Absent:**

Derrick Dalton  
Jeff Haynes  
Phil Ponder

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

**Metro Planning Department of Nashville and Davidson County**  
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300  
p: (615) 862-7190; f: (615) 862-7130

## Notice to Public

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

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

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

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

## Writing to the Commission

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

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

## Speaking to the Commission

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

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

## Legal Notice

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



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# MEETING AGENDA

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## A. CALL TO ORDER

The meeting was called to order at 4:01 p.m.

## B. ADOPTION OF AGENDA

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

## C. APPROVAL OF OCTOBER 27, 2011 MINUTES

Mr. Adkins moved and Ms. Cummings seconded the motion to adopt the October 27, 2011 meeting minutes. (6-0)

## D. RECOGNITION OF COUNCILMEMBERS

Councilmember Hunt was in attendance and asked for support of Item #5, The Mansion at Fontanel.

Mr. Gee arrived at 4:03 pm.

Councilmember Dominy asked the Commission to consider deferral of Items #2a and #2b.

Councilmember Banks asked the Commission for support in deferring Item #11, Seven Springs.

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## E. ITEMS FOR DEFERRAL / WITHDRAWAL

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### 2a. 2011CP-013-004

ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE

### 2b. 2011SP-024-001

MEADOWS DOWNS

### 9. 2011Z-021PR-001

7201 CHARLOTTE PIKE & CHARLOTTE PIKE (UNNUMBERED)

### 11. 98P-007-002

SEVEN SPRINGS

Mr. Gee moved and Mr. Adkins seconded the motion to approve the Deferred and Withdrawn Items. (7-0)

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## F. CONSENT AGENDA

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### 3a. 2007SP-014-001

GAYLORD (AMENDMENT #1)

### 3b. 2011CP-014-003

Donelson-Hermitage-Old Hickory Community Plan Amendment (GAYLORD)

### 7. 2011Z-019PR-001

5102, 5104, 5106 & 5108 DELAWARE AVENUE

### 13. 2006S-256U-05

HAYNIES CENTRAL PARK PLAN, RESUB PART OF LOT 86

### 14. Confirmation of Hud Hudson to the Harding Town Center Advisory Committee

### 15. Employee contract renewal for Mary-Beth Ikard.

Mr. Gee moved and Mr. Adkins seconded the motion to approve the Consent Agenda. (7-0)

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## G. PREVIOUSLY DEFERRED ITEMS

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### Subdivision: Concept Plans

#### 1. 2011S-052-001

##### DUNCANWOOD RESERVE

Map 131-08, Part of Parcel(s) 018  
Council District 25 (Sean McGuire)  
Staff Reviewer: Greg Johnson

A request for concept plan approval to create 15 clustered lots within Phase I, two lots within Phase II and one lot in Phase III for the Monroe Harding Campus, on property located at 1120 Glendale Lane, on the southern side of Duncanwood Drive (30.2 acres), zoned R20, requested by Anchor Investments, LLC, applicant, Monroe-Harding Inc., owner.

**Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST - Concept plan for 18 lots**

**Concept plan** A request for concept plan approval to create 15 clustered lots within Phase I, two lots within Phase II and one lot within Phase III for the Monroe Harding Campus, on property located at 1120 Glendale Lane, on the southern side of Duncanwood Drive (30.2 acres), zoned One and Two Family Residential (R20).

#### **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 percent duplex lots.

#### **CRITICAL PLANNING GOALS N/A**

**PLAN DETAILS** The concept plan proposal consists of three phases within a 30 acre parcel currently owned by Monroe Harding Inc. The only occupant within the parcel is the Monroe Harding Home campus, which is located on the western half of the parcel. The concept plan outlines the Monroe Harding campus, identifying it as Phase III, separate from the two phases proposed for development. Phase I consists of a 15 lot single-family residential subdivision with a new public street. Phase II covers the remainder of the parcel outside of the Monroe Harding campus and includes a proposed street connection from Phase I to Glendale Lane.

**Phase I** The proposed subdivision within Phase I includes a new public street that would extend from Duncanwood Drive to the north and terminate in a turnaround at the southern boundary of Phase I. The turnaround will serve as a stub street connection to serve future development within Phase II to the south.

The proposed lots within Phase I are cluster-lots, which allows for a minimum lot size of 10,000 square feet. Cluster lot subdivisions allow for smaller lot sizes, but also require the provision of open space within the subdivision. Approximately 40 percent of the subdivision within Phase I consists of open space.

**BZA Master Plan** A Master Plan for the Monroe Harding property was approved by the Board of Zoning Appeals in 2007. On that plan, the campus portion of the site is confined to the western half of the site. Much of the currently undeveloped area on the eastern half of the Monroe Harding property shows no plan for campus-related development, possibly identifying this area for future development not related to the Monroe Harding school.

**Street connectivity** The proposed concept plan was originally presented before the Planning Commission on July 28, 2011. The primary concern from Planning staff at that meeting was the lack of an overall concept plan for the entire parcel to show street connections from the proposed 15 lot subdivision to the surrounding street network.

The recommendation from Planning staff at that meeting expressed the need to plan for street connectivity to Glendale Lane or other surrounding streets with future development of the parcel. The previous layout with only one stub street connection conflicted with the Subdivision Regulations, which require an interconnected street system in order to broadly disperse internal traffic and provide maximum alternatives for access to property for both public and private movement. The Subdivision Regulations set additional design criteria for street connections with goals to provide for the efficient dispersal of internal traffic while discouraging high volumes of through traffic.

Since the initial July 28, 2011, Planning Commission meeting, several revisions have been made to the concept plan to bring it into compliance with the requirements of the Subdivision Regulations for street connectivity. For the October 13, 2011, meeting, the boundary of the concept plan was enlarged to include the entire Monroe Harding parcel and a note was added to the concept plan to ensure that street connections within future phases of development would comply with the requirements of the Subdivision Regulations. The note states that any future subdivision of land within Phase II shall include the dedication and construction (or bond for the construction) of a public street to connect Glendale Lane to the public street in Phase I in a manner that will comply with section 3.9 (Requirements for Streets) of the Subdivision Regulations for providing street connectivity with design elements to encourage the reduction and calming of traffic. These additions ensure street connectivity within the Monroe Harding property with future subdivisions within it.

The newest revision maintains the note for street connectivity and adds a proposed street right-of-way within Phase II to connect the Phase

I development to Glendale Lane to the south. With the inclusion of the entire Monroe Harding parcel in the boundary, the street connectivity note, and a proposed street right-of-way shown on the plan, the proposal meets the requirements of the Subdivision Regulations for concept plans.

**Stormwater Regulations** If the Concept Plan is approved, the subdivision will require a Development Plan for each phase to comply with the regulations of Metro Stormwater. A portion of the proposed open space is located within the floodplain. However, because no development is proposed within the floodplain, standards of the floodplain overlay do not apply.

**Archaeological Sites** The applicant submitted a letter dated July 26, 2011 from the State of Tennessee Division of Archaeology regarding possible archaeological sites within the proposed concept plan area. The letter has identified a reasonable potential for intact archaeological features (including human burials) to be present within the proposed tract. The letter recommends an evaluation of the proposed tract by a qualified professional archaeologist prior to any earthmoving activity. The letter also states that if human remains are encountered or accidentally uncovered by earthmoving activities, all activity within the immediate area must cease. A condition of approval has been added incorporating these recommendations. If remains are found, a revised concept plan and/or development plan may be required.

**Construction Entrance** The applicant has included a construction entrance that will be required to be used for all portions of the concept plan. This ingress/egress utilizes the existing Monroe Harding driveway on Glendale Lane. Metro Public Works has reviewed and approved this construction entrance.

**METRO HISTORICAL COMMISSION RECOMMENDATION** The Metropolitan Historical Commission and the Tennessee Historical Commission have determined the campus (main and secondary buildings) of the Monroe Harding Children's Home to be eligible for listing in the National Register of Historic Places for its significance in local social history as well as its architecture. As presented, the Duncanwood Reserve concept plan will require the demolition of a building that contributes to the significance of the district. The residence hall/library appears to be one of the first buildings constructed for the campus when the Monroe Harding Children's Home moved to its current location in 1934. The Historical Commission encourages the applicant to retain this contributing building and recommends adapting the building for another use.

#### **PUBLIC WORKS RECOMMENDATION**

No Exception Taken with the Following Conditions:

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Document adequate intersection sight distance for the 30 mph Duncanwood Drive intersection as per AASHTO prior to the preparation of final construction drawings, or, submit speed study data if speed limit on Duncanwood at Duncanwood Ct is recommended to be reduced to 20mph. Show appropriate signage in curve section.
- All street grades and curvature must meet the minimum requirements per AASHTO 30 mph design criteria.
- The proposed Phase two street connection to Glendale Lane appears to have a substandard horizontal curve and may require redesign.
- Document adequate intersection sight distance for the 30 mph Glendale Lane intersection as per AASHTO prior to the preparation of final construction drawings.

**STORMWATER RECOMMENDATION** Concept plan approved except as noted

Some areas are bypassing water quality / quantity features. Additional conveyances (ditches / pipes) will be required.

#### **NES RECOMMENDATION**

- 1) Developer to provide a civil duct and gear (pad/switch) locations for NES review and approval. This shall cover the entire project area.
- 2) Developer drawing should show any existing utilities easements on property and the utility poles on the property and/or r-o-w.
- 3) 20-foot public utility easement required adjacent to all public r-o-w.
- 4) Any addition easements required that are not part of this parcel must be obtained by the developer or the engineer for the developer.
- 5) Street names are required before NES's final construction drawings can be issued.
- 6) NES can meet with developer/engineer upon request to determine electrical service options
- 7) NES needs any drawings that will cover any road improvements to Duncanwood Dr r-o-w that Public Works will require (i.e., turning lanes or lane improvements). Any of these items may require electric facilities to be relocated and may be an impact to the developers.
- 8) 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](http://www.nespower.com)).
- 9) NES needs to know if the developer has other options on property next to this area, if so NES needs an overall concept plan.
- 10) All street lighting shall meet Metro/NES requirements for the public r-o-w. The conduit, footings, poles and fixtures must be installed by developer – NES needs locations of street light bases for conduit stub-outs to those general areas.
- 11) Building phase lines are required at the design stage.
- 12) If porches or fire escapes are allowed to be constructed beyond the minimum setback limits and into the public utility easements; then the easement will be considered reduced by that much of the easement. Such encroachments may increase the cost of electrical infrastructure to allow for reduced or limited access to equipment. NES reserves the right to enter and to erect, maintain, repair, rebuild, operate and patrol electric power overhead and underground conductors and communications circuits with all necessary equipment reasonably incident thereto including the right to clear said easement and keep the same clear of brush, timber, inflammable structures, buildings, permanent structures, and fire hazards; all over, under, upon, and across the easement as granted on any plats.

**STAFF RECOMMENDATION** Staff recommends approval with conditions. With the added provisions to ensure street connectivity, the proposal meets the requirements of the Subdivision Regulations for a Concept Plan, which is to plan for street connectivity and future subdivision of the property. The proposed 18 lot Concept Plan meets all other requirements of the Zoning Code and Subdivision Regulations, as well.

#### **CONDITIONS**

1. The concept plan and future subdivision applications related to the concept plan proposal shall comply with requirements of Metro Stormwater, NES and Metro Public Works.
2. The requirements of the Subdivision Regulations for sidewalks shall apply to all phases of this concept plan, including along Glendale Lane and Scenic Lane frontage of the property.
3. Development of the concept plan area shall meet the requirements of the State of Tennessee Division of Archaeology for development on potential archaeological sites. If remains are discovered during construction, work is to stop and any necessary mitigation measures shall be taken in compliance with the State of Tennessee requirements. A revised Concept Plan may be required if remains would be impacted by the approved layout.

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

Nicky Wells, engineer for Anchor Investments, with Micah Lacher, developer with Anchor Investments, asked the commission to consider approval.

Micah Lacher, developer with Anchor Investments, stated previous requests by the Commission have been addressed, and he asks for support in approving the original cul-de-sac subdivision plan.

Mary Baker, CEO of Monroe Harding, discussed progress made through neighborhood meetings and asked for approval.

John Olert, Chairman of the profiting committee and a member of the Monroe Harding Board of directors, asked the Commission to reconsider the original plan submitted in July 2011.

John Brittle, board member for Monroe Harding and real estate broker, addressed connectivity issues with this plan and asked for approval.

Bill Sanders, 1133 Duncanwood, and a member of the Duncanwood Neighbors Steering Committee, summarized attempts to compromise and asked the Commission for approval of the applicant's plan with the addition of a cul-de-sac.

Hank Heeling, 1145 Duncanwood Drive, asked for approval of the original cul-de-sac plan.

Alison Lot, 1140 Duncanwood Drive, read a letter from Councilmember McGuire requesting the Commission approval the originally submitted plan.

Jan Keeling, 1145 Duncanwood Drive, spoke in favor of the original plan to include the cul-de-sac with surrounding houses.

Betty White, 1126 Duncanwood Drive, spoke against the current proposal but is in support of the original application.

Pamela Landcraft, 1127 Duncanwood Drive, spoke against access from the subdivision by Monroe Harding.

Micah Lacher stated the access road is a legal access point, and thanked the neighborhood, Councilmember, and Planning staff for their cooperation.

#### **Ms. Cummings moved and Mr. Clifton seconded the motion to close the public hearing. (7-0)**

Mr. Gee asked staff about street connectivity and possible conflicts with Public Works' driveway ordinance.

Mr. Stewart discussed sustainability and connectivity, and spoke in favor of the proposal.

Ms. Cummings spoke in favor of the current proposal.

Councilmember Claiborne cited previous Commission discussion and the Public Works recommendation as points to consider before making a recommendation.

Ms. LeQuire asked for clarification on connectivity on future phases of development.

Mr. Johnson outlined the street layout in the area.

Ms. LeQuire asked for clarification of the street names, and Mr. Clifton explained.

Mr. Adkins stated he is in favor of connectivity, but is in support of the original plan.

Mr. Clifton discussed existing traffic density of the area, and stated he would motion to approve after Commission discussion.

Mr. Gee inquired about the Community Plan. Mr. Johnson explained its effects on this plan and others.

Mr. Bernhardt clarified what a minimum level of connectivity requires as is stated by a community plan.

Mr. Gee discussed existing connectivity and street issues and their effects on traffic congestion, motioning to move forward.

Mr. Johnson offered to address concerns, reviewing current subdivision regulations pertaining to street and cul-de-sac connectivity.

Ms. Cummings inquired about previous discussion of the subdivision regulations.

Ms. LeQuire and Ms. Cummings discussed previous Commission reviews.

Councilmember Claiborne and Mr. Bernhardt discussed designated street connections.

Mr. Gee urged the community and Monroe Harding to collaborate on future phases of development of this area, and moved to approve the staff recommendation.

Mr. Bernhardt clarified the existence of two plans, stating the motion made is to approve the submitted plan.

Ms. Cummings seconded Mr. Gee's motion to approve the submitted plan.

The Commission voted in favor of the staff recommendation of approval with conditions (4-3) Mr. Clifton, Mr. Adkins, and Councilmember Claiborne voted against.

**Resolution No. RS2011-226**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-052-001 is **APPROVED WITH CONDITIONS. (4-3)**

**Conditions of Approval:**

1. The concept plan and future subdivision applications related to the concept plan proposal shall comply with requirements of Metro Stormwater, NES and Metro Public Works.
2. The requirements of the Subdivision Regulations for sidewalks shall apply to all phases of this concept plan, including along Glendale Lane and Scenic Lane frontage of the property.
3. Development of the concept plan area shall meet the requirements of the State of Tennessee Division of Archaeology for development on potential archaeological sites. If remains are discovered during construction, work is to stop and any necessary mitigation measures shall be taken in compliance with the State of Tennessee requirements. A revised Concept Plan may be required if remains would be impacted by the approved layout.”

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

**Community Plan Amendments**

**2a. 2011CP-013-004**

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN: 2003 UPDATE**

Map 149, Parcel(s) 026  
 Council District 28 (Duane A. Dominy)  
 Staff Reviewer: Tifine Capehart

A request to amend the Antioch-Priest Lake Community Plan: 2003 Update to change the land use policy from Residential Low-Medium Density (RLM) to T3 Suburban Neighborhood Evolving (NE) and Conservation (CO) for property located at 2158 Una Antioch Pike, approximately 1,915 feet south of Murfreesboro Pike (8.9 acres), zoned R10 and within the Floodplain Overlay District, requested by Pam Meadows, owner. (See also Specific Plan Case # 2011SP-024-001).

**Staff Recommendation: DEFER to the December 8, 2011, Planning Commission meeting.**

**The Metropolitan Planning Commission DEFERRED 2011CP-013-004 to the December 8, 2011, Planning Commission meeting.**

**2b. 2011SP-024-001**

**MEADOWS DOWNS**

Map 149, Parcel(s) 026

Council District 28 (Duane A. Dominy)

Staff Reviewer: Greg Johnson

A request to rezone from R10 to SP-MR zoning property located at 2158 Una Antioch Pike, approximately 1,915 feet south of Murfreesboro Pike (8.9 acres) and within the Floodplain Overlay District, to permit 134 multifamily units consisting of an assisted living facility, an independent living facility and attached homes, requested by Anderson, Delk, Epps and Associates Inc., applicant, Pamela Meadows, owner. (See also Community Plan Amendment Case # 2011CP-013-004)

**Staff Recommendation: DEFER to the December 8, 2011, Planning Commission meeting.**

**The Metropolitan Planning Commission DEFERRED 2011SP-024-001 to the December 8, 2011, Planning Commission meeting.**

(7-0)

**3a. 2011CP-014-003**

**Donelson-Hermitage-Old Hickory Community Plan Amendment (GAYLORD)**

Map 062, Parcel(s) 023, 026, 269

Council District 15 (Phil Claiborne)

Staff Reviewer: Cynthia Wood

A request to amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update by changing the current land use policy from Residential Low-Medium Density (RLM) and Neighborhood Center (NC) policies to Commercial Mixed Concentration (CMC) Policy for properties located at 2716, 2728, and 2730 Pennington Bend Road and at McGavock Pike (unnumbered), requested by Gresham, Smith and Partners, applicant, for John R. Padgett, Trustee, the Saint Thomas Foundation, Opryland Attractions, Inc., and Gaylord Entertainment Company, owners. (See also Specific Plan Case # 2007SP-014-001).

**Staff Recommendation: APPROVE with Special Policy**

**APPLICANT REQUEST -Amend the land use policies**

**Community Plan Amendment** A request to amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update by changing the current land use policy from Residential Low-Medium Density (RLM) and Neighborhood Center (NC) policies to Commercial Mixed Concentration (CMC) Policy for properties located at 2716, 2728, and 2730 Pennington Bend Road and at McGavock Pike (unnumbered).

**CRITICAL PLANNING GOALS** N/A

**DONELSON-HERMITAGECOMMUNITY PLAN**

**Existing Land Use Policies**

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

**Neighborhood Center (NC)** NC policy accommodates small, intense areas that may contain multiple functions and act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five-minute walk of the surrounding neighborhood it serves. NC areas have land uses that meet daily convenience needs and/or provide a place to gather and socialize.

**Proposed Land Use Policy**

**Commercial Mixed Concentration (CMC)** CMC policy accommodates significant concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices. Good accessibility to and within CMC areas is of particular importance due to the amount of traffic generated by the uses in these areas.

**BACKGROUND** In 2007, the Planning Commission approved a community plan amendment from RLM and NC to CMC with a special policy for approximately 107 acres located at the northwest corner of McGavock Pike and Pennington Bend Road (east of Briley Parkway) that was added to the holdings of Gaylord Entertainment. Gaylord is the owner of the Opry complex of hotel, shopping, and entertainment located on the west side of Briley Parkway. A Specific Plan zone change accompanied the community plan amendment request. The Planning Commission also recommended approval with conditions of the SP, which was subsequently approved by Metro Council.

Now Gaylord is requesting to add a small amount of property to the original community plan amendment area and Specific Plan. The property is located on the west side of Pennington Bend Road and on the west side of McGavock Pike at the Briley Parkway interchange (four parcels, 22 acres in total). The added property is at the periphery of the original amendment area and SP.

A community meeting, attended by approximately 80 community stakeholders, was held Monday, October 24, 2011, to discuss the plan



amendment and SP. Attendees were mainly accepting of the land additions, but continue to be concerned about overall traffic issues in Pennington Bend, which has few roads accessing it.

**ANALYSIS** The applicant has requested CMC policy, which is appropriate in light of the following considerations:

- a. the location, like the original amendment area it adjoins, has good access to a high-capacity urban interchange, Briley Parkway, which would be necessary for the type of development proposed;
- b. due to the location of the property abutting Briley Parkway, a lower-density pattern of housing as called for in the current policy is not desirable or sustainable;
- c. the applicant's property, if developed as generally proposed, would be a good complement to the similar development across Briley Parkway.

**STAFF RECOMMENDATION** Staff recommends approval of the proposed amendment with the application of Special Policy 18 to the added land. Special Policy 18 was applied to the land in the original amendment area and the accompanying SP. A minor wording change to Special Policy 18 is also needed to address the added parcels. The proposed changes to the special policy are below. Strikethrough is used to indicate language to be deleted and bold underline indicates the language to be added.

### **Special Policy Area 18**

This Special Policy applies to the property at the northeast quadrant east side of the Briley Parkway / McGavock Pike Interchange, property currently owned by Gaylord and a few other owners. Because of this site's location in close proximity to a residential area with only a residential arterial street as a boundary, the following measures should be taken to minimize the negative impacts of development of the property on surrounding neighborhoods:

- No vehicular access from the property to Pennington Bend Road, except that of emergency and construction vehicles;
- Utilize a variety of techniques to minimize traffic accessing the site from McGavock Pike South;
- Develop a quality view and visual transition for the homes on the east side of Pennington Bend Road, closest to the development (e.g., not a paved parking lot);
- Include a landscape buffer between surrounding residential beyond that required in the zoning code for CA zoning abutting residential districts. Such buffering is needed to preserve and enhance the residentially-oriented design of the Pennington Bend Road streetscape, ensure Pennington Bend's continued success as a desirable residential street, and begin to buffer impacts of development such as noise;
- Lighting is to be located, scaled, and directed so as not to shine on adjacent residential areas;
- Lit signage is to be located, scaled, and directed so as not to shine on adjacent residential areas;
- Restrict certain allowed land uses in the Commercial Attraction Zoning District, further described in the Specific Plan Zoning District with the intent of ensuring maximum compatibility with adjacent neighborhoods;
- This CMC area is not intended to expand to the east side of Pennington Bend Road;
- Explore possible pedestrian connections to surrounding neighborhoods, greenways and shopping areas;
- Provide a trail or sidewalk along the west side of Pennington Bend Road and the north side of McGavock Pike;
- New developments within this Special Policy Area are to utilize the Specific Plan zoning district as the most effective tool to implement the intent of this Special Policy.

Approved, Consent Agenda (7-0)

### **Resolution No. RS2011-227**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-014-003 is **APPROVED WITH SPECIAL POLICY. (7-0)**"

### **3b. 2007SP-014-001**

#### **GAYLORD (AMENDMENT #1)**

Map 062, Parcel(s) 020, 023.01, 023, 026, 030, 111, 249, 269

Council District 15 (Phil Claiborne)

Staff Reviewer: Jason Swaggart

A request to amend the SP District (adopted with Council Bill BL2007-1357) for the previously approved Gaylord Specific Plan District (106.9 acres), and to add properties zoned R15 and CL, located at 2716, 2728 and 2730 Pennington Bend Road and at McGavock Pike (unnumbered) (22.24 acres) for a total of 129.14 acres within the SP district, requested by Gresham, Smith and Partners, applicant, on behalf of Gaylord Entertainment Company, John Padgett Trustee and the Saint Thomas Foundation, owners. (Please also see Community Plan Case # 2011CP-014-003).

**Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST -Add property to Gaylord SP district**

**SP Amendment** A request to amend the SP District (adopted with Council Bill BL2007-1357) for the previously approved Gaylord Specific Plan District (106.9 acres), and to add properties zoned One and Two-Family Residential (R15) and Commercial Limited (CL), located at 2716, 2728 and 2730 Pennington Bend Road and at McGavock Pike (unnumbered) (22.24 acres) for a total of 129.14 acres within the Specific Plan district.

### Existing Zoning

R15 District - 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% duplex lots.

CL District - Commercial Limited is intended for retail, consumer service, financial, restaurant, and office uses.

### Proposed Zoning

SP-C District - Specific Plan-Commercial 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 commercial uses.

### CRITICAL PLANNING GOALS N/A

### DONELSON/HERMITAGE COMMUNITY PLAN

#### Existing Policies

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

**Neighborhood Center (NC)** Neighborhood Center is intended to accommodate small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five-minute walk of the surrounding neighborhood it serves. NC areas are intended to have land uses that meet daily convenience needs and/or provide a place to gather and socialize.

#### Proposed Policies

**Commercial Mixed Concentration (CMC)** CMC is a policy that accommodates significant concentrations of mixed commercial development providing both consumer goods and services and employment. Unlike strictly retail concentrations, CMC areas may contain an equal or greater proportion of other commercial uses such as offices. Good accessibility to and within CMC areas is of particular importance due to the amount of traffic generated by the uses in these areas.

**Special Policy Area 18** Special Policy Area 18 was applied in response to original SP and it is to be applied to the expanded area.

This Special Policy applies to the property at the east side of the Briley Parkway / McGavock Pike Interchange, property currently owned by Gaylord and a few other owners. Because of this site's location in close proximity to a residential area with only a residential arterial street as a boundary, the following measures should be taken to minimize the negative impacts of development of the property on surrounding neighborhoods:

- No vehicular access from the property to Pennington Bend Road, except that of emergency and construction vehicles;
- Utilize a variety of techniques to minimize traffic accessing the site from McGavock Pike South;
- Develop a quality view and visual transition for the homes on the east side of Pennington Bend Road, closest to the development (e.g., not a paved parking lot);
- Include a landscape buffer between surrounding residential beyond that required in the zoning code for CA zoning abutting residential zoning districts. Such buffering is needed to preserve and enhance the residentially-oriented design of the Pennington Bend Road streetscape, ensure Pennington Bend's continued success as a desirable residential street, and begin to buffer impacts of development such as noise;
- Lighting is to be located, scaled, and directed so as not to shine on adjacent residential areas;
- Lit signage is to be located, scaled, and directed so as not to shine on adjacent residential areas;
- Restrict certain allowed land uses in the Commercial Attraction Zoning District, further described in the Specific Plan Zoning District with the intent of ensuring maximum compatibility with adjacent neighborhoods;
- This CMC area is not intended to expand to the east side of Pennington Bend Road;
- Explore possible pedestrian connections to surrounding neighborhoods, greenways and shopping areas;
- Provide a trail or sidewalk along the west side of Pennington Bend Road and the north side of McGavock Pike;
- New developments within this Special Policy Area are to utilize the Specific Plan zoning district as the most effective tool to implement the intent of this Special Policy.

**Consistent with Policy?** Yes, if associated policy amendment is approved. This request is to add property into the existing Gaylord Specific Plan. As proposed the policies which apply to the existing SP will be expanded to the properties to be added. The SP is written in accordance with the proposed policies. This SP provides regulatory standards for future development, not an actual building layout. The standards will provide controls for development within the district. A Final Site plan will be required to be submitted and approved prior to the issuance of any building permits.

### REQUEST DETAILS

**History (SP Plan)** The Gaylord SP was approved by Council in 2007. The SP does not contain a specific site plan, but is a regulatory zoning district. Its regulations are similar to the requirements of the Commercial Amusement (CA) zoning district in the Metro Zoning Code, but is more restrictive than what would be permitted under CA zoning. It specifically prohibits some uses which are permitted under CA. It provides specific buffer yard, sign and other operational requirements to ensure minimal impact on surrounding residential properties. It also provides specific language regarding traffic and prohibits ingress/egress onto Pennington Bend Road.

**Request** This request is to amend the Gaylord SP by rezoning four properties into the existing SP. Three of the properties are zoned single and two-family residential (R15) and are located along the west side of Pennington Bend Road (8.64 acres). The fourth property is zoned for commercial and is located along the south side of McGavock Pike (13.6 acres). All four of the properties are adjacent to the Gaylord SP. The current SP district is approximately 106 acres. As proposed the SP district will contain approximately 129 acres.

**ANALYSIS** The properties proposed to be added to the Gaylord SP are adjacent to the current zoning district. By adding the three residential properties along Pennington Bend Road, there are fewer residential properties that will be directly adjacent to the SP. While the SP requires wide buffers adjacent to residential properties, it would still be better if the SP were not adjacent to residential. The conflict between incompatible land uses is reduced by utilizing the required buffer and the additional separation provided by Pennington Bend Road.

**PUBLIC WORKS RECOMMENDATION**

A traffic analysis was conducted for the original SP rezoning request and indicates significant offsite improvements may be required at the time of development. More detailed traffic analyses will be required at the time of development to determine the specific improvements required to mitigate the traffic impacts.

Any improvements shall be coordinated with the Metropolitan Department of Public Works.

**STAFF RECOMMENDATION** Staff recommends that the request to add property to the Gaylord SP be approved subject to the approval of the associated land use policy amendment. If the associated policy amendment is not approved then staff recommends disapproval.

**CONDITIONS**

1. Traffic analysis shall be required for any final site plan per Metro Public Works' specifications. Approval of any final site plan shall be subject to traffic/roadway improvements as determined by the Metro Public Works.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the CA zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to 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.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved, Consent Agenda (7-0)

**Resolution No. RS2011-228**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2007SP-014-001 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. Traffic analysis shall be required for any final site plan per Metro Public Works' specifications. Approval of any final site plan shall be subject to traffic/roadway improvements as determined by the Metro Public Works.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the CA zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to 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.

4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

**The SP is consistent with the approved Commercial Mixed Concentration land use policy and the existing Special Policy 18 of the Donelson-Hermitage Community Plan.”**

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

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### **Zoning Text Amendments**

#### **4. 2011Z-016TX-001**

BL2011-30 / JOHNSON

**SIGN: TRI-FACE BILLBOARDS**

Staff Reviewer: Brenda Bernards

A request to amend Chapter 17.40 of the Metro Zoning Code to prohibit the conversion of nonconforming static billboards to tri-face billboards, requested by Councilmember Karen Johnson, applicant.

**Staff Recommendation: DISAPPROVE**

#### **APPLICANT REQUEST - Prohibit conversion to Tri-Face Billboards**

**Text Amendment** A request to amend Chapter 17.40 of the Metro Zoning Code to prohibit the conversion of non-conforming static billboards to tri-face billboards.

#### **CRITICAL PLANNING GOALS/N/A**

**PURPOSE** This text amendment is intended to prohibit non-conforming billboards from being converted to tri-face billboards. Currently, the Zoning Code does not distinguish between static and tri-face billboards. These are both considered conventional billboards.

#### **ANALYSIS**

Existing Law A tri-faced billboard is defined in the Zoning Code as

*“...a non-internally illuminated billboard consisting of a sign face comprised of a series of vertical triangular louvers that can be rotated to show up to three separate sign messages.*

Section 17.32.050.G, tri-face billboards are specifically excluded from the height restrictions.

*“Signs with any copy, graphics, or digital displays that change messages by electronic or mechanical means, other than tri-face billboards, shall not be permitted in the CA, CS, CF, CC, SCR, IWD, IR and IG districts unless the following distance requirements are satisfied, based upon the overall height of the sign:”*

When regulations for changeable message signs were added to the Zoning Code, tri-face billboards were inadvertently placed in this new category. By adding a definition for tri-faced billboards and excluding them from the height restrictions imposed on digital signs, tri-face billboards were once again treated as conventional billboards. The text amendment to add the definition and exclude this type of sign from height restrictions was recommended for approval by the Planning Commission at its December 9, 2010, meeting. The Council agreed with the Planning Commission and approved the changes to the Zoning Code on January 18, 2011.

**Proposed Bill** The proposed bill would partially reverse the earlier text amendment and treat tri-face billboards differently than static billboards by limiting where they can be located. If adopted, non-conforming static billboards could not be converted to tri-face billboards.

This proposed amendment does not classify tri-face billboards as a digital sign; rather it creates a third category of billboard.

**Non-Conforming Billboards** Billboards are considered to be a use and the Zoning Code defines a non-conforming use in the following way:

*"Nonconforming use" means a use originally legally established, but which now does not currently conform to the applicable use regulations of the zoning district in which it is located.*

There are many billboards that were legally installed but changes in the Zoning Code have made them non-conforming including:

- Increasing the spacing distance between billboards from 750 feet to 1,000 feet;
- Requiring all billboards to be on a single pole; or
- Requiring all billboards to be located on a street at least four lanes in width.

Alternatively, a change in circumstance may have made the billboard non-conforming. For example, the required setback for a billboard is 20 feet. But if a street is widened, the billboard may no longer be 20 feet from the property line and would become non-conforming. The proposed text amendment would no longer permit these static billboards to be converted to tri-face billboards.

**STAFF RECOMMENDATION** Staff recommends disapproval of this bill. This amendment would partially reverse the Planning Commissions earlier recommendation to treat tri-face billboards similar to static billboards.

#### ORDINANCE NO. BL2011-030

An Ordinance amending Chapter 17.40 of the Metropolitan Code to prohibit the conversion of nonconforming static billboards to tri-face billboards, all of which is more particularly described herein (Proposal No. 2011Z-016TX-001).

WHEREAS, tri-face billboards are potentially more distracting to motorists than static billboards, and have a more intensive impact on the surrounding community; and

WHEREAS, the Metropolitan Council recognizes that Tennessee Code Annotated § 13-7-208 provides certain protections to non-conforming uses; and

WHEREAS, the Metropolitan Council desires to allow nonconforming static billboards to continue to be used as such in accordance with Tennessee Code Annotated § 13-7-208, but to clarify that static billboards are separate structures from tri-face billboards.

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

Section 1. That Title 17 of the Code of The Metropolitan Government of Nashville and Davidson County, Zoning Regulations, is hereby amended by amending Section 17.40.690 by adding the following provision as a new subsection at the end thereof:

"A nonconforming static billboard shall not be altered, modified, converted, changed, or replaced to result in the billboard becoming a tri-face billboard as defined in section 17.04.060. Static billboards and tri-face billboards shall be considered separate structures."

Section 2. That this Ordinance shall take effect five (5) days from and after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY: Karen Johnson

Ms. Bernards presented the staff recommendation of disapproval.

Councilmember Johnson discussed inconsistencies in the legal definition of billboards, and asked for Commission approval of her application.

Steve Harris, of Lamar, LLC, spoke in favor of disapproval.

Ms. Cummings moved to close the public hearing.

Councilmember Johnson asked to respond, clarifying she is a proponent of advertising but sees the need for a clear definition of billboards before adverse issues arise.

**Ms. Cummings moved and Mr. McLean seconded the motion to close the public hearing. (7-0)**

Councilmember Claiborne discussed the possibilities in categorizing billboards. Ms. Bernards clarified the language of the text amendment and how it will affect structures in the future.

Ms. Cummings inquired about tri-phase and digital billboard descriptions in the Metro Code. Ms. Bernards summarized previous discussions concerning conventional and electronic billboards, indicating the definition is not categorized as a sign.

Mr. Clifton asked Legal Counsel about conflicting definitions between state and Metro code. Mr. Sloan clarified about nonconforming use and structures as pertains to billboards, and stated this application would prevent static billboards from expanding to tri-phase billboards.

Mr. Gee stated previous applications pertaining to billboards were approved while on consent. He inquired about the structure of billboards and the materials used.

Mr. Sloan clarified the distinction between *use* and *structure*.

Mr. Gee asked about the time restrictions for static, digital, and tri-phase billboards.

Ms. Bernards stated there is no restriction on how often a static board's message is changed, but that tri-phase boards would have a restriction of 8 second interval changes, also clarifying the distinction in lighting between tri-phase and standard boards.

Mr. Bernhardt asked the commission to consider deferring until December.

Ms. Cummings stated she is in support of more staff research along with other types of dynamic billboards.

Mr. McLean suggested a work session with other commissioners before discussion by the Commission.

Mr. Adkins asked about the number of nonconforming and conforming billboards in Nashville.

Mr. McLean suggested deferring to the January commission meeting. Councilmember Johnson stated she could defer at Council.

Mr. Clifton moved and Ms. Cummings seconded to defer to the January 26, 2011 meeting. (7-0)

### **Resolution No. RS2011-229**

**"BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-016TX-001 is DEFERRED to the January 26, 2011, Planning Commission meeting. (7-0)"**

## **Specific Plans**

### **5. 2009SP-022-004**

#### **THE MANSION AT FONTANEL (AMEND #2)**

Map 049, Parcel(s) 200.01, 140, 319

Council District 03 (Walter Hunt)

Staff Reviewer: Brenda Bernards

A request to amend the SP District (adopted with Council Bill BL2010-780) for the previously approved and amended Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and within the Floodplain Overlay District, to modify the condition regarding alcoholic beverages sold in the full-service restaurant along Whites Creek Pike to permit liquor to be served in addition to beer and wine currently permitted, requested by EDGE Planning, Landscape Architects, applicant, Fontanel Properties LLC, owner.

**Staff Recommendation: APPROVE WITH CONDITIONS**

#### **APPLICANT REQUEST - Permit the serving of liquor within an existing full-service restaurant.**

**Amend SP** A request to amend the SP District (adopted with Council Bill BL2010-780) for the previously approved and amended Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and within the Floodplain Overlay District, to modify the condition regarding alcoholic beverages sold in the full-service restaurant along Whites Creek Pike to permit liquor to be served in addition to beer and wine currently permitted.

#### **Existing 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 a mix of uses.

#### **CRITICAL PLANNING GOALS/N/A**

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

##### **Existing Policy**

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

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

**Whites Creek Historic District** This property is within Nashville's only National Register-listed rural historic district. Development is encroaching on the Whites Creek Historic District and should be limited to reduce negative impacts on this significant area.

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

**Consistent with policy?** Yes. The original finding of consistency of the SP with the Natural Conservation (NCO) and Rural (R) land use policies was based upon the following factors:

- The proposed use, scale and location of buildings were consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- While commercial uses are no longer contemplated in the NCO and R policies, the SP brought this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than the R15 and RS20 zoning districts. (While the site has constraints in terms of floodplain and steep slopes, it is still developable for one and two-family residences at a density higher than the one unit per two acres called for in the policy.)
- The uses, types of building and location of buildings supported the Whites Creek Historic District.

The proposed amendment does not change the buildings along Whites Creek Pike and the SP does continue to support the Whites Creek Historic District.

**PLAN DETAILS** The Planning Commission approved the Mansion at Fontanel SP, including final site plan approval for Phase 1 on October 22, 2009. The final site plan for Phase II was approved on February 11, 2010. The SP was amended in November 2010 to expand the capacity of the Seasonal Performance Entertainment venue. The proposed amendment would delete a condition of the original Council Bill that limits the full service restaurant to wine and beer sales only.

a. Alcoholic beverages served in the full service restaurant along Whites Creek Pike shall be limited to beer and wine only.

There are no similar restrictions for any of the other portions of the property. Currently the restaurant serves beer and allows patrons to bring their own wine. The amendment will allow the restaurant to provide liquor as well.

**STAFF RECOMMENDATION** Staff recommends approval with conditions.

#### **CONDITIONS**

1. All other conditions of the SP adopted with Council Bill BL2009-561 and as amended by BL2010-780 shall apply.
2. References to limiting the full service restaurant to wine and beer only shall be deleted on page 15 of the plan booklet and from the permitted land use table for Phase II and note 24 on page L-1.00 of the plan.
3. A corrected copy of the SP final site 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 consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

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

John Hoss, Edge Planning, spoke in agreement with staff recommendation.

**Mr. Clifton moved and Mr. Adkins seconded the motion to close the public hearing. (7-0)**

Ms. Lequire moved and Mr. Adkins seconded the motion to approve the staff recommendation of approval with conditions. (7-0)

#### **Resolution No. RS2011-230**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2009SP-022-004 is **APPROVED WITH CONDITIONS. (7-0)**

**Conditions of Approval:**

1. All other conditions of the SP adopted with Council Bill BL2009-561 and as amended by BL2010-780 shall apply.
2. References to limiting the full service restaurant to wine and beer only shall be deleted on page 15 of the plan booklet and from the permitted land use table for Phase II and note 24 on page L-1.00 of the plan.
3. A corrected copy of the SP final site 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 consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
4. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

**There are no similar restrictions on liquor sales for any other portions of the property. The restaurant currently serves beer and allows patrons to bring their own wine. The amendment will allow the restaurant to provide liquor as well. There are no conflicts with land use policy.”**

**6. 2011SP-023-001**

**BOSCOBEL STREET TOWNHOMES**

Map 082-16, Parcel(s) 297

Council District 06 (Peter Westerholm)

Staff Reviewer: Jason Swaggart

A request to rezone from R8 to SP-R zoning and for final site plan approval for property located at 807 Boscobel Street within the Edgefield Historic Preservation Overlay District, approximately 180 feet east of South 8th Street (0.2 acres), to permit five multi-family units where four multi-family units currently exist as a legal non-conforming use, requested by Laura Mitchell, applicant, on behalf of Amy Gleaves and Brian Mitchell, owners.

**Staff Recommendation: DISAPPROVE**

**APPLICANT REQUEST - Rezone to permit five multi-family units**

**Preliminary and Final SP** A request to rezone from Single and Two-Family Residential (R8) to Specific Plan – Residential (SP-R) zoning and for final site plan approval for property located at 807 Boscobel Street within the Edgefield Historic Preservation Overlay District, approximately 180 feet east of South 8th Street (0.2 acres), to permit five multi-family units where four multi-family units currently exist as a legal non-conforming use.

**Existing Zoning**

R8 District - R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25% duplex lots. *This district would permit one duplex unit on the subject property (0.2 acres).*

**Proposed Zoning**

SP-R District - Specific Plan-Residential is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes only one residential building type.

**CRITICAL PLANNING GOALS/A**

**EAST NASHVILLE COMMUNITY PLAN**

**Land Use Policy**

**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 to the intent of the policy.

**Consistent with Policy?** No. While the policy supports higher density residential, the proposed density (25 units per acre) exceeds the maximum density supported by the policy (20 units per acre).

**REQUEST DETAILS** The subject property is developed and contains a single building with six residential units. According to the applicant the building was constructed in 1968. Metro records indicate that four units are permitted as a non-conforming use. The extra two units



were built illegally and according to the applicant are currently boarded up.

As proposed the existing building will be renovated (interior and exterior) to include five two-bedroom residential units. The Metro Zoning Code requires one parking space per studio or one-bedroom unit, and 1.5 spaces per two-bedroom unit within the Urban Zoning Overlay (UZO). A total of eight parking spaces are required for the five units. The plan calls for six on-site parking spaces which will be located at the rear of the property along the alley. On-street parking may also be counted towards parking requirements within the UZO. The property has approximately 50 feet of frontage which translates into two parking spaces that can be counted towards the parking requirement. Between the on-site parking and on-street parking, the SP will meet the Zoning Code parking required. No vehicular access is proposed along Boscobel, but pedestrian access will remain.

This property is within the National Register Edgefield Historic District and Edgefield Historic Overlay District. The SP does not supersede the requirements of the overlay district. While elevations have been provided they must ultimately be approved by the Metropolitan Historic Zoning Commission (MHZC) for compliance with their guidelines.

It is important to note that the revised drawings were submitted after the submittal deadline. At the time this report was written Public Works had not reviewed the revised plan.

**ANALYSIS** While higher density residential is appropriate within urban neighborhoods, this request exceeds the density supported by the property's land use policy. The policy would support four units, and if the proposed number of units were reduced by one, then staff could recommend approval with conditions. MHZC staff will continue to work with the applicant on the elevations but has agreed to let the zoning move forward under the condition that in the event the SP is approved, no building permits would be issued until such a time as the elevations have been approved by MHZC. This is appropriate since the SP would not supersede the overlay district. *Since the request exceeds the density supported by the policy, then staff is recommending disapproval.* If it is approved then staff has included a condition which would address the Historic Zoning Commission's comments.

**PUBLIC WORKS RECOMMENDATION** The revised drawings were submitted after the submittal deadline, and have not been reviewed at the time the staff report was written. Any additional comments will be provided at the Planning Commission meeting.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential(210)	0.2	5.79	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.2	-	5 U	34	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+24	+2	+2

**METRO SCHOOL BOARD REPORT**

Projected student generation 1 Elementary    0 Middle    0 High

**Schools Over/Under Capacity** Students would attend Warner Elementary School, Bailey Middle School, and Stratford High School. The elementary is identified as over capacity; however, there is additional capacity for elementary school students within the cluster. This information is based upon data from the school board last updated October 2010.

**Fiscal Liability** The fiscal liability for one new elementary student is \$20,000. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**STAFF RECOMMENDATION** Staff recommends that the request be disapproved. As proposed the request exceeds the 20 units per acre density supported by the Neighborhood General land use policy that applies to the property.

**CONDITIONS** (if approved)

1. Applicant shall work with Planning staff in order to provide adequate information on the site plan prior to third reading at Council.
2. Any comments from Public Works shall be addressed prior to third reading at Council.
3. Approval of this SP does not include exterior elevations or materials. All exterior renovations shall be approved by the Metropolitan Historic Zoning Commission prior to the issuance of any building permits.

4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Mr. Sloan left the meeting at 5:50pm

Mr. Swaggart presented staff recommendation of disapproval of the application.

Laura Mitchell, applicant, requested approval of the plan.

Mr. McLean inquired about the number of bedrooms. Ms. Mitchell clarified the reasoning behind 5 two-bedroom units.

Tamber Dixon, neighbor, asked that the Commission approve the project.

Mr. Sloan returned to the meeting at 5:58.

Ms. Carol Lorten, 801 Boscobel St., spoke in opposition of the plan due to its conflicts with density and lot size.

Councilmember Westerholm stated he is not comfortable with the passing of the plan as it is now.

Ms. Cummings made a move to close the public hearing.

Ms. Mitchell discussed unique aspects of the property.

Mr. McLean asked whether units will be rented or sold.

**Ms. Cummings moved and Mr. Gee seconded the motion to close the public hearing. (7-0)**

Mr. Adkins stated he feels the applicant is moving in the right direction but is not convinced it is ready.

Ms. LeQuire inquired about the reasoning behind five units instead of four.

Mr. Bernhardt stated the policy is effective in implementation, although he would like to see more discussion between applicant and community.

Ms. LeQuire discussed the benefits of rental units in comparison to owning.

Mr. Gee cited the number of letters received from neighborhood property owners, and spoke in favor of rental units as an option, and noted this plan attempts to increase density, and that he will vote against.

Ms. LeQuire inquired about the legality of rental units.

Mr. Clifton stated the application is a misuse of SP zoning, and that it conflicts with the zoning.

Ms. Cummings agreed with Mr. Clifton's statements, noting she encourages more discussion but as the application is presently, would be in favor of disapproval.

Mr. Bernhardt clarified no bill has been filed at Council.

Ms. LeQuire inquired about the possibility of four rental units.

Mr. Adkins asked about the possibility of changing the plan to four units. Mr. Bernhardt responded that exterior changes would require Historical Zoning changes.

Councilmember Claiborne asked about zoning in the area. Mr. Bernhardt summarized the history of this property's zoning. Councilmember Claiborne and Mr. Bernhardt discussed the density in the area.

Councilmember Claiborne stated he is against using SP zoning for this property.

Mr. Gee stated he is not against density in this area, but has reservations similar to those the commission has discussed.

Mr. Gee moved and Mr. Clifton seconded the motion to support the staff recommendation of disapproval. (7-0)

### **Resolution No. RS2011-231**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-023-001 is DISAPPROVED. (7-0)

**As proposed, the request exceeds the maximum density of 20 units per acre supported by the Neighborhood General land use policy."**

## **Zone Changes**

### **7. 2011Z-019PR-001**

**5102, 5104, 5106 & 5108 DELAWARE AVENUE**

Map 091-11, Parcel(s) 258-261

Council District 20 (Buddy Baker)

Staff Reviewer: Jason Swaggart

A request to rezone from the CS to MUL-A district properties located at 5102, 5104, 5106 and 5108 Delaware Avenue, approximately 150 feet west of 51st Avenue North (0.69 acres), requested by Ward Pace, owner.

**Staff Recommendation: APPROVE**

#### **APPLICANT REQUEST - Rezone from commercial to mixed-use**

**Zone Change** A request to rezone from the Commercial Services (CS) to Mixed-Use Limited – Alternative (MUL-A) district properties located at 5102, 5104, 5106 and 5108 Delaware Avenue, approximately 150 feet west of 51st Avenue North (0.69 acres), requested by Ward Pace, owner.

#### **Existing Zoning**

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

#### **Proposed Zoning**

MUL-A District - Mixed Use Limited-Alternative is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

#### **CRITICAL PLANNING GOALS/N/A**

#### **WEST NASHVILLE COMMUNITY PLAN**

##### **Land Use Policy**

**T4 Urban Mixed Use Corridor (T4 CM)** T4 CM policy 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 zoning permits a variety of uses consistent with the land use policy. The zoning district requires a building to be built closer to the street which is intended to create a more urban character consistent with the policy.

#### **PUBLIC WORKS RECOMMENDATION**

1. An access study may be required at development.
  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.
- \_ 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
Specialty Retail (814)	0.69	0.128 F	3,847 SF	203	11	31

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail (814)	0.69	0.041 F	1,232 SF	91	9	25

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-2,615 SF	-112	-2	-6

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
Specialty Retail (814)	0.69	0.6	18,033 SF	810	22	65

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Specialty Retail (814)	0.69	1	30,056 SF	1324	32	94

Traffic changes between maximum: **CS** and proposed **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+12,023 SF	+514	+10	+29

**METRO SCHOOL BOARD REPORT**

Projected student generation **6** Elementary **5** Middle **3** High

**Schools Over/Under Capacity** Students would attend Cockrill Elementary School, Bass Middle School, and Perl-Cohn High School. The elementary and middle schools are identified as over capacity. There is no capacity for additional elementary school students within the cluster, but there is capacity within the cluster for middle school students. This information is based upon data from the school board last updated October 2010.

**Fiscal Liability** The fiscal liability for six new elementary students is \$120,000, and the fiscal liability for five new middle school students is \$117,500. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

**STAFF RECOMMENDATION** Staff recommends that the request be approved. The proposed MUL-A zoning district is consistent with the land use policy that applies to the subject properties.

Approved. Consent Agenda (7-0)

**Resolution No. RS2011-232**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-019PR-001 is **APPROVED. (7-0)**

**The MUL-A zoning district is consistent with the T4 Urban Mixed Use Corridor that applies to the properties.”**

**8. 2011Z-020PR-001**

**6028 & 6030 NEIGHBORLY AVENUE; 317, 319 & 321 BALMY AVENUE**

Map 103-01, Parcel(s) 053-056, 154

Council District 20 (Buddy Baker)

Staff Reviewer: Jason Swaggart

A request to rezone from the CS to IWD district properties located at 6028 and 6030 Neighborly Avenue and at 317, 319 and 321 Balmy

Avenue, at the northwest corner of Neighborly Avenue and Balmy Avenue (0.99 acres), requested by Anderson, Delk, Epps and Associates, Inc., applicant, Jerome Rosenblum, Robert Dougher, and John Ginther, owners.

**Staff Recommendation: APPROVE and direct staff to initiate a policy amendment to support the new zoning district.**

**APPLICANT REQUEST - Rezone from commercial to industrial**

**Zone Change** A request to rezone from the Commercial Services (CS) to Industrial Warehousing District (IWD) district properties located at 6028 and 6030 Neighborly Avenue and at 317, 319 and 321 Balmy Avenue, at the northwest corner of Neighborly Avenue and Balmy Avenue (0.99 acres).

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS/N/A**

**WEST NASHVILLE COMMUNITY PLAN**

**Land Use Policy**

T4 Urban Mixed Use Neighborhood (T4 MU) T4 MU policy is intended to preserve, enhance, and create urban, mixed use neighborhoods characterized by a development pattern that contains a diverse mix of residential and non-residential land uses, and that are envisioned to remain or develop in a mixed use pattern. T4 MU areas are areas intended to be mixed use in nature with the presence of commercial and even light industrial uses, but also a significant amount of moderate to high density residential development.

**Consistent with Policy?** No. The proposed zoning is not consistent with the existing policy. While the proposed zoning is not consistent with the land use policy *it is consistent with the surrounding development pattern* which consists primarily of automobile repair, body shops and small warehouses. It is unlikely that this pattern will change in the foreseeable future. The subject property currently contains an automobile repair shop, and, as it is unlikely that the area will change in the near future. Staff recommends that the policy be amended to a policy that reflects the nature of the area. **Staff recommends that the Commission direct staff to initiate a policy amendment which would support the proposed zoning.**

**PUBLIC WORKS RECOMMENDATION**

1. An access study may be required at development.
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.

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
Specialty Retail (814)	0.99	0.128 F	5,519 SF	274	12	35

Typical Uses in Proposed 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)	0.99	0.237 F	10,220 SF	37	4	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-237	-8	-31

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
Specialty Retail (814)	0.99	0.6 F	25,874 SF	1145	28	84

Maximum Uses in Proposed 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)	0.99	0.8 F	34,499 SF	123	11	12

Traffic changes between maximum: **CS** and proposed **IWD**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-1022	-17	-72

**STAFF RECOMMENDATION** Staff recommends that the request be approved and that the Commission direct staff to initiate an amendment to the West Nashville Community Plan to change the current policy to a policy that is consistent with the area's development pattern and would support the proposed industrial zoning district.

Mr. Swaggart presented the staff recommendation of approval with a request for the Commission to initiate a policy amendment to support the new zoning district.

Mr. Tom White, legal representation of applicant, request to modify their application to a less intense version of the original application by changing the request from IWD zoning to SP zoning with all uses of CS zoning and automobile sales, used and automobile repair.

Mr. Doug Simpson, 1618 Hill Circle, stated he has concerns about this change in zoning. He inquired about whether new zoning would affect future development and prevent all uses of IWD zoning.

Mr. Swaggart clarified Mr. Simpson's concerns about the effect this change would have on development and that it would not allow all uses of IWD zoning. SP would permit the uses that are being done now on the property, and would only include all uses of CS zoning and automobile sales, used, and automobile repair.

**Mr. Gee moved and Mr. Clifton seconded the motion to close the public hearing. (7-0)**

Mr. Adkins made a motion to approve a change to SP zoning from IWD.

Mr. Bernhardt clarified the motion would be to disapprove the IWD, and approve an SP with all uses of CS zoning and also including automobile sales, used and automobile repair.

Mr. Adkins moved and Mr. Gee seconded the approval of an SP permitting auto sales and repair, and all other uses of the CS district and direct staff to work with the applicant to insure that the necessary conditions are included in the SP plan.

Councilmember Claiborne inquired about auto SP zoning.

Mr. Bernhardt clarified the uses involved in SP-auto use with the normal automobile SP conditions that staff recommends for these type of rezonings.

Mr. Gee inquired about the existing use and the propensity for future use. Mr. Bernhardt discussed with the Commission conforming and nonconforming uses.

Mr. Clifton left the meeting at 6:34pm.

Ms. LeQuire asked about citations for nonconforming use. Mr. Swaggart stated not all properties have the correct use.

Mr. Gee asked if the Commission approves IWD zoning, can it be changed at Council?

Mr. Bernhardt confirmed Metro Council could change the zoning.

Mr. Bernhardt stated the SP zoning was intended specifically to allow these types of auto uses.

Mr. Sloan clarified IWD and SP zoning.

Mr. McLean stated the applicant had two minutes of rebuttal.

Mr. White stated the community is not comfortable with IWD zoning as it is more expansive, and will work with staff to make sure zoning is acceptable before moving forward.

Councilmember Claiborne stated he is in favor of an SP zoning district.

Ms. LeQuire inquired about the housekeeping amendment.

Mr. Bernhardt stated it would not be needed for an SP that limits the uses such as is being proposed.

Ms. LeQuire stated she is not opposed to an SP, but is considering if they should look at the area in a more broad sense.

Mr. Bernhardt clarified the reasoning behind SP-auto zoning.

Ms. LeQuire inquired about which zoning would include lawnmower repair.

Mr. Swaggart stated that is likely considered small engine repair, which would be considered industrial, but that it could be included in the SP.

Mr. Gee discussed SP intentions and recommended taking a vote on Mr. Adkins' motion to approve.

Ms. Cummings seconded the motion to approve the staff recommendation of approval as a Specific Plan permitting auto sales and repair, and all other uses of the CS district and direct staff to work with the applicant to insure that the necessary conditions are included in the SP plan. (6-0)

**Resolution No. RS2011-233**

**“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-020PR-001 is **DISAPPROVED IWD, APPROVED as a Specific Plan permitting auto sales and repair and all other uses of the CS district and direct staff to work with the applicant to insure that the necessary conditions are included in the SP plan. (6-0)****

**An SP zone change will permit the intended land uses without changing the character of the surrounding area and will not require an amendment to the current T4 Urban Mixed Use Neighborhood land use policy.”**

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The Commission paused for break at 6:44pm.

The meeting resumed at 7:02pm.

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**9. 2011Z-021PR-001**  
**7201 CHARLOTTE PIKE & CHARLOTTE PIKE (UNNUMBERED)**  
Map 115, Parcel(s) 008, 091  
Council District 22 (Sheri Weiner)  
Staff Reviewer: Jason Swaggart

A request to rezone from CS to OR20 district properties located at 7201 Charlotte Pike and at Charlotte Pike (unnumbered), approximately 3,400 feet east of Old Hickory Boulevard (15.98 acres), requested by F. Clay Bailey Jr., Executor.

**Staff Recommendation: DISAPPROVE**

**The Metropolitan Planning Commission DEFERRED 2011Z-021PR-001 to the December 8, 2011, Planning Commission meeting. (7-0)**

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**10a. 2011Z-022PR-001**  
**5924 MT VIEW ROAD**  
Map 164, Parcel(s) 072  
Council District 33 (Robert Duvall)  
Staff Reviewer: Greg Johnson

A request to rezone from the AR2a to CS district property located at 5924 Mt View Road, approximately 600 feet north of Murfreesboro Pike (1.28 acres), requested by Dale & Associates, applicant, on behalf of David, Frank and Patricia Chilton, owners. (See also Planned Unit Development Overlay Case # 2011P-001-001).

**Staff Recommendation: DISAPPROVE**

*[Note: Items #10a and #10b were discussed by The Metropolitan Planning Commission together. See Item #10b for actions and resolutions.]*

**10b. 2011P-001-001**  
**PRO N STALL**  
Map 164, Parcel(s) 072  
Council District 33 (Robert Duvall)  
Staff Reviewer: Greg Johnson

A request for preliminary approval for the Pro N Stall Commercial Planned Unit Development Overlay for property located at 5924 Mt View Road, approximately 600 feet north of Murfreesboro Pike (1.28 acres), zoned AR2a and proposed for CS, to permit the conversion of an existing 2,300 square foot single-family home into building contractor supply and in the future to

replace the 2,300 square foot building with two future buildings for a total of 11,350 square feet of office and commercial uses, requested by Dale & Associates, applicant, for Frank, David and Patricia Chilton, owners. (See also Zone Change Case # 2011Z-022PR-001).

**Staff Recommendation: DISAPPROVE**

**APPLICANT REQUEST - Use existing property for commercial business and permit future commercial development**

**Zone change** A request to rezone from the Agricultural/Residential (AR2a) to Commercial-Service (CS) district property located at 5924 Mt View Road, approximately 600 feet north of Murfreesboro Pike (1.28 acres).

**Planned Unit Development (PUD)** A request for preliminary approval for the Pro N Stall Commercial Planned Unit Development Overlay for property located at 5924 Mt View Road, approximately 600 feet north of Murfreesboro Pike (1.28 acres), zoned Agricultural/Residential (AR2a) and proposed for Commercial-Service (CS), to permit the conversion of an existing 2,300 square foot single-family home into building contractor supply and in the future to replace the 2,300 square foot building with two future buildings for a total of 11,350 square feet of office and commercial uses.

**Existing Zoning**

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

**Proposed Zoning**

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

**CRITICAL PLANNING GOALS/N/A**

**ANTIOCH-PRIEST LAKE COMMUNITY PLAN**

**Corridor General (CG)** Corridor General is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. CG areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities. Examples might include single family detached, single-family attached or two-family houses; but multi-family development might work best on such busy corridors. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

**Consistent with Policy?** No. Corridor General policy is a residential policy. A non-residential policy is located nearby along Murfreesboro Pike. The subject property is located among other single-family residential properties along Mt. View Road.

**ZONE CHANGE** The applicant requests a zone change for a single parcel along Mt. View Road. The requested CS zone is intended to implement a PUD for a building contractor use and possible future commercial and retail uses. The property is located in Corridor General policy, which is a residential-only policy. Additionally, the property is located adjacent to single-family residential development although the properties are not all zoned residential. But, because of the presence of existing residential structures and the intended future residential character assumed by the policy, the zone change is not appropriate.

As noted above, the property is located adjacent to properties that have non-residential zoning:

- The property is located immediately north of a property zoned Shopping Center Commercial (SCC). This adjacent land was rezoned to SCC in 1999 with the intent of allowing for a cohesive shopping center oriented to Murfreesboro Pike. The current application for CS zoning and a building contractor use would not add to the shopping center intent of the adjacent land and would be oriented to Mt. View Road.
- The property is located across the street from land within the Hamilton Hills Urban Design Overlay that is intended to develop into a pedestrian-friendly neighborhood commercial center. However, this land within the UDO is still zoned AR2a and requires a zone change to a mixed use or commercial zoning district before it can include non-residential uses. This area has not shown signs of transitioning to non-residential development.

The applicant points to these adjacent properties to show that commercial development is appropriate. However, these adjacent properties have not yet developed commercially. Additionally, commercial development in these two adjacent areas is more appropriate because of their locations adjacent to Murfreesboro Pike.

The proposed zone change is not appropriate because:

- The proposed CS zone is not consistent with the residential intent of the Corridor General policy.
- The property is located adjacent to single-family residential development.
- The intent of land use policy in this area promotes commercial development along Murfreesboro Pike, not Mt. View Road.
- Adjacent land along Murfreesboro Pike with non-residential zoning has not yet developed significantly.

With future commercial development along Murfreesboro Pike and an increase in residential development in the surrounding area to serve this area, non-residential development along Mt. View Road could be appropriate sometime in the future. Under the current conditions, the proposal for CS zoning is premature.



**PLANNED UNIT DEVELOPMENT**

**Plan Details** The PUD proposal associated with the zone change includes two phases. Initially, the applicant intends to use the existing residential building for a building contractor use. Beyond that initial intent, the PUD also includes a plan for the development of future commercial and/or retail buildings on the site.

As discussed in the zone change section above, the proposal for non-residential uses in this location is premature. If approved, any non-residential use should maintain the surrounding residential character.

**Signage** A ground sign is proposed with the building contractor use. Ground signs are generally not permitted in residential areas. If a ground sign is permitted, it should be a monument-style sign with a maximum height of six feet, a maximum display area of 32 square feet, and should be non-illuminated.

**Outdoor storage and landscape buffer** Building contractor supply may include outdoor storage of materials. Implementation of the required landscape buffer will be an important aspect of the PUD. A type C landscape buffer is required to separate a CS zone from an AR2a zone. The applicant will be required to construct the landscape buffer along the north and east property lines prior to approval of a use permit for a non-residential use.

**Future development** The PUD includes a plan for future development on the site that includes a total of 11,350 square feet of commercial and retail development. The site plan generally meets Zoning Code requirements for CS zoning. Fifty-one parking spaces are proposed. To ensure that development does not exceed the proposed parking, retail uses shall be limited to a maximum of 6,400 square feet.

**FIRE MARSHAL RECOMMENDATION** Approved  
Per Michael Garrigan, P. E. with Dale & Associates, new construction will be sprinklered.

**PUBLIC WORKS RECOMMENDATION** No Exception Taken With Conditions:

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- A TIS may be required at the time of development of future development masterplan for commercial and retail building construction.
- Prior to any further development plans preparation documentation of adequate sight distance at the proposed driveway location per AASHTO must be submitted.
- 

Maximum Uses in Existing Zoning District: **AR2a**

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)	1.28	0.05 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: **CS (PUD Alt: 1)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Building Contractor Supply (812)	1.28	-	2,300 SF*	101	6	10

\*Based on associated PUD Plan (2011P-001-001)

Traffic changes between maximum: **AR2a** and proposed **CS (PUD Alt: 1)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+91	+5	+8

Maximum Uses in Existing Zoning District: **AR2a**

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)	1.28	0.05 D	1 L	10	1	2

Maximum Uses in Proposed Zoning District: **CS (PUD Alt: 2)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.28	-	11,350 SF*	524	17	49

\*Based on associated PUD Plan (2011P-001-001)

Traffic changes between maximum: **AR2a** and proposed **CS (PUD Alt: 2)**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+514	+16	+47

**STAFF RECOMMENDATION** Staff recommends disapproval of the zone change and PUD requests. The proposed CS zoning is not consistent with Corridor General policy.

**PUD CONDITIONS (if approved)**

1. Ground signage shall be monument-style only with a maximum height of six feet, a maximum display area of 24 square feet, and shall be non-illuminated.
2. All future final site plan and occupancy permit applications shall demonstrate compliance with the parking requirements of the Zoning Code.
3. Prior to the issuance of a Use and Occupancy Permit, a Type C Landscape Buffer shall be installed along the north property line of the PUD.
4. The development shall comply with conditions of approval from Metro Public Works.
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. Johnson presented the staff recommendation of disapproval.

Michael Garrigan, engineer with Dale & Associates, asked the Commission to approve the zone change and PUD.

David Chilton, property owner and applicant, asked the Commission to support approval.

**Ms. Cummings moved and Mr. Gee seconded the motion to close public hearing. (6-0)**

Ms. Cummings stated she understands the reasoning for disapproval by staff.

Mr. Gee asked staff about whether office use was applicable for this application.

Mr. Johnson explained they would need some type of residential classification.

Mr. Bernhardt reminded the commission that they can recommend to Council to direct staff to initiate an amendment to the plan.

Mr. Gee discussed policy issues in neighborhood scaled commercial areas.

Ms. LeQuire asked when the plan was last updated.

Mr. Johnson stated it was updated in 2003.

Ms. LeQuire asked to review the aerial photographs, and discussed expansion in the area.

Councilmember Claiborne asked for clarification of the land use policy.

Mr. Johnson stated its intent.

Ms. Cummings moved and Mr. Gee seconded the motion to approve the staff recommendation of disapproval (6-0)

**Resolution No. RS2011-234**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2011Z-022PR-001 is **DISAPPROVED. (6-0)**

The proposed Commercial Service zoning is not consistent with the Corridor General land use policy.”

**Resolution No. RS2011-235**

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011P-001-001 is **DISAPPROVED. (6-0)**

**The Planned Unit Development proposal is associated with the zone change request: 2011Z-022PR-001. Because the zone change request was disapproved, the PUD is not consistent with the current residential zoning district.”**

**Planned Unit Developments**

**11. 98P-007-002**

**SEVEN SPRINGS**

Map 160, Parcel(s) 046

Council District 04 (Brady Banks)

Staff Reviewer: Greg Johnson

A request to amend a portion of the Seven Springs Planned Unit Development Overlay District for property located at 323 Seven Springs Way, opposite Cloverland Drive (3.71 acres), zoned OR40, to permit 144 multi-family units in a four-story building where 72 multi-family units were previously approved, requested by Civil Site Design Group PLLC, applicant, for St. Martin Square Inc., owner.

**Staff Recommendation: DISAPPROVE**

**The Metropolitan Planning Commission DEFERRED 98P-007-002 to the December 8, 2011, Planning Commission meeting. (7-0)**

**Mandatory Referral: Street Renamings**

**12. 2011M-001SR-001**

BL2011-16 / BAKER

**RENAMING OF CENTENNIAL PLACE TO "WAYNE WISE PLACE"**

Map 079, Parcel(s) 016, 018, 026, 034, 040, 045, 047, 060, 092, 097

Council District 20 (Buddy Baker)

Staff Reviewer: Brenda Bernards

A request to rename Centennial Place to "Wayne Wise Place" from its intersection with Centennial Boulevard to its terminus, requested by Councilmember Buddy Baker.

**Staff Recommendation: APPROVE if there are no objections**

**APPLICANT REQUEST - Rename Centennial Place to Wayne Wise Place**

**Street Renaming** A request to rename Centennial Place to "Wayne Wise Place" from its intersection with Centennial Boulevard to its terminus.

**STREET RENAMING PROCEDURE** Street names can only be changed by the Metro Council through the adoption of an ordinance. The Planning Department is required to notify all property owners on the street of the proposed name change, and to give owners the opportunity to provide written comments in support of or in opposition to the proposed name change.

**Why is this being requested?** This street renaming is being proposed to honor the late Wayne Wise who founded Western Express, a trucking company operating from 7131 Centennial Place.

**DEPARTMENT AND AGENCY COMMENTS** Centennial Place is a dead-end street off Centennial Boulevard near the John C. Tune Airport that serves a number of industrially zoned properties. All reviewing agencies have recommended approval of this name change.

The Metro Historic Commission, as required by BL2010-789, has prepared a report on the historical significance of the street name:

*Centennial Place branches off of Centennial Boulevard near the John C. Tune Airport in the Cockerill Bend of the Cumberland River. It was unofficially known as "Prison Farm Road" until 1975. Although earlier maps showed the route and deeds referenced the "drive to the Prison Farm," it was not identified as Prison Farm Road in public works records until 1974, when it appeared on the Cockerill Bend Industrial Subdivision Section Two (Revised) plat recorded on November 20, 1974. This recording appears to be the first public dedication of the*

Prison Farm Road right-of-way. Several months later, the name was changed to Centennial Place as part of the Cockrill Bend Industrial Subdivision Section Two (Second Revision) plat recorded on June 11, 1975. The Second Revision also changed the name of Boxwell Drive to Centennial Plaza, which is now known as Hermitage Plaza. The owner or developer likely made the decision to record the Second Revision with these name changes, but this is not confirmed.

The Historic Commission staff raised no issues to keep the existing name or change the street name to Wayne Wise Place. Similarly, there are no planning issues related to keeping or changing the street name and staff recommends approval if there are no objections.

This matter is before the Planning Commission because an objection was received by the Planning Department to this name change from Sysco Nashville, a food service distribution corporation located off Centennial Place since 1972. In a letter, Nick Taras, President of Sysco Nashville wrote:

*"This type of change will be a hardship to our company and would involve a great deal of work."*

**STAFF RECOMMENDATION** Staff recommends approval if there are no objections raised at the Planning Commission meeting to this request to rename Centennial Place to Wayne Wise Place.

Tom True, of Cisco food services, cited the cost to his business if the name is changed.

Ms. Bernard recommends approval if there are no objections.

**Ms. Cummings moved and Mr. Adkins seconded the motion to close the public hearing. (6-0)**

Mr. Adkins stated he would abstain from the discussion.

Ms. LeQuire asked about the notification procedures for street name changes.

Ms. Bernards stated owners on the road are notified of the intended change.

Mr. Bernhardt stated they receive a letter by mail and can object.

Mr. Gee asked if this project needs approval by the Commission.

Mr. Bernhardt stated it needs a recommendation.

Ms. Cummings discussed the problems with street name changes, and made a motion to disapprove the street name change.

Councilmember Claiborne inquired about the number of businesses affected by a name change in addition to Cisco Food Services.

Ms. Bernards stated it is approximately 10 businesses. Councilmember Claiborne stated he is not in support.

Ms. Cummings moved and Mr. Gee seconded the motion to disapprove. (5-0-1) Mr. Adkins abstained.

**Resolution No. RS2011-236**

**"BE IT RESOLVED** by The Metropolitan Planning Commission that 2011M-001SR-001 is **DISAPPROVED. (5-0-1)**

**There are no planning issues related to maintaining or changing the current street name. At the Planning Commission meeting, an objection to the street name change was raised by an owner of a significant amount of property along the street, citing numerous logistical issues with renaming the street."**

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## **J. PLANNING COMMISSION ACTIONS**

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### **Subdivision: Final**

#### **13. 2006S-256U-05**

**HAYNIES CENTRAL PARK PLAN, RESUB PART OF LOT 86**

Map 094-05, Parcel(s) 116-120

Council District Westerholm

Staff Reviewer: David Edwards

A request to rescind the recorded plat containing five lots known as Haynie's Central Park Plan, Resubdivision of Part of Lot 86, located at 1101, 1103, 1105 and 1107 Ozark Street and at 1007 South 11th Street, (0.75 acres), zoned RS5, requested by the Metro Planning Department, applicant, Kelley Construction LLC, owner.

**Staff Recommendation: APPROVE**

**APPLICANT REQUEST - Rescind a recorded plat due to absence of bond**

**Rescind plat** A request to rescind the recorded plat containing five lots known as Haynie's Central Park Plan, Resubdivision of Part of Lot 86, located at 1101, 1103, 1105 and 1107 Ozark Street and at 1007 South 11th Street, (0.75 acres), zoned RS5.

**Existing Zoning**

RS5 District - RS5 requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.42 dwelling units per acre.

**STAFF ANALYSIS** The final plat for Resubdivision of Part of Lot 86 on the Map of Haynie's Central Park Plan was approved on August 24, 2006. The staff report from August 24, 2006, is included at the end of this staff report as a reference.

The final plat was recorded on May 9, 2007, and created five lots. Generally, in order to record a final plat, the construction plans for the required infrastructure must be approved by Public Works, Stormwater, and Water Services, (the reviewing Departments). If the developer chooses not to install the required infrastructure prior to recording the final plat, the reviewing Departments determine a bond amount based on the approved construction plans. The developer then posts a bond prior to recording the final plat.

The bond is comprised of two parts:

- 1) The performance agreement, which is the contract signed by the developer stating that they will complete the infrastructure, and
- 2) The security in the form of a Letter of Credit, cashier's check, or surety bond.

The bond ensures that the Metro Government will be able to complete the infrastructure in the event that the developer is unwilling or unable to do so.

In this case, the bond was approved on April 27, 2007, and was secured with a Letter of Credit. The Letter of Credit expired on November 1, 2008. A new Letter of Credit or other form of security has not been submitted for this bond. The case was referred to the Department of Law on June 4, 2010.

On June 22, 2010, the property owner submitted a bond application requesting to use a surety bond as security. Staff processed the application and discussed the process of getting a surety bond in place with the owner and with the owner's insurance broker. Staff followed up with the property owner and insurance broker several times in July and August 2010. The owner was unable to obtain a surety bond at the time, and the case remained referred to the Department of Law.

In September 2011, staff once more contacted the property owner regarding getting new security in place for this bond. The property owner again indicated that he would get a surety bond in place as security. The property owner and insurance broker were called and e-mailed multiple times in September and October regarding the status of obtaining the surety bond. The property owner was again unable to obtain a surety bond or other form of security for this performance bond.

A performance bond cannot be in place without an active form of security. Because the property owner has not been able to obtain new security for the performance bond, the Planning Department has requested that the recorded plat dated May 9, 2007 containing five lots be rescinded. By rescinding the recorded plat, the property will go back to its condition as shown prior to May 9, 2007 (two lots rather than five), and the \$31,000 bond requirement for the alley improvements, sidewalks, and water line will be no longer required. In order to avoid the rescinding of the plat, the property owner needs to submit new security in the amount of \$31,000 to the Planning Department prior to the November 10 Planning Commission meeting.

If the Planning Commission votes to rescind the plat, the resolution will be recorded at the Register of Deeds.

**METRO PUBLIC WORKS RECOMMENDATION** Approved.

**METRO STORMWATER RECOMMENDATION** Approved.

**METRO WATER SERVICES RECOMMENDATION** Approved.

**STAFF RECOMMENDATION** Because construction of this project has not commenced and security is not in place for this performance bond, staff recommends approval of rescinding the plat.

**STAFF REPORT FOR AUGUST 24, 2006 APPROVAL OF THE SUBDIVISION**

The proposed plan includes five single-family lots on 0.73 acres. The property slopes approximately 18-19% from the front of the lots to the back with the grade rising from the street. Since the slopes are below 20%, the lots will not be designated as critical lots. Four lots front on Ozark Street, while one lot (Lot 5) will have access to South 11<sup>th</sup> Street. Lot 5 is an existing house that will remain on this lot.

Since this property falls within an area with a Sidewalk Priority Index of greater than 20, sidewalks are required. Sidewalks are proposed along the frontage of Ozark Street.

Section 3-5.1 of the Subdivision Regulations state that new lots in areas that are predominantly developed are to be generally in keeping with the lot frontage and lot size of the existing surrounding lots.

A lot comparability analyses was conducted. The lot comparability analysis yielded the following information:

	Minimum Lot Frontage	Minimum Lot Size
Ozark Avenue	43.77 feet	5,724 sq. ft.

All lots meet the lot comparability requirements with lots ranging in size from 5,738 square feet to 8,221 square feet, and lot frontages of 56 linear feet.

Since there is an existing alley to the rear of two of the new lots, staff recommends that rear access be provided on lots 3 and 4 to insure a streetscape consistent with the surrounding area.

**CONDITIONS**

1. Prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as Critical Lots.
2. Prior to final plat recordation, a revised plat must be submitted with a new note that reads: "Lots 3 and 4 shall have rear access only to alley #291."

**Resolution No. RS2006-292**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-256U-05 is **APPROVED WITH CONDITIONS, including the elimination of condition #1. (6-3)**

**Conditions of Approval:**

1. Prior to final plat recordation, a revised plat must be submitted labeling lots 1 through 4 as Critical Lots.
2. Prior to final plat recordation, a revised plat must be submitted with a new note that reads: "Lots 3 and 4 shall have rear access only to alley #291."

Approved, Consent Agenda (7-0)

**Resolution No. RS2011-237**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2006S-256U-05 is **APPROVED. (7-0)**"

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**K. OTHER BUSINESS**

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- 14.** Confirmation of Hud Hudson to the Harding Town Center Advisory Committee

Approved, Consent agenda (7-0)

**Resolution No. RS2011-238**

"BE IT RESOLVED by The Metropolitan Planning Commission that confirmation of Hud Hudson to the Harding Town Center Advisory Committee is **APPROVED. (7-0)**"

- 15.** Employee contract renewal for Mary-Beth Ikard.

Approved, Consent agenda (7-0)

**Resolution No. RS2011-239**

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Mary-Beth Ikard is **APPROVED. (7-0)**"

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

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

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### **November 10, 2011**

#### MPC Meeting

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

### **December 1, 2011**

#### Bellevue Community Meeting

6 pm, 7675 Highway 70S, Cross Point Church.

Topic: Bellevue Community Plan Update – draft plan review

### **December 8, 2011**

#### Work Session

1:45pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center

Topic: Midtown Plan Amendment and Broadway/West End Alternatives Analysis (MTA)

#### MPC Meeting

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

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## **M. ADJOURNMENT**

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Meeting adjourned at 7:32pm.

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Chairman

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Secretary