

Metropolitan Planning Commission



Staff Reports

November 13, 2014



Metro Planning Commission Meeting of 11/13/2014

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.



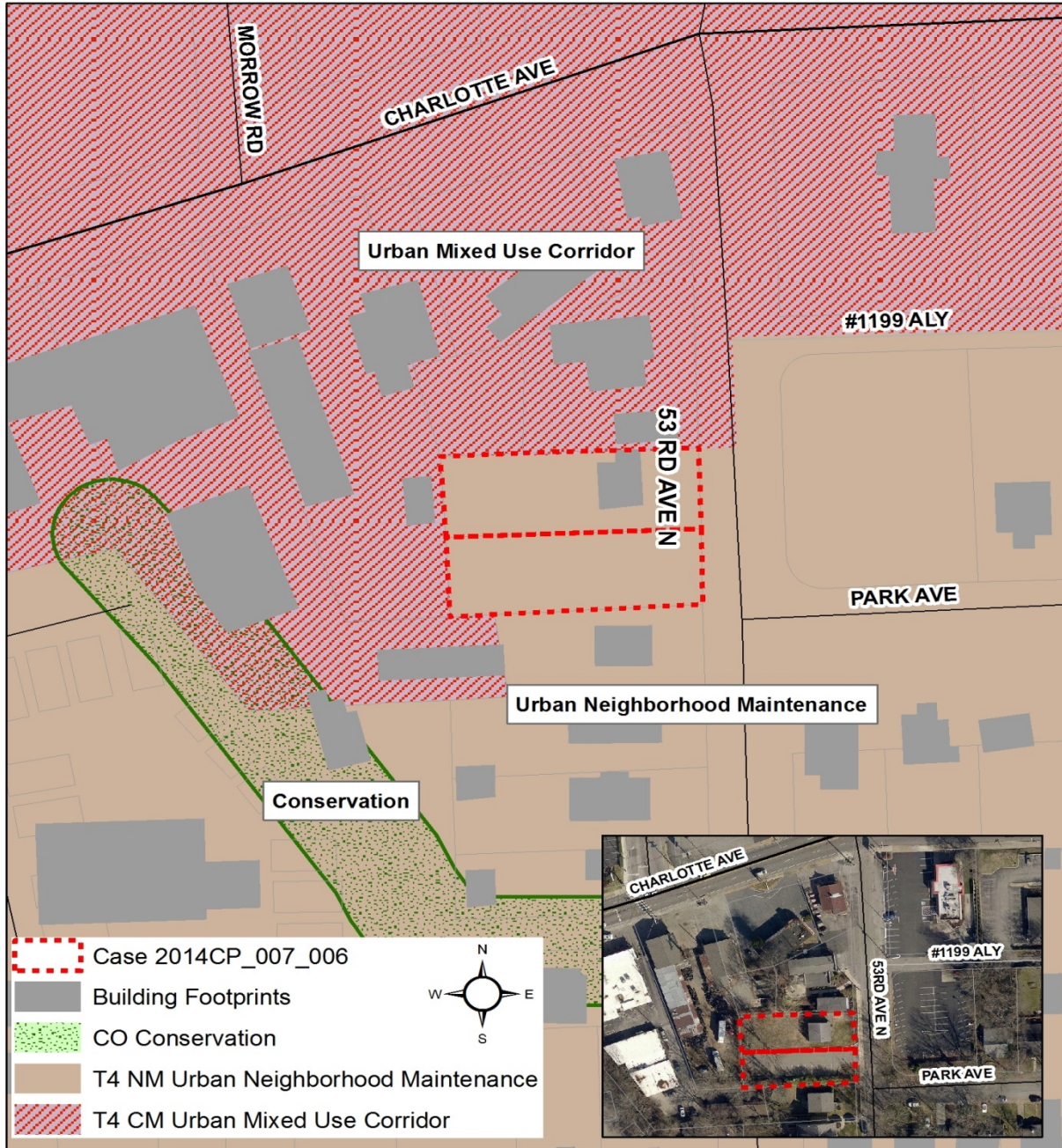
PREVIOUSLY DEFERRED ITEMS

- **Community Plan Amendments**
- **Specific Plans**
- **Zone Changes**



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ATTACHMENT A: Map of the Proposed Amendment Area West Nashville Community Plan Amendment Case # 2014CP-007-006



2014CP-007-006
 WEST NASHVILLE PLAN AMENDMENT
 Map 091-15, Parcel(s) 039-040
 07, West Nashville
 24 (Jason Holleman)



Project No. Major Plan Amendment 2014CP-007-006
Project Name West Nashville Community Plan Amendment
Associated Case 2014SP-062-001
Council District 24 – Holleman
School District 9 – Frogge
Requested by Dale and Associates, applicant; Henry and Sarah Hood, owners.

Deferral This request was deferred from the October 23, 2014, Planning Commission meeting at the request of the applicant.

Staff Reviewer Capehart
Staff Recommendation *Disapprove.*

APPLICANT REQUEST

Amend land use policy from Urban Neighborhood Maintenance policy (T4 NM) to Urban Mixed Use Corridor (T4 CM).

Major Plan Amendment

A request to amend the West Nashville Community Plan: 2009 Update to change the Land Use Policy from Urban Neighborhood Maintenance Policy (T4 NM) to Urban Mixed Use Corridor Policy (T4 CM) for properties located at 333 and 335 53rd Avenue North.

CRITICAL PLANNING GOALS

N/A

WEST NASHVILLE COMMUNITY PLAN

Current Policy

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

Special Policy in this Urban Neighborhood Maintenance Area

There are four parcels located on both sides of 53rd Avenue North that are either partly or entirely zoned OR20. Two of these parcels (09115003900 and 09115004100) contain single-family homes and two parcels (09115004000 and 09115010500) contain surface parking parcels. Although this zoning and the parking parcels do not conform to the T4 Urban Neighborhood Maintenance policy, the OR20 zoning may be retained because of this area’s ability to serve as a transition from the more intense commercial and mixed use development along Charlotte Avenue to this Neighborhood Maintenance area, but the zoning should not be allowed to expand. Any future rezoning should move closer to conformance with the Neighborhood Maintenance policy.



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Proposed Policy

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

BACKGROUND

The companion to this case, 2014SP-062-001 considers a zone change from OR20 and CS to SP-C district on properties located at 333 and 335 53rd Avenue North to permit a full service-restaurant and grocery store. The proposed zoning and land uses are inconsistent with the T4 NM policy and its special policy. The special policy recommends that the OR20 and CS zoning not expand, and that any changes in zoning align with the Urban Neighborhood Maintenance policy.

COMMUNITY PARTICIPATION

An early postcard notification announcing the plan amendment was sent to property owners within 1,300 feet of the potential plan amendment area. A notice communicating the time and date of the community meeting and Planning Commission Public Hearing was sent to property owners within 1,300 feet of the potential plan amendment area.

A community meeting was held on Monday, October 6th, 2014 at the McCabe Community Center (4601 Murphy Rd, Nashville, TN 37209) from 6:00 p.m. to 7:00 p.m. There were six attendees at the meeting. There was some hesitation expressed from meeting attendees about the proposal to apply the Urban Mixed Use Corridor policy to the subject properties because of the intensity of development that it can allow.

The proposed zone change was also discussed at the October 6th meeting. While the attendees were amenable to limited commercial land uses on the proposed properties, there was still a strong desire to maintain a transition from Charlotte Pike to the interior of the neighborhood. Attendees discussed building design and massing, and limiting the types of commercial uses, as ways to achieve an appropriate transition.

ANALYSIS

Physical Site Conditions

There is 100-year floodplain on the back portions of the subject properties; approximately 566 square feet on 335 53rd Avenue North approximately and 2,178 square feet on 333 53rd Avenue North.

Land Use

335 53rd Avenue North is classified as 1-unit residential and there is an existing structure on the property. 333 53rd Avenue North is classified as automobile parking. The subject properties are surrounded to the north and west by commercial and industrial land uses. Land uses to the east of the subject properties include commercial land uses and automobile parking. Land uses to the south are predominately single family residential.



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Existing Development Pattern

The development pattern is urban, characterized by a gridded street pattern and moderately sized lots. Residential properties in the area are generally equal to or less than 10,000 square feet (0.23 acres). Commercial properties near the subject properties range in size from 8,700 square feet (0.2 acres) to 16,500 square feet (0.38 acres). The subject properties combined are 14,810 square feet (0.34 acres).

Access

The subject properties currently have access from 53rd Avenue North, a local street. There is no alley.

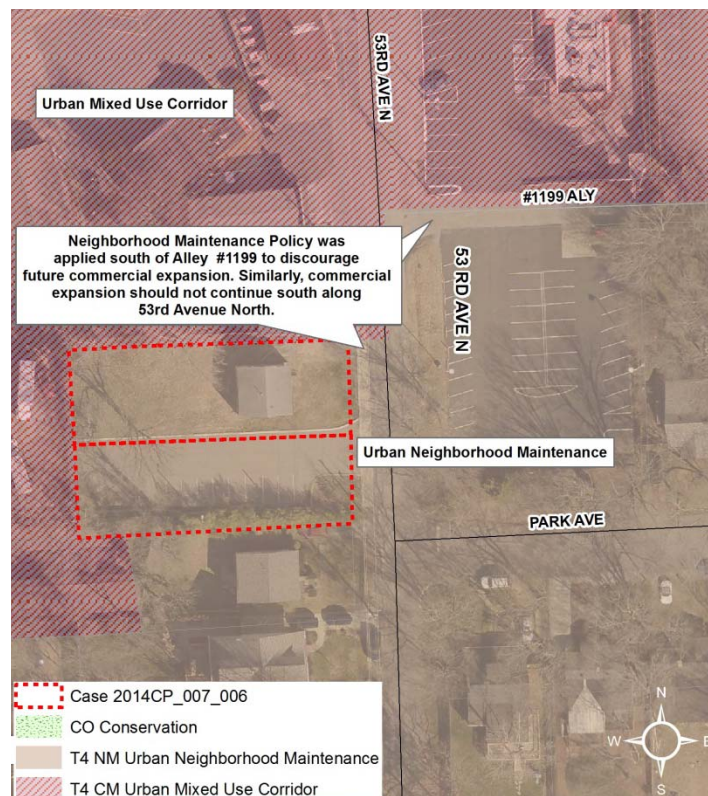
Historic Features

The existing structure on 335 53rd Avenue North is identified as Worthy of Conservation, and is among other worthy of conservation properties on 53rd Avenue North, and that are identified as the Sylvan Park Historic District.

Summary

The existing Urban Neighborhood Maintenance policy and its Special Policy (that limits the expansion of the existing OR20 and CS zoning) are appropriate at this location.

At this location, the subject properties and an automobile parking lot east of 53rd Avenue North are zoned OR20 and are in the Urban Neighborhood Maintenance policy. The application of Urban Neighborhood Maintenance Policy in this location was to discourage the expansion of commercial beyond Alley #1199 and further south along 53rd Avenue North; therefore the application of Urban Mixed Use Corridor is inappropriate.





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STAFF RECOMMENDATION

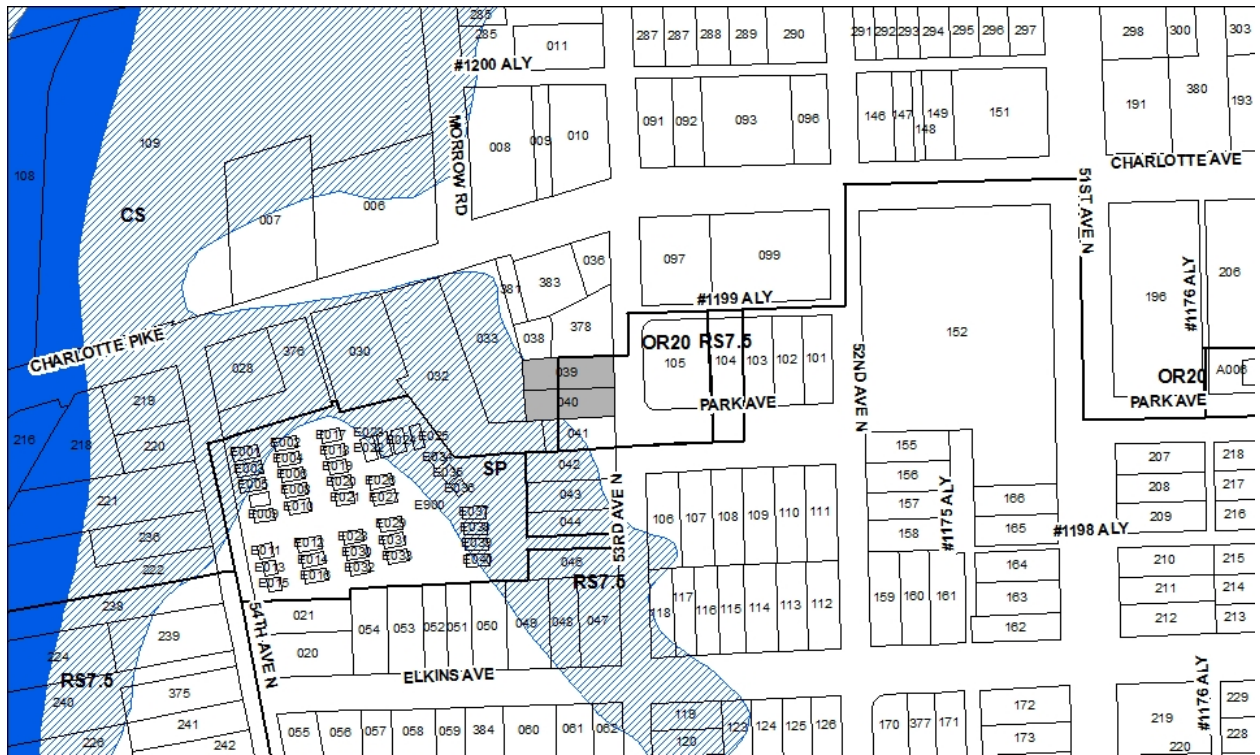
Staff recommends disapproval.



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2014SP-062-001
53RD AVENUE NORTH
Map 091-15, Parcel(s) 039-040
07, West Nashville
24 (Jason Holleman)



Project No. 2014SP-062-001
Project Name 53rd Avenue North
Associated Case 2014CP-007-006
Council District 24 – Holleman
School District 9 – Frogge
Requested by Dale and Associates, applicant; Henry and Sarah Hood, owners.

Deferral This request was deferred from the October 23, 2014, Planning Commission meeting at the request of the applicant.

Staff Reviewer Sajid
Staff Recommendation *Disapprove.*

APPLICANT REQUEST

Preliminary SP to a full-service restaurant and grocery store.

Preliminary SP

A request to rezone from Office/Residential (OR20) and Commercial Service (CS) to Specific Plan-Commercial (SP-C) zoning for properties located at 333 and 335 53rd Avenue North, approximately 260 feet south of Charlotte Avenue and partially located within the Floodplain Overlay District, (0.34 Acres), to permit a restaurant and grocery store within the existing building.

Existing Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 6 residential units and a maximum of 7,676 square feet of office space.*

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses. *CS would permit a maximum of 3,550 square feet of commercial space.*

Proposed Zoning

Specific Plan-Commercial (SP-C) 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

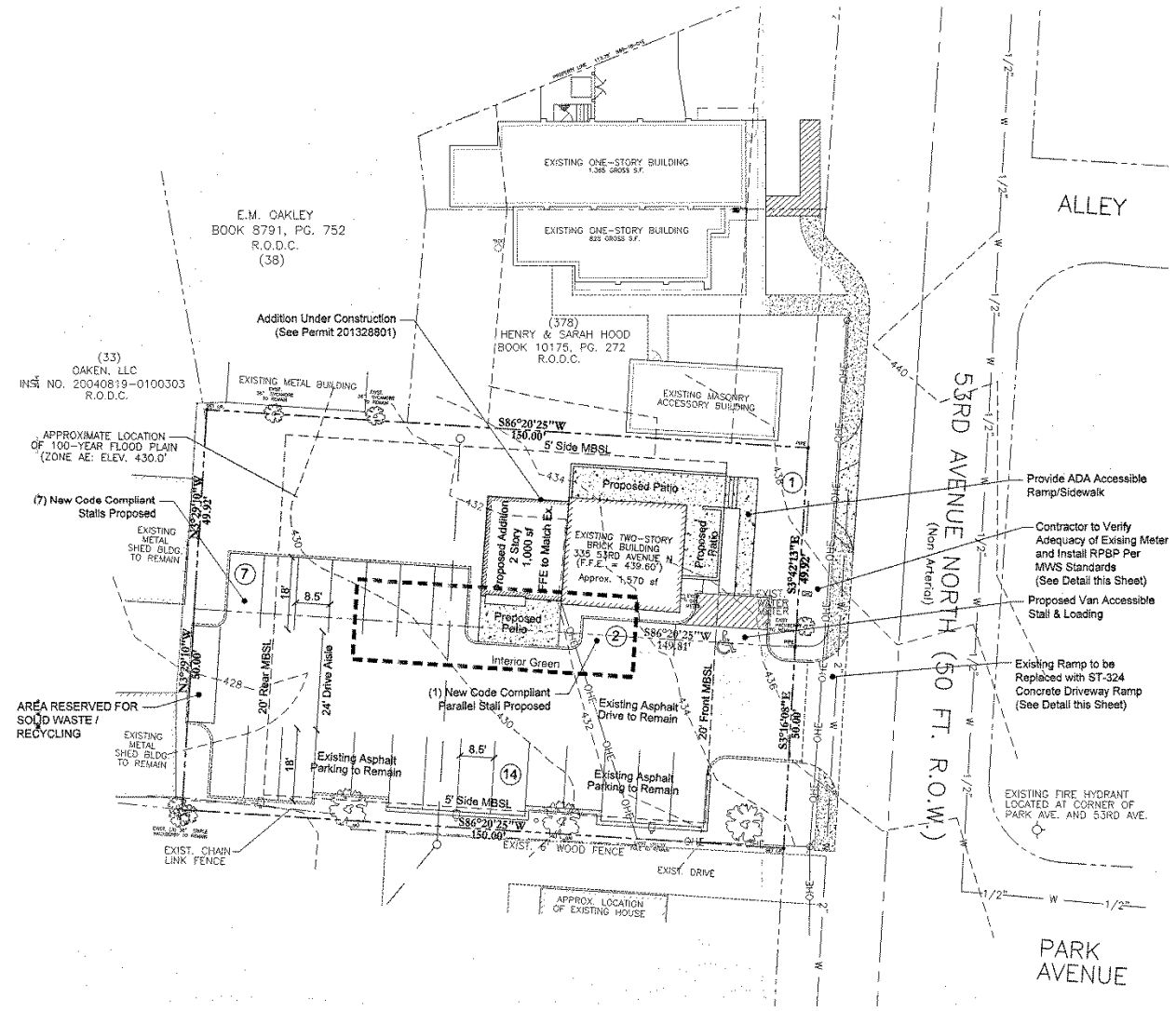
WEST NASHVILLE COMMUNITY PLAN

Existing Policy

Urban Neighborhood Maintenance (T4 NM) policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance



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Proposed Site Plan



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infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

Proposed Policy

Urban Mixed Use Corridor (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?

The proposed SP is not consistent with the existing policy. Urban Neighborhood Maintenance is a residential policy that is intended to preserve the general character of urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm whereas the SP proposes a commercial use.

The proposed SP is consistent with the proposed Urban Mixed Use Corridor policy. The request would allow for a new full-service restaurant and small grocery store that is located south of the intersection of Charlotte Pike and 53rd Avenue North in an area characterized by intense mixed use.

Although the proposed SP is consistent with the requested plan amendment, staff finds that the existing Urban Neighborhood Maintenance policy is more appropriate for this site. The existing policy provides for a better transition to the south rather than extending the intensity present along Charlotte Pike farther into the neighborhood. Extending the corridor policy into the neighborhood would set a bad precedent for this area.

PLAN DETAILS

The site is located south of the intersection of Charlotte Avenue and 53rd Avenue North. Surrounding zoning includes CS, OR20, SP and RS7.5, and the area includes a mixture of uses. Access to the site is from an existing driveway on 53rd Avenue North.

Site Plan

The SP proposes a 2,570 SF full-service restaurant and grocery store on the site. Two parcels are included in the SP. The front two-thirds of both parcels are zoned OR20 while the rear third is zoned CS. The proposed restaurant use is not permitted in OR20. The site includes an existing two story brick building which, along with a rear building addition, is proposed for the restaurant and grocery store uses. The addition was originally permitted as an office use and is already under construction. Patios for outdoor dining are also proposed at the front and north side of the existing building.

The SP provides a total of 23 parking spaces. The fourteen existing spaces located along the southern property line will remain, and an additional nine space are proposed. Since the site is located in the Urban Zoning Overlay, the Zoning Code exempts the first 1,000 SF of gross floor area and requires 1 space per 150 SF in excess of 1,000 SF. Therefore, the proposed restaurant use



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must provide a minimum of 10 parking spaces per the Zoning Code. In addition, the site is subject to a parking agreement with Miel, which is located immediately north of the subject property. Seven of the parking spaces located on the subject property already committed to Miel to provide parking required by the Zoning Code. This leaves 16 parking spaces for the proposed restaurant while only 10 are required by the code. If the entire building served as a stand-alone grocery store, a maximum of 2 parking spaces would be required per the Zoning Code. The SP is consistent with the requirements of the Zoning Code for parking.

Since the site is located in proximity of residences, staff recommends that, if approved, signage follow the requirements of the MUL district, which prohibits LED and digital display signs with the exception of time/temperature/date signs.

ANALYSIS

Staff recommends disapproval of the SP as the use is not consistent with the Urban Neighborhood Maintenance policy. Although a plan amendment has been requested, the existing policy provides for a better transition to the south rather than extending the intensity present along Charlotte Pike farther into the neighborhood.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Approved

TRAFFIC & PARKING RECOMMENDATION

No exception taken

WATER SERVICES RECOMMENDATION

Approve

- Approved as Preliminary SP - Applicant will need to pay required capacity fees before FINAL SP can be approved.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

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

No table was prepared because this request is not anticipated to generate significant additional traffic.

STAFF RECOMMENDATION

Staff recommends disapproval of the SP as the use is not consistent with the Urban Neighborhood Maintenance policy.

CONDITIONS (if approved)

1. Uses within the SP shall be limited to full-service restaurant and grocery store uses.
2. Parking located in front of the building shall be screened with evergreen landscaping.

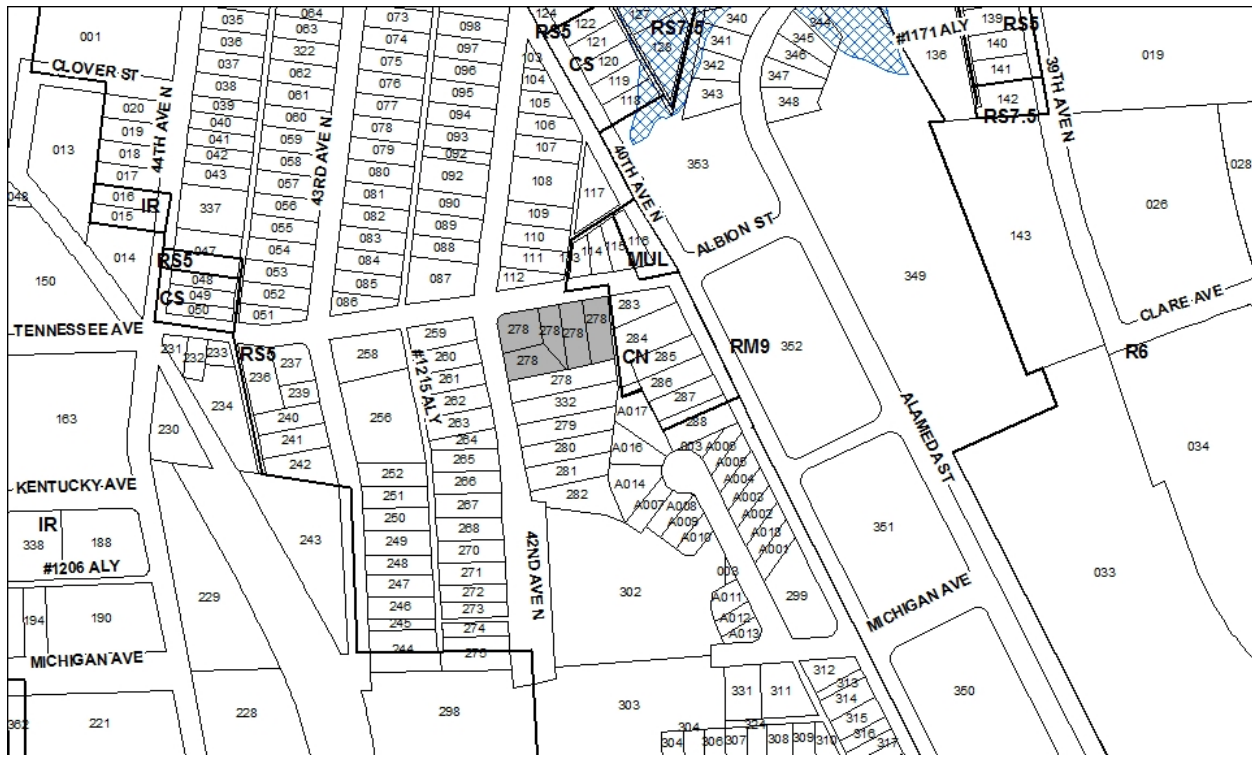


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3. Signage shall be limited to MUL zoning district standards.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the CS 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 or with final site plan application.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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2014CP-008-002

NORTH NASHVILLE PLAN AMENDMENT

Map 091-08, Parcel(s) 278.02, 278.03, 278.04, 278.05, 278

08, North Nashville

(Edith Taylor Langster)



Project No. **Minor Amendment 2014CP-008-002**
Project Name **North Nashville Community Plan: 2010 Update – Mending Hearts**
Council District 21 – Langster
School Districts 1 – Gentry
Requested by Mending Hearts Inc., Owner.

Deferrals This request was deferred at the September 11, 2014, and the October 9, 2014, Planning Commission meetings at the request of the applicant.

Staff Reviewer McCullough
Staff Recommendation *Approve.*

APPLICANT REQUEST

Amend the North Nashville Community Plan from Urban Neighborhood Maintenance policy to Urban Neighborhood Evolving policy

Minor Plan Amendment

A request to amend the *North Nashville Community Plan: 2010 Update* by changing the current Community Character policy from Urban Neighborhood Maintenance (T4 NM) to Urban Neighborhood Evolving (T4) NE for the property located at 4101, 4103, and 4105 Albion Street and at 930 and 932 42nd Avenue North.

Current Land Use Policy

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

Proposed Land Use Policy

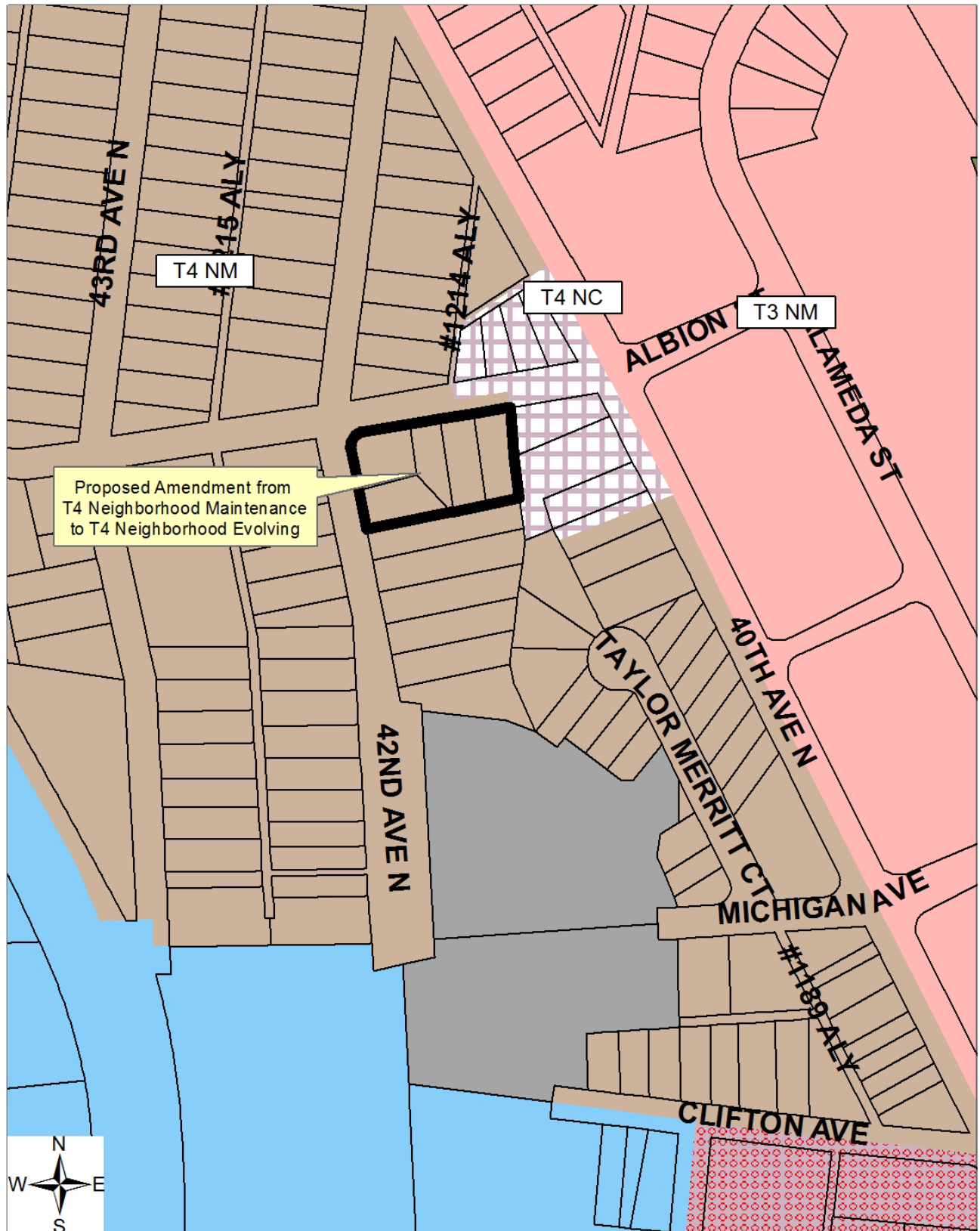
Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

BACKGROUND

The properties – 4101, 4103, and 4105 Albion Street and at 930 and 932 42nd Avenue North – are located on the southeast corner of the intersection of Albion and 42nd Avenue North. This area is predominately residential except for parcels along 40th Avenue North, which are in Urban



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Neighborhood Center Policy and zoned CN, Commercial Neighborhood District and MUL, Mixed Use Limited District. The residential area was one of several downzoned in 2005 to RS5, to limit the amount of multi-family housing. Existing multi-family continues to remain and contribute to the housing choice in the area. The property in question has two duplex units and two triplex units on four parcels. The parcel directly on the corner of 42nd Avenue North and Albion Street once contained a duplex, but is currently vacant.

The North Nashville Community Plan was last updated in 2010.

COMMUNITY PARTICIPATION

Several conversations have been held between the applicant and the Tomorrow's Hope Neighborhood, to discuss options for the property since 2012, when the applicant began to plan for expansion.

A community meeting was held by the Planning Department on August 25, 2014. It was attended by approximately 35 people from the surrounding Tomorrow's Hope Neighborhood, including Councilmember Edith Taylor Langster and State Representative Harold Love.

ANALYSIS

The subject properties are in an area of transition between the single family homes to the south and west, and an area designated as Neighborhood Center, along 40th Avenue North, to the east. There are five contiguous parcels, with ten units in four buildings. The corner site is currently used as a garden. The easternmost parcel is near a stream, but is not in the floodway. The applicant has been advised that a buffer may be required, as determined by Metro Stormwater, when planning the redevelopment of the property.

The amendment of the area from Neighborhood Maintenance policy to Neighborhood Evolving policy does not encourage the conversion of any additional single family properties to multi-family, as this property has been multi-family for over 40 years. Staff does not recommend the inclusion of the properties on the north side of Albion Street in the change to Neighborhood Evolving because they are within a clearly established lot pattern oriented to 42nd Street.

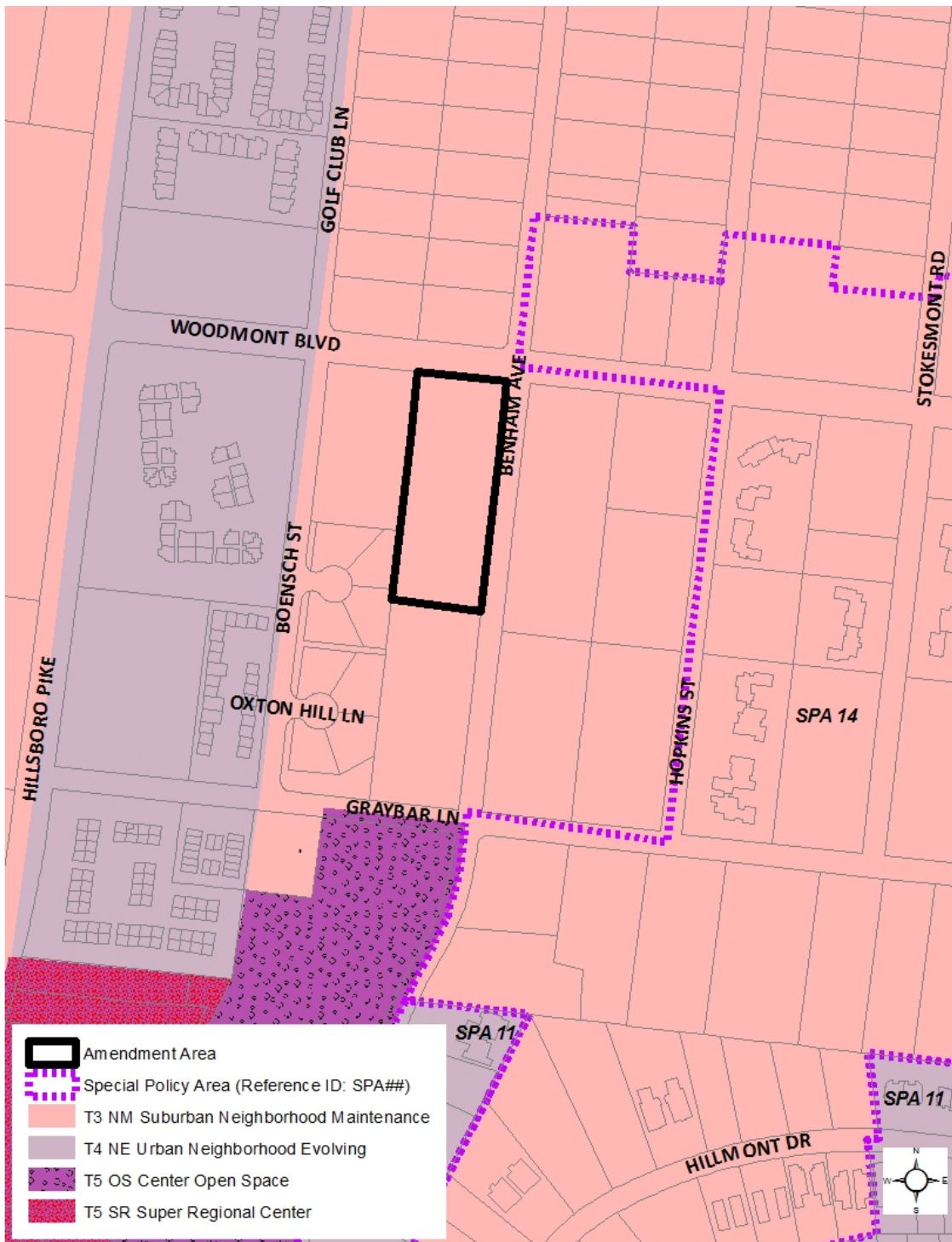
Under the guidance of the Urban Neighborhood Evolving policy, the subject properties will be developed in a manner that is complementary to the surrounding neighborhood, in regards to building setback, form and height.

STAFF RECOMMENDATION

Staff recommends approval.



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2014CP-010-002

GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT

2001 Woodmont Boulevard, Map 117-11, Parcel 28

Green Hills-Midtown

25- Sean McGuire



Project No.	Minor Plan Amendment 2014CP-010-002
Project Name	Green Hills-Midtown Community Plan: 2005 Update – 2001 Woodmont Boulevard
Associated Case	2014SP-019-001
Council District	25 – McGuire
School District	8 – Pierce
Requested by	Civil Site Design Group, PLLC, applicant; Green Hills Property Partners, LLC, owner.

Deferral This request was deferred at the September 11, 2014, and the October 9, 2014, Planning Commission meetings at the request of the applicant.

Staff Reviewer	Wood
Staff Recommendation	<i>Withdraw.</i>

APPLICANT REQUEST

Add Special Policy language to support the continuation of an existing nonresidential use.

Minor Plan Amendment

A request to amend the Green Hills-Midtown Community Plan to add Special Policy language to the Suburban Neighborhood Maintenance (T3 NM) policy that applies to the property located at 2001 Woodmont Boulevard to support the continuation of an existing non-residential use, at the southwest corner of Woodmont Boulevard and Benham Avenue (2.36 acres), requested by Civil Site Design Group, PLLC, applicant; Green Hills Property Partners, LLC, owner (also see Specific Plan case # 2014SP-019-001).

CRITICAL PLANNING GOALS

N/A

GREEN HILLS-MIDTOWN COMMUNITY PLAN

CURRENT POLICY

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

PROPOSED POLICY

The proposal is to designate the property as a Special Policy Area within the Suburban Neighborhood Maintenance policy area that would support the continued limited institutional use of the property consistent with how it has been used in the past under the nonconforming use provisions of the Zoning Code.



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BACKGROUND

The property at 2001 Woodmont Boulevard has been used for various office and limited institutional purposes over the past 33 years. The uses were for many years permitted through the Board of Zoning Appeals under conditional use permits. When the most recent Zoning Code was adopted in 1998, this category of uses was discontinued and the property became a lawful nonconforming use under Tennessee State Law.

The current property owners would like to have the property zoned in accordance with its use rather than continuing to go through future approval processes through the Board of Zoning Appeals. The property has most recently been used for a variety of wellness activities including physical therapy, massage therapy, and fitness classes. The prospective buyer wants to use the property in the same manner and will not be increasing the degree of nonconformity.

When the community plan amendment application was submitted in February 2014, the Land Use Policy that was in place was Residential Low-Medium Density (RLM). RLM was one of the policies in the now-obsolete Land Use Policy Application (LUPA) manual that was used in the older community plans. All of the remaining LUPA policy areas in the county were translated to their closest equivalents in the Community Character Manual (CCM) by the Planning Commission on April 10, 2014. The translated policies became effective on June 12, 2014.

The CCM contains policies for land uses that do not conform to zoning and land uses and zoning that are inconsistent with policy. These policies are found within the General Principles chapter of the CCM. Staff reviewed the proposal in light of a letter from the Zoning Administrator that was provided by the applicant and assessed it against the General Principles in the CCM.

COMMUNITY PARTICIPATION

Public Hearing Notices were mailed out to property owners within 600 feet of the site on August 29th. Local neighborhood associations were also notified. A copy of the notice was also placed on the Planning Department website.

ANALYSIS

The policies in the CCM General Principles for non-conforming and inconsistent sites generally encourage that they be redeveloped in accordance with the applicable Community Character Policy whenever the uses cease. Generally, these uses are identified and more specific guidance is provided for each through the community plan update process. In some cases, little additional guidance is needed beyond that in the General Principles. Any future rezoning proposals or community plan amendments for these sites should be considered on their merits with attention given to the following issues:

- The use would generate minimal non-local traffic and the traffic can be adequately served by existing infrastructure;
- The proposed use can be adequately served by existing infrastructure;
- The use would not increase the degree of non-conformity with the zoning code; and
- Appropriate zoning can be applied, which, in the course of accommodating the acceptable use, does not expose the adjoining area to the potential for incompatible land uses.

The applicant is proposing to keep the use of the property consistent with historic parameters and is proposing only minor changes that would add more parking to the property. Planning staff has



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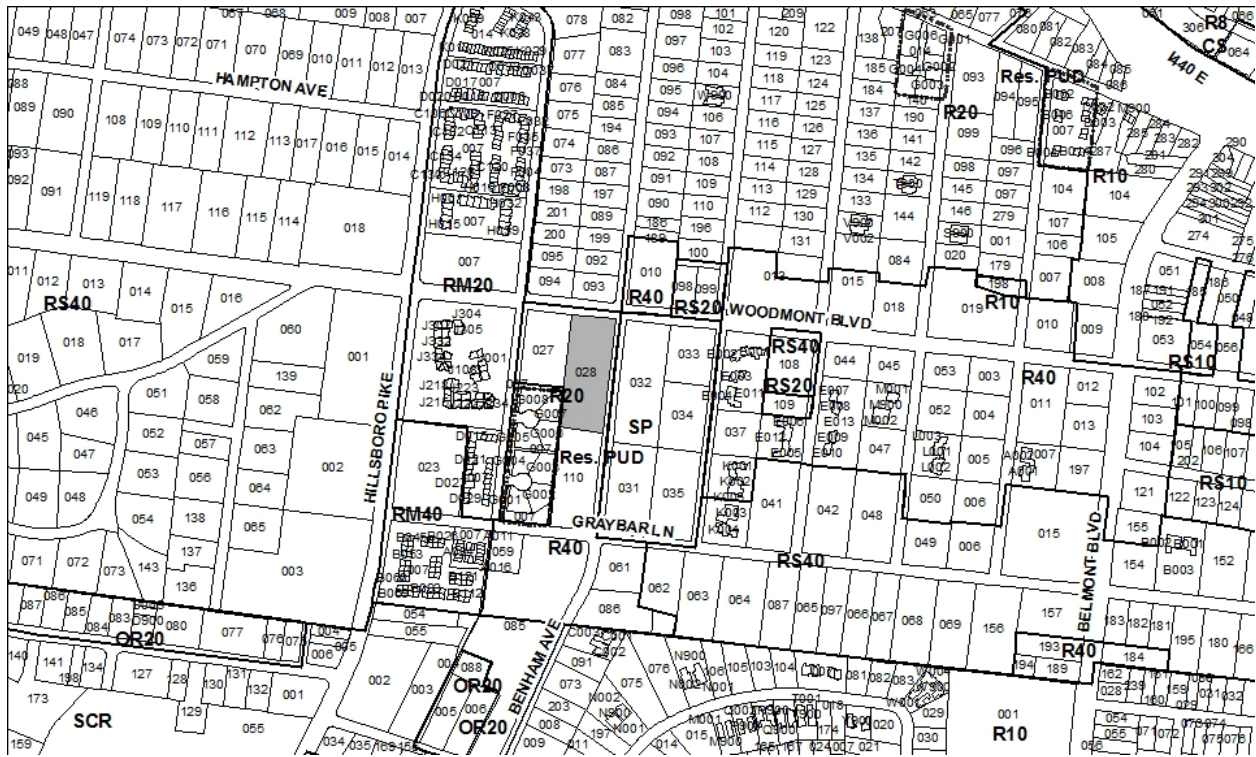
recommended conditions of approval to the SP, including sidewalk requirements, to address any concerns. The SP is the appropriate zoning district to apply to ensure that the above policy guidance is followed and it is consistent with the guidance of the CCM General Principles cited above.

STAFF RECOMMENDATION

Staff recommends that the amendment application be withdrawn because a Special Policy is no longer needed due to the Community Character Manual Translation.



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2014SP-019-001

ELITE PHYSICAL THERAPY

Map 117-11, Parcel(s) 028

10, Green Hills - Midtown

25 (Sean McGuire)



Project No.	Zone Change 2014SP-019-001
Project Name	Elite Physical Therapy
Associated Case	2014CP-010-002
Council District	25 – McGuire
School District	8 – Pierce
Requested by	Civil Site Design Group, applicant; Green Hills Property Partners, LLC, owner.

Deferrals This request was deferred from the September 11, 2014, and the October 9, 2014, Planning Commission meeting at the request of the applicant.

Staff Reviewer Swaggart
Staff Recommendation *Approve with conditions and disapprove without all conditions.*

APPLICANT REQUEST

Preliminary SP to permit physical therapy, medical office and associated uses.

Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Institutional (SP-INS) zoning for property located at 2001 Woodmont Boulevard, at the southwest corner of Woodmont Boulevard and Benham Avenue, (2.36 acres), to permit physical therapy, medical office and associated uses in the existing building.

Existing Zoning

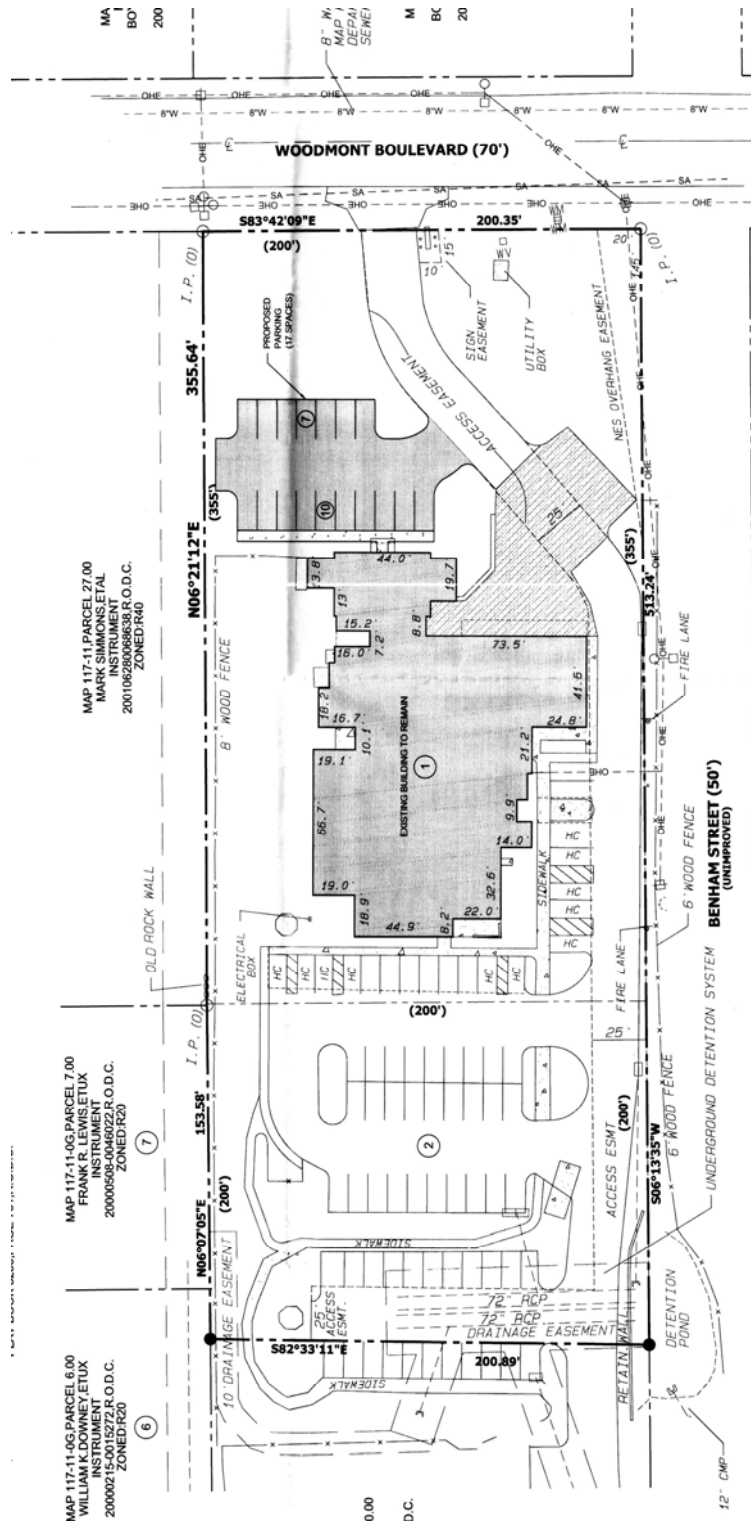
One and Two-Family Residential (R40) requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots. *R40 would permit a maximum of 2 lots with 2 duplex lots for a total of 4 units.*

The property at 2001 Woodmont Boulevard has been used for various office and limited institutional purposes over the past 33 years. The uses that were classified under “community assembly community facility” under the previous code were permitted through the Board of Zoning Appeals under conditional use permits. When the most recent Zoning Code was adopted in 1998, this category of uses was discontinued and the property became a lawful nonconforming use under Tennessee State Law. A letter from the Zoning Administrator detailing the history of this site follows this report.

The current property owners would like to have the property zoned in accordance with its use rather than continuing to go through future approval processes through the Board of Zoning Appeals. The property has most recently been used for a variety of wellness activities including physical therapy, massage therapy, and fitness classes. The prospective buyer wants to use the property in the same manner and will not be increasing the degree of nonconformity.



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Proposed Site Plan



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Proposed Zoning

Specific Plan-Institutional (SP-INS) 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 several uses, including physical therapy, medical office and uses associated with physical therapy.

CRITICAL PLANNING GOALS

N/A

GREEN HILLS-MIDTOWN COMMUNITY PLAN

CURRENT POLICY

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

PROPOSED POLICY

The proposal is to designate the property as a Special Policy Area within the Suburban Neighborhood Maintenance policy area that would support the continued limited institutional use of the property consistent with how it has been used in the past under the nonconforming use provisions of the Zoning Code.

Consistent with Policy?

Staff has determined that no policy amendment is necessary as the existing policy provides adequate guidance for and supports legally nonconforming uses.

PLAN DETAILS

The property is located on the southwest corner of Woodmont Boulevard and Benham Avenue. Benham Avenue is unimproved. A residential SP was recently approved on the southeast corner of Benham Avenue. The plan calls for a pedestrian walkway within the ROW from Woodmont to Graybar Lane. The subject property is currently developed and contains a two story 16,700 square foot building and associated parking.

This site has not been used as a residential structure since the late 1960s. The physical therapy and associated uses were permitted under previous zoning. The uses are currently nonconforming, but are protected by state statute.

Site Plan

The plan limits the floor area on the site to the current size of the existing building (16,700 square feet). The only improvement shown on the plan includes a new 17 space parking lot. The lot is located in front of the building approximately 80 feet from Woodmont.



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The SP proposes the following uses:

- Single and two-family residential;
- Physical therapy;
- Sports training & fitness;
- Nutrition, therapeutic massage and wellness services;
- Chiropractic, acupuncture and aesthetics (skin care) services;
- In-office medical services including medical imaging and any other in-office procedures (not more than 2 physicians, midlevel providers [nurse practitioners or physician's assistant]).

ANALYSIS

Staff recommends approval with conditions. The Zoning Administrator has indicated that the current and proposed uses are permitted today, as they are protected by state statute.

Staff has included conditions to the approval. Staff conditions of approval include a condition to require a sidewalk along Woodmont Boulevard and to provide an internal walkway connection to that sidewalk. While there are no sidewalks in the immediate area, the SP that was recently approved on the opposite side of Benham includes a sidewalk along Woodmont and also includes a pedestrian path within the unimproved ROW of Benham. Since the neighboring plan is providing sidewalks, a sidewalk with this project will help extend the pedestrian network in an area where it is needed. Staff is also recommending that any form of residential be prohibited. The plan provides no guidelines for residential development. If residential were to be permitted, then the SP would need to be revised to provide adequate standards for any residential use.

FIRE MARSHAL'S OFFICE

N/A

PUBLIC WORKS RECOMMENDATION

Approved with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter and grass strip.

STORMWATER RECOMMENDATION

Approved

WATER SERVICES

Approved

STAFF RECOMMENDATION

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

CONDITIONS

1. Uses shall be limited to those identified on the SP plan; however, residential uses shall be prohibited.



Metro Planning Commission Meeting of 11/13/2014

2. Prior to the issuance of any use permits, a sidewalk shall be provided along Woodmont Boulevard. The sidewalk shall be consistent with the Major and Collector Street Plan.
3. Prior to the issuance of any use permits, an internal walkway connection shall be made from the building entrance to the required sidewalk along Woodmont Boulevard.
4. All landscaping shall meet current landscaping requirements of the Metro Zoning Code, including tree protection and placement.
5. Signage shall be limited to signage permitted within the ON zoning district, except that any ground sign shall be monument type and shall not be more than five feet in height.
6. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the ON zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Metro Planning Commission Meeting of 11/13/2014

KARL F. DEAN
MAYOR



METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY

DEPARTMENT OF CODES & BUILDING SAFETY

February 10, 2014

OFFICE ADDRESS
METRO OFFICE BUILDING – 3rd FLOOR
800 SECOND AVENUE, SOUTH
NASHVILLE, TENNESSEE 37210

MAILING ADDRESS
POST OFFICE BOX 196300
NASHVILLE, TENNESSEE 37219-6300
TELEPHONE (615) 862-6500
FACSIMILE (615) 862-6514
www.nashville.gov/codes

MPower MD, LLC
2021 Church Street
Suite 200
Nashville, TN 37203
Attn: Justin Lawson, President

Re: Permitted Use of Property at 2001 Woodmont Boulevard, Nashville, Davidson County, Tennessee, Parcel ID # 11711002800 (the "Property")

Ladies and Gentlemen:

This office has been requested to confirm to you certain facts and circumstances concerning the current zoning and land use approval status of the above-referenced Property. In furtherance of that request, we hereby confirm and advise you as follows, to wit:

1. The Property is located within jurisdictional limits of The Metropolitan Government of Nashville and Davidson County.

2. Property is located in the R40 zoning district as described in the Zoning Code of The Metropolitan Government of Nashville and Davidson County (the "Zoning Code"), adopted in 1998.

3. On April 9, 1969, the Metropolitan Planning Commission approved a site plan for American Child Care Centers, Inc. On or about June 4, 1969, Building Permit No. 69-73648 was issued to permit American Child Care Centers, Inc., to use the Property for a day care facility for 228 children. At the time the property was located in an Estate B zoning district under the Davidson County Zoning Regulation.

4. On or about January 16, 1981, the Sertoma Club of Nashville and its lessee, the Easter Seals Society of Middle Tennessee, made an application under Building Permit No. 81-27432 to use the Property for a community assembly community facility. At the time the property was located in a R-40 zoning district under the 1974 Comprehensive Zoning Ordinance of the Metropolitan Government. A community assembly community facility was a conditional use in a R-40 district under the Comprehensive Zoning Ordinance. A community assembly community facility was defined in Section 13.53(b) of the Comprehensive Zoning Ordinance as follows:

(b) Activity type, community assembly community facilities: include the activities typically performed by, or at, the following institutions or installations:

- (1) Parochial and private, nonprofit clubs, lodges, meeting halls, and recreation centers and areas.
- (2) Temporary nonprofit festivals.

5. The requested conditional use permit for the community assembly community facility was granted by the Board of Zoning Appeals on or before April 23, 1981.

6. Also on January 16, 1981, the Sertoma Club of Nashville and its lessee, the Easter Seals Society of Middle Tennessee, made an application under Building Permit No. 81-27433 to use the Property use the existing non-residential building on the Property for a day care facility for the mentally and physically handicapped. A day care center for children community facility was a conditional use in a R-40 district under the Comprehensive Zoning Ordinance. The requested conditional use permit for the day care center for children community facility was granted by the Board of Zoning Appeals on or before April 23, 1981.

7. In 1996, the Sertoma Club applied to construct a 2800 square foot connector with office space and a 7,746 square foot addition for an indoor pool and outdoor tennis courts and to renovate the building so as to provide physical therapy services to the developmentally disabled. The Zoning Administrator initially denied the application on the grounds that the proposed use was an administrative community facility and not a community assembly community facility. The Sertoma Club appealed the Zoning Administrator's decision to the Board of Zoning Appeals, and in Case No. 96-16 the Board of Zoning Appeals overturned the Zoning Administrator's decision and found that the proposed use was community assembly community facility. In Case No. 96-230, the Board of Zoning Appeals approved a variance in the floor area ratio on December 16, 1996, to permit the construction of the 7,746 square foot addition with swimming pool and tennis court. The Board of Zoning Appeals approved a modification of the approved plan on the 10th day of November, 1997 to allow for an adjustment in the driveway and parking in light of the inability to use the right-of-way as shown on the plan approved on December 19, 1996.

8. Easter Seals Tennessee, Inc. utilized the Property for physical therapy, massage therapy, and general office. I am informed that there were 6 full-time licensed physical therapists, 3 for pediatrics and 3 for adults, and one full-time licensed massage therapist at the facility. I am informed that fitness, weight training and yoga classes were held in the facility and water aerobics and water exercise classes were held in the indoor swimming pool. I am informed that the south end of the 2nd floor was used by a physician who specialized in sleep research who had patients come in to the facility at night for monitoring while sleeping.

9. In 1998, the newly adopted Zoning Code became effective. The community assembly community facility was no longer a use category under the Zoning Code, and effective July 1, 1999, a day care center for over 75 was not a use permitted in the R-40. Therefore the prior uses of the Property for as a community assembly community facility and a day care center for over 75 became nonconforming uses which are protected by Tenn. Code Ann. § 13-7-208.

10. MPower MD, LLC, now proposes to acquire the Property and use it for a concierge wellness center. The concierge wellness center will provide personal training, nutrition, fitness training, physical therapy and medical services to clients on a very low client to staff ratio. The proposed staff would be approximately 15-20 FTEs, including 4 FTE physical therapists, 1 chiropractor, 2 massage therapists, 4 to 6 FTE trainers (including personal trainers, group trainers and performance trainers), 1 FTE orthopedic physician and 1 FTE concierge physician. Any or both of the physicians' slots may be filled by a physician's assistant and/or a nurse practitioner.

11. The uses proposed for the concierge wellness center by MPower MD, LLC are consistent with the prior uses of the Property for a community assembly community facility and a day care center and therefore would be permitted as legal nonconforming uses pursuant to Tenn. Code Ann. § 13-7-208.

12. There are no pending applications, staff-initiated recommendations or administrative actions to change or amend the current Zoning Code and/or Zoning Map so as to modify the permitted uses of the Property or which would affect or impose additional conditions on the above-described current use of the Property or any of the improvements, if any, remaining to be constructed on the Property.

Should additional information be required of this office concerning the Property, you may contact the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Herbert", with a long, sweeping horizontal line extending to the right.

Bill Herbert
Zoning Administrator

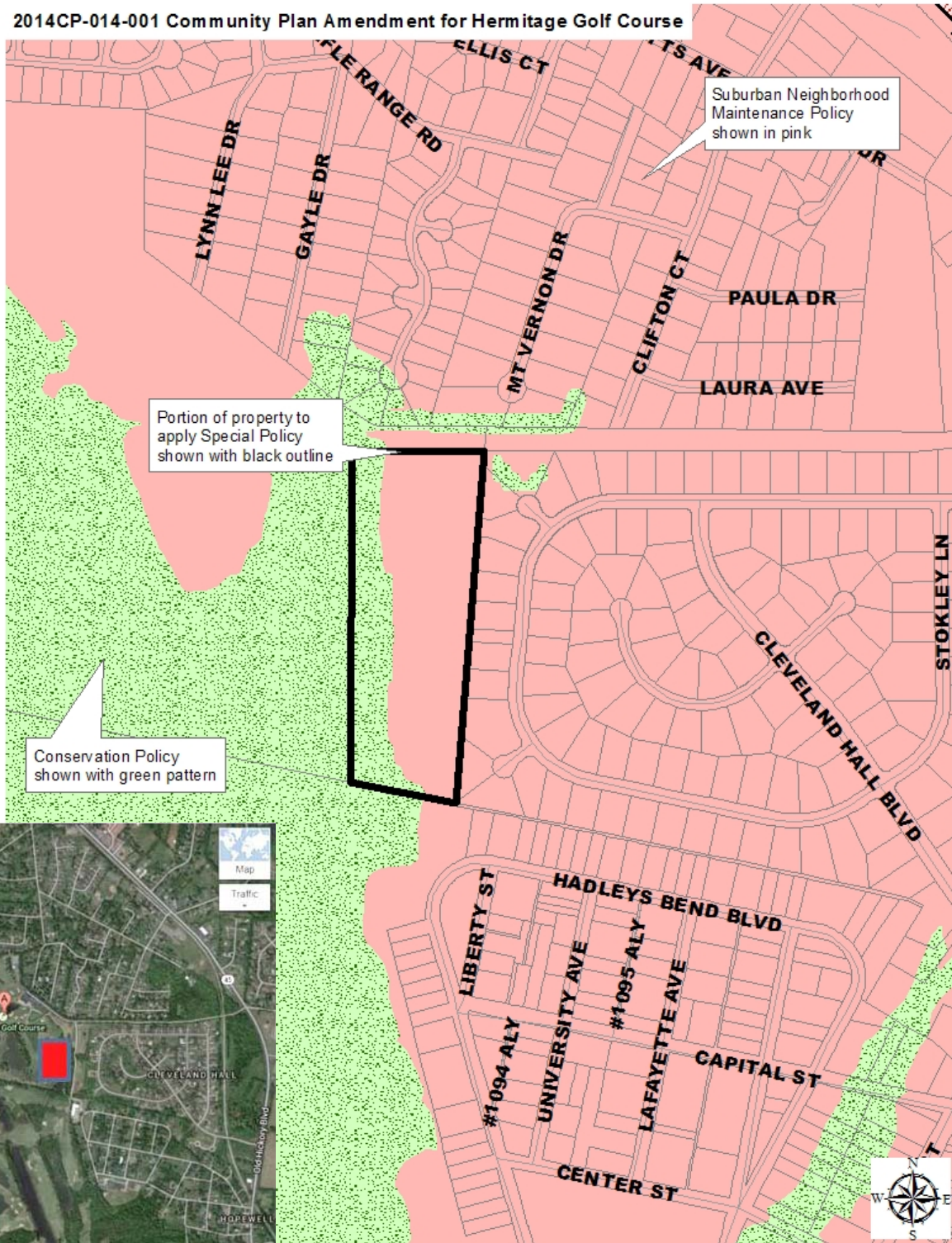


SEE NEXT PAGE



Metro Planning Commission Meeting of 11/13/2014

2014CP-014-001 Community Plan Amendment for Hermitage Golf Course



2014CP-014-001

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN AMENDMENT

3939 Old Hickory Blvd., Map 063, Part of Parcel 204



Project No.	Minor Plan Amendment 2014CP-014-001
Project Name	Donelson – Hermitage – Old Hickory Community Plan: 2004 Update
Associated Case	2014SP-073-001
Council District	11 – Hagar
School Districts	4 – Shepherd
Requested by	Requested by Barge, Cauthen & Associates, Inc., applicant; Danner-Eller Golf Properties, Inc., owner.
Deferral	This request was deferred from the October 9, 2014, Planning Commission meeting at the request of the applicant.
Staff Reviewer	McCaig
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Add a Special Policy to the adopted Community Character Policy.

Minor Plan Amendment

A request to amend the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update by adding a Special Policy to the Suburban Neighborhood Maintenance community character policy for a portion of the property located at 3939 Old Hickory Boulevard, east of Stokley Lane (9.89 acres) to allow up to 16 detached residential rental villas for golfers.

DONELSON – HERMITAGE – OLD HICKORY COMMUNITY PLAN

Current Policy

Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern (building form, setbacks, land uses, street character). T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Conservation (CO) policy is intended to preserve and enhance environmentally sensitive land.

CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils.

Proposed Policy

The request is to add a Special Policy to the adopted Suburban Neighborhood Maintenance policy that allows the golf course to add up to 16 detached residential rental villas allowing overnight stay for golfers.



Metro Planning Commission Meeting of 11/13/2014

BACKGROUND

The property at 3939 Old Hickory Boulevard is part of the Hermitage Golf Course, which has been in this location since 1986. The golf course is located to the west of Old Hickory Boulevard and is adjacent to the Cumberland River. Due to its location adjacent to the Cumberland River, the golf course includes floodplains and wetland areas. The golf course is comprised of several hundred acres, and has received numerous national and local accolades. The golf course has also been certified by Audubon International as an Audubon Cooperative Sanctuary that assists golf courses in protecting natural areas and wildlife habitat.

Adjacent to the portion of the property that comprises the applicant's request is the Cleveland Hall neighborhood. Cleveland Hall Estates is a newer residential development with some built, occupied homes and others homes still under construction. The golf course predates the surrounding homes that are adjacent to the portion of the golf course's property request.

The golf course owners stated that they continually receive numerous requests for overnight lodging from golfers and that the provision of overnight lodging has become a popular amenity in attracting players. Providing overnight lodging allows golfers additional time to play later, more practice time for their game, and provides convenience in eliminating driving back and forth from outside locations.

COMMUNITY PARTICIPATION

Public Hearing Notices were mailed out to property owners within 600 feet of the site. A copy of the notice was also placed on the Planning Department website.

ANALYSIS

This is a minor plan amendment request that adds a Special Policy to the existing community character policy. This portion of the golf course property is currently zoned RS15.

Adding the Special Policy allows the golf course to provide an additional service to clients with minimal impact on adjacent neighbors. Currently, some trees and vegetation exist along the property line, and the accompanying zone change request includes a "C" landscape buffer, ranging from 20 to 30 feet in width depending on the density of landscaping provided. In addition, the rear of the closest villa is approximately 100 feet back from the shared property line.

STAFF RECOMMENDATION

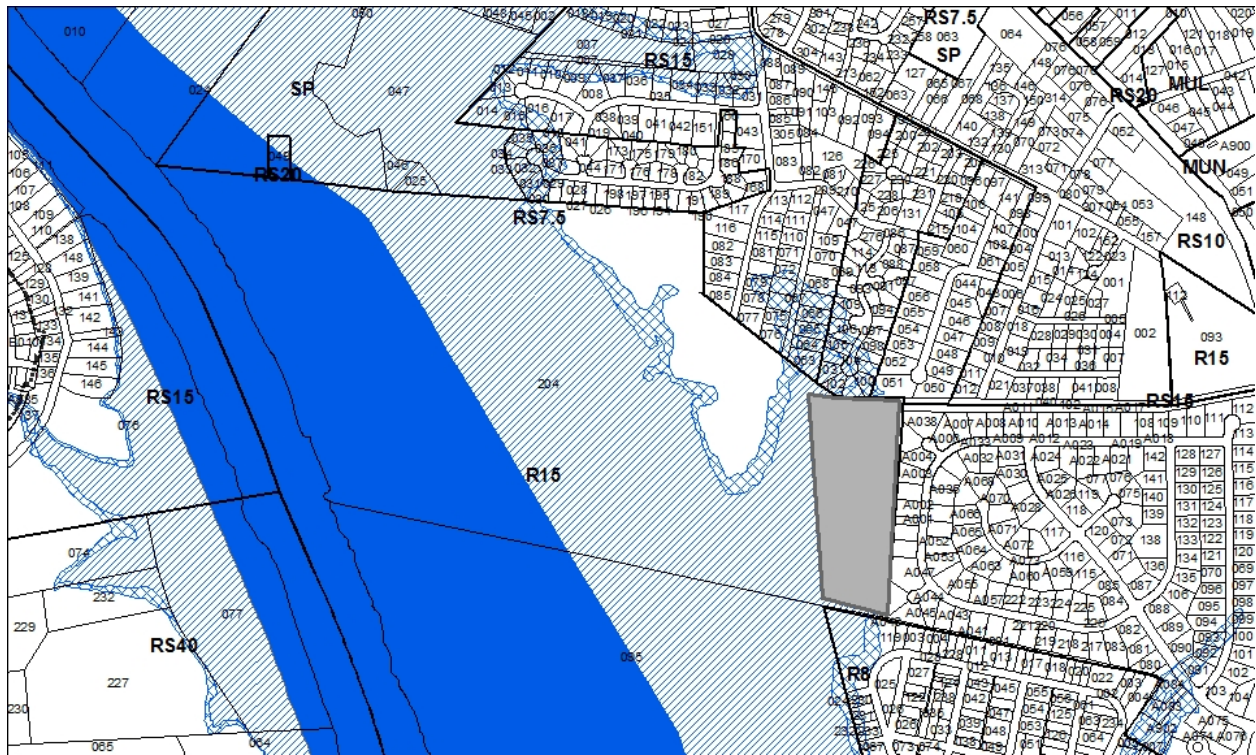
Staff recommends approval of the request.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/13/2014



2014SP-073-001

THE VILLAS AT HERMITAGE GOLF COURSE

Map 063, Part of Parcel(s) 204

14, Donelson - Hermitage

11 (Larry Hagar)



Project No. 2014SP-073-001
Project Name The Villas at Hermitage Golf Course
Associated Case 2014CP-014-001
Council District 11- Larry Hagar
School District 04 - Shepherd
Requested by Barge, Cauthen & Associates, Inc., applicant; Danner-
 Eller Golf Properties, Inc., owner.

Deferral This request was deferred from the October 9, 2014, Planning Commission meeting at the request of the applicant.

Staff Reviewer Birkeland
Staff Recommendation *Approve with conditions and disapprove without all conditions, subject to the approval of the associated policy amendment.*

APPLICANT REQUEST

Preliminary SP to permit 16 detached residential rental villas.

Preliminary SP

A request to rezone from One and Two-Family Residential (R15) to Specific Plan-Residential (SP-R) zoning for a portion of property located at 3939 Old Hickory Boulevard, east of Stokley Lane and partially located within the Floodplain Overlay District, (9.89 acres), to permit up to 16 detached residential rental villas.

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 28 lots with 7 duplex lots for a total of 35 units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

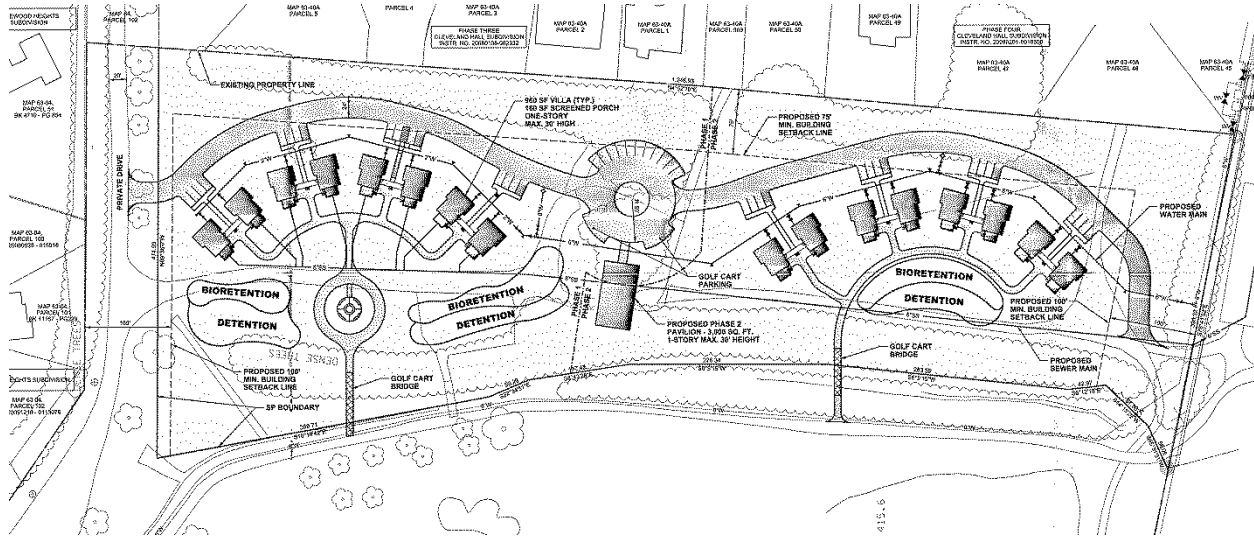
DONELSON – HERMITAGE COMMUNITY PLAN

Existing Policy

T3 NM Policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm.



Metro Planning Commission Meeting of 11/13/2014



Proposed Site Plan



Metro Planning Commission Meeting of 11/13/2014

T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy

The request is to add a Special Policy to the adopted Suburban Neighborhood Maintenance policy that allows the golf course to add up to 16 detached residential rental villas allowing overnight stay for golfers.

Consistent with Policy?

Residential uses are consistent with the Suburban Neighborhood Maintenance policy. However, since this property is used as a golf course a special policy (2014CP-014-001) is required to specifically allow the golf course to add up to 16 detached residential rental villas.

PLAN DETAILS

The subject site is the eastern portion of a larger parcel that includes the Hermitage Golf Course. The golf course continues to the south of this site as well as some single-family homes. To the north and east of this site are single-family homes located in an RS15 zoning district. To the west of this site are the golf course and the Cumberland River.

Site Plan

The SP is for 16 one-story, two-bedrooms, villas that will be rented on a per night basis and a 3,000 square foot covered pavilion. The proposed villas will be approximately 960 square feet with a maximum height of 30 feet. The proposed open air pavilion will have a maximum height of 30 feet as well.

Conceptual elevations have been included with the preliminary SP. The building exteriors shall consist of Hardiplank or cedar shake siding and the roofs will be metal; EIFS and vinyl siding will not be permitted as building materials. Building elevations will be submitted and reviewed with the final SP site plan.

Access to this site will be from the private drive off of Old Hickory Boulevard. The total number of parking spaces proposed is 43, which exceeds the Zoning Code requirement of 32 parking spaces. Golf carts will be able to park by each villa and also have additional golf cart parking on the site. Each of the eight villas will have a golf cart path and bridge to get to the golf course. This encourages the “stay and play” concept that allows users to play golf and stay on site.

Vegetation along the north property line will be removed due to construction. The applicant has stated that neighbors at the community meeting wanted to have a better view of the golf course so they have proposed a type “A” buffer to be installed along the north side. Staff recommends a type “C” buffer to be installed to protect the existing residential structures from noise and traffic. Stormwater management areas have been provided throughout the site.



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FIRE MARSHAL RECOMMENDATION

Approved with Conditions

- Access road to the golf course maintenance road in phase II shall be provided to prevent a turn-around issue.

STORMWATER RECOMMENDATION

Approved with Conditions

- Use standard Metro Water Buffer note.

WATER SERVICES RECOMMENDATION

Approved

- Approved as Prelim SP. Applicant will need approved construction plans before the final SP can be approved.

PUBLIC WORKS RECOMMENDATION

No Exception Taken

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

No table was prepared because this request reduces the overall density and would generate less traffic than the existing zoning.

SCHOOL BOARD REPORT

The proposed SP-R zoning district would not generate additional students.

STAFF RECOMMENDATION

Staff recommends approval of the SP with conditions and disapproval without all conditions if the Special Policy for the Donelson-Hermitage Community Plan Amendment is approved.

CONDITIONS

1. Permitted uses include up to 16 residential units.
2. A type "C" buffer shall be installed along the northern property line.
3. No structure shall be more than one-story and shall be limited to a maximum height of 30 feet, measured to the roof line.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval the property shall be subject to the standards, regulations and requirements of the R15 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 or with final site plan application.
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,



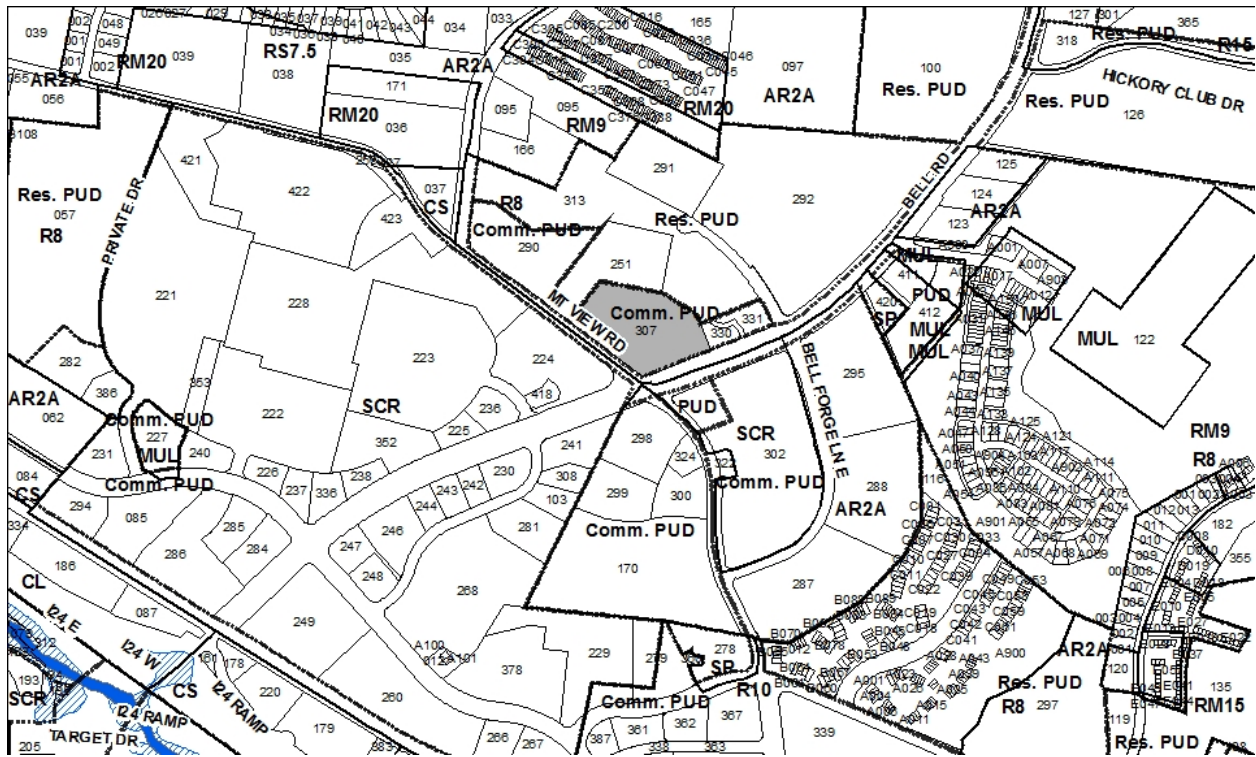
Metro Planning Commission Meeting of 11/13/2014

eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. Add the following note to plan: Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,200 square feet.



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158-77P-004

HICKORY HOLLOW RETAIL

Map 163, Parcel(s) 307

13, Antioch - Priest Lake

32 (Jacobia Dowell)



Project No.	Planned Unit Development 158-77P-004
Project Name	Hickory Hollow Retail
Council District	32 – Dowell
School District	6 – Hunter
Requested by	Advanced Systems, Inc., applicant; The Corner, LLC, owner.

Deferrals This request was deferred from the August 28, 2014, and October 9, 2014, Planning Commission meetings at the request of the applicant.

Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove.</i>

APPLICANT REQUEST

Revise a portion of a Planned Unit Development and final site plan to permit the development of a check cashing facility.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Hickory Hollow Retail Commercial Planned Unit Development Overlay District for property located at 771 Bell Road, at the northeast corner of Bell Road and Mt. View Road, zoned One and Two-Family Residential (R8), (5.87 acres), to permit the development of a 1,500 square foot check cashing facility where a 7,500 square foot restaurant was previously permitted.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *Uses on this property are dictated by the PUD Overlay.*

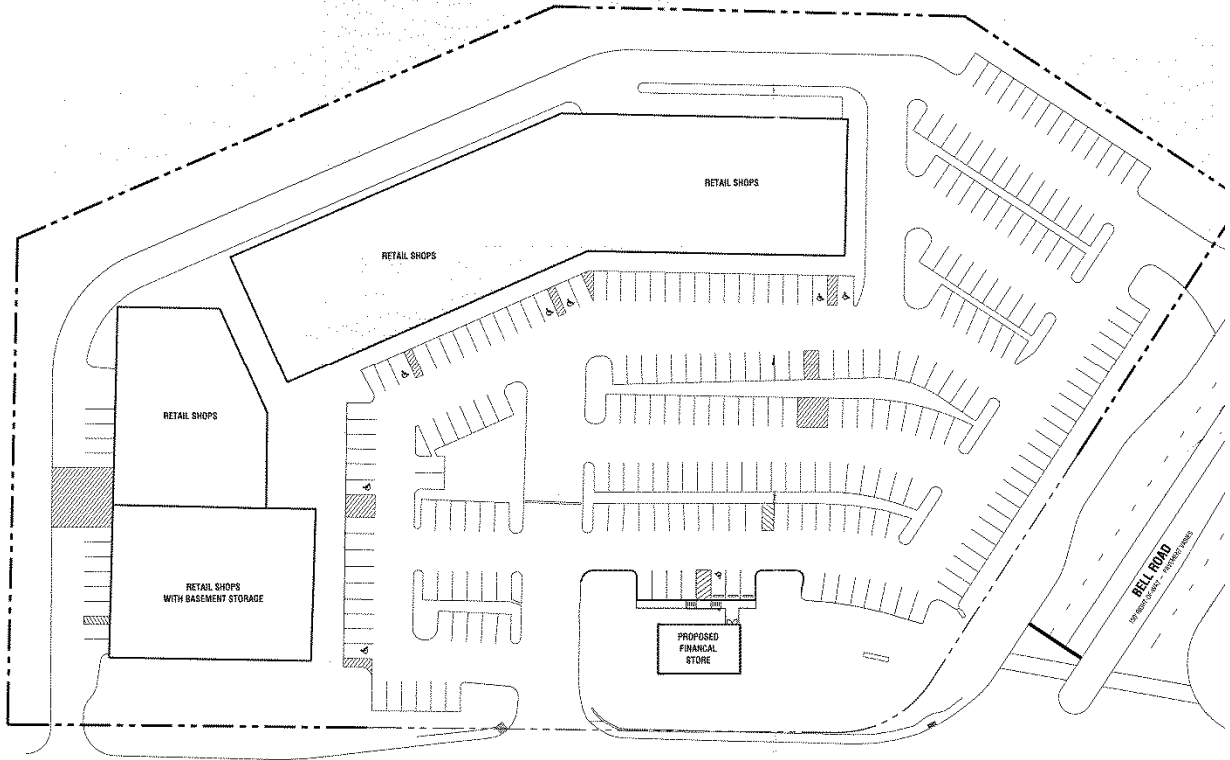
Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. This PUD plan In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *The subject PUD permits a variety of commercial uses, including retail and restaurant.*

CRITICAL PLANNING GOALS

N/A



Metro Planning Commission Meeting of 11/13/2014



Proposed PUD Plan



Metro Planning Commission Meeting of 11/13/2014

PLAN DETAILS

The site is located at the northeast corner of Mt. View Road and Bell Road, across Mt. View Road from Hickory Hollow Mall. The site is within a larger parcel within the Hickory Hollow Retail PUD. The PUD was original approved in 1977, and has been revised numerous time through the years. The property contains approximately 51,000 feet of various commercial uses. This portion of the property is currently vacant, but was previously occupied by a restaurant.

Site Plan

The plan proposes a 1,500 square foot check cashing facility. Access into the site will be from three existing drives that access the development from Mt. View Road and Bell Road. Parking will be shared with other uses within the PUD. The plan does call for seven additional parking spaces.

ANALYSIS

The request was originally placed on the August 28, 2014, agenda, but was deferred by the Commission at the request of the applicant. After researching the PUD further, staff is now recommending disapproval. The current request is to revise the approved plan. Since the proposed use is not permitted on the last Council approved plan or by the base zoning district, then the request should be disapproved and required to be processed as an amendment, requiring Council approval. Furthermore, staff finds that the proposed check cashing use is inconsistent with the approved development scheme, which implements the Community Center policy, drawing people from around the region.

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. Staff finds that the request is not consistent with all the requirements of Section 17.40.120.G, and is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);



Metro Planning Commission Meeting of 11/13/2014

- d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

Staff's original recommendation was based on a previous approved PUD plan. That plan does not identify any specific uses. That plan only identified the subject site as a "commercial PUD". Staff looked to the previous zoning code (COMZO) for a list of uses that were permitted within a commercial PUD at that time the PUD was adopted. The proposed "check cashing" use was not contemplated in the previous Zoning Code, but staff determined that it would have been classified as a bank under COMZO, which would have been permitted.



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Since the deferral, staff has located a Council approved plan that identifies uses for the subject site. That plan identifies the permitted use as retail. Subsequent approved plans permitted restaurant uses on the site. Other areas in the PUD have also been revised in order to change uses. However, based on 17.40.120G.2.k, since “check cashing” was not a permitted use in the PUD and since it is not permitted by the underlying residential base zoning (R8), then it would not be permitted as a Revision to the PUD. Therefore, staff was incorrect in its initial analysis and in recommending approval.

Above subsections I – J of Section 17.40.120.G. state that *“The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.”* Since the base zoning does not permit the proposed use and the proposed use is not consistent with the last Council approved plan for the site, then the proposed use requires Council approval. Furthermore, since the base zoning district does not permit the use, then the Zoning Code would also require that the amendment be accompanied by a base zone change to a district that would permit the use. Staff reviewed building permit data to find out if a permit had ever been issued for the proposed use or similar use after the adoption of the current Zoning Code. No record of the issuance of a permit for the proposed use or similar use has been found.

The current request is to revise the approved plan. Since the proposed use is not permitted on the last Council approved plan or by the base zoning district, then the request should be disapproved and required to be processed as an amendment, requiring Council approval. Furthermore, staff finds that the proposed check cashing use is inconsistent with the approved development scheme, which implements the Community Center policy, drawing people from around the region.

If the Commission determines this change to be an Amendment to the PUD, a new application would be required to Amend the PUD, and a second application would be required to change the base zoning to a district that permits the proposed use. Further, the Council is considering a text amendment that would change the districts in which a check cashing use is allowed. This district would need to be consistent with the Community Plan policy in order for the Commission to support the Amendment.

FIRE MARSHAL’S OFFICE

N/A

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

WATER SERVICES

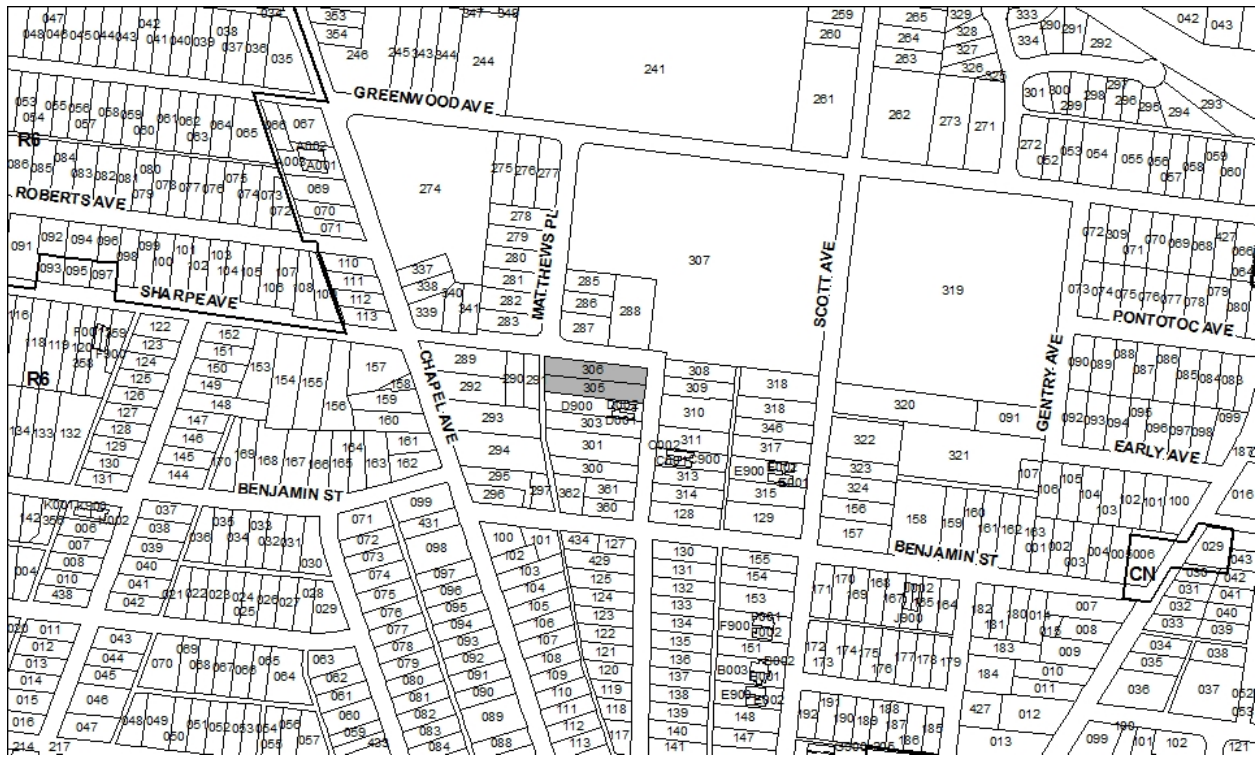
Approved

STAFF RECOMMENDATION

Staff recommends that the request be disapproved since the proposed use is not permitted under the Council approved PUD.



Metro Planning Commission Meeting of 11/13/2014



2014S-178-001

THOMPSON BONDS, REVISION TO LOTS 4 & 5

Map 083-02, Parcel(s) 305-306

05, East Nashville

06 (Peter Westerholm)



Project No.	Subdivision 2014S-178-001
Project Name	Thompson Bonds, Revision to Lots 4 & 5
Council District	6 – Westerholm
School District	5 – Kim
Requested by	ELI, LLC, applicant; Jerry and Grace Vandiver and Jerry W. Bland et ux, owners.

Deferrals This request was deferred at the September 11, 2014, the September 25, 2014, and the October 9, 2014, Planning Commission meetings.

Staff Reviewer Birkeland
Staff Recommendation *Approve with conditions.*

APPLICANT REQUEST

Final plat to create four residential lots.

Final Plat

A request for final plat approval to create four lots within the Eastwood Neighborhood Conservation Overlay District on properties located at 313 and 315 Manchester Avenue, at the southwest corner of Sharpe Avenue and Manchester Avenue, One and Two-Family Residential Districts (R6) (0.69 acres).

Existing Zoning

One and Two-Family Residential Districts (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 5 lots with 1 duplex lot for a total of 7 units.*

CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices

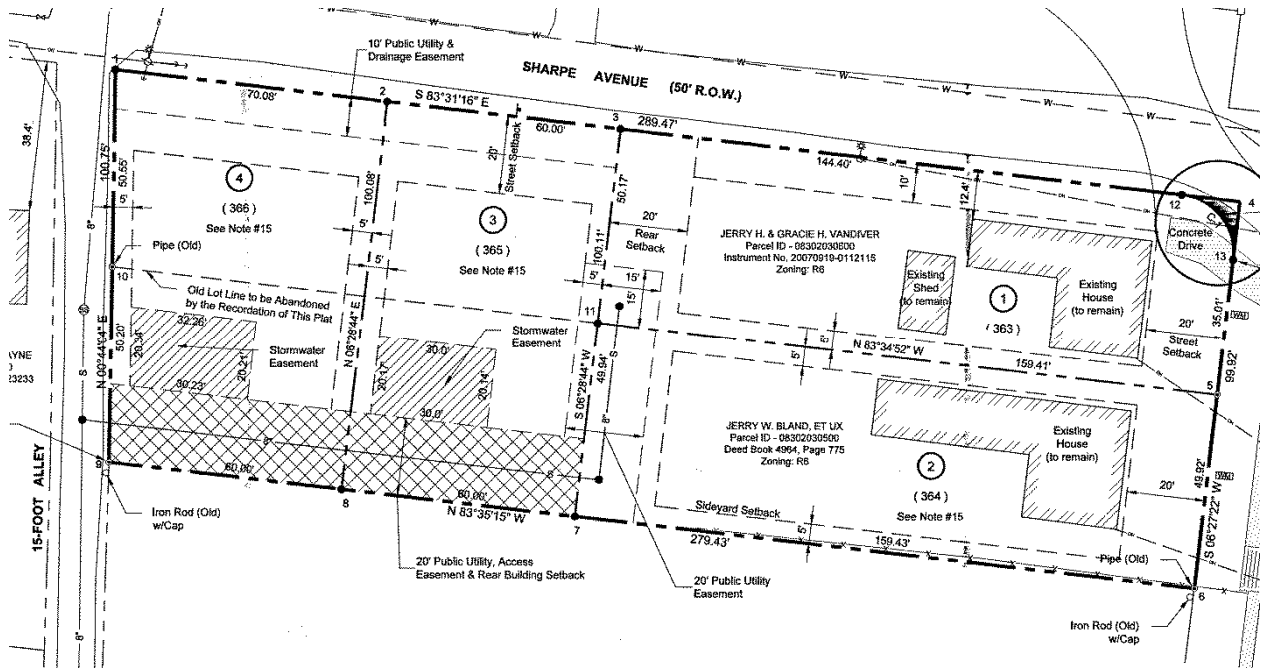
This site is located in an area that is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. Bus service is present along Chapel Road, one block away. Increased density through infill development makes bus service and similar transit services more feasible because it generates more riders.

SUBDIVISION REGULATIONS

The properties located at 313 and 315 Manchester Avenue are located within in the Eastwood Neighborhood Conservation Overlay District. Under Section 3-5.4 of the Subdivision Regulations, the Metropolitan Historical Commission or its designee shall provide a recommendation for the



Metro Planning Commission Meeting of 11/13/2014



Proposed Subdivision



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consideration of the Commission as to whether or not the proposed subdivision is consistent with the historical development pattern of the district and compatible with the character of the district in terms of lot size, lot frontage and lot orientation.

The subdivision shall meet the current standards of reviewing agencies including Metro Public Works, Stormwater and Water Services.

PLAN DETAILS

The request proposes to create two additional lots from the rear yards of the existing two lots. Lot 3 and Lot 4 are orientated towards Sharpe Avenue and have frontage greater than 50 feet. All lots meet the zoning code requirements for 6,000 square feet. Lot 3 and Lot 4 will have access from the improved alley to the west of the lots.

The sidewalk along Manchester Avenue ends at Lot 2. The applicant is required to extend the sidewalk along the remainder of the property, on both Manchester and Sharpe Avenues.

METROPOLITAN HISTORIC ZONING COMMISSION RECOMMENDATION

The Metropolitan Historic Zoning Commission staff recommends approval of subdivision of 313 and 315 Manchester with the condition that the final building placement, improvements and elevations be reviewed by the MHZC.

WATER SERVICES RECOMMENDATION

Approved with Conditions

- Approval is contingent on completion of Metro Water construction project # 14-SL-102. Bond will be set at \$24,000 for this project.

These comments apply to Metro Water Services' public water and sewer utility issues only. It is the responsibility of the applicant to contact the Fire Marshal's Office regarding adequate fire protection.

STORMWATER RECOMMENDATION

Approved with conditions

- Final plat must show the stormwater features as approved on the grading permit including: Label and outline the limits of all stormwater features on plans as well as the approximate boundary associated with the Restrictive Covenants document. Show any required drainage easements. Cite the instrument number of the recorded Restrictive Covenants document.

PUBLIC WORKS RECOMMENDATION

No exceptions taken

TRAFFIC AND PARKING RECOMMENDATION

No exceptions taken



Metro Planning Commission Meeting of 11/13/2014

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

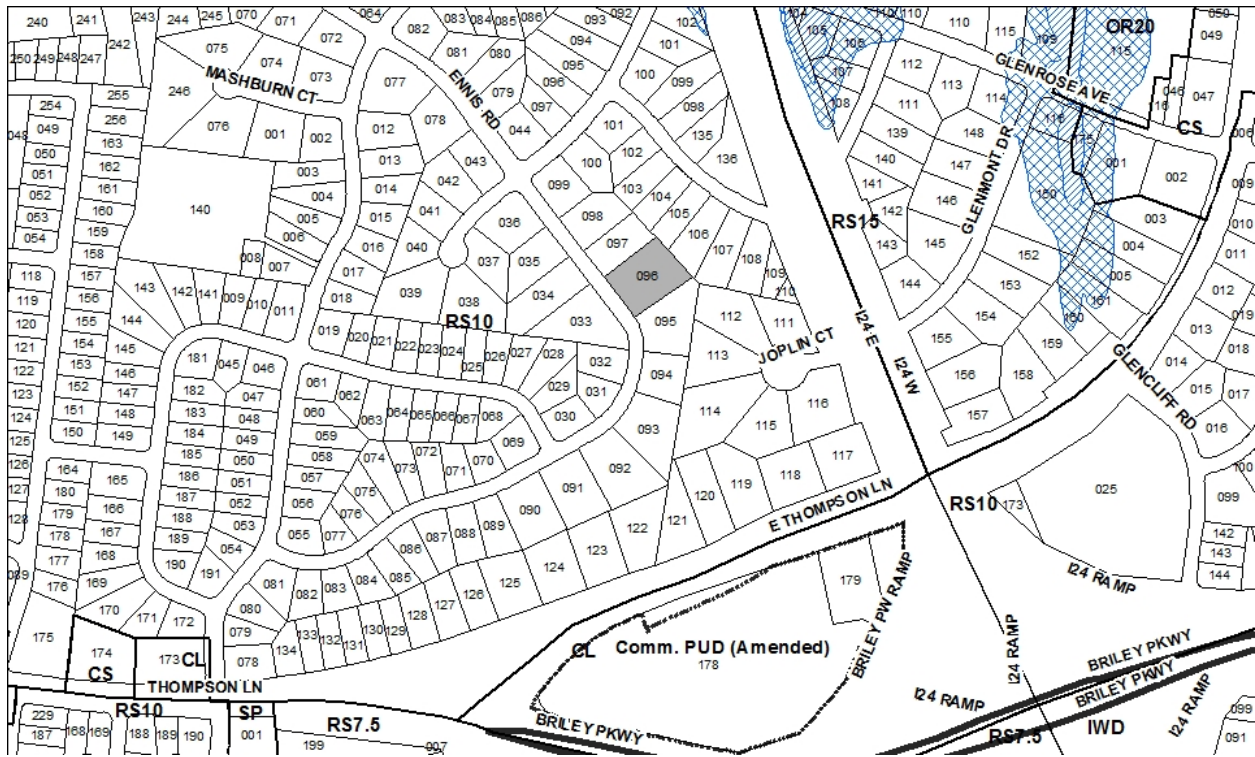
1. Approval is contingent on completion of Metro Water construction project # 14-SL-102. Bond will be set at \$24,000 for this project.
2. Lots 3 and 4 shall only have access from the access easement from the alley.
3. Lots 1 and 2 shall only have access from the access easement from the alley. Lot 1 and Lot 2 shall remove the access points along Manchester Avenue prior to building permit approval for Lot 3 and Lot 4. Additional access point for Lot 1, along Sharpe Avenue, shall be removed prior to the approval of a redevelopment permit for Lot 1.
4. Sidewalks are required along existing streets for Lot 1, Lot 3 and Lot 4. Sidewalks shall be added to the plat. Sidewalk shall be bonded prior to recordation of the plat or constructed and accepted prior to the issuance of any building permits. Sidewalks shall be added to the grading permit application and be reviewed by Stormwater.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/13/2014



2014S-205-001
LAUREL ACRES, RESUB LOT 39
Map 119-11, Parcel(s) 096
11, South Nashville
16 (Tony Tenpenny)



Project No. 2014S-205-001
Project Name Laurel Acres, Resub. Lot 39
Council District 16 – Tenpenny
School District 7 – Pinkston
Requested by Brackman Land Surveying, applicant; Larissa Lentile, owner.

Deferrals This request was deferred from the October 23, 2014, MPC meeting.

Staff Reviewer Swaggart
Staff Recommendation *Disapprove.*

APPLICANT REQUEST
Create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 2624 Ennis Road, approximately 400 feet south of Malden Drive, zoned Single-Family Residential (RS10) (0.91 acres).

Existing Zoning

Single-Family Residential (RS10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings at a density of 3.7 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This final plat proposes to split one lot into two lots. Each lot will have access from Ennis Road. Proposed lots are as follows:

- Lot 1: 17,800 Sq. Ft. (0.41 acres), and 80’ of frontage;
- Lot 2: 21,895 Sq. Ft. (0.50 acres), and 82.25’ of frontage.

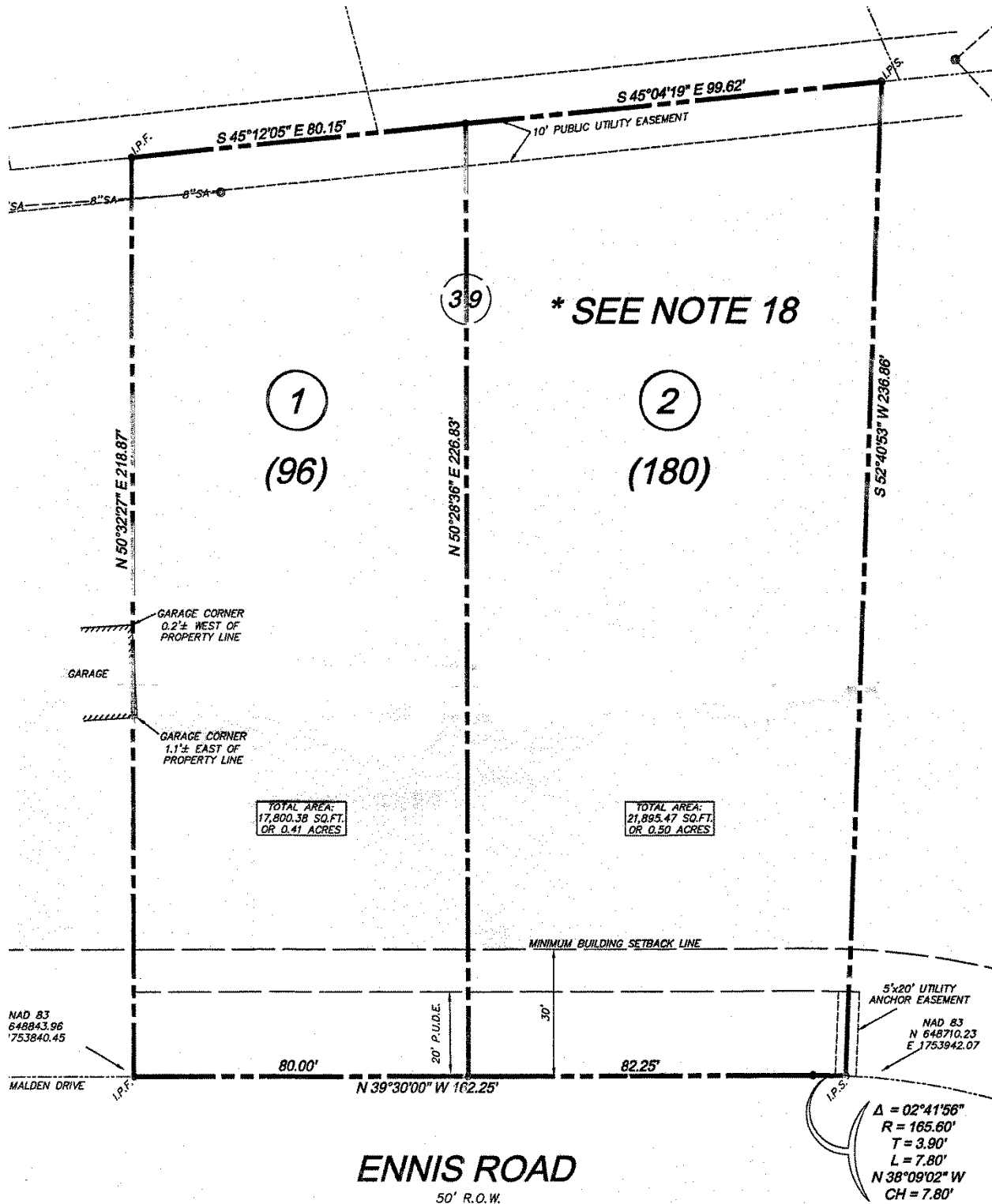
Lot 2 contains slopes in excess of 25% and is designated as a critical lot.

ANALYSIS

The proposed subdivision does not meet the infill compatibility standards that are outlined in Section 3-5.2 of the Subdivision Regulations. Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within Suburban Neighborhood Maintenance policy areas.



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Proposed Plat



Metro Planning Commission Meeting of 11/13/2014

Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

The proposed lots meet the minimum standards of the RS7.5 zoning district.

Street Frontage

The proposed lots have frontage on a public street.

Density

Urban Neighborhood Maintenance land use policy supports density up to 20 dwelling units per acre. The proposed infill subdivision provides a density of approximately 2 dwelling units per acres, which falls within the range supported by policy.

Community Character along Ennis Road

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater.

Lot Frontage Analysis	
70% of Average	94.3'
Smallest Surrounding Parcel	111'

	Frontage
Lot 1	80.00
Lot 2	82.25

2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater.

Lot Size Analysis	
70% of Average	22,651 SF
Smallest Surrounding Parcel	23,958 SF

	Area
Lot 1	17,800.38
Lot 2	21,895.47

3. Street Setback: The subdivision that created the existing lot and the surrounding lots has a platted 30' front yard setback. The proposed plat maintains the platted setback.
4. Lot Orientation: Both lots are oriented towards Ennis Road.

Compatibility with Surrounding Area

Neither lot is compatible with the surrounding lots as outlined in the Subdivision Regulations. There are smaller lots within a short distance of the proposed subdivision; furthermore, lots in the immediate area, including lots outside of the comparability analysis are larger than the proposed lots.

The large lot size in the immediate area is likely due to this topography. Generally, the topography rises to the south from the Malden Drive and Ennis Road intersection just north of the subject site.



Metro Planning Commission Meeting of 11/13/2014

There are also steep slopes in the immediate area exceeding 25 percent. Larger lots provide more space for placing homes and maintaining steeper slopes.

The lot proposed to be subdivided contains a larger area of steep slopes adjacent to Ennis Road. A majority of the frontage for Lot 2 would be encumbered by 25% or more slopes. Due to the steep slopes, a guard rail is located along Ennis Road adjacent to the property. This guard rail would be located along approximately 50% of the frontage for proposed lot two. Any home on proposed lot two would have to sit outside of the steep slopes. It appears that this would require a deeper front setback than the homes on either side of the subject lot. The topography that would be located on Lot 2 creates a situation where any home would generally be out of character with the immediate area.

Staff recommends disapproval because the proposed lots do not meet the surrounding community character as outlined in the Subdivision Regulations, nor are they consistent with the immediate area outside the analysis area. Also, Lot 2 would be encumbered with steep slopes. Lastly, the applicant has not submitted any information describing how the proposed subdivision is harmonious with the surrounding community character.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

No exception taken

STORMWATER RECOMMENDATION

Returned for corrections

- Show north arrow and datum reference on plat.

WATER SERVICES RECOMMENDATION

Returned for corrections

- For the latest re-plat of the subject subdivision (stamped received October 3 2014), our previous comments still apply.
- Capacity fees are required only if the Planning Commission approves.

STAFF RECOMMENDATION

Staff recommends disapproval as the request is not consistent with the surrounding community character.

CONDITIONS (if approved)

1. Obtain approvals from Stormwater and Water Services prior to recordation.
2. This subdivision requires sidewalks. Because there are no sidewalks in the area, there are two choices:
 - Show the sidewalks on the plat and build sidewalks, or
 - Submit a payment in-lieu of Construction. The total payment for this proposal is \$500 and would apply to Pedestrian Benefit Zone 5-B. (This fee is based on the fees at the time of application).



Metro Planning Commission Meeting of 11/13/2014

Prior to the plat being recorded (if approved by the MPC) one of the following must take place:

- Submit bond application for the sidewalk and post bond with the Planning Department.
- Submit payment in-lieu of construction to the Planning Department.
- Construct sidewalk and have it accepted by Public Works.
- Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (5-B), in a location to be determined in consultation with the Public Works Department.



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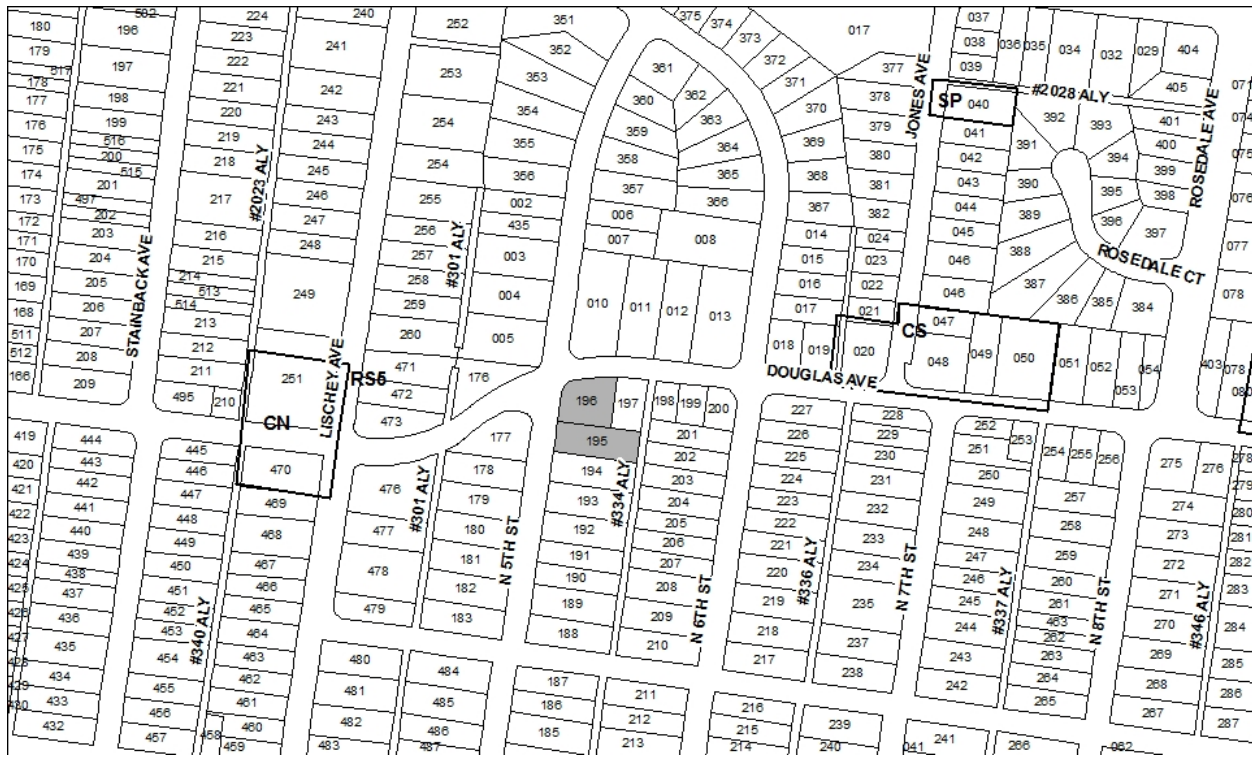


RECOMMENDATIONS TO METRO COUNCIL

- **Specific Plans**
- **Zone Changes**



Metro Planning Commission Meeting of 11/13/2014



2014SP-080-001

NORTH 5TH & DOUGLAS

Map 071-16, Parcel(s) 195-196

05, East Nashville

05 (Scott Davis)



Project No.	Zone Change 2014SP-080-001
Project Name	North 5th and Douglas
Council District	5 - Davis
School District	5- Kim
Requested by	Dale and Associates, applicant; C218 LLC, owner.
Staff Reviewer	Birkeland
Staff Recommendation	<i>Approve with conditions and disapprove without all conditions.</i>

APPLICANT REQUEST

Zone change to permit seven dwelling units.

Preliminary SP

A request to rezone from Single-Family Residential District (RS5) to Specific Plan – Residential (SP-R) zoning for property located at 1219 and 1221 North 5th Street, at the southeast corner of Douglas Avenue and North 5th Street, (0.42 acres), to permit up to seven dwelling units.

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 3 units.*

Proposed Zoning

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

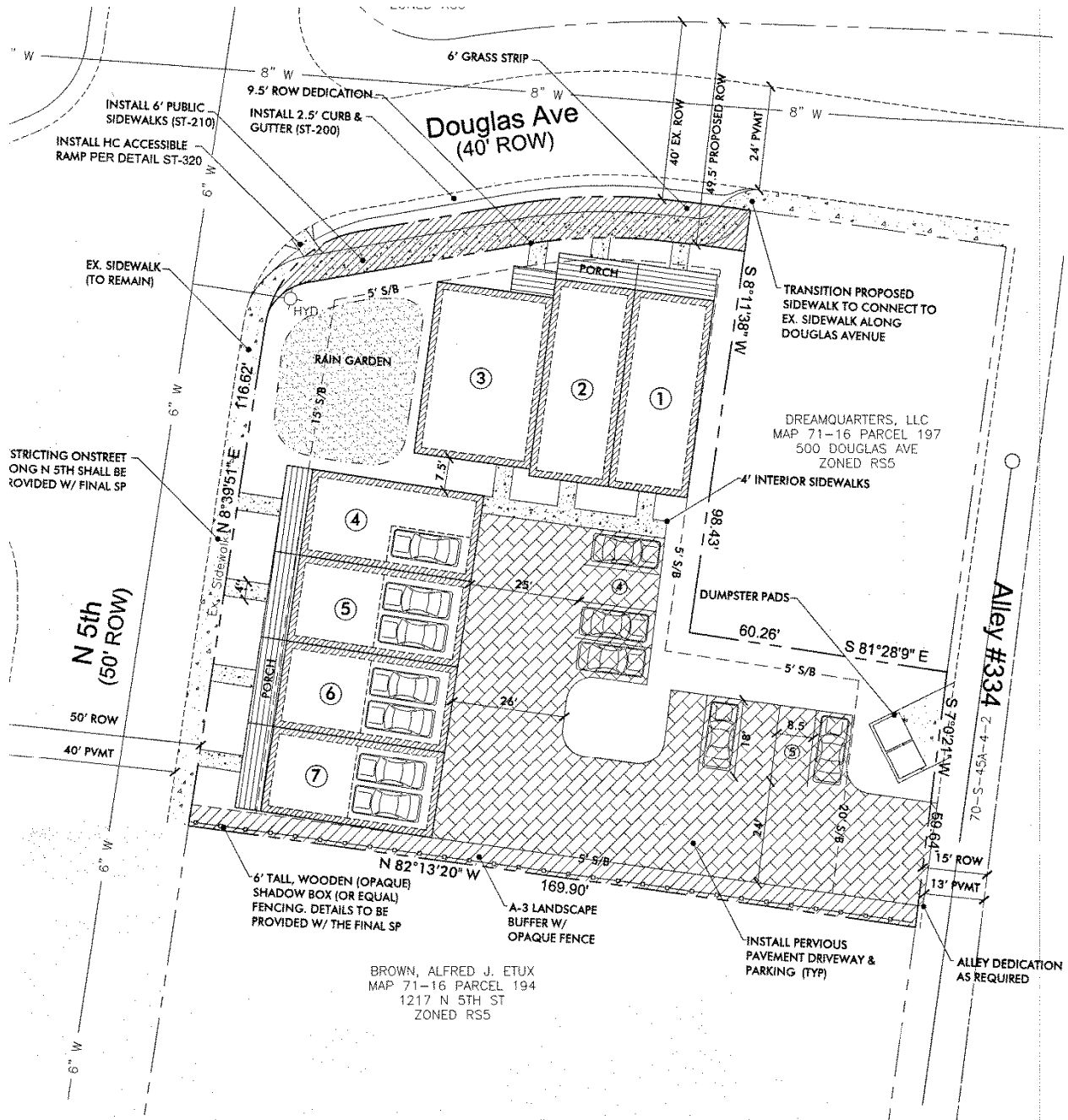
CRITICAL PLANNING GOALS

- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

The proposal meets several critical planning goals based on its location and design. This site is located in an area that is served by adequate infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. Bus service is present along Lischey Avenue, one block away. Increased density through infill development makes bus service and similar transit services more feasible because it generates more riders. New sidewalks will provide an improved pedestrian connection to the neighborhood center located at Lischey Avenue and Douglas Avenue.



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Proposed Site Plan



Metro Planning Commission Meeting of 11/13/2014

EAST NASHVILLE COMMUNITY PLAN

Structure Plan Policy

T4 Urban Neighborhood Evolving (T4 NE) policy is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

Detailed Policy

Cleveland Park, McFerrin Park and Greenwood Detailed Neighborhood Design Plan (DNDP)

Mixed Housing (MH) is intended for single family and multi-family housing that varies on the size of the lot and the placement of the building on the lot. Housing units may be attached or detached, but are not encouraged to be randomly placed. Generally, the character should be compatible to the existing character of the majority of the street.

Consistent with Policy?

Yes. The Cleveland Park East Detailed Neighborhood Design Plan identifies the need to redevelop properties with a mixture of housing types including cottages, townhouses, and stacked flats. The proposed residential units provide that mixture of housing types in a strategic location within Subdistrict 2 as well as improved sidewalks for pedestrian activity.

PLAN DETAILS

The site is located at the corner of Douglas Avenue and North 5th Street. The site consists of two parcels, 1219 and 1221 North 5th Street. 1219 North 5th Street has an existing single family dwelling located on it; 1221 North 5th Street is vacant. The proposed SP includes seven dwelling units; three attached units will face Douglas Avenue and four attached units will face North 5th Street.

The alley will provide vehicular access to the seven dwelling units. Seven garage parking spaces and nine surface parking spaces have been provided. A six foot tall wooden shadowbox fence and landscaping will provide a buffer to the property south of this site.

Douglas Avenue is a collector street that provides circulation within and between neighborhoods in East Nashville. This SP includes a six foot sidewalk and a 6 foot planting street along Douglas Avenue as the Major and Collector Street Plan (MCSP) requires. The existing sidewalk will remain along North 5th Street.

Conceptual building elevations were not provided within the SP, however architectural standards have been included on the plan and shall be met with the final site plan. The standards include that building number three and four shall have façade requirements on front and sides facing the rain garden. The proposed residential units shall have a maximum height limitation of 40 feet measured to roofline.



Metro Planning Commission Meeting of 11/13/2014

ANALYSIS

The seven residential units will provide a well-designed development within the T4 Neighborhood Evolving policy and a mixture of housing types along the Douglas Avenue corridor.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

- Fire Code issues for the structures will be addressed at permit application review. Hydrants shall be located within 500' of all parts of every structure via approved hard-surfaced roads.

STORMWATER RECOMMENDATION

Approved with comments

- Add preliminary note to plan.

WATER SERVICES RECOMMENDATION

Approved

- Approved as a Preliminary SP only. For Final SP approval, the required construction plans must be approved, and the required capacity fees (1-year commitment) must be paid.

TRAFFIC AND PARKING RECOMMENDATION

Conditions if approved

- Install on street parking restriction signage along North Fifth Street frontage. Parking restriction may require T&P application.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- ROW dedication must be recorded and submitted to MPW prior to building permit submittal.
- Coordinate the stormwater installation with MPW and Metro Stormwater.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.42	8.71 D	3 U	29	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	0.42	-	7 U	53	6	6



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Traffic changes between maximum: RS5 and SP-R

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 4 U	+24	+3	+2

METRO SCHOOL BOARD REPORT

Projected student generation existing RS5 district: 1 Elementary 1 Middle 0 High

Projected student generation proposed SP-R district: 1 Elementary 1 Middle 0 High

Based on data from the Metro School Board last updated September 2013, the proposed SP permitting up to 7 dwellings will not generate additional students from what is generated by the existing RS5 zoning district.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. The proposed SP is consistent with the T4 Neighborhood Evolving policy of the East Nashville Community Plan.

CONDITIONS

1. Uses within this SP shall be limited to a maximum of seven residential units.
2. A minimum six foot separation is required between units and is subject to all Building and Fire Code requirements.
3. No structure shall be more than three stories and shall be limited to a maximum height of 40 feet, measured to the roofline. Building elevations for all street facades shall be provided with the final site plan. Each of the proposed street facades shall have a distinct design and composition. The following standards shall be met:
 - a. Building facades fronting a street and courtyard shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing. Building No. 3 and 4 shall have façade requirements on front and sides facing the rain garden.
 - b. Windows shall be vertically oriented at a ratio of 2:1 or greater.
 - c. EIFS and vinyl siding shall be prohibited.
 - d. Finished ground floors and porches shall be elevated a minimum of 18 inches to a maximum of 30 inches from the abutting average ground elevation.
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-A zoning district as of the date of the applicable request or application.
5. Ownership for units may be divided by a Horizontal Property Regime or a subdivision with a minimum lot size of 1,000 square feet.
6. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective



Metro Planning Commission Meeting of 11/13/2014

date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

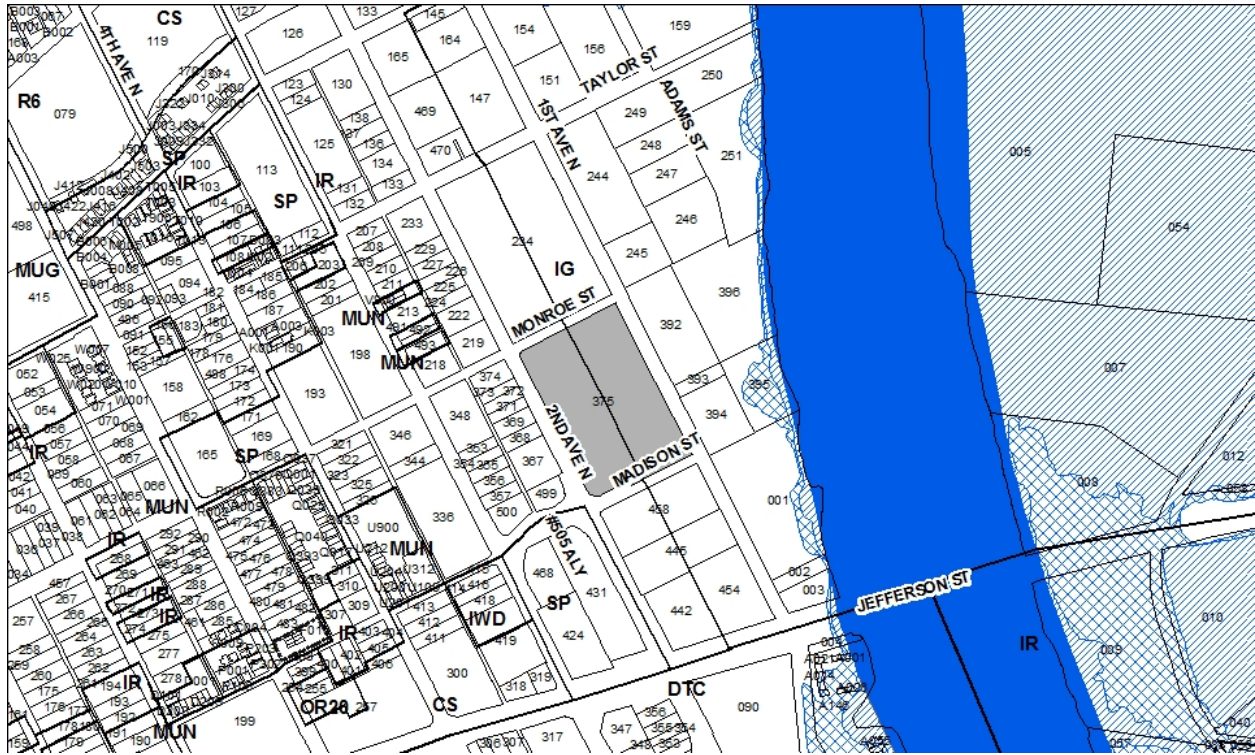
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



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Metro Planning Commission Meeting of 11/13/2014



2014SP-081-001

LC GERMANTOWN

Map 082-09, Parcel(s) 375

08, North Nashville

19 (Erica S. Gilmore)



Project No. 2014SP-081-001
Project Name LC Germantown
Council District 19 - Gilmore
School District 1 - Gentry
Requested by Civil Site Design Group, PLLC, applicant; Anita Sheridan, owner.

Staff Reviewer Milligan
Staff Recommendation *Defer to the December 11, 2014, Planning Commission meeting unless a Traffic Impact Study is received and reviewed prior to the meeting. If a TIS is reviewed and a recommendation of approval is received from all reviewing agencies, staff recommends approval with conditions and disapproval without all conditions.*

APPLICANT REQUEST

Preliminary SP to permit mixed-use development.

Preliminary SP

A request to rezone from Industrial Restrictive (IR) and Industrial General (IG) to Specific Plan-Mixed Use (SP-MU) zoning for property located at 1226 2nd Avenue North (4.74 acres) to permit a mixed-use development.

Existing Zoning

Industrial Restrictive (IR) is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Industrial General (IG) is intended for a wide range of intensive manufacturing uses.

Proposed Zoning

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

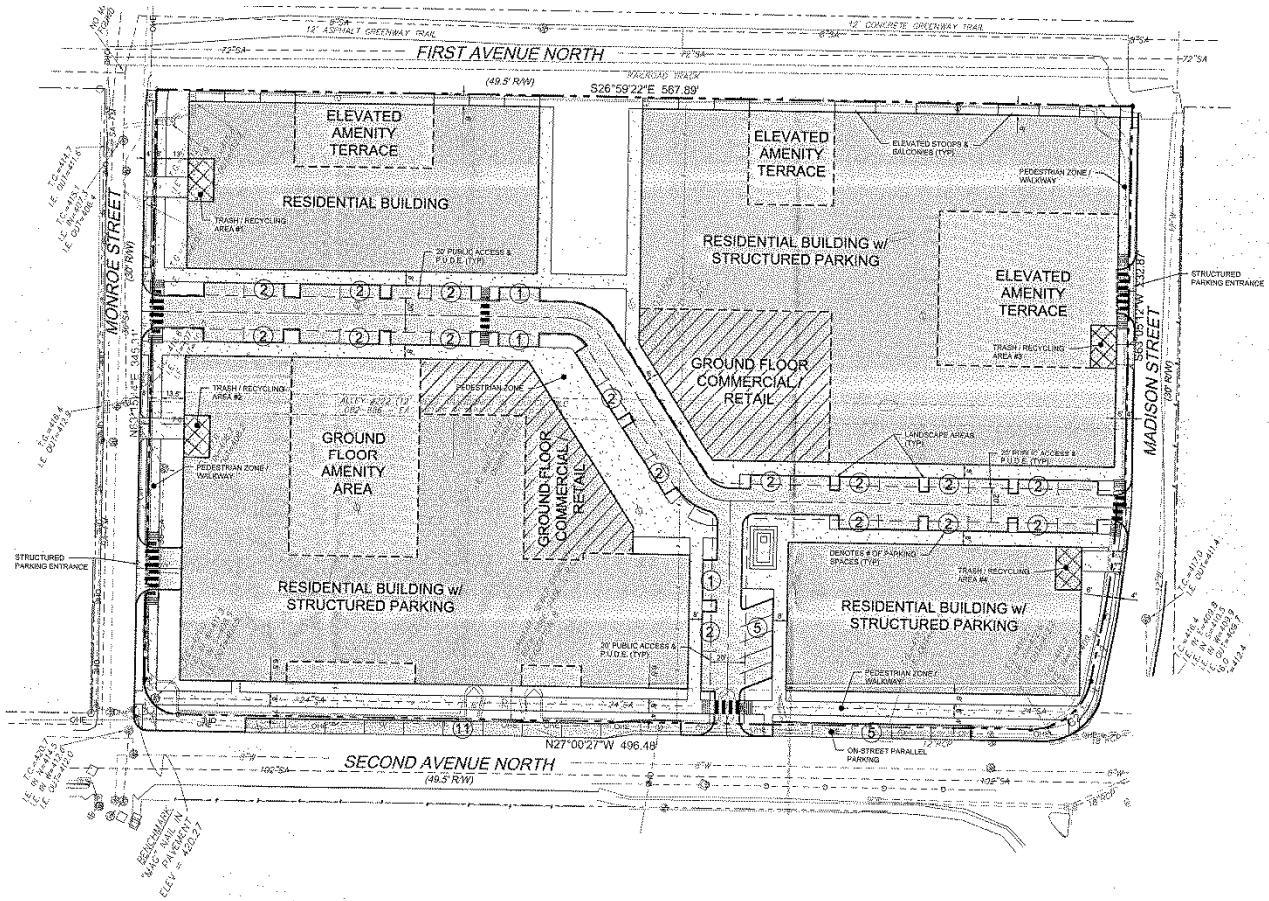
CRITICAL PLANNING GOALS

- Creates walkable neighborhoods
- Supports a variety of transportation choices
- Provides a range of housing choices
- Supports infill development

The proposed LC Germantown development includes a network of sidewalks throughout the development to encourage pedestrian activity and create a walkable neighborhood. The development is a near an existing bus line, allowing for future residents to have transportation choice. Bike parking will be provided on site for both the residential uses and the nonresidential



Metro Planning Commission Meeting of 11/13/2014



Proposed Site Plan



Metro Planning Commission Meeting of 11/13/2014

uses. The proposed mixed-use buildings are providing for intensified development on an underutilized urban site.

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (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 nonresidential 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?

Yes. The proposed development incorporates both residential and nonresidential land uses and creates a more intense development pattern on an infill site.

PLAN DETAILS

The site is located at 1226 2nd Avenue North on the northeast corner of 2nd Avenue North and Madison Street. The site is located west of 1st Avenue North, east of 2nd Avenue North, south of Monroe Street and north of Madison Street. The site is approximately 4.74 acres in size. The current use of the property is a surface parking lot used for storage of truck trailers.

Site Plan

The proposed project includes four buildings with a variety of uses. Up to 450 multi-family residential units are proposed along with up to 25,000 square feet of nonresidential uses. The development includes an internal private drive with on-street parking, pedestrian areas, and sidewalks. The nonresidential uses are proposed to front on the internal drive. The height of the buildings will range from 4 stories to 6 stories.

Sidewalks are being provided along Madison, Monroe, 2nd Avenue and the internal drive. Bicycle parking is being provided consistent with the adopted Bicycle Parking ordinance. Structured parking is also proposed in 3 of the 4 buildings.

The applicant is proposing that the buildings be industrial/warehouse style buildings and have proposed specific design standards to achieve this design. Conceptual elevations and imagery have been provided and finalized elevations will be reviewed with the Final SP.

ANALYSIS

The plan is consistent with the proposed land use policy and adds a mixed-use development on an infill site. The plan meets several critical planning goals including creating a more pedestrian friendly, walkable streetscape; providing a range of housing choices; and supporting a variety of transportation choices.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions



Metro Planning Commission Meeting of 11/13/2014

1. No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B. Fire Code issues for the structures will be addressed at permit application review

STORMWATER RECOMMENDATION

Approved

WATER SERVICES

Approved

1. Approved as a Preliminary SP only. The required capacity fees (1-year commitment) must be paid by Final SP stage.

PUBLIC WORKS RECOMMENDATION

Returned for corrections

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. The road design and streetscape design must be coordinate with MPW Staff in conjunction with Metro Planning. The road design should meet MPW Standards and the sidewalk/ street scape design should meet the standards of ADA and MPW. Lane widths, lane assignments, parking lane locations, etc. to be coordinated with the TIS approval. Pedestrian improvements, cyclist improvements, etc. to be coordinated with TIS approval.
3. All sidewalks along the public street should be located within the ROW.
4. Comply with the MPW Traffic Engineer conditions, i.e. submit traffic study. Once the TIS has been approved by MPW Traffic Engineer submit detailed design. Additional comments will be forthcoming.
5. Indicate on the plans the location of Solid Waste and Recycling, as well as move in/ out zones.

TRAFFIC AND PARKING RECOMMENDATION

Returned for corrections

1. A Traffic Impact Study with parking analysis is required prior to preliminary SP review. Please schedule a scoping meeting.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.37	0.6 F	61,942 SF	221	19	20

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.37	0.6 F	61,942 SF	221	19	20



Metro Planning Commission Meeting of 11/13/2014

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	4.74	-	450 U	2381	172	207

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	4.74	-	25,000 SF	1108	28	82

Traffic changes between maximum: **IR** and **IG** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-		+3,047	+162	+249

METRO SCHOOL BOARD REPORT

Projected student generation existing IR and IG district: 0 Elementary 0 Middle 0 High
Projected student generation proposed SP-MU district: 2 Elementary 1 Middle 3 High

The proposed SP-MU zoning district could generate 5 more students than what is typically generated under the existing IR and IG zoning district, utilizing the urban infill factor. Students would attend Buena Vista Elementary, John Early Middle School, and Pearl Cohn High School. All three schools have been identified as having additional capacity. This information is based upon data from the school board last updated September 2013.

STAFF RECOMMENDATION

Staff is recommending deferral of the project to the December 11, 2014, Planning Commission meeting unless a Traffic Impact Study is received and reviewed by Public Works and Planning prior to the meeting. If a TIS is reviewed and a recommendation of approval is received from all reviewing agencies, staff recommends approval with conditions and disapproval without all conditions

CONDITIONS

1. Permitted land uses shall be limited to multi-family residential and all other uses in MUG-A. Residential shall be limited to up to 450 units.
2. Finalized elevations shall be submitted with the final site plan. Elevations must be consistent with the Conceptual Elevations on Sheet A1.00, the Concept Imagery on Sheet A2.00, and the specific design standards of the SP.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the application request or application.

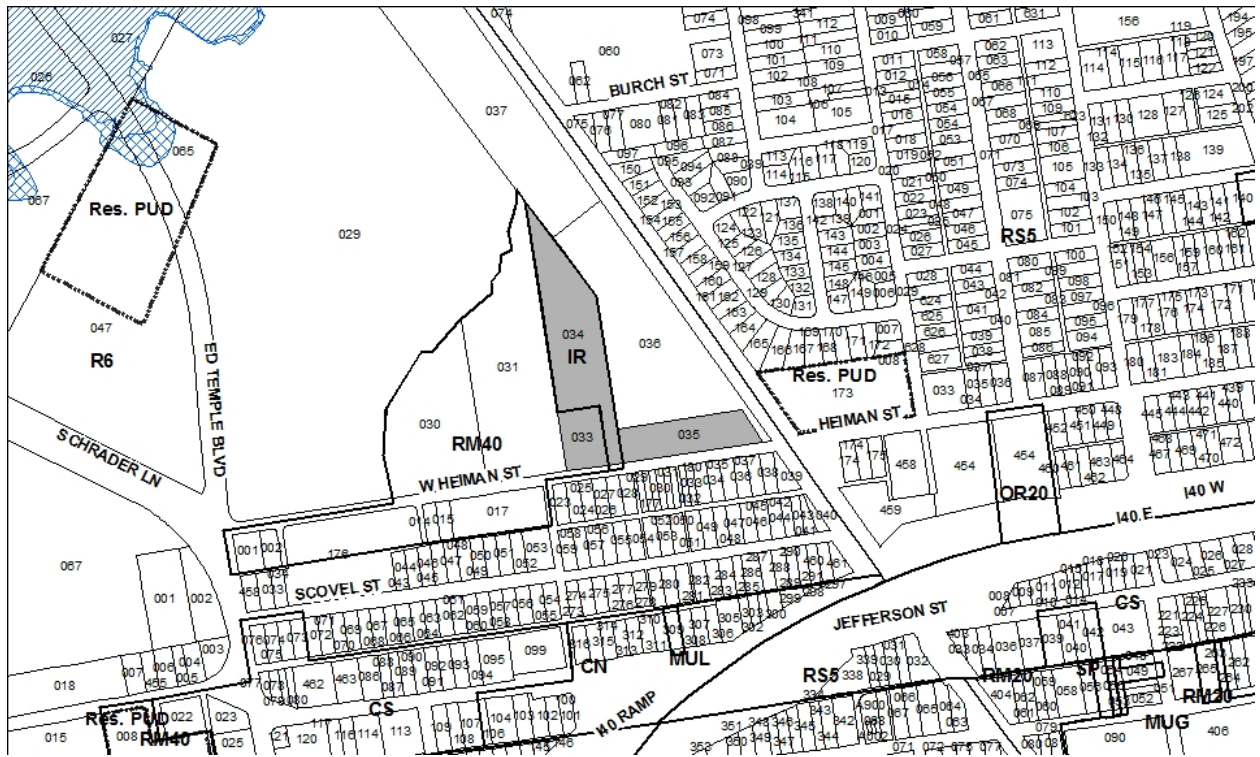


Metro Planning Commission Meeting of 11/13/2014

4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Metro Council shall be provided to the Planning Commission prior to or with the final site plan application.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering, or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.



Metro Planning Commission Meeting of 11/13/2014



2014Z-060PR-001

Map 081, Parcel(s) 033-035

08, North Nashville

21 (Edith Taylor Langster)



Project No.	Zone Change 2014Z-060PR-001
Council District	21 – Langster
School District	1 – Gentry
Requested by	FMBC Investments, LLC, applicant; Heiman Street Partners C/O Smartspace, LLC, owner.
Staff Reviewer	Nalbantyan
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Zone Change from R6, RM40, and IR to RM40-A.

Zone Change

A request to rezone from One and Two-Family Residential (R6), Multi-Family Residential (RM40), and Industrial Restrictive (IR) to Multi-Family Residential-A (RM40-A) zoning for properties located at 2404, 2500 and 2518 W. Heiman Street, approximately 1,310 feet east of Ed Temple Boulevard (5.07 acres).

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre, including 25 percent duplex lots. *R6 would permit a maximum of 10 lots with 2 duplex lots for a total of 12 units.*

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 31 units.*

Industrial Restrictive (IR) is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures.

Proposed Zoning

Multi-Family Residential-A (RM40-A) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. *RM40-A would permit a maximum of 202 units.*

CRITICAL PLANNING GOALS

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

The proposal involves the consolidation of three adjacent parcels in three different zoning districts that make them in their current state difficult to develop individually in a manner consistent with the land use policy. Therefore, consolidation and rezoning of these parcels to RM40-A will create an opportunity for infill development. Additionally, the RM40-A zoning district requires bulk and



Metro Planning Commission Meeting of 11/13/2014

design standards that are intended to create walkable neighborhoods. The proximity of the site to educational institutions provides opportunities for increased pedestrian activity in the area. The additional density and proximity to MTA bus routes also helps support mass transit.

NORTH NASHVILLE COMMUNITY PLAN

T4 Urban Neighborhood Evolving (T4 NE) is intended to create and enhance urban neighborhoods that are compatible with the general character of existing urban neighborhoods as characterized by their development pattern, building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern may have higher densities than existing urban neighborhoods and/or smaller lots sizes, with a broader range of housing types providing housing choice. This reflects the scarcity of easily developable land (without sensitive environmental features) and the cost of developing housing.

Consistent with Policy?

Yes. The proposed RM40-A zoning permits the type of use intended within the policy area. The RM40-A also requires design and bulk standards intended to foster development that is urban in form and consistent with the goals of the policy. While RM40-A is consistent with policy, a Specific Plan with an appropriate design would also be consistent with policy.

FIRE MARSHAL RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

Ignore/ N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Conditions if approved

1. Traffic study may be required at time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	1.46	7.26 D	12 U*	115	9	13

*Based on two two-family lots.



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.83	0.6 F	73,964 SF	264	23	24

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	0.78	40 D	31 U	233	21	24

Maximum Uses in Proposed Zoning District: **RM40-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (230)	5.07	40 D	202 U	1186	91	107

Traffic changes between maximum: **R6, IR, and RM40** and **RM40-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+574	+38	+46

SCHOOL BOARD REPORT

Projected student generation existing R6 district: 1 Elementary 1 Middle 1 High

Projected student generation existing RM40 district: 5 Elementary 3 Middle 2 High

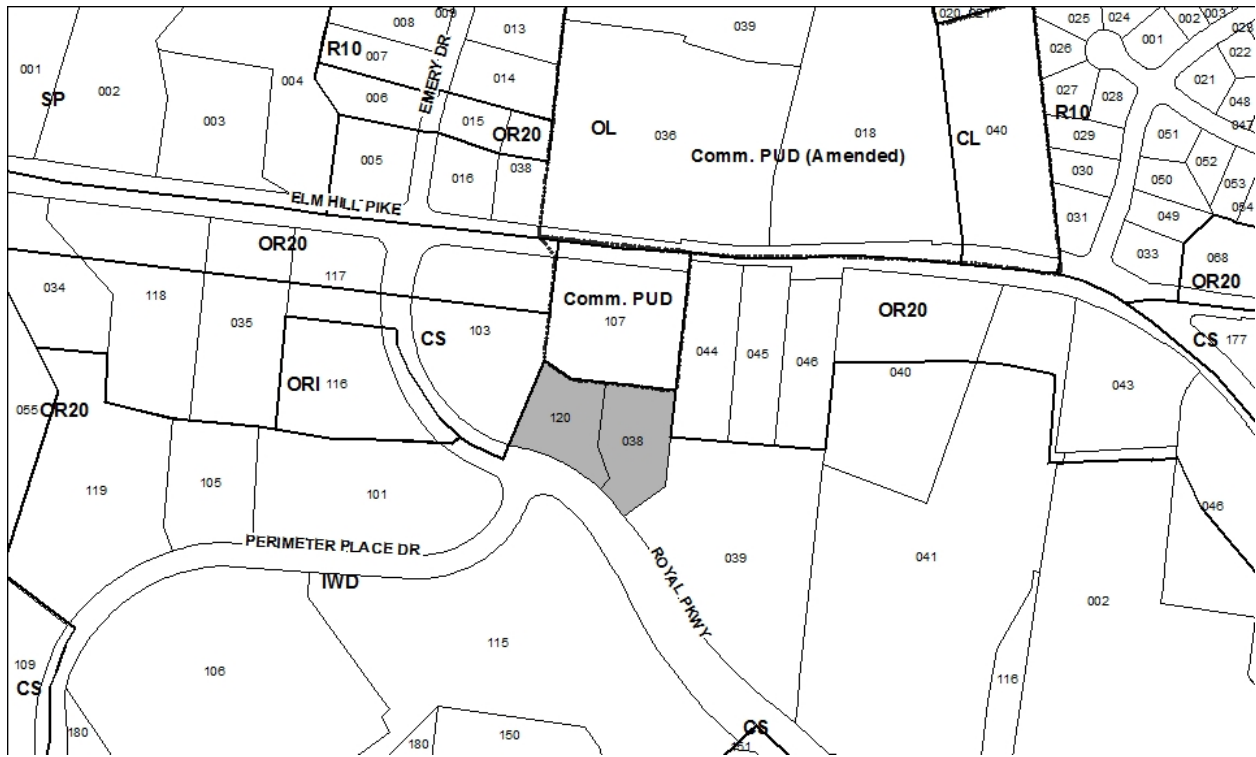
Projected student generation proposed RM40-A district: 34 Elementary 22 Middle 15 High

STAFF RECOMMENDATION

Staff recommends approval of RM40-A zoning since it is consistent with the T4 Urban Neighborhood Evolving land use policy.



Metro Planning Commission Meeting of 11/13/2014



2014Z-062PR-001

Map 095, Parcel(s) 038, 120

14, Donelson - Hermitage

15 (Phil Claiborne)



Project No.	Zone Change 2014Z-062PR-001
Council District	15 – Claiborne
School District	4 – Shepherd
Requested by	NNP Investments, applicant; Eric Lowman and David Patterson, owners.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST
Zone change from IWD to CS.

Zone Change

A request to rezone from Industrial Warehousing/Distribution (IWD) to Commercial Service (CS) zoning for properties located at 501 and 511 Royal Parkway, approximately 550 feet south of Elm Hill Pike (2.21 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

DONELSON - HERMITAGE COMMUNITY PLAN

District Industrial (D IN) policy is intended to preserve, enhance, and create Industrial Districts in appropriate locations. The policy creates and enhances areas that are dominated by one or more industrial activities, so that they are strategically located and thoughtfully designed to serve the overall community or region, but not at the expense of the immediate neighbors. Types of uses in D IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses. Uses that support the main activity and contribute to the vitality of the D IN are also found.

Consistent with Policy?

Yes. Uses permitted by the proposed CS district are in keeping with and support the primary uses supported by the land use policy. Since these properties are on the edge of the District Industrial policy, the CS zoning will provide a transition to into the adjacent Office Concentration policy area.

FIRE MARSHAL’S OFFICE RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

- A traffic study may be required at development.



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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Warehousing (150)	2.21	0.8 F	77,014 SF	394	72	51

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.21	0.6 F	57,760 SF	4754	112	441

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	- 19,254 SF	+4,360	+40	+390

STORMWATER RECOMMENDATION

Ignore

STAFF RECOMMENDATION

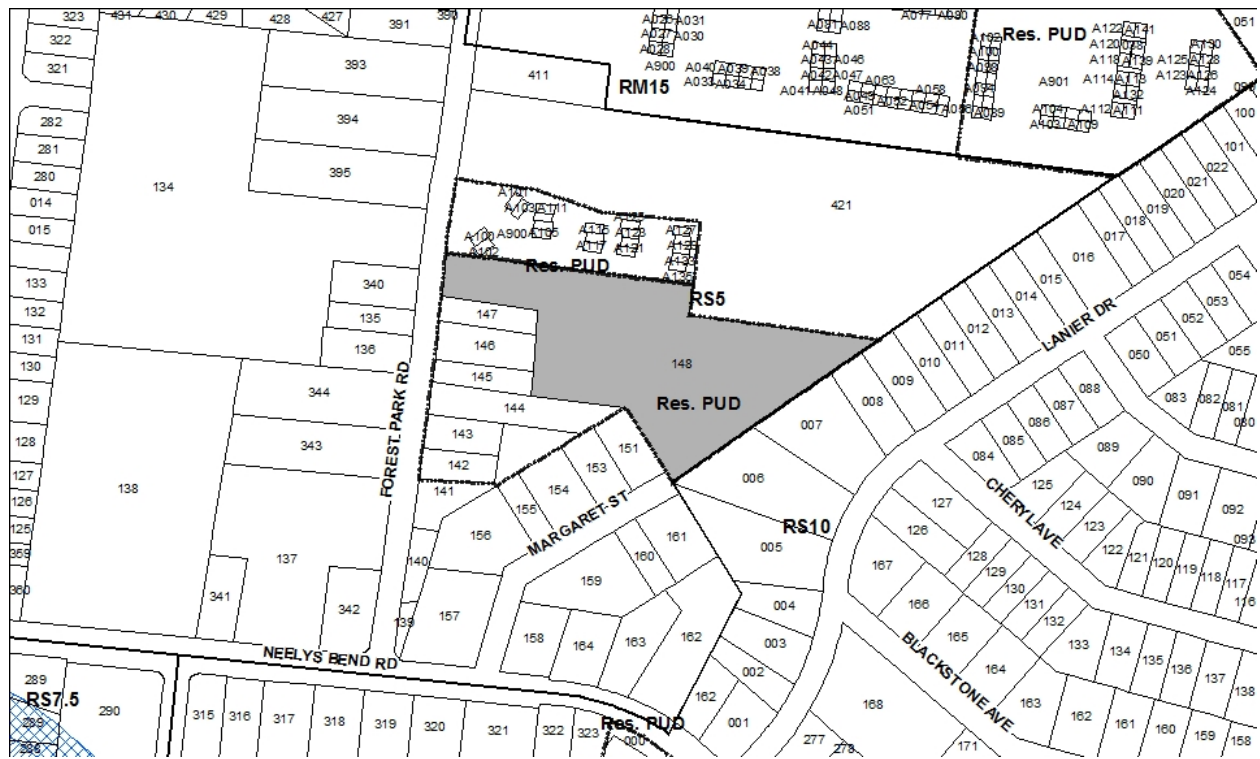
Staff recommends approval of the CS zoning district since it is consistent with the properties land use policy.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/13/2014



300-84P-001
FOREST BEND
Map 052-01, Parcel(s) 148
04, Madison
09 (Bill Pridemore)



Project No. **Planned Unit Development 300-84P-001**
Project Name **Forest Bend**
Council District 9 - Pridemore
School District 3 - Speering
Requested by TSquare Engineering, applicant; Arrington Development, LLC, owner.

Staff Reviewer Birkeland
Staff Recommendation *Defer to the December 11, 2014, Planning Commission meeting if a recommendation is not received from Stormwater and Water Services prior to the meeting. If a recommendation of approval is received, staff recommends approval with conditions.*

APPLICANT REQUEST

Revise a portion of a Planned Unit Development and for final site plan to permit the development of 47 multi-family units where 47 multi-family units were previously approved.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Residential Planned Unit Development Overlay District for property located at 501 Forest Bend Road, approximately 760 feet north of Neely’s Ben Road, zoned Single-Family Residential (RS5), (4.05 acres), to permit the development of 47 multi-family dwelling units where 47 multi-family units were previously approved.

Existing Zoning

Single-Family Residential District (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *Without a PUD overlay, RS5 would permit a maximum of 35 units.*

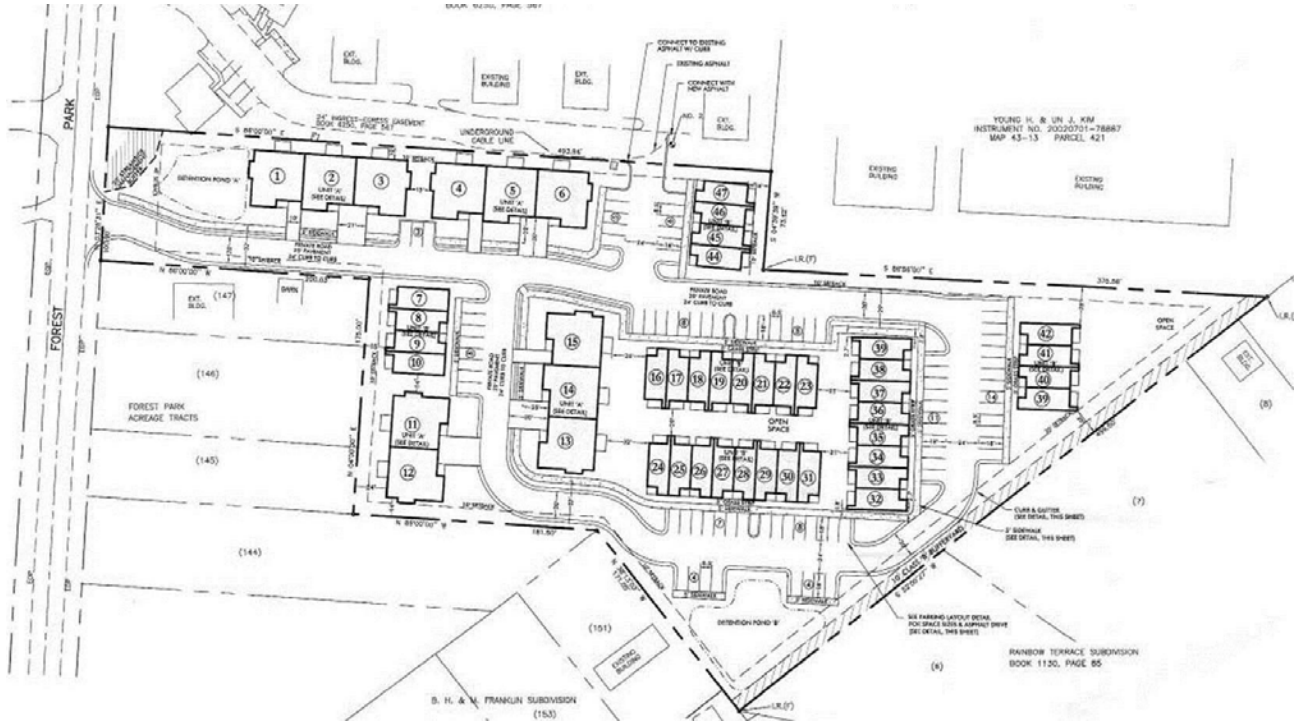
Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *The subject PUD is approved for 47 multi-family units.*

CRITICAL PLANNING GOALS

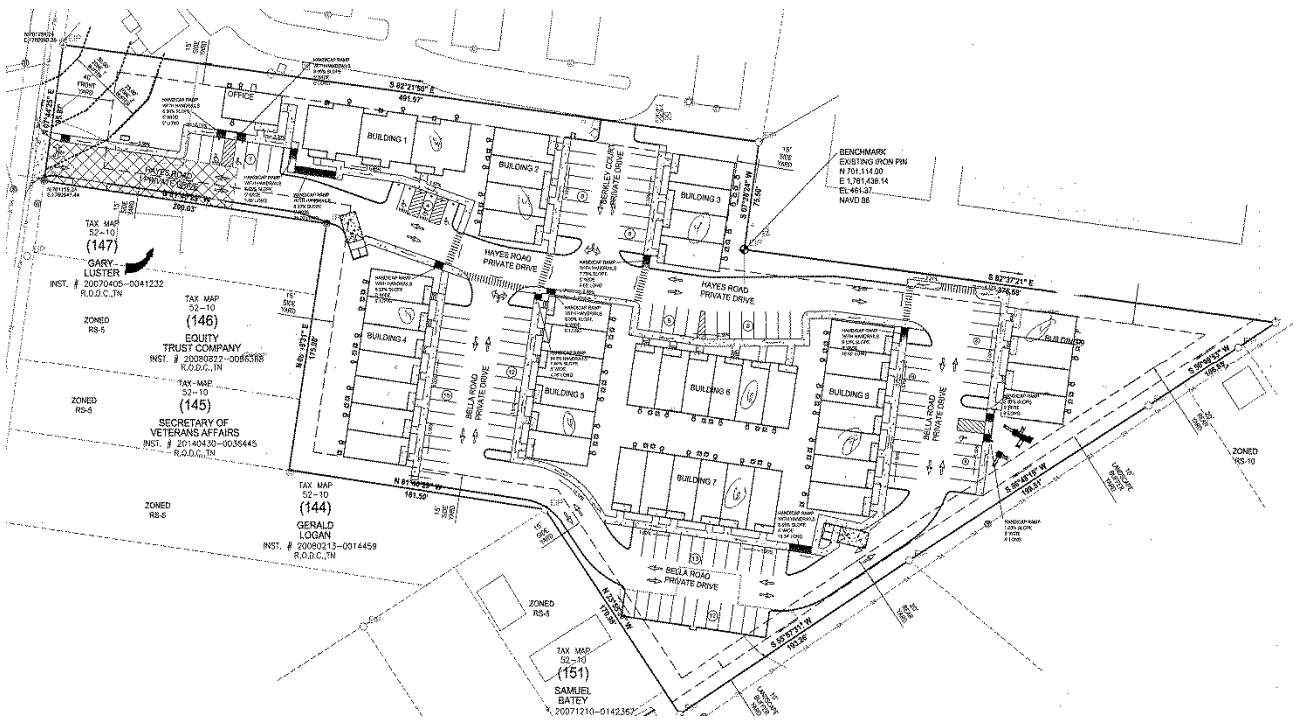
N/A



Metro Planning Commission Meeting of 11/13/2014



Approved PUD Plan in 2007



Proposed Site Plan 2014



Metro Planning Commission Meeting of 11/13/2014

HISTORY

Original Plan and history

The original preliminary plan for this PUD, as adopted by Council Bill 84-611, was for 90 units including 10 flats and 80 townhomes. In 2002, the Planning Commission recommended approval of an amendment, which required Council approval, for 40 units without the pool and clubhouse. The plan was considered an amendment because of the elimination of the pool and clubhouse from the plan. While the Commission recommended approval, Council never approved the bill (Bill 2002-957), and it was ultimately withdrawn. In 2004, a revision of the PUD was approved by the Commission for *47 multi-family units* with a pool and pool house.

In 2007, the applicant requested a revision to the PUD to remove the pool and pool house from the plan. Staff recommended that the proposed removal of the pool and pool house from the plan was an amendment that required Council approval. The application was approved by the Planning Commission as a revision.

PROPOSED PUD PLAN

The 2014 request to revise the preliminary plan and for final site plan approval of a Planned Unit Development District proposes 47 multi-family units on approximately 4 acres. All units will be accessed from a private drive off Forest Park Road as well through the existing Coventry Woods, Phase 1 development to the north. All units will be accessed from a private drive off Forest Park Road or through a new access road to the adjacent property to the north, Coventry Woods, Phase 1. Coventry Woods, Phase 2 shall submit a recorded access easement to Coventry Woods, Phase 1 prior to the issuance of building permits. The proposed access road to Coventry Woods, Phase 1, is in the same location as the approved 2007 plan.

The 2014 revision and final site plan is similar the 2007 site plan. The plan includes minor adjustments to the site plan, but the overall plan is consistent with the original concept. The units are grouped in sets of buildings throughout the PUD. The units per building are slightly different than in 2007 because the unit sizes, in square footage, have become more consistent throughout the PUD. Surface parking has increased from 97 stalls to 117 because of the removal of individual garages and driveways to some units and placement of the private drive.

The proposed revision and final site plan includes the same type “B” buffer yard along the southeastern property line and additional landscaping throughout the development, including the western property line. The 2007 revision to the preliminary plan and final site plan included a six foot tall wooden (opaque) fence that was not included on the proposed revision. A condition has been added to require fencing to be installed in the same locations along the property line.

ANALYSIS

The 47 multi-family units are an approved use in the Coventry Woods, Section Two (Forest Bend) PUD. The slight changes in the proposed site plan are consistent with the approval in 2007.

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. Staff is recommending that the request be approved with conditions because the request is consistent with all the requirements of Section 17.40.120.G, and is provided below for review.



Metro Planning Commission Meeting of 11/13/2014

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.



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- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

FIRE MARSHAL RECOMMENDATION

Approval with conditions

- Single Family homes that the number of houses exceeds 30, requires a second means of egress from the subdivision. 2006 IFC Appendix D, D107.1. Approved revised plan 10-27-14. Fire Code issues for the structures will be addressed at permit application review.

STORMWATER RECOMMENDATION

Returned

- Approved construction plans are required prior to Final PUD approval.

WATER RECOMMENDATION

Returned

- Waiting on approved construction plans.

TRAFFIC AND PARKING RECOMMENDATION

Conditions if approved

- Comply with previous PUD conditions.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Submit recorded access easements to parcel 146 and adjoin development to the north~prior to building permit

STAFF RECOMMENDATION

Staff recommends deferral to the December 11, 2014, Planning Commission meeting if a recommendation is not received from Stormwater and Water Services prior to the meeting. If a recommendation of approval is received, staff recommends approval with conditions.



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CONDITIONS

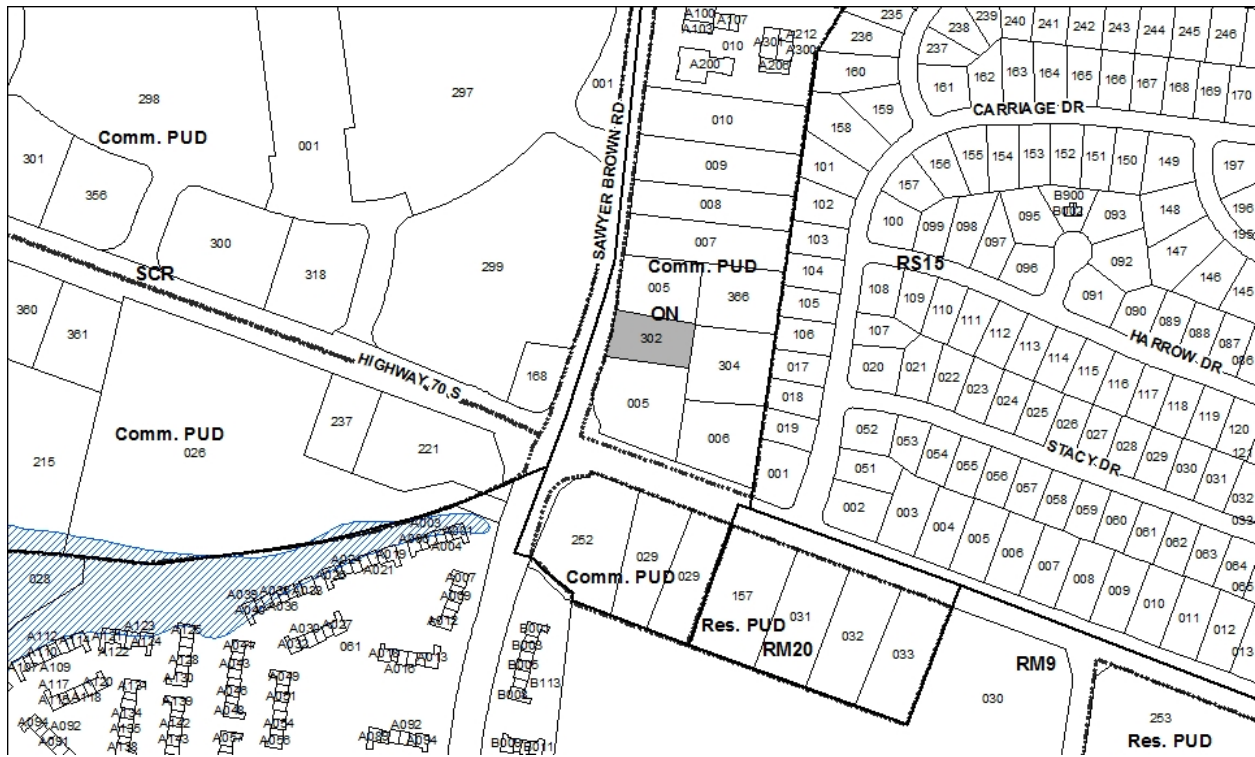
1. Wooden (opaque) fencing, six feet in height, shall be installed along the north and south property lines consistent with the approved site plan from 2007.
2. Prior to the issuance of building permits, a recorded access easement to parcel 146 shall be submitted.
3. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. 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.
5. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
6. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.
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.



SEE NEXT PAGE



Metro Planning Commission Meeting of 11/13/2014



88P-034-001

BELLEVUE PROFESSIONAL PARK

Map 142, Parcel(s) 302

06, Bellevue

22 (Sheri Weiner)



Project No.	Planned Unit Development 88P-034-001
Project Name	Bellevue Professional Park
Council District	22 – Weiner
School District	9 – Frogge
Requested by	Dickson Tae Kwon Do, LLC, applicant; Sawyer Brown Office Condos, LLC, owner.
Staff Reviewer	Sajid
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Revise preliminary plan and final site plan approval for Lot 2 of the Bellevue Professional Park PUD.

Revise Preliminary PUD and Final Site Plan

A request to revise the preliminary plan and for final site plan approval for a portion of the Bellevue Professional Park Commercial Planned Unit Development Overlay District for property located at 8150 Sawyer Brown Road, approximately 265 feet north of Highway 70 South, zoned Office Neighborhood (ON), (0.65 acres), to permit the development of a 4,342 square foot personal instruction facility.

Existing Zoning

Office Neighborhood (ON) is intended for low intensity office uses.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The subject property is located northeast of the intersection of Highway 70 South and Sawyer Brown Road in Bellevue. Surrounding zoning includes ON, SCR, RM20, RS15 and PUD. The zoning of the subject property is ON and PUD overlay.

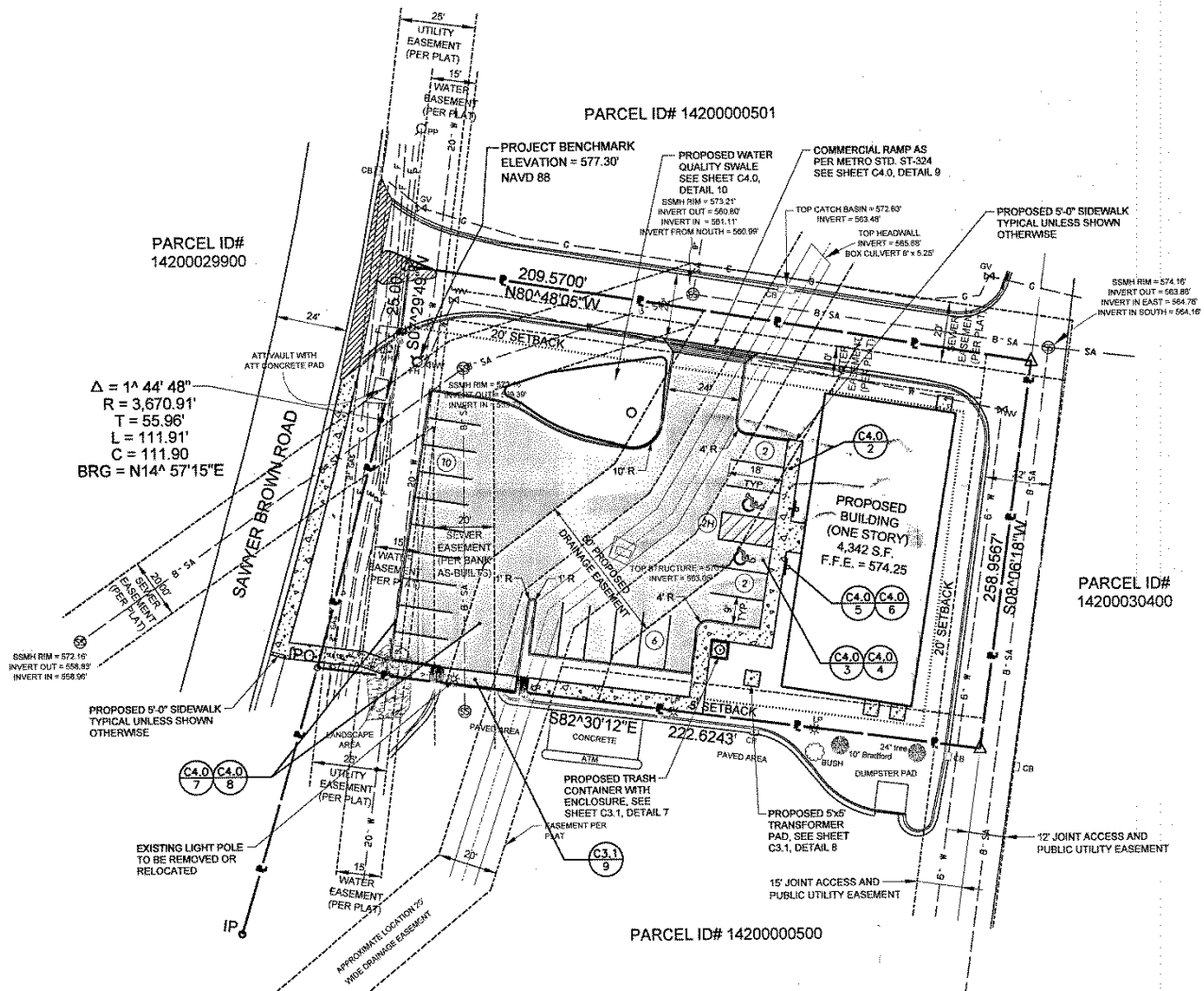
ANALYSIS

The Bellevue Professional Park PUD is located at the northeast corner of the intersection of Highway 70 and Sawyer Brown Road, across Sawyer Brown Road from the Bellevue Mall. The entire PUD was approved by Council in 1988 for 175,450 square feet of office/professional uses and a bank. Metro Council approved a cancellation of a portion of the PUD in 1998. The cancellation decreased the total permitted development to 125,125 square feet.

The requested revision proposes a reduction of 5,858 square feet from the previously approved layout. The Zoning Code permits the Planning Commission to approve increases in floor area from what was approved by Council, as long as any increase does not exceed ten percent of the last Council approval. A total of 137,637 square feet of floor area is permitted without requiring Council approval. With the proposed 4,342 square foot personal instruction facility on Lot 2, the overall total area of development within the PUD is 119,267 square feet.



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Proposed Site Plan



Metro Planning Commission Meeting of 11/13/2014

No changes are being proposed that conflict with the concept of the Council approved plan. The revised site layout and conversion to another approved use proposed for Lot 2 are consistent with the concept of the PUD. In addition, the increase in overall building area does not exceed 10% of the area last approved by Council. Consequently, staff finds that the proposed revision is a minor modification.

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, and is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.



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- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

The proposal is for a revision to the preliminary plan and for final site plan approval for a 4,342 square foot personal instruction facility on Lot 2. The site plan includes a one-story building. The site is encumbered by drainage, water and sewer easements that run through the front and center of the lot. As a result, the building is located at the rear of the site and is oriented toward Sawyer Brown Road. Parking for the site is located in front of the building, and access to the site is limited to one access point at the northern site boundary. An interior sidewalk is proposed that connects the building to the existing sidewalk network on Sawyer Brown Road. The final site plan is consistent with the Zoning Code requirements for both parking and landscaping.

As the proposed revision keeps with the overall intent of the PUD and the final site plan is consistent with the Zoning Code, planning staff recommends approval of the request.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- No part of any building shall be more than 500 ft. from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B. Fire Code issues for the structures will be addressed at permit application review

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Coordinate all work within the ROW with the MPW Permits Office. The existing driveway ramp may be required to meet the current standards for ADA.



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TRAFFIC & PARKING RECOMMENDATION

No exception taken

HARPETH VALLEY UTILITY DISTRICT RECOMMENDATION

Approved

STAFF RECOMMENDATION

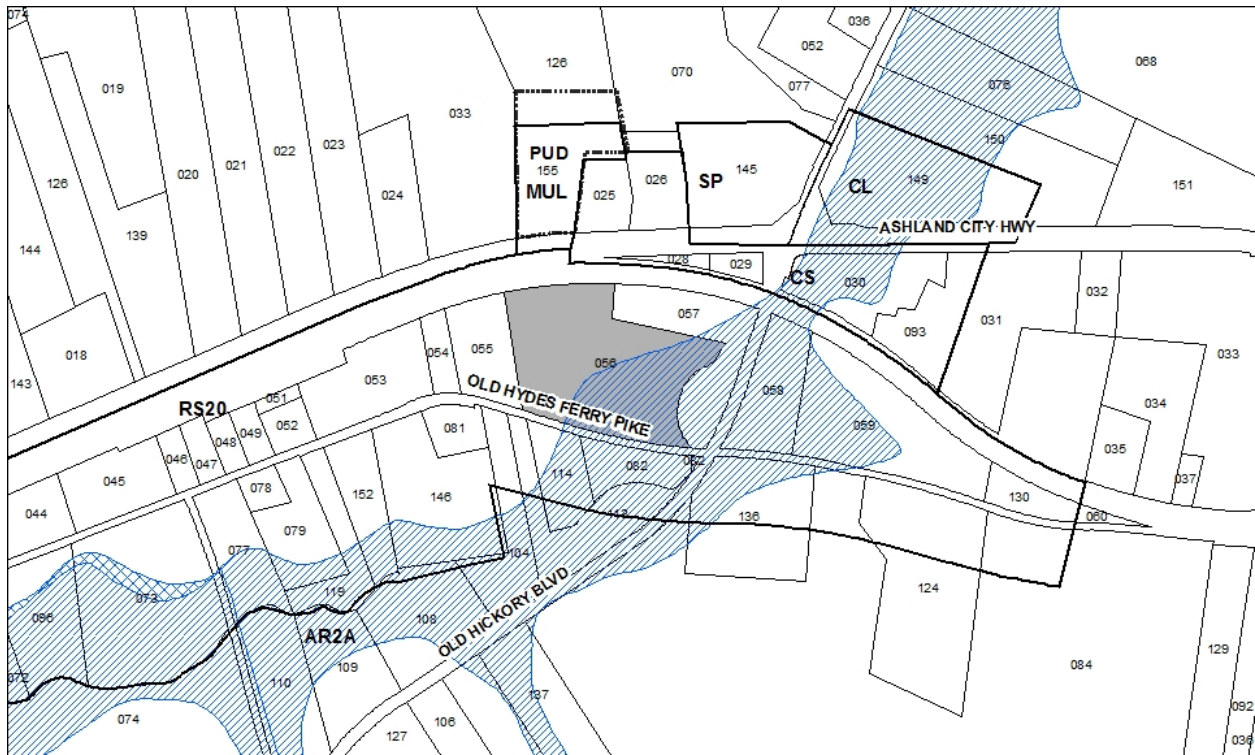
Staff recommends approval with conditions.

CONDITIONS

1. Provide a sidewalk connection to the internal drive located to the north of the site.
2. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
5. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
8. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.



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2013NL-001-002

WADE SCHOOL (FINAL)

Map 067, Parcel(s) 056

03, Bordeaux - Whites Creek

01 (Lonnell Matthews, Jr.)



Project No.	Neighborhood Landmark 2013NL-001-002
Project Name	Wade School (Final)
Council District	1 - Matthews
School District	1 - Gentry
Requested by	Millarrich Properties, LLC, applicant and owner.
Staff Reviewer	Milligan
Staff Recommendation	<i>Defer to the December 11, 2014, Planning Commission meeting.</i>

APPLICANT REQUEST

Neighborhood Landmark Development Plan to permit various uses at the Wade School.

Neighborhood Landmark Development Plan

A request for approval of a Neighborhood Landmark Development Plan for property located at 5022 Old Hydes Ferry Pike (8.76 acres), zoned Single-Family Residential District (RS20), to permit a restaurant, agricultural activity, and special events, in addition to the previously approved uses.

Existing Zoning

Single-Family Residential District (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 16 lots on 8.76 acres.*

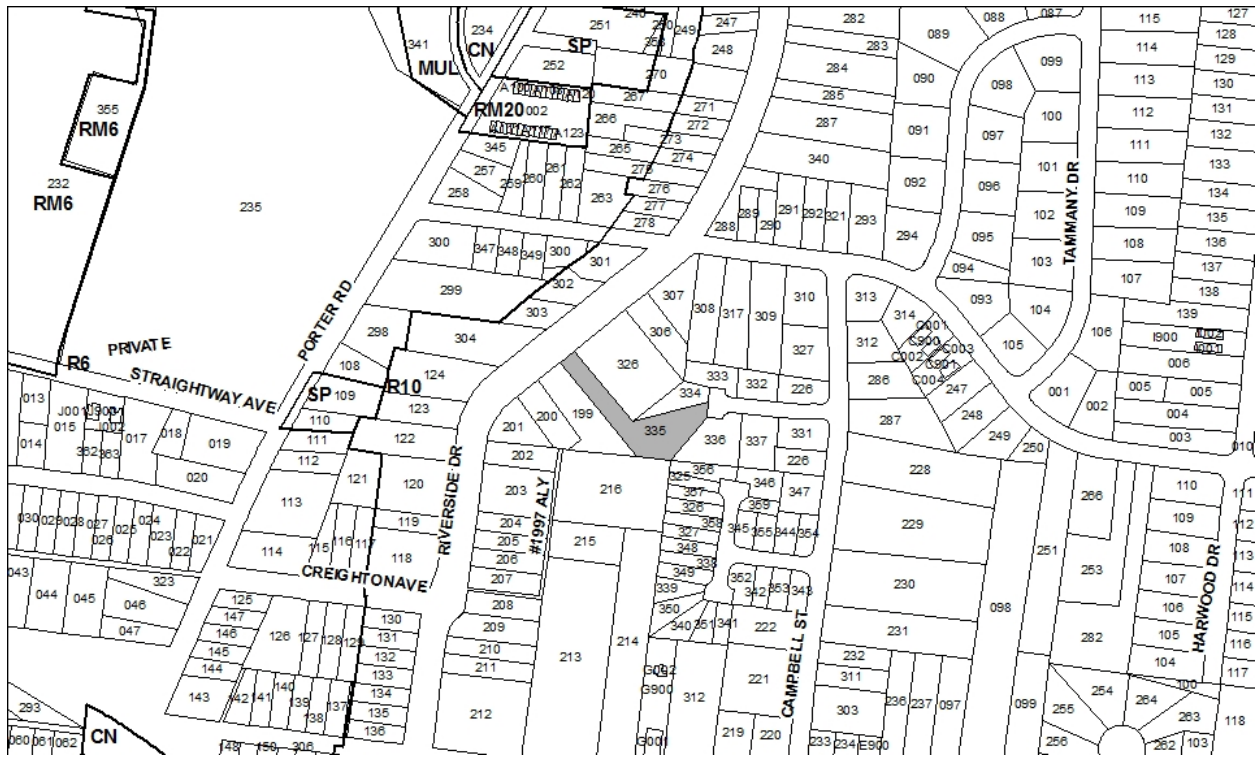
Neighborhood Landmark Overlay District (NLOD) is intended to preserve and protect landmark features whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the neighborhood or community. *The NLOD was approved in 2006.*

STAFF RECOMMENDATION

Staff recommends deferral to the December 11, 2014, Planning Commission meeting at the request of the applicant.



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2014S-218-001

POWELL SUBDIVISION, RESUB LOT 6, 1ST REVISION

Map 083-03, Parcel(s) 335

05, East Nashville

07 (Anthony Davis)



Project No.	2014S-218-001
Project Name	Powell Subdivision, Resub Lot 6, 1st Revision
Council District	7 – Davis
School District	5 – Kim
Requested by	S & A Surveying, Inc., applicant; Upside LLC, owner.
Staff Reviewer	Birkeland
Staff Recommendation	<i>Approve with conditions.</i>

APPLICANT REQUEST

Create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 2312 Campbell Drive, approximately 300 feet west of Campbell Street, zoned One and Two-Family Residential District (R10) (0.78 acres).

Existing Zoning

One and Two-Family Residential District (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 3 lots with 3 duplex lots for a total of 6 units.*

CRITICAL PLANNING GOALS

- Supports Infill Development

The proposed subdivision creates infill housing opportunity in an area that served by existing infrastructure. Development in areas with adequate infrastructure is more appropriate than development not served with adequate infrastructure such as roads, water and sewer, because it does not burden Metro with the cost of maintaining new infrastructure. The subdivision requirements a minimum building setback line and a height limitation that will ensure infill development compatible with the surrounding character of the community.

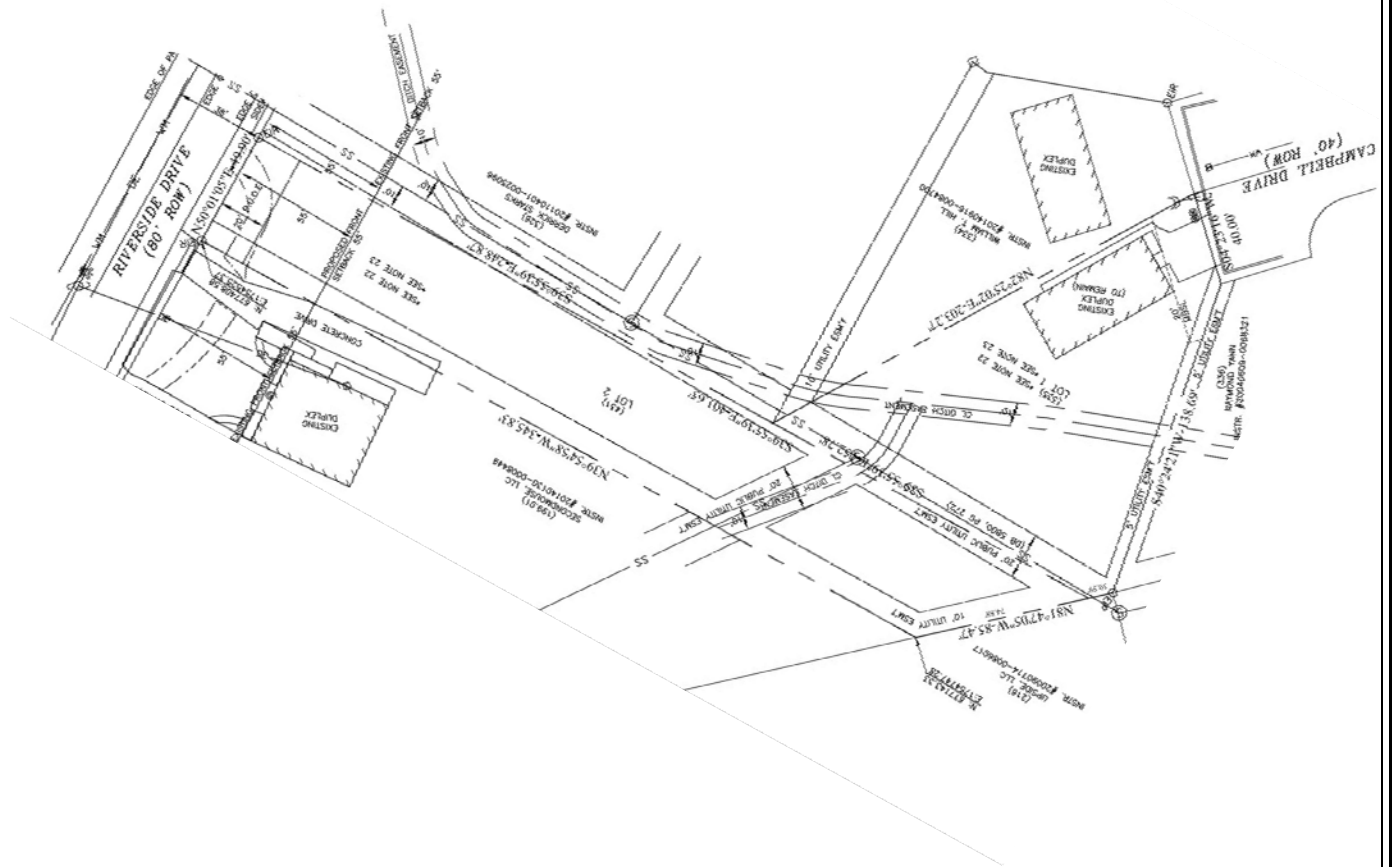
PLAN DETAILS

The final plat proposes two lots. The existing lot has street frontage on both Riverside Drive and Campbell Drive; the existing frontages are not changing. The existing lot has an existing duplex fronting along Campbell Drive. Proposed Lot 2 is duplex eligible and will gain access from Riverside Drive.

The proposed subdivision does not meet the infill compatibility analysis that is outlined in Section 3-5.2 of the Subdivision Regulations because Lot 1 and Lot 2 do not meet the frontage requirement calculated from the surrounding parcels to determine compatibility. The applicant requests approval under Section 3-5.2(f) of the Subdivision Regulations; under this section, the



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Proposed Subdivision



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Planning Commission may grant approval of a subdivision that does not meet the compatibility criteria, if the subdivision can provide for harmonious development within the community.

Proposed Lots

- Lot 1: 15,582 Sq. Ft., (0.357 Acres), and 40.00 Ft of frontage (existing);
- Lot 2: 18,663 Sq. Ft., (0.428 Acres), and 49.90 Sq. Ft. of frontage (existing)

ANALYSIS

Lot Compatibility

Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Urban Neighborhood Maintenance policy area. Lot 1 is compared to lots along Campbell Drive, while Lot 2 is compared to lots along Riverside Drive. The proposed plat does not change the existing frontage for Lot 1 and Lot 2. The proposed lots will have the same frontages that exist currently.

Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:

Zoning Code

Proposed lots meet the minimum standards of the R10 zoning district.

Street Frontage

Proposed lots have frontage on a public street.

Density

Urban Neighborhood Maintenance land use policy supports density up to 20 dwelling units per acre. The proposed infill subdivision provides a density of 2.56 dwelling units per acres, which falls within the range supported by policy.

Community Character

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater. The frontage is not changing.

Lot 1 Frontage Analysis	
Minimum Proposed (existing)	40.0'
70% of Average	64.12'
Smallest Surrounding Parcel	40'

Lot 2 Frontage Analysis	
Minimum Proposed (existing)	49.90'
70% of Average	77.88'
Smallest Surrounding Parcel	60'



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2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater.

Lot 1 Size Analysis	
Minimum Proposed	15,582 SF
70% of Average	8,781 SF
Smallest Surrounding Parcel	9,583 SF

Lot 2 Size Analysis	
Minimum Proposed	18,663 SF
70% of Average	14,483 SF
Smallest Surrounding Parcel	11,325 SF

3. Street Setback: The existing duplex on Lot 1 will remain along with the 20 foot minimum building setback line. Lot 2, along Riverside Drive, shall have a minimum building setback of 55 feet, consistent with the neighboring houses. No parking shall be permitted between Riverside Drive and future structures.

4. Lot Orientation: Lots 1 will remain orientated to Campbell Drive. Lot 2 will be oriented to Riverside Drive.

To make the development harmonious with the surrounding community character, the applicant has agreed to the following conditions: Lot 2, along Riverside Drive, shall have a minimum setback of 55 feet which is consistent with the surrounding setbacks. No parking shall be permitted in the front setback and a maximum of one driveway point per lot. Parking, driveways and all other impervious services in the required street setback shall not exceed 12 feet in width. The maximum of all structures shall not exceed two stories within 35 feet in height, to the roofline.

FIRE MARSHAL RECOMMENDATION N/A

PUBLIC WORKS RECOMMENDATION Approved

STORMWATER RECOMMENDATION Approved with conditions

1. Correctly label the drainage easements as Public Utility and Drainage Easement on the plat.

WATER SERVICES RECOMMENDATION Approved

STAFF RECOMMENDATION

Staff finds that the proposed final plat provides harmonious development with the surrounding area and recommends approval with conditions.

CONDITIONS

1. Lot 2 shall have a minimum front setback of 55 feet. The minimum setback line shall be depicted on the plat.
2. The maximum of all structures shall not exceed two stories within 35 feet in height, to the roofline.

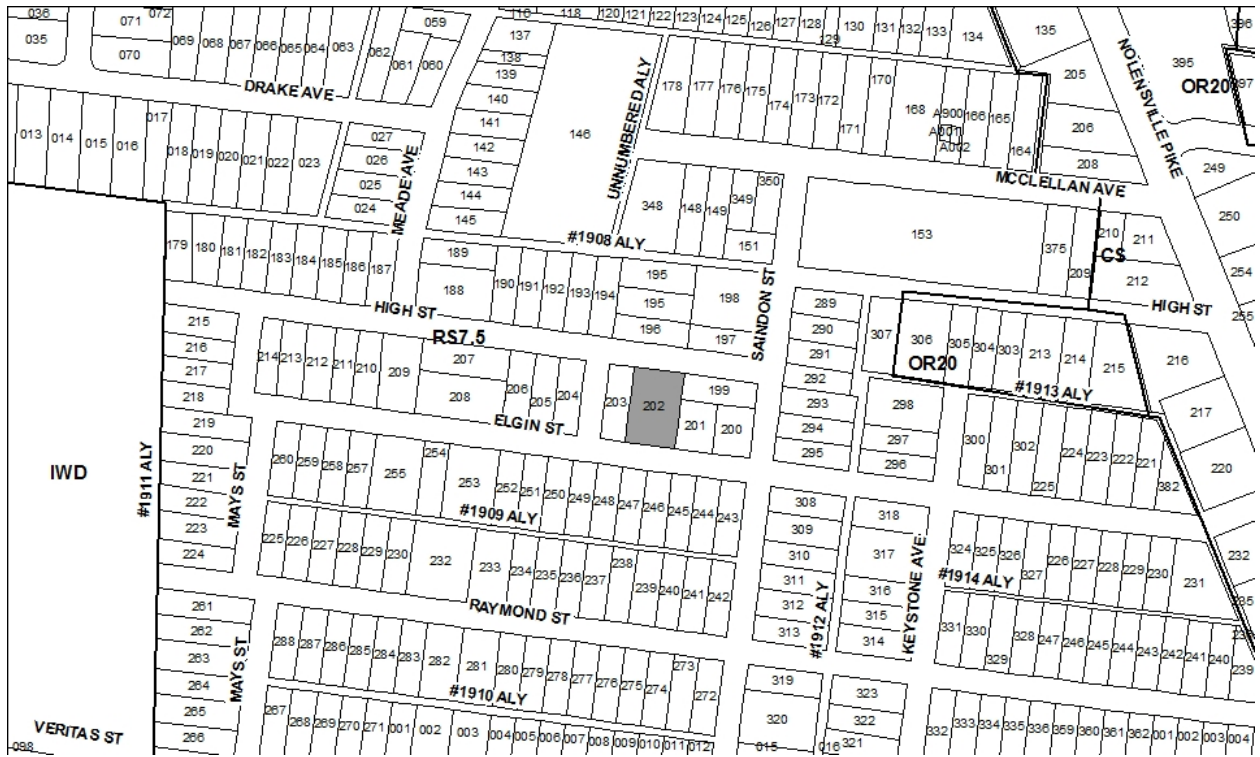


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3. Add Note No. 22 "Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width." Add "See Note 22" to Lot 2.
4. Add Note No. 23 "A maximum one driveway point per lot." Add "See Note 23" to Lot 1 and Lot 2.
5. Sidewalks are required along the Campbell Drive frontage of Lot 1 of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Submit a bond application and post a bond with the Planning Department,
 - b. Construct sidewalk and have it accepted by Public Works,
 - c. Submit contribution in-lieu of construction to the Planning Department, one additional lot will require a \$500 contribution to Pedestrian Benefit Zone 4-A. (This fee is based on the fees at the time of application.)
 - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department, or
 - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.



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2014S-220-001
SUNRISE HEIGHTS, FIRST REVISION
Map 133-01, Parcel(s) 202
11, South Nashville
16 (Tony Tenpenny)



Project No.	2014S-220-001
Project Name	Sunrise Heights, First Revision
Council District	16 – Tenpenny
School District	7 – Pinkston
Requested by	Daniels and Associates, Inc., applicant; Sona Land Company, LLC, owner.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions, including an exception to Section 3-4.3 of the Subdivision Regulations.</i>

APPLICANT REQUEST

Create two lots.

Final Plat

A request for final plat approval to create two lots on property located at 504 Elgin Street, approximately 80 feet east of Short Street, zoned Single-Family Residential (RS7.5) (0.34 acres).

Existing Zoning

Single-Family Residential (RS7.5) requires a minimum 7,500 square foot lot and is intended for single-family dwellings at a density of 4.94 dwelling units per acre. *RS7.5 would permit a maximum of 2 units.*

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The subject property proposed to be subdivided is a double frontage lot with frontage onto High Street to the north and Elgin Street to the south. The lot contains one single family home that fronts onto Elgin Street. The existing house is intended to remain.

This final plat proposes to split the lot into two lots. Proposed lots are as follows:

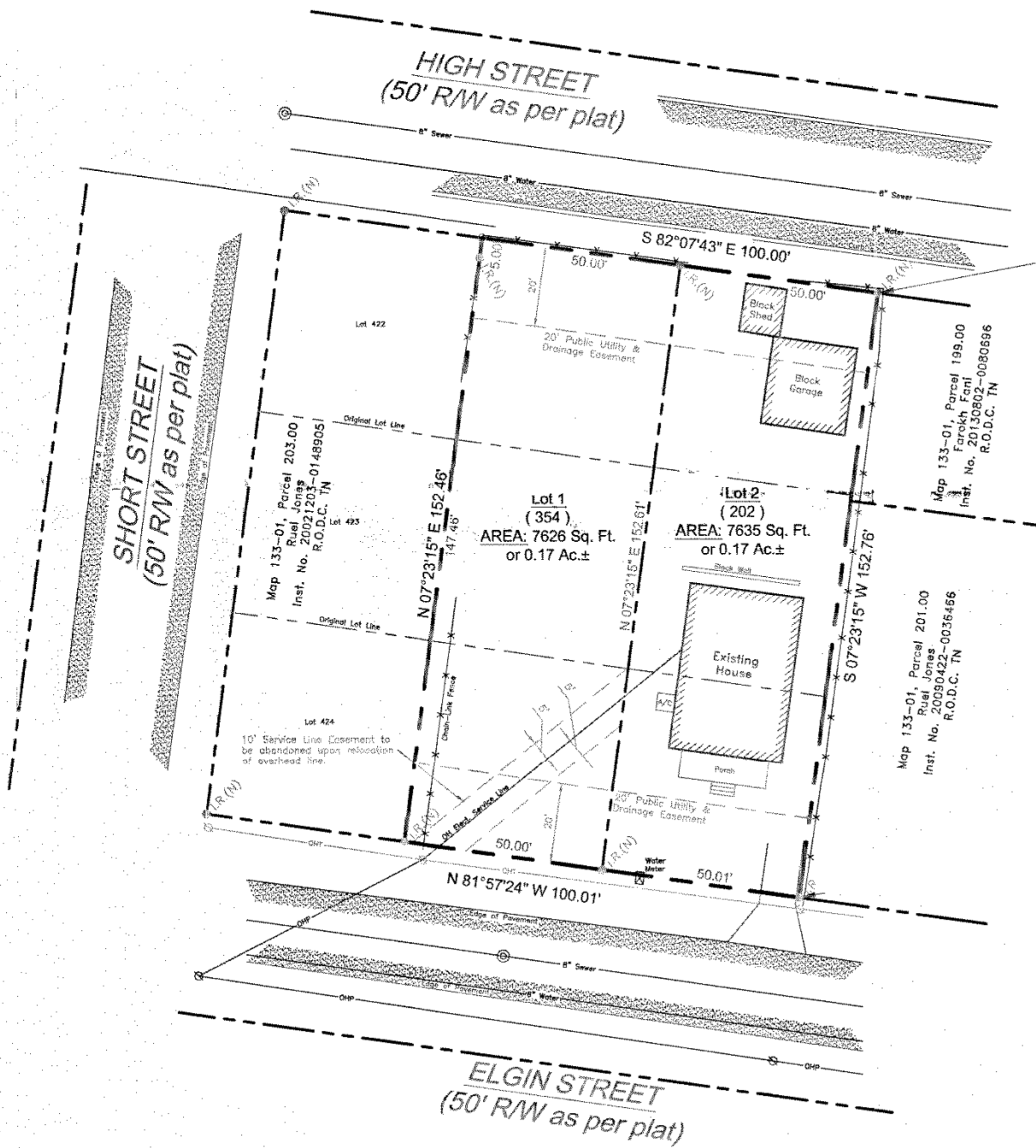
- Lot 1: 7,626 Sq. Ft. (0.17 acres), and 50’ of frontage on Elgin and High;
- Lot 2: 7,635 Sq. Ft. (0.17 acres), and 50.1 of frontage on Elgin and 50’ on High.

ANALYSIS

The proposal is considered an Infill Subdivision. Section 3-5.2 of the Subdivision Regulations outlines the criteria for reviewing infill subdivisions located within the Urban Neighborhood Maintenance policy area for which the property is located. Staff finds that both lots meet said section. Staff reviewed the final plat against the following criteria as required by the Subdivision Regulations:



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Proposed Site Plan



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Zoning Code

Proposed lots meet the minimum standards of the RS7.5 zoning district.

Street Frontage

Proposed lots have frontage on a public street (see subsequent information regarding double frontage lots).

Density

Urban Neighborhood Maintenance land use policy supports density up to 20 dwelling units per acre. The proposed infill subdivision provides a density of approximately 5 dwelling units per acres, which falls within the range supported by policy.

Community Character along Elgin Street

It is important to note that Elgin Street was used to determine compatibility. This is due to the fact that the existing lot and adjacent lots front onto Elgin.

1. Lot frontage: The proposed lots must have frontage either equal to or greater than 70% of the average frontage of surrounding parcels or equal to or greater than the surrounding lot with the least amount of frontage, whichever is greater.

Lot Frontage Analysis	
70% of Average	46'
Smallest Surrounding Parcel	50'

	Frontage
Lot 1	50'
Lot 2	50.01'

2. Lot size: The proposed lots must have lot area that is either equal to or greater than 70% of the lot size of the average size of surrounding parcels or equal to or larger than smallest surrounding lot, whichever is greater.

Lot Size Analysis	
70% of Average	5,183 SF
Smallest Surrounding Parcel	7,405 SF

	Area
Lot 1	7,626
Lot 2	7,635

3. Street Setback: A condition of approval is for any new primary structure to be setback 23 feet from Elgin Street consistent with the existing structure on the existing lot.
4. Lot Orientation: A condition of approval requires both lots to front onto Elgin Street consistent with the lot pattern of the surrounding lots.

While the lots do have frontage onto an existing street as specified above, both lots will be double frontage having frontage on both Elgin and High. Section 3-4.3 of the Subdivision Regulations states the following:

Creation of attached and detached single-family lots with double frontage shall be prohibited. Exceptions may be granted by the Planning Commission where necessary to provide access to



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residential development from other than arterial or collector streets, or to overcome specific disadvantages of topography and orientation.

With the exception of five lots, all the existing lots between High Street and Elgin Street from Saindon Street and Mays Street are double frontage lots. Due to the existing condition that presents a disadvantage to orientation, staff recommends approval subject to the following requirements:

1. Homes on the lots front onto Elgin Street;
2. Access for Lot 1 be restricted to High Street
3. The front setbacks along Elgin Street are consistent with the adjacent lots.

All the lots on the block face that the proposed new lot will be located address Elgin Street. The above conditions are intended to maintain that character.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

No exception taken

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approved

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions including an exception to Section 3-4.3 of the Subdivision Regulations.

CONDITIONS

1. Homes on each lot shall front onto Elgin Street and shall be noted on the plat.
2. Access for Lot 1 shall be restricted to High Street and shall be noted on the plat.
3. The front setback for the primary structure on Lot 1 shall be 23 feet and shall be noted on the plat.