



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, October 27, 2011

4:00 pm Regular Meeting

700 Second Avenue South

(between Lindsley Avenue and Middleton Street)

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

MISSION STATEMENT

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

Commissioners:

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

Staff Present:

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

Commissioners Absent:

Jeff Haynes

Richard C. Bernhardt, FAICP, CNU-A

Secretary and Executive Director, Metro Planning Commission

Metro Planning Department of Nashville and Davidson County
800 2nd Avenue South P.O. Box 196300 Nashville, TN 37219-6300
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:04 p.m.

B. ADOPTION OF AGENDA

Mr. Dalton moved and Mr. Clifton seconded the motion to adopt the agenda. (7-0)

C. APPROVAL OF OCTOBER 13, 2011 MINUTES

Mr. Gee moved and Mr. Clifton seconded the motion to approve the October 13, 2011 minutes. (7-0)

Mr. Ponder in at 4:05 p.m.

D. RECOGNITION OF COUNCILMEMBERS

There were no Councilmembers in attendance.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

No Cases on this Agenda

E. CONSENT AGENDA

5. 2005P-010-003

NASHVILLE COMMONS AT SKYLINE (MURPHY OIL)

6. 2011S-077-001

BROWNSVILLE SUBDIVISION

7. 2011S-079-001

CORBY'S THREE LOT SUBDIVISION

8. Amendment #2 for Contract L-2268 between Metro Government (on behalf of the MPO) and PB Americas, Inc. for General Planning services

9. Amendment #2 to contract L-2203 between Metro Government (on behalf of the MPO) and RPM Transportation Consultants for the SW Area Land Use and Transportation study

10. FY2012 contract between Metro Government (on behalf of the MPO) and the Greater Nashville Regional Council (GNRC) for UPWP tasks 5.0 Multi-Modal Planning and 8.0 Public Involvement

11. FY2012 contract between Metro Government (on behalf of the MPO) and the TMA Group for UPWP task 4.0 Congestion Mitigation/Air Quality

12. FY2012 contract between Metro Government (on behalf of the MPO) and the Regional Transportation Authority (RTA) for UPWP task 5.0 Multi-modal planning

13. HUD grant application for Middle TN Sustainable Communities

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

G. PREVIOUSLY DEFERRED ITEMS

No Cases on this Agenda

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

Community Plan Amendments

1. 2011CP-014-002

FORMER CITY OF LAKEWOOD

Map 053-08, 53-11, 053-12, 053-15, 053-16, 054-09, 063-04, 064, 064-01

Parcel(s) Various

Council District 11 (Darren Jernigan)

Staff Reviewer: Cynthia Wood

A request to amend the Donelson-Hermitage Community Plan: 2004 Update to change the Land Use Policies of properties located within the former City Of Lakewood (553.5 acres) from Residential Low Medium, Neighborhood General, Community Center, Corridor General, Open Space, and Natural Conservation to Conservation, T3 Open Space, T3 Neighborhood Maintenance, T3 Mixed Use Corridor, T4 Neighborhood Maintenance, T4 Mixed Use Neighborhood, and T4 Mixed Use Corridor, requested by Metro Planning Department. (Please also see associated Zone Change Cases # 2011Z-018PR-001 and 2011SP-022-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST - Amend the land use policies within the former boundary of the City of Lakewood

Community Plan Amendment A request to amend the Donelson-Hermitage Community Plan: 2004 Update to change the Land Use Policies of properties located within the former City Of Lakewood (553.5 acres) from Residential Low Medium, Neighborhood General, Community Center, Corridor General, Open Space, and Natural Conservation to Conservation, T3 Open Space, T3 Neighborhood Maintenance, T3 Mixed Use Corridor, T4 Neighborhood Maintenance, T4 Mixed Use Neighborhood, and T4 Mixed Use Corridor.

CRITICAL PLANNING GOALS/N/A

DONELSON-HERMITAGE-OLD HICKORY COMMUNITY PLAN

Existing Land Use Policies

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

Neighborhood General (NG) NG policy is intended for areas that are primarily residential in character. To meet a spectrum of housing needs, ideally, NG areas contain a variety of housing that is carefully arranged, not randomly located.

Community Center (CC) CC policy is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sit at the intersection of two major thoroughfares or extend along a major thoroughfare. These areas tend to mirror the commercial edge of another neighborhood forming and serving as "town centers" of activity for groups of neighborhoods.

Corridor General (CG) CG policy is intended for areas at the edge of a neighborhood that extend along a segment of a major street and are predominantly residential in character. Corridor General areas are intended to contain a variety of residential development along with larger scale civic and public benefit activities.

Open Space (OS) OS policy is intended for a variety of public, private not-for-profit, and membership-based open space and recreational activities. Types of uses intended within OS areas range from active and passive recreational areas, reserves, land trusts and other open spaces to civic uses and public benefit activities deemed by the community to be open space.

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

Proposed Land Use Policies

Conservation (CO) CO policy is intended to preserve and enhance environmentally sensitive land within all Transect Categories except T6 Downtown. 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.

T3 Suburban Open Space (T3 OS) T3 OS policy is intended to preserve and enhance existing open space in suburban areas. T3 OS policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals.

Enhancements to existing open space are guided by the Metropolitan Parks and Greenways Master Plan. A variation of T3 OS – T3 Potential Suburban Open Space (T3 POS) – may also be utilized to create open space by identifying areas that should be used for suburban open space in the future. T3 POS policy is always used in combination with an alternate community character policy in case the property owner decides not to redevelop the land as open space.

T3 Suburban Neighborhood Maintenance (T3 NM) 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.

T3 Suburban Mixed Use Corridor (T3 CM) T3 CM policy is intended to enhance suburban 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 suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

T4 Urban Neighborhood Maintenance (T4 NM) 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.

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

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

BACKGROUND The City of Lakewood was dissolved and became part of the Metropolitan Government of Nashville and Davidson County on May 28, 2011. In light of this change, Metro Planning staff began working with District 11 Councilman Darren Jernigan, the Metro Codes Department, and the Metro Legal Department to bring the Lakewood community plan and zoning into the Metro planning and zoning system. Councilman Jernigan sponsored an initial open house meeting on July 25, 2011 that was attended by several Metro departments, including Codes and Planning. Following this, the Planning Department held four community meetings at the DuPont-Hadley Middle School adjacent to Lakewood during August and September to discuss rezoning and amending the community plan (the Donelson-Hermitage-Old Hickory Community Plan: 2004 Update) for Lakewood.

Metro planners worked with Lakewood stakeholders on identifying a future vision for the community and translating that into a set of community character policies. The community character policies that were selected are generally consistent with the direction being taken with the zoning, but they do allow for change to take place over time to reflect the vision of the community. Planned changes that could occur under the updated policies include:

- Compatible residential infill in both the urban and suburban neighborhoods of Lakewood. These areas are made up of three distinct sections each with a variety of subdivisions: the oldest, most urban “Dupontonia” section on the Old Hickory Lake side of Old Hickory Boulevard; the suburban neighborhoods to its south on the lake side; and the suburban neighborhoods on the golf course / Cumberland River side of Old Hickory Boulevard.
- The development of a small urban mixed-use neighborhood in the northern part of Dupontonia that would be scaled to be compatible with the character of the existing cottages on small lots.
- Allowing more of the Old Hickory Boulevard frontage to be developed as mixed use with buildings brought closer to the street. Currently only the section between DuPont-Hadley Middle School and the former theater building on the south corner of 24th Street is developed with buildings to the edge of the sidewalk.
- Policy support for the SP zoning for Lakewood’s parks. This SP zoning was developed by Planning and Parks staff based on previous Lakewood community input that occurred when the former City of Lakewood developed its parkland zoning districts.

ANALYSIS The proposed request meets the vision established by the Lakewood stakeholders and is consistent with the existing and planned character of the community. Staff recommends that the request be approved.

STAFF RECOMMENDATION Staff recommends approval.

Ms. Wood presented the staff recommendation of approval.

Dr. Cummings in at 4:17 p.m.

Mr. Dalton out at 4:20 p.m.

Mr. Dalton in at 4:21 p.m.

Items 1, 2, and 3 were heard and discussed at one time.

Shawn Henry, 315 Deaderick Street, spoke against staff recommendation on behalf of Harold and Kathy Bone, owners of Parcel #268, 3209 Old Hickory Boulevard. Mr. and Mrs. Bone would like to request that the T3CM policy be applied to the remaining one-quarter of their property and to recommend to Council that that portion also be rezoned to MUL.

Mr. Clifton moved and Mr. Gee seconded the motion to close the Public Hearing. (9-0)

Mr. Gee inquired about current zoning of our parks.

Ms. Bernards clarified that there is a variety of zoning districts for parks throughout the county, not a specific one.

Mr. Gee inquired if it is intentional that community centers are not included in the allowable uses.

Ms. Bernards stated that it was deliberate; we took what was permitted currently in the Lakewood Zoning Code and moved it into the new district.

Mr. Gee inquired if there was opposition to expanding that to allow other recreational facilities.

Ms. Bernards stated that those two park districts were created specifically and the people that were spoken to did not want it altered.

Mr. Gee asked staff to respond to Shawn Henry's request.

Ms. Bernards stated that right now that property has the split zoning with a portion having residential and a portion having commercial. The closest Metro District was applied so it has residential on the portion that was residential and MUL on the portion that was commercial.

Mr. Bernhardt stated that the zoning bill has been filed and the Planning Department has offered to sponsor rezoning requests through December 21, 2012, when that issue could be fully vetted. The Commission does have the ability to deal with this property through the Land Use Policy being considered.

Ms. Woods stated that the Mixed Use Corridor Policy was not brought back any deeper than the current zoning of those properties that exist today. The vision in the proposed Community Plan amendment is not to deepen it any further than it is currently.

Mr. Gee stated that we do have to ability to amend the policy, not necessarily amend the recommended zoning.

Mr. Bernhardt clarified that sponsoring the rezoning requests would eliminate an application fee. This does not mean that we would necessarily agree with the recommendation but we would sponsor it if the Councilmember supports it and it is consistent with the policy.

Mr. Clifton asked staff to clarify the nonconforming locations that were not already nonconforming, as well as the impact on the property owner.

Joey Hargis, Metro Codes Department, stated that protection is provided to that use. Every effort was made not to create new nonconformities.

Dr. Cummings commended staff for the way they have worked with the community and stated her support of staff recommendation.

Mr. Ponder commended the staff and stated his support of staff recommendation, especially since we are sponsoring rezoning requests.

Councilmember Claiborne commended the staff on the entire process and stated his support of staff recommendation.

Ms. LeQuire asked Mr. Gee for clarification on his suggestion to change the policy at this point, but to not change the zoning and to allow for future changes in the zoning.

Mr. Gee confirmed that the policy can be changed now, but because of the public hearing requirements, the zoning bill cannot be changed at this time. It is his understanding that the council bill cannot be changed since it has already been advertised for public hearing.

Ms. LeQuire asked for clarification on current split zoning lots.

Ms. Bernards clarified that there aren't many right now.

Ms. LeQuire stated that she would support having the policy allow for the potential and then if it could be agreed upon by the community that the zoning might change at some point.

Mr. Dalton stated his support of staff recommendation.

Mr. Dalton moved and Mr. Ponder seconded the motion to approve staff recommendation.

Mr. Gee inquired how the other commissioners felt about the potential to change the policy to the entire property with split policy.

Mr. Clifton stated that he is not opposed to considering it in the near future, but it needs more discussion.

Dr. Cummings inquired if they come back at some point and do their own community plan?

Ms. Woods stated that the entire Donelson/Hermitage/Old Hickory Community Plan is due to be updated in the next few years, so this will be looked at again even without an amendment in the near future, but it could be looked at separately with a full discussion before then.

The vote was taken on Item 1. (9-0)

Resolution No. RS2011-213

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011CP-014-002 is **APPROVED. (9-0)**”

I. RECOMMENDATIONS TO METRO COUNCIL

Specific Plans

2. 2011SP-022-001

BL2011-19 / JERNIGAN

LAKWOOD PARK AND OPEN SPACE (PRELIM & FINAL)

Map 053-15, Parcel(s) 048

Map 053-15, Parcel(s) 003.01, 002, Part of 003, part of 024, 025, 045-047, 050

Map 053-16, Parcel(s) 063

Council District 11 (Darren Jernigan)

Staff Reviewer: Brenda Bernards

A request to rezone the former City of Lakewood (LW) to Metropolitan Government of Nashville and Davidson County zoning, specifically, from LW-AP to SP-INS (4.24 acres) and from LW-OSP to SP-INS (61.68 acres) and for final site plan approval for properties comprising 65.92 acres located at Old Hickory Boulevard (unnumbered) 114 Ray Avenue, Ray Avenue (unnumbered), 111 McArthur Drive, McArthur Drive (unnumbered), Riner Drive (unnumbered) and at Kingsway Drive (unnumbered) and for a portion of properties located at McArthur Drive (unnumbered) and at Ray Avenue (unnumbered), requested by the Metro Planning Department and Metro Finance Department, applicant. (Please see also associated Community Plan Amendment Case # 2011CP-014-002 and Zoning Change 2011Z-018PR-001).

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit Park and Open Space uses

Preliminary SP and Final Site Plan A request to rezone the former City of Lakewood to Metropolitan Government of Nashville and Davidson County zoning, specifically, from Lakewood Active Park (LW-AP) to Specific Plan Institutional (SP-INS) (4.24 acres) and from Lakewood Open Space Passive (LW-OSP) to Specific Plan – Institutional (SP-INS) (61.68 acres) and for final site plan approval for properties comprising 65.92 acres located at Old Hickory Boulevard (unnumbered) 114 Ray Avenue, Ray Avenue (unnumbered), 111 McArthur Drive, McArthur Drive (unnumbered), Riner Drive (unnumbered) and at Kingsway Drive (unnumbered) and for a portion of properties located at McArthur Drive (unnumbered) and at Ray Avenue (unnumbered).

Existing Zoning

LW-AP - Lakewood- Active Park is a district to preserve and protect municipally or county owned, leased and maintained parkland including both active and passive recreation areas. Only those uses directly associated with public recreation are permitted in this district.

LW-OSP - Lakewood-Open Space Passive is a district to preserve and protect municipally or county owned, leased and maintained parkland for passive recreation areas. Only those uses directly associated with nature preserves, open space, hiking trails and the structures intended to support those uses are allowed in this district.

Proposed Zoning

SP-INS District - Specific Plan-Institutional 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 park and open space related uses.

CRITICAL PLANNING GOALS

- Preserves Sensitive Environmental Features
- Creates Open Space

The proposed SP District will preserve 65.92 acres of land with sensitive environmental features including wetlands, floodplain and floodway. It will also continue the recreational facilities within an existing neighborhood.

DONELSON/HERMITAGE/OLD HICKORY COMMUNITY PLAN

Proposed Land Use Policies An amendment to the land use policies for the former City of Lakewood is accompanying the transition of zoning districts to the Metro zoning districts. The proposed policies for these properties is T3 Suburban Open Space.

T3 Suburban Open Space (T3 OS) T3 OS policy is intended to preserve and enhance existing open space in suburban areas. T3 OS policy includes public parks and may also include private land held in conservation by land trusts and private groups or individuals. Enhancements to existing open space are guided by the *Metropolitan Parks and Greenways Master Plan*.

Consistent with Policy? Yes. The park and open space uses of the Lakewood Park and Open Space SP are consistent with the proposed T3 OS policy.

PLAN DETAILS The proposed SP covers two areas in the former City of Lakewood (Lakewood) that were zoned as active park and passive open space. At this time, the Lakewood zoning is transitioning to the Metro Zoning Code and staff is recommending an SP district for these properties for two reasons.

First, a primary goal of the transitioning process is to rezone property to the closest Metro zoning district. Metro does not have a zoning district specifically for parks and open space. Second, the members of the community that participated in the transitioning process expressed concern that a non-park zoning district would not provide sufficient assurance that these properties would be maintained as park and open space. Through the use of the SP zoning with specific uses identified, an amendment to the SP or a rezoning to an alternative district would be required to permit any other uses but park and open space. Both an amendment and a rezoning require a public process including a hearing at the Planning Commission and at Council.

Staff worked with the Parks Department staff to develop the SP for the Lakewood city parks. Each SP closely matches the Lakewood Open Space zoning districts while being consistent with Metro Parks' policies and practices.

Park District This district is intended to preserve and protect municipally or county owned, leased and maintained parkland including both active and passive recreation areas. Only those uses directly associated with public recreation are permitted in this district.

Within the Park District uses shall be limited to the following:

- (1) Fields used for organized sports
- (2) Golf Courses
- (3) Running Tracks
- (4) Swimming Pools
- (5) Outdoor meeting facilities
- (6) Municipal recreation facilities, walking trails, pavilions, park benches, and open fields.
- (7) Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of business or industry, or any driveway giving access thereto.
- (8) A garage on the same lot to which it is accessory and used to store equipment for construction and maintenance of the park.

Open Space District This district is intended to preserve and protect municipally or county owned, leased and maintained parkland for passive recreation areas. Only those uses directly associated with nature preserves, open space, hiking trails and the structures intended to support those uses, are allowed in this district.

Within the Open Space Park District uses shall be limited to the following:

- (1) Municipal recreation facilities, walking trails, pavilions, park benches, and open fields.
- (2) Accessory uses customarily incidental to any of the above permitted uses, but not including the conduct of business or industry, or any driveway giving access thereto.
- (3) A garage on the same lot to which it is accessory and used to store equipment for construction and maintenance of the park.

STAFF RECOMMENDATION Staff recommends approval with conditions of the Lakewood Park and Open Space SP.

CONDITIONS

1. The uses of this SP shall be limited to those uses shown on the plan.

2. 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 AR2A zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The 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.

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

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve with conditions. (9-0)

Resolution No. RS2011-214

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-022-001 is **APPROVED WITH CONDITIONS. (9-0)**”

Conditions of Approval:

1. The uses of this SP shall be limited to those uses shown on the plan.
2. 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 AR2A zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

The park and open space uses of the Lakewood Park and Open Space SP are consistent with the approved T3 OS policy. The proposed SP zoning districts are also consistent with the previous zoning districts that were in-place under the previous Lakewood zoning.”

Zone Changes

3. 2011Z-018PR-001

BL2011-20 / JERNIGAN

FORMER CITY OF LAKEWOOD

Map 053-08, 53-11, 053-12, 053-15, 053-16, 054-09, 063-04, 064, 064-01

Parcel(s) Various

Council District 11 (Darren Jernigan)

Staff Reviewer: Brenda Bernards

A request to rezone from former City of Lakewood (LW) Zoning to Metropolitan Government of Nashville and Davidson County Zoning for 1,135 properties comprising 487.58 acres: LW-Agricultural (A) to RS20 (.77 acres), LW-Residential (R) to RS5 (55.81 acres), LW-R to RS7.5 (88.05 acres), LW-R to RS10 (53.11 acres), LW-R to RS15 (96.14 acres), LW-R to R15 (2.59 acres), LW-R to RS20 (128.15 acres), LW-R to R20 (0.07 acres), LW-R to RS30 (.13 acres), LW-R to RM15 (0.52 acres), LW- Commercial Limited (CL) to MUN (17.57 acres), LW-Commercial (C) to MUL-A (2.12 acres), and LW-C to MUL (42.55 acres), requested by Metro Planning Department and Finance Department, applicant (Please see also associated Community Plan Amendment Case # 2011CP-014-002 and Zoning Change 2011SP-022-001).

Staff Recommendation: APPROVE

APPLICANT REQUEST - Transition the zoning districts from the former City of Lakewood to the equivalent Metro zoning districts.

Zone Change A request to rezone from former City of Lakewood Zoning to Metropolitan Government of Nashville and Davidson County Zoning for 1,135 properties comprising 487.58 acres: Lakewood-Agriculture (LW-A) to Residential Single-Family (RS20) (.77 acres), Lakewood-Residential (LW-R) to Residential Single-Family (RS5) (55.81 acres), Residential Single-Family (RS7.5) (88.05 acres), Residential Single-Family (RS10) (53.11 acres), Residential Single-Family (RS15) (96.14 acres), Residential One and Two-Family (R15) (2.59 acres), Residential Single-Family (RS20) (128.15 acres), Residential One and Two-Family (R20) (0.07 acres), Residential Single-Family (RS30) (.13 acres), Multi-Family Residential (RM15) (0.52 acres), Lakewood-Commercial Limited (LW-CL) to Mixed-Use Neighborhood (MUN) (17.57 acres), Lakewood-Commercial (LW-C) to Mixed-Use Limited- Alternative (MUL-A) (2.12 acres), and Mixed-Use Limited (MUL) (42.55 acres).

Existing Zoning

Lakewood Agriculture

The LW-A district is intended for all types of agricultural uses on lots of one acre or greater. Single family and two family residential units, churches, schools and hospitals are also permitted uses.

Lakewood Residential

The LW-R district is intended for single-family residential units on a minimum lot size of 20,000 square feet, two family residential units on a minimum lot size of 32,000 square feet and multi-family residential up to six units per development is permitted by special exception. Certain agricultural uses are permitted.

Lakewood Commercial Limited

The LW-CL district is intended for a limited range of commercial uses.

Lakewood Commercial

The LW-C district is intended for a range of commercial uses and all uses permitted in the residential district.

Proposed Zoning

RS5 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.

RS7.5 District

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.

RS10 District

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

RS15 District

RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

R15 District

R15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25% duplex lots.

RS20 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.

R20 District

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

RS30 District

RS30 requires a minimum 30,000 square foot lot and is intended for single-family dwellings at a density of 1.23

dwelling units per acre.

RM15 District RM15 is intended for single-family, duplex, and multi-family dwellings at a density of 15 dwelling units per acre.

MUN District Mixed Use Neighborhood is intended for a low intensity mixture of residential, retail, and office uses.

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

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

CRITICAL PLANNING GOALS/N/A

DONELSON/HERMITAGE/OLD HICKORY COMMUNITY PLAN

Proposed Polices In association with the transition of the zoning districts from the Lakewood Code to the Metro Code, the land use policies for this area are being updated. The new polices include Conservation, T3 Open Space, T3 Neighborhood Maintenance, T3 Mixed Use Corridor, T4 Neighborhood Maintenance, T4 Mixed Use Neighborhood, and T4 Mixed Use Corridor. The proposed policies are described in the staff report for the Donelson/Hermitage/Old Hickory Community Plan above. (2011CP-014-002)

Consistent with Policy? Yes. The proposed zoning districts are consistent with the proposed land use polices for these properties.

ANALYSIS

Background The City of Lakewood (Lakewood) was dissolved and became part of the Metropolitan Government of Nashville and Davidson County on May 28, 2011. Staff began working with District 11 Councilman Darren Jernigan, the Metro Codes Department, the Metro Legal Department and the community to transition the former city code to the Metro Zoning Code. Councilman Jernigan sponsored an initial open house meeting on July 25, 2011, that was attended by several Metro departments, including Codes and Planning. Following this, the Planning Department held four community meetings at the DuPont-Hadley Middle School adjacent to Lakewood during August and September to discuss rezoning and amending the community plan land use policies for Lakewood.

The approach taken by staff to transition the zoning districts of Lakewood to Metro has been to rezone to the closest equivalent zoning district. The goal was to maintain the status quo as much as possible. The Lakewood zoning ordinance contained one agricultural, one residential, two commercial, and two open space zoning districts. As Metro does not have an equivalent for the two open space districts, an SP is proposed for these properties. This rezoning is associated case 2011SP-022-001.

Agricultural District (LW-A) At this time, there was only one property in Lakewood that is within the agricultural district. At 33,500 square feet, the property does not meet the minimum two acre lot size for the AR2a zoning district. There is currently a single-family residence on this property. The proposed zoning district is RS20.

Residential District (LW-R) For Lakewood's residentially zoned properties, staff identified the various areas with different prevailing lot sizes and matched them with the closest Metro residential zoning districts. As Lakewood's minimum lot size for a two-family structure was 32,000 square feet and the majority of the properties were below this size, RS zoning districts were applied. The Lakewood Code permitted single family residents and this new zoning will continue this. Most lots meet the new minimum lot size with few opportunities for further subdivision. A single family residence can be constructed on any lot that is substandard in size as long as it is 3,750 square feet in size and is a legally created lot. In the rare instances where lots are even smaller, the Chief Zoning Examiner has indicated that a building permit may be issued for these lots, provided that they are legally created lots. The small number of two-family homes in the Lakewood community will become legally non-conforming. For many, this is not a change from the existing situation as these two-family homes were already legally non-conforming due to the lot size under Lakewood's zoning.

The majority of the lots greater than 32,000 square feet are proposed for the RS20 zoning district. An analysis of these lots was undertaken to determine the total number of potential residential units under both RS20 and R30 zoning districts. Due to the Metro code provision that limits duplexes to 25 percent if four or more lots are created, generally, the potential number of dwellings would be greater under RS20 zoning than R30 district and was closer to the unit yield permitted under the Lakewood Code with a duplex permitted with every 32,000 square feet of area.

Commercial Districts (LW-C and LW-CL) Lakewood had two commercial districts that were essentially mixed use districts because both commercial and residential uses were allowed. The closest equivalent Metro zoning districts are MUN and MUL. MUL-A is the closest equivalent for the older commercial area where buildings are built to the back edge of the sidewalk not only because of the uses but also because of the form of the built environment. There are a number of multi-family developments in Lakewood that were zoned LW-C and these are being placed in the MUL district.

Properties with Split Zoning There were a number of properties that were only partially in Lakewood with the remaining portion of the property within Metro. For these properties, the existing Metro zoning district was extended to the entire property and include the R15, R20 and RS30 zoning districts.

Non-Conforming Uses The Codes Department is working with property owners who have a legally non-conforming use under the Lakewood code or will become non-conforming under the proposed zoning to allow these uses to continue. The Zoning Examination Chief

has prepared zoning letters based on documentation provided by the property owners.

Future Rezonings As noted above, a key factor in determining the new Metro zoning was finding the equivalent district to the existing Lakewood District. In the various community meetings held to discuss the transition to the Metro Code, a number of property owners indicated an interest in rezoning to a different zoning district. In order to ensure the most transparent transition of zoning, staff is recommending that the equivalent zone be used at this time. Once the Metro zoning has been adopted and the new Community Plan land use policies in place, staff will work with property owners in pursuing other zoning districts. Staff recommends that, for a period of one year ending in December 2012, the Planning Department co-sponsor zone changes in Lakewood that meet the amended community plan policies. Staff will work with property owners on the optimal zoning for each property to continue to assist in providing a smooth transition.

STAFF RECOMMENDATION Staff recommends approval of rezoning the former City Of Lakewood to the equivalent Metro zoning districts. Staff further recommends that the Planning Department co-sponsor rezonings that meet the amended community plan policy for a period of one year ending in December 2012.

Ms. Bernards presented the staff recommendation of approval.

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve staff recommendation.

Mr. Bernhardt stated that under the current policy that is being suggested, it would need to be in conformity with the policy. The commission could say that they would be willing for staff to support it to bring it forward without paying a fee.

Mr. Adkins suggested that to be fair that this would only include properties that have split zoning.

Mr. Bernhardt clarified the motion to include the policy that staff will co-sponsor applications to rezone properties where the rezoning is supported by the Councilmember and the land use policy and to co-sponsor applications to amend the policy and rezone properties with split zoning through December 31, 2012.

Mr. Gee amended the motion and Ms. LeQuire seconded the amendment to approve and authorize Planning Staff to co-sponsor applications to rezone properties where the rezoning is supported by the Councilmember and the land use policy and to co-sponsor applications to amend the policy and rezone properties with split zoning through December 31, 2012. (9-0)

Mr. Ponder moved and Councilmember Claiborne seconded the motion to approve Item 3 as amended. (9-0)

Resolution No. RS2011-215

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011Z-018PR-001 is **APPROVED, authorizing Planning Staff to co-sponsor applications to rezone properties where the rezoning is supported by the Councilmember and the land use policy and to co-sponsor applications to amend policy and rezone properties with split zoning through December 31, 2012. (9-0)**

The proposed zoning districts have been chosen to provide the closest match to the previous Lakewood zoning districts. Zone change proposals to significantly alter the previous Lakewood zoning can be considered individually and can be co-sponsored by Metro Planning if they are supported by the approved land use policy and by the District Councilmember.”

Specific Plans

4. 2011SP-020-001

BL2011-25 / MATTHEWS

TEMPLE BAPTIST CHURCH DIGITAL SIGN

Map 058, Part of Parcel(s) 118

Council District 01 (Lonnell Matthews, Jr.)

Staff Reviewer: Jason Swaggart

A request to rezone from RS15 to SP-INS zoning and for final site plan approval for a portion of property located at 3810 Kings Lane, approximately 1,250 feet west of Clarksville Pike (0.02 acres), to permit a sign totaling 96 square feet in size containing a 33 square foot digital reader board, requested by Witt Sign Co. Inc., applicant, Temple Baptist Church Inc., owner.

Staff Recommendation: DISAPPROVE

APPLICANT REQUEST -Permit an LED changeable message sign

Preliminary SP and Final Site Plan A request to rezone from Single and Two-Family Residential (RS15) to Specific Plan – Institutional (SP-INS) zoning and for final site plan approval for a portion of property located at 3810 Kings Lane, approximately 1,250 feet west of

Clarksville Pike (0.02 acres), to permit a sign totaling 96 square feet in size containing a 33 square foot digital reader board.

Existing Zoning

RS15 District - RS15 requires a minimum 15,000 square foot lot and is intended for single-family dwellings at a density of 2.47 dwelling units per acre.

Proposed Zoning

SP-INS District - Specific Plan-Institutional 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 institutional uses.

CRITICAL PLANNING GOALS N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Standard Policy

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

Detailed Policy

Single-Family Detached (SFD) SFD is intended for single family housing that varies based on the size of the lot. Detached houses are single units on a single lot.

Consistent with Policy? No, the proposed SP district is not consistent with the residential policies that apply to the subject site. The proposed SP would permit a sign that is commercial in nature and is not consistent with the existing surrounding residential development pattern or the envisioned land use.

REQUEST DETAILS This request is to rezone a small portion of property, located on the north side of Kings Lane (0.02 acres; 871 SF) zoned for single-family residential to Specific Plan in order to permit an electronic message board. Temple Baptist Church is located on the property for which the zoning is proposed. The subject site is surrounded by single-family residence and property zoned for single-family residential. The closest non-residentially zoned district is approximately 1,300 feet to the east (Clarksville Pike).

ANALYSIS The Zoning Code prohibits electronic message boards in all residential and office zoning districts and some commercial zoning districts. Introduction of electronic message board into this residential policy area conflicts with the current residential uses and the existing zoning.

This zone change request, which seeks to rezone a small portion of an existing property to permit a sign that is not currently permitted, could be considered a zoning application that is intended only to avoid elements of signage requirements of the Zoning Code. The proposed SP zoning district would not only provide a zoning district that would permit an electronic message board, but also would eliminate the distance and height requirements for electronic message boards in relation to residential zoning districts, effectively granting a variance to these sections of the Zoning Code. The Zoning Code requires a minimum setback of 100 feet from residentially-zoned property for an electronic message board with a maximum height of four feet. The proposed electronic message board, at a height of 12 feet, would require a minimum setback of 300 feet from residentially-zoned property.

RECENT ZONE CHANGES Over the last few years, the Planning Commission has recommended approval of four zone changes that permitted electronic message boards. Three of those cases were similar to the current application in the incompatibility of the proposed zoning to the land use policy on each site. In each of those cases, the sign met all distance separation requirements and the Planning Commission made a site-specific finding that would make the electronic message board permissible.

The Commission recently disapproved a similar request on Larking Springs Road in Madison. The request was to change the zoning from Office General (OG) to SP. The policy did not support the request nor did it meet the separation requirement and the Commission recommended that Council disapprove.

In addition to the incompatibility of the proposed zoning district and the land use policy, the current application includes another reason for disapproval that did not apply to the previous applications: none of those previous cases included a proposed sign that would be placed within 100 feet of a residentially-zoned property. This proposal conflicts with the standard requirement of the Zoning Code, which requires a minimum distance of 100 feet from a residentially-zoned district for all electronic message center signs in all zoning districts.

The SP zone is requested, in part, to eliminate the distance requirement of the Zoning Code. Although the Planning Commission has approved several zone changes for electronic message boards, none of them failed to meet the minimum 100 foot distance requirement from an adjacent residential zone. The proposed sign would be approximately less than 15 feet away from surrounding residentially-zoned property, and approximately 50 feet from residentially-zoned property on the adjacent side (south) of Kings Lane.

Table 1: This table shows all previous LED sign proposals that have received a recommendation from the Planning Commission. The current proposal is shown in the last row.

Location	Policy	Zoning Proposal	Meets LED distance requirement in Zoning Code	Staff recommendation	MPC recommendation	Council action
Credit Union on Clarksville Pk	MH in CC	CL to CS	Yes	Disapprove – Doesn't meet policy	Approve – Request is consistent with surrounding commercial zoning	Approve
Clarksville Pike church	MH in CC	CL to CS	Yes	Disapprove – Doesn't meet policy	Approve – Request is consistent with the CS zoning that existed on property before it was downzoned to CL.	Approve
Goodpasture (Madison)	OC	OR20 to CS	Yes	Disapprove – Doesn't meet policy	Approve SP to allow OR20 zoning with one LED sign. Policy is non-residential. <u>No residential districts in immediate area that will be affected.</u>	Approve
Highway 100 church (Bellevue)	CC	RS40 to CS	Yes	Approve – Proposed zoning and policy are more appropriate than existing	Approve	Approve
Larkin Springs Church (Madison)	T3 RC	OG to SP	No	Disapprove - Doesn't meet policy or distance requirements	Disapprove	No Council action (Application Withdrawn)

PUBLIC WORKS RECOMMENDATION Sign is to be located to allow adequate sight distance at driveway.

STAFF RECOMMENDATION Staff recommends disapproval of the request because:

1. The proposed SP zoning district is incompatible with the surrounding single-family residential development pattern and the residential land use policy; and,
2. The proposed electronic message board does not meet the requirements of the Zoning Code for the minimum required distance from residentially-zoned property.

CONDITIONS

1. The sign is to be located to allow adequate sight distance at driveway.
2. This SP shall permit an electronic message board with a maximum size of 33 square feet.
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 RS15 zoning district as of the date of the applicable request or application.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
6. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Mr. Swaggart presented the staff recommendation of disapproval.

Ben Williams, Witt Sign Company, stated that the sign is for community informational purposes and spoke in support of the proposal.

Mina Johnson, 6600 Fox Hollow Road, spoke against the proposal.

Charlotte Cooper, 3409 Trimble Road, spoke against the proposal and stated that LED signs do not belong in residential neighborhoods.

Trish Bolian, 6002 Hickory Valley Road, spoke against the proposal and stated that LED signs do not belong in residential neighborhoods.

Mr. Clifton moved and Mr. Dalton seconded the motion to close the Public Hearing. (9-0)

Councilmember Claiborne asked Mr. Williams for clarification regarding the functionality and display of the current sign versus the proposed sign.

Mr. Williams clarified that the display is red, but the proposed sign is versatile, colors and display can be changed through a computer. Metro's Code is that it has to be static for at least eight seconds. It can be dimmer at night so it is not as bright.

Mr. Sloan noted that scrolling signs are not permitted in Davidson County.

Councilmember Claiborne noted that Councilmember Matthews indicated he has only had one complaint with people that actually live in that area. The sign would have minimal impact; the situation is unique in that there is so much open space around it.

Mr. Bernhardt clarified that a dilemma the Commission needs to consider is setting a precedent.

Mr. Ponder expressed support of staff recommendation.

Dr. Cummings expressed support of staff recommendation.

Mr. Clifton stated support of staff recommendation because our law states that LED signs do not go in residential neighborhoods.

Mr. Gee noted that the four examples that were given and approved did not have SP zoning and also stated concern about setting a precedent.

Mr. Dalton expressed support of staff recommendation.

Mr. Adkins stated that LED signs should be considered on a case by case basis; the community has asked for this, they want it, but our hands are tied.

Ms. LeQuire expressed support of staff recommendation and stated that an SP is not appropriate tool.

Ms. LeQuire moved and Mr. Dalton seconded the motion to approve staff recommendation. (9-0)

Resolution No. RS2011-216

"BE IT RESOLVED by The Metropolitan Planning Commission that 2011SP-020-001 is **DISAPPROVED. (8-0)**

Staff recommends disapproval of the request because the proposed SP zoning district is incompatible with the surrounding single-family residential development pattern and the residential land use policy; and the proposed electronic message board does not meet the requirements of the Zoning Code for the minimum required distance from residentially-zoned property."

J. PLANNING COMMISSION ACTIONS

Planned Unit Developments: final site plans

5. 2005P-010-003

NASHVILLE COMMONS AT SKYLINE (MURPHY OIL)

Map 050-12-0-A, Parcel(s) 005

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3434 Doverside Drive, at the southwest corner of Doverside Drive and Dickerson Pike (1.21 acres), zoned SCR, to permit a 1,200 square foot automobile convenience facility with ten fuel pumps, requested by Greenberg Farrow, applicant, for Murphy Oil USA Inc., owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Revise preliminary plan and final site plan approval to permit a fuel center.

Revise Preliminary PUD and Final Site Plan Approval A request to revise the preliminary plan and for final approval for a portion of the Nashville Commons at Skyline Planned Unit Development Overlay located at 3434 Doverside Drive, at the southwest corner of Doverside Drive and Dickerson Pike (1.21 acres), zoned Shopping Center Regional (SCR), to permit a 1,200 square foot automobile convenience facility with ten fuel pumps.

Zoning

Shopping Center Regional (SCR) - Shopping Center Regional is intended for high intensity retail, office, and consumer service uses for a regional market area.

CRITICAL PLANNING GOALS/N/A

REQUEST DETAILS This is a request to revise the last approved preliminary plan and for final site plan approval for a portion of the Nashville Commons at Skyline Planned Unit Development. The subject property is currently vacant, and is located on an out-parcel at the southwest corner of Dickerson Pike and Doverside Drive. In 2010, the Planning Commission approved a 2,756 square foot fuel station and market (automobile convenience) and a 2,500 square foot retail space on this site. The plan does not propose any change to the retail portion, which is now on an adjacent parcel, but only to the fuel station.

Site Plan The proposed plan calls for a 1,200 square foot fuel station with ten pumps. As previously approved, the fuel station will share access to Doverside Drive with the adjacent parcel approved for 2,500 square feet of retail use. In addition to spaces adjacent to the ten fuel pumps, the layout provides eight additional parking spaces. Exterior and interior landscaping is provided and meets all Zoning Code requirements. The plan calls for one free standing monument sign which is located near the intersection of Doverside and Dickerson. The six foot tall sign is 60 square feet.

Analysis The proposed plan meets all zoning requirements. The use is permitted by the SCR base zoning district and has been previously approved in the PUD. The request does not increase the floor area from what was approved by Council. Because it does not exceed the Council approved floor area and is consistent with the last approved concept, then it does not require Council approval, but can be approved by the Commission as a revision.

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

STORMWATERRECOMMENDATION Approved

STAFF RECOMMENDATION Staff recommends that the request be approved with conditions. The proposal meets all zoning requirements and is consistent with the overall concept of the original PUD plan approved by Council.

CONDITIONS

1. There shall be no pole signs allowed, and all free standing signs shall be monument style not to exceed six feet in height. Any freestanding signs shall be reviewed and approved by the Metro Planning Department. All other signs shall meet the base zoning requirements, and shall be approved by the Metro Department of Codes Administration.
2. Prior to the issuance of any building permits for the fuel station and market a final plat shall be recorded consistent with this PUD plan, and shall include a shared access easement.
3. 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.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.

7. 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.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Approved with a Condition, Consent Agenda (8-0)

Resolution No. RS2011-217

"BE IT RESOLVED by The Metropolitan Planning Commission that 2005P-010-003 is **APPROVED WITH CONDITIONS. (8-0)**

Conditions of Approval:

1. There shall be no pole signs allowed, and all free standing signs shall be monument style not to exceed six feet in height. Any freestanding signs shall be reviewed and approved by the Metro Planning Department. All other signs shall meet the base zoning requirements, and shall be approved by the Metro Department of Codes Administration.
2. Prior to the issuance of any building permits for the fuel station and market a final plat shall be recorded consistent with this PUD plan, and shall include a shared access easement.
3. 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.
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 Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. 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.
7. 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.
8. A corrected copy of the PUD final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after the date of conditional approval by the Planning Commission. Failure to submit a corrected copy of the final PUD site plan within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission."

Subdivision: Final Plats

6. 2011S-077-001

BROWNSVILLE SUBDIVISION

Map 072-14, Parcel(s) 156

Council District 07 (Anthony Davis)

Staff Reviewer: Greg Johnson

A request for final plat approval to create three lots on property located at 1521 Straightway Avenue, approximately 615 feet east of Chapel Avenue (1.11 acres), zoned R6, requested by Ismael Castiblanco, owner, Campbell, McRae & Associates Surveying Inc., surveyor.

Staff Recommendation: APPROVAL WITH A CONDITION

APPLICANT REQUEST - Final plat to create three lots

Final Plat A request for final plat approval to create three lots on property located at 1521 Straightway Avenue, approximately 615 feet east of Chapel Avenue (1.11 acres), zoned One and Two Family Residential (R6).

CRITICAL PLANNING GOALSN/A

PLAN DETAILS

Final Plat The applicant requests final plat approval for a three lot subdivision. Subdivisions of three lots or more must be approved by the Metro Planning Commission.

Unlike many subdivisions that would create additional lots along the same street frontage, the proposed subdivision would not increase the number of lots along Straightway Avenue. Because of the unique depth of the current lot, the subdivision will create two new lots at the terminus of Ward Avenue, one block to the north of Straightway Avenue, with one lot remaining along Straightway Avenue.

Infill Subdivisions All three lots meet the requirements of the infill subdivisions section of the Subdivision Regulations and the Metro Zoning Code for lot size and orientation.

Section 3-5 of the Subdivision Regulations states that new lots in areas that are predominantly developed are to be generally comparable with surrounding lots. The Subdivision Regulations include several criteria for determining whether a plat is consistent with the character of the area. The proposed lots within the subdivision will be the same general size and character of surrounding lots on Straightway Avenue and Ward Avenue. Development on the proposed lots will be limited to single-family dwellings and duplexes. Development will be within the density recommended by Neighborhood General policy.

Turnaround requirements Section 3.9 (Requirements for Streets) of the Subdivision Regulations requires the construction of a street turnaround on dead end streets longer than 150 feet. A turnaround is proposed within the subdivision at the terminus of Ward Avenue, which is a dead end street that is almost 300 feet long. Metro Public Works and Fire Marshal have recommended approval of the subdivision with the proposed turnaround.

Sidewalks Sidewalks are not present along either the Straightway or Ward Avenue frontages. Because the subdivision proposal is located within the Urban Services District, sidewalks will be required along all lot frontages or the applicant may provide a payment in lieu of sidewalk construction to Metro Public Works.

FIRE MARSHAL RECOMMENDATION No turnaround will be required.

WATER SERVICES RECOMMENDATION Show existing utilities as marked. If Lot 2 is to take sewer service from Ward Avenue, the owner of said lot shall obtain approval from Metro Public Works. If Lot 2 shall take sewer service from the alley bordering Lot 3, or the sewer through the adjacent lots to the east, the location of the private service line and its corresponding 10' private easement shall be shown on the plat.

STORMWATER RECOMMENDATION Final Plat Approved (Stormwater)

PUBLIC WORKS RECOMMENDATIONNo exception taken

STAFF RECOMMENDATION Staff recommends approval with a condition. The proposal meets the requirements of the Subdivision Regulations and applicable requirements of the Zoning Code.

CONDITION

1. Comply with Metro Water Services conditions.

Approved with a Condition, Consent Agenda (8-0)

Resolution No. RS2011-218

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-077-001 is **APPROVED WITH A CONDITION. (8-0)**”

Condition of Approval:

1. Comply with Metro Water Services conditions.”

7. 2011S-079-001

CORBY'S THREE LOT SUBDIVISION

Map 114, Parcel(s) 087-088 Map 114-14, Parcel(s) 004

Council District 22 (Sheri Weiner)

Staff Reviewer: Jason Swaggart

A request for final plat approval to create three lots on properties located at 7651 and 7661 Charlotte Pike and a variance from the street frontage requirement, at Forrest Valley Drive (unnumbered), southwest of the intersection of Charlotte Pike and Forrest Valley Drive (4.02 acres), zoned R40, requested by Christopher and Mary Corby, owners, Donlon Land Surveying LLC, surveyor.

Staff Recommendation: APPROVE WITH A CONDITION. APPROVE VARIANCE REQUEST FOR STREET FRONTAGE.

APPLICANT REQUEST - Create three lots and a variance from the requirement for street frontage

Final Plat with Variance A request for final plat approval to create three lots on properties located at 7651 and 7661 Charlotte Pike and a variance from the street frontage requirement, at Forrest Valley Drive (unnumbered), southwest of the intersection of Charlotte Pike and Forrest Valley Drive (4.02 acres), zoned One and Two-Family Residential (R40).

Existing Zoning

Single and Two-Family Residential (R40) - 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% duplex lots.

CRITICAL PLANNING GOALS N/A

PLAN DETAILS

Final Plat This is a request for final plat approval for three new lots, and for a variance from the requirement of the Subdivision Regulations for street frontage. The site currently consists of three parcels with a total of three dwelling units. A residence is located on parcel 88 and two residences are located on 87. The two residences on 87 are not permitted by zoning, and this proposal will place each residence on an individual lot removing the current violation. The existing residences do not have frontage along any public street and access is provided from Charlotte Pike and Forrest Valley Drive by access easements through adjacent properties.

The proposed lots meet the minimum 40,000 square foot minimum lot size required by the R40 zoning district and will have the following land area:

Lot 1: 1 acre (43,600 square feet);

Lot 2: 1.8 acres (80,920 square feet);

Lot 3: 1.29 acres (56,405 square feet).

Variance Lots 1 and 2 will not have frontage along any public street. Parcel 4 which is currently adjacent to Forrest Valley Drive will become part of Lot 3 giving it frontage along Forrest Valley Drive. Section 3-4.2.c of the Subdivision Regulations requires that all new residential lots have frontage onto a public street or in some instances onto a private street or common open space. The applicant has requested a variance from Section 3-4.2.c, for proposed Lots 1 and 2.

In the review of a variance to the Subdivision Regulations, the Planning Commission must make the following findings in order to grant approval:

- The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
- Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out.
- The variance shall not in any manner vary from the provisions of the adopted General Plan, including its constituent elements, the Major Street Plan, or the Zoning Code for Metropolitan Nashville and Davidson County (Zoning Code).

The applicant has provided sufficient information to demonstrate that the requested variance would meet the findings shown above. As proposed nothing is really changing on the ground. Currently there are three homes. The request will place the existing homes on separate lots which will have no impact on the surrounding neighbors. Records indicate that the parcels were created in 1962, prior to the regulation requiring street frontage. The parcels, with the exception of parcel four which is being incorporated into this subdivision have never had street frontage. Requiring them to have street frontage now would be impractical and impossible without requiring the applicant to purchase more land which may or may not be available. The majority of the land use policy is Natural Conservation (NCO) which recognizes environmentally sensitive lands, and promotes the conservation of sensitive areas. In this instance the policy recognizes steep hillsides. Requiring that a public road be constructed in order to give Lots 1 and 2 street frontage would have a negative impact on the hillsides and not be consistent with the NCO policy.

Analysis The proposed lots meet the minimum lot area required by zoning. While Lots 1 and 2 will not have street frontage, they will have sufficient access. Staff finds that the applicant has adequately demonstrated a hardship from the frontage requirement, meeting all the requirements for a variance, and recommends that the subdivision be approved with conditions and that the variance be approved.

STORMWATER RECOMMENDATION Approved

PUBLIC WORKS RECOMMENDATION No Exception Taken

STAFF RECOMMENDATION Staff recommends approval of the subdivision with a condition. Staff recommends approval of the variance request to the frontage requirement of the Subdivision Regulations (Section 3-4.2.c), as the applicant has adequately demonstrated a

hardship.

CONDITION

1. Final approval from Harpeth Valley Utility District shall be provided prior to the recordation of the plat.

Approved with a Condition, including a variance request for street frontage. Consent Agenda (8-0)

Resolution No. RS2011-219

“BE IT RESOLVED by The Metropolitan Planning Commission that 2011S-079-001 is **APPROVED WITH A CONDITION and approved variance request for street frontage. (8-0)**”

Condition of Approval:

1. Final approval from Harpeth Valley Utility District shall be provided prior to the recordation of the plat.”

K. OTHER BUSINESS

8. Amendment #2 for Contract L-2268 between Metro Government (on behalf of the MPO) and PB Americas, Inc. for General Planning services

Approved, Consent Agenda (8-0)

Resolution No. RS2011-220

“BE IT RESOLVED by The Metropolitan Planning Commission that Amendment #2 for Contract L-2268 between Metro Government (on behalf of the MPO) and PB Americas, Inc. for General Planning services is **APPROVED. (8-0)**”

9. Amendment #2 to contract L-2203 between Metro Government (on behalf of the MPO) and RPM Transportation Consultants for the SW Area Land Use and Transportation study

Approved, Consent Agenda (8-0)

Resolution No. RS2011-221

“BE IT RESOLVED by The Metropolitan Planning Commission that Amendment #2 to contract L-2203 between Metro Government (on behalf of the MPO) and RPM Transportation Consultants for the SW Area Land Use and Transportation study is **APPROVED. (8-0)**”

10. FY2012 contract between Metro Government (on behalf of the MPO) and the Greater Nashville Regional Council (GNRC) for UPWP tasks 5.0 Multi-Modal Planning and 8.0 Public Involvement

Approved, Consent Agenda (8-0)

Resolution No. RS2011-222

“BE IT RESOLVED by The Metropolitan Planning Commission that FY2012 contract between Metro Government (on behalf of the MPO) and the Greater Nashville Regional Council (GNRC) for UPWP tasks 5.0 Multi-Modal Planning and 8.0 Public Involvement is **APPROVED. (8-0)**”

11. FY2012 contract between Metro Government (on behalf of the MPO) and the TMA Group for UPWP task 4.0 Congestion Mitigation/Air Quality

Approved, Consent Agenda (8-0)

Resolution No. RS2011-223

“BE IT RESOLVED by The Metropolitan Planning Commission that FY2012 contract between Metro Government (on behalf of the MPO) and the TMA Group for UPWP task 4.0 Congestion Mitigation/Air Quality is **APPROVED. (8-0)**”

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- 12.** FY2012 contract between Metro Government (on behalf of the MPO) and the Regional Transportation Authority (RTA) for UPWP task 5.0 Multi-modal planning

Approved, Consent Agenda (8-0)

Resolution No. RS2011-224

“BE IT RESOLVED by The Metropolitan Planning Commission that FY2012 contract between Metro Government (on behalf of the MPO) and the Regional Transportation Authority (RTA) for UPWP task 5.0 Multi-modal planning is **APPROVED. (8-0)**”

- 13.** HUD grant application for Middle TN Sustainable Communities

Approved, Consent Agenda (8-0)

Resolution No. RS2011-225

“BE IT RESOLVED by The Metropolitan Planning Commission that HUD grant application for Middle TN Sustainable Communities is **APPROVED. (8-0)**”

- 14.** Historic Zoning Commission Report

- 15.** Board of Parks and Recreation Report

- 16.** Executive Committee Report

- 17.** Executive Director Report

- 18.** Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

October 27, 2011

MPC Meeting

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

Community Meeting

6:30pm, 2325 Hickory Highlands Drive, Southeast Branch Public Library

Topic: Proposed plan amendment and zone change in Antioch-Priest Lake area

November 3, 2011

Bellevue Community Meeting

6pm, 7675 HWY 70s, Cross Point Church

Topic: Bellevue Community Plan Update – draft plan review

November 4, 2011

Continuing Education

1:30-4:30pm, Second Floor, Metro Office Building, Nashville Conference Room
Sustainable Development -- New Perceptions and Political Realities for Planning

November 9, 2011

Continuing Education

3:00 – 4:30 PM, Second floor, Metro Office Building, Davidson Conference Room
Topic: Social Media and Ethics (APA Webinar)

November 10, 2011

MPC Meeting

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

December 8, 2011

Work Session

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

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

M. ADJOURNMENT

The meeting was adjourned at 5:44 p.m.

Chairman

Secretary