



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, September 12, 2013

4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

Jim McLean, Chair
Stewart Clifton, Vice Chair
Hunter Gee
Jeff Haynes
Derrick Dalton
Phil Ponder
Councilmember Walter Hunt
Andree LeQuire
Greg Adkins

Staff Present:

Rick Bernhardt, Executive Director
Doug Sloan, Deputy Director
Jennifer Carlat, Assistant Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Kathryn Withers, Planning Manager II
Jason Swaggart, Planner II
Duane Cuthbertson, Planner II
Amy Diaz-Barriga, Planner I
Jason Aprill, Planner I

Commissioners Absent: Judy Cummings

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

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

Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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

MEETING AGENDA

A. CALL TO ORDER

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

B. ADOPTION OF AGENDA

Mr. Haynes moved and Mr. Dalton seconded the motion to adopt the agenda. (9-0)

C. APPROVAL OF AUGUST 22, 2013 MINUTES

Mr. Ponder moved and Mr. Clifton seconded the motion to approve the August 22, 2013 minutes. (9-0)

D. RECOGNITION OF COUNCILMEMBERS

No Councilmembers were in attendance.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

1. 2013Z-012TX-001

ADJUSTMENTS TO BUILD-TO ZONE REQUIREMENTS

4. 2013S-121-001

KENNER MANOR LAND, RESUB LOTS 126 & 127

5a. 2013CP-005-002

EAST NASHVILLE PLAN AMENDMENT (Porter Road)

5b. 2013SP-030-001

PORTER ROAD

8. 2013SP-027-001

TENNESSEE AVENUE COTTAGES

12. 2013S-112-001

YOUNG WOODS, RESUB LOT 6 (CONCEPT PLAN)

Item 11 added.

Mr. Haynes moved and Mr. Ponder seconded the motion to approve the Deferred Items. (9-0)

F. CONSENT AGENDA

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

2. 2013SP-028-001

LOCHAVEN SP

3. 2012S-130-001

NOELTON

6. 2009SP-004-001

HORRELL PROPERTIES

7. 2009SP-011-001

BLEVINS ROAD

9. **2013SP-031-001**
US BANK 4601 GALLATIN PIKE (PRELIM & FINAL)

10. **2013Z-030PR-001**

Mr. Ponder moved and Mr. Gee seconded the motion to approve the Consent Agenda. (9-0)

G. PREVIOUSLY DEFERRED ITEMS

The items below were deferred from a previous Planning Commission meeting at the request of the applicant or by the commissioners. For Community Plan Policy items, see H. Community Plan Policy Changes and Associated Cases.

Zoning Text Amendments

1. **2013Z-012TX-001**
ADJUSTMENTS TO BUILD-TO ZONE REQUIREMENTS
Staff Reviewer: Duane Cuthbertson

A request to amend Section 17.12.020.D of the Metropolitan Zoning Code pertaining to an adjustment to build-to zone requirements, requested by the Metro Planning Department, applicant.

Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013Z-012TX-001 to the September 26, 2013, Planning Commission meeting. 9-0

Specific Plans

2. **2013SP-028-001**
LOHAVEN SP
Map 172, Parcel(s) 013, part of parcel 198
Council District 04 (Brady Banks)
Staff Reviewer: Bob Leeman

A request to rezone from R40 to SP-R zoning for property located at 6015 Cloverland Drive and a portion of property located at 6021 Cloverland Drive, approximately 950 feet west of Edmondson Pike (7.2 acres), to permit up to 25 detached single-family residential dwelling units, requested by Anderson, Delk, Epps & Associates, Inc., applicant; W. H. Swain et ux and Montessori Academy, Inc., owners.

Staff Recommendation: Approve with conditions, including a variance to the Subdivision Regulations for frontage along an arterial road.

APPLICANT REQUEST
Zone change to permit 25 single-family lots.

Preliminary SP

A request to rezone from One and Two-Family Residential (R40) to Specific Plan – Residential (SP-R) zoning for property located at 6015 Cloverland Drive and a portion of property located at 6021 Cloverland Drive, approximately 950 feet west of Edmondson Pike (7.2 acres), to permit up to 25 detached single-family residential dwelling units.

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 7 lots with 1 duplex lot for a total of 8 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, single-family detached homes.

CRITICAL PLANNING GOALS

N/A

SOUTHEAST COMMUNITY PLAN

Residential Low-Medium (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.

Consistent with Policy?

Yes. The proposal is consistent with the density recommendation of the RLM policy of 2-4 dwelling units per acre and provides for future street connections through the Montessori School site, as recommended by the policy.

PLAN DETAILS

Normally, proposals for single-family detached subdivisions will go through base zone change and concept subdivision plan processes instead of an SP zone change. In this case, the applicant applied for an SP zone change to achieve additional density permitted within the RLM policy range of 2-4 dwelling units per acre. As proposed, the density of this subdivision is approximately 3.5 dwellings per acre. The minimum lot size within this subdivision is 5,000 square feet. Had the applicant sought a standard zone change under a base zone change and cluster-lot subdivision, the minimum lot size would likely be around 7,500 square feet, which would have reduced the overall density of the proposal.

The SP proposal includes 25 single-family lots organized around an internal street system. Access is provided at the intersection of Cloverland Drive and Sterling Oaks Drive. The public street extension of Sterling Oaks Drive from the Cloverland Drive intersection will utilize a portion of an adjacent parcel, which is occupied by a Montessori school.

Open spaces are provided within the SP plan. One active open space area is provided within the middle of the cul-de-sac loop. Another is provided at the southwest corner of the site and is largely within a TVA easement. An open space area is also provided along the Cloverland Drive frontage. This open space area includes a possible stormwater detention pond.

ANALYSIS

Staff presented the following issues with the SP design in the staff report from for the August 8, 2013, meeting. These issues formed the basis for the previous disapproval recommendation.

- The SP did not show a topographic reason for proposing a cul-de-sac, as required by the Subdivision Regulations.
- The SP did not sufficiently plan for future subdivision of the remainder of the Montessori school property.
- The SP did not meet the Subdivision Regulations for orienting dwelling units toward arterial or collector streets. In this case, lots along Cloverland Drive did not face Cloverland Drive.

These issues have been addressed by the revised SP submittal. The first two issues have been addressed through the placement of a stub street connection to the Montessori school property to the south of the site. With this stub connection, the SP no longer includes a cul-de-sac. This stub connection will also provide for additional street connectivity if the Montessori school site redevelops.

The third issue is the orientation of lots along Cloverland Drive. Although the SP includes residential lots along Cloverland Drive separated from the street by an open space area, these lots do not face Cloverland Drive, as required by the Subdivision Regulations. However, the applicant has submitted information showing that the topography of the site would not allow for meaningful interaction between the street and development of these adjacent lots. The difference in grade between the street and the proposed lots is approximately 10 feet along much of the frontage. Most of the change in grade occurs abruptly at the Cloverland Drive frontage. The SP has been redesigned to include a landscaped berm to screen a possible stormwater feature along the frontage and the backyards of adjacent lots. This landscaped berm will completely screen the residential lots from the Cloverland Drive frontage. Existing development in the vicinity of this SP is suburban in nature along Cloverland Drive. Many existing subdivisions include residential lots where the backs of dwellings are visible from Cloverland Drive. Staff recommends approval of a variance to the Subdivision Regulations to permit the subdivision without lots facing Cloverland Drive.

Variances to Subdivision Regulations

Section 1-11.1 of the Subdivision Regulations states that the Planning Commission may grant variances to the regulations when it finds that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, provided that the variance does not nullify the intent and purpose of the regulations. It further states that findings shall be based upon the evidence presented in each specific case that:

- a. *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.*
- b. *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.*
- c. *Because of the particular physical surrounding, 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.*
- d. *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).*

Staff recommends approval of a variance to the Subdivision Regulations for lot frontage along an arterial road. The SP design and existing topographic conditions support necessary exemptions or variances to the regulations.

- a. Granting this variance is not detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- b. The unique circumstance of the site is the steep grade along Cloverland Drive frontage. This slope is unique among surrounding properties.
- c. The existing slope of the site along Cloverland Drive will only permit minimal visibility of residential structures from the street frontage. The visual interaction of residential structures and street frontages is a primary intent of the frontage requirements of the Subdivision Regulations.
- d. Approval of the variance will not vary from requirements of the Zoning Code or policies of applicable community or infrastructure plans.

FIRE MARSHAL RECOMMENDATION

This approval is for the rezoning only. The developer shall provide the Fire Marshal's office with additional details before the development plans can be approved.

STORMWATER RECOMMENDATION

Conditionally approved – Additional water quality / detention facilities may be required to treat the far west section of the site.

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.
- The design and layout of all streets and/ or alleys is to be coordinated with MPW. With any change to the current layout additional comments will be forthcoming.

Maximum Uses in Existing Zoning District: **R40**

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)	7.2	0.93 D	7 U	67	6	8

*Based on one duplex lot

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	7.2	-	24 U	230	18	25

Traffic changes between maximum: **R40** and proposed **SP-R**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 17	+167	+12	+17

SCHOOL BOARD REPORT

Projected student generation existing R40 district: 1 Elementary 0 Middle 0 High
Projected student generation proposed SP-R district: 3 Elementary 1 Middle 1 High

The proposed SP-R zoning district could generate 4 more students than what is typically generated under the existing R40 zoning district. Students would attend Granbery Elementary School, Oliver Middle School, and Overton High School. All three schools have been identified as over capacity. There is no capacity within the cluster for additional elementary or middle school students. However, there is capacity within an adjacent cluster for high school students. This information is based upon data from the school board last updated September 2012.

The fiscal liability of 3 new elementary students is \$60,000 (3 X \$20,000 per student). The fiscal liability of 1 new middle school student is \$23,500. This is only for information purposes to show the potential impact of this proposal, it is not a staff condition of approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the SP, including a variance to the Subdivision Regulations. The proposal is consistent with the density recommendation of the RLM policy of 2-4 dwelling units per acre and provides for future street connections through the Montessori School site, as recommended by the policy.

CONDITIONS

1. Uses within this SP shall be limited to single-family residential.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The requirements of the Metro Fire Marshal’s Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

Approved with conditions and disapproved without all conditions (9-0), Consent Agenda

Resolution No. RS2013-159

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-028-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

The proposal is consistent with the Residential Low-Medium (RLM) policy

CONDITIONS

1. **Uses within this SP shall be limited to single-family residential.**

2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RS5 zoning district as of the date of the applicable request or application.
3. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
4. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
5. The 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.

Subdivision: Final Plats

3. 2012S-130-001

NOELTON

Map 118-09, Parcel(s) 180
 Council District 25 (Sean McGuire)
 Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create five lots on property located at 3400 Lealand Lane, at the southeast corner of Lealand Lane and Noelton Avenue (1.42 acres), zoned R10, requested by Clifford O. Richmond, owner, Patrick Coode and Company, LLC, surveyor.

Staff Recommendation: Approve with condtions.

APPLICANT REQUEST

Final plat to create five lots.

Final Plat

A request for final plat approval to create five lots on property located at 3400 Lealand Lane, at the southeast corner of Lealand Lane and Noelton Avenue (1.42 acres), zoned R10.

Existing Two-Family Zoning

One and Two-Family Residential (R10 District) 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. *The R10 district would permit a maximum of six lots including one duplex lot for a total of seven dwelling units.*

CRITICAL PLANNING GOALS

- Supports Infill Development

The subdivision creates additional residential development opportunity consistent with the land use policy in an area where infrastructure and services exist. The subdivision is located within close proximity to many commercial and employment districts and is served by existing transportation and road networks.

REQUEST DETAILS

The parcel currently contains one duplex. The applicant is requesting to subdivide the 1.42 acre parcel into five single-family residential lots; the applicant has agreed to limit development in this subdivision to single-family dwellings.

This final plat qualifies as an infill subdivision per Section 3-5 of the subdivision regulations. As such, the residential lots resulting from the proposed subdivision are required to be generally comparable with the surrounding lots. To ensure comparability the resulting lots must meet the minimum standards of the zoning code, have street frontage, meet the current standards of all reviewing agencies, and meet/not exceed the prescribed density of the land use policy. The applicable land use policy (RLM - Residential Low Medium) limits density to a maximum of four dwellings units per acre. With approval of the proposed subdivision, the density of the surrounding neighborhood will remain under four units per acre. In an attempt to ensure a development pattern more compatible with the surrounding neighborhood, an 80 foot building setback from Lealand Lane is being established by this plat. Additionally, to limit driveways on the collector street, Lealand Lane, access to Lots 1, 2, and 3 will be restricted to/from a shared driveway within an access easement extending along the backs of the lots from Noelton Avenue. The applicant intends to keep the existing structure, but convert it to a single-family dwelling.

Sidewalks are required on Lealand Lane and Noelton Avenue. The applicant is eligible to contribute to the sidewalk fund in-lieu of constructing the required sidewalks.

WATER SERVICES RECOMMENDATION

Approved

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.
- No building permits are to be issued until construction plans for the public sidewalks are submitted OR the in-lieu of fee is paid to the Planning Department.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed subdivision meets the Subdivision Regulations and the Zoning Code.

CONDITIONS

1. Sidewalks are required along the Lealand Lane and Noelton Avenue frontages 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, four additional lots will require a \$6,000 contribution to Pedestrian Benefit Zone 4-B.
 - 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.
2. Comply with all Public Works conditions.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2013-160

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-130-001 is **Approved with conditions. (9-0)**

CONDITIONS

1. Sidewalks are required along the Lealand Lane and Noelton Avenue frontages 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, four additional lots will require a \$6,000 contribution to Pedestrian Benefit Zone 4-B.
 - 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.
2. Comply with all Public Works conditions.

4. 2013S-121-001

KENNER MANOR LAND, RESUB LOTS 126 & 127

Map 116-08, Parcel(s) 082
Council District 24 (Jason Holleman)
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create three lots on property located at 4006 Woodmont Boulevard, at the northeast corner of Woodmont Boulevard and Woodmont Hall Place, zoned R10 (0.98 acres), requested by Leonard E. Leech et ux, owners; Dale & Associates, applicant.

Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013S-121-001 to the September 26, 2013, Planning Commission meeting. 9-0

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

The Planning Commission will make the final decision on a Community Plan Amendment. The Commission will make a recommendation to the Metro Council on any associated cases(s). The Metro Council will make the final decision to approve or disapprove the associated case(s).

Community Plan Amendments

5a. 2013CP-005-002

EAST NASHVILLE PLAN AMENDMENT (Porter Road)

Map 072-15, Parcels 185, 188, 237-241,243, 245, 251 and 252
Council District 07 (Anthony Davis)
Staff Reviewer: Tifinie Capehart

A request to amend the East Nashville Community Plan: 2006 Update by changing the Land Use Policy from Neighborhood General to Neighborhood Center policy for a portion of properties located at 1505 and 1507 Porter Road, (0.60 acres), requested by Dale & Associates, applicant; Riverside Church of Christ and Ashley Samuel Land Trust, owners.

Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013CP-005-002 to the September 26, 2013, Planning Commission meeting. 9-0

5b. 2013SP-030-001

PORTER ROAD

Map 072-15, Parcel(s) 251-252, Part of Parcel 270
Council District 07 (Anthony Davis)
Staff Reviewer: Jason Swaggart

A request to rezone from Single and Two-Family Residential (R6) to Specific Plan – Mixed Use (SP-MU) zoning for properties located at 1505 and 1507 Porter Road and for a portion of properties located at 1516 and 1528 C Riverside Drive, approximately 200 feet south of Cahal Avenue, (1.89 acres), to permit up to 28 residential dwelling units and up to 6,000 square feet of commercial space, requested by Dale & Associates, applicant; Riverside Church of Christ, Ashley Samuel Land Trust, and Russell Jenkins, owners.

Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013SP-030-001 to the September 26, 2013, Planning Commission meeting. 9-0

I. RECOMMENDATIONS TO METRO COUNCIL

The Planning Commission will make a recommendation to the Metro Council on the requests below. The Metro Council will make the final decision to approve or disapprove the request.

Specific Plans

6. 2009SP-004-001

HORRELL PROPERTIES

Map 093-14, Parcel(s) 499

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (A) district known as "Horrell Properties", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 809 5th Avenue South, (.69 acres), approved for wrecker service, auto repair and all other uses permitted in the CF zoning district, via Council Bill BL2009-428 approved on July 23, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District active.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (A) district known as "Horrell Properties" to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for property located at 809 5th Avenue South (.69 acres), approved for wrecker service, auto repair and all other uses permitted in the CF zoning district, via Council Bill BL2009-428, approved on July 23, 2009.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires the review of each SP District four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

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

DETAILS OF THE SP DISTRICT

This SP was approved to permit wrecker service, auto repair and all other uses permitted in the CF zoning district. The site plan identified several site improvements that were also to be completed. A new wooden, six foot, screen fence was to be installed along the front of the property, as well as extended 20 feet down the northwest property line. The existing chain link fence gates were also to be improved with vinyl inserts to screen the lot from the street. The retaining wall along the sidewalk was to be improved using the existing limestone blocks. The existing gravel entry was to be improved with new asphalt, and the existing parking space directly in front of the building was to be removed and re-seeded with grass. Landscaping was to be installed along the front building and fence line, with one 6' Pin Oak tree and fifteen 2' Holly bushes.

SPECIFIC PLAN REVIEW

As this SP regulates uses and does not need coordinated construction plans, a final site plan is not required. However, the use does need an active use permit, which would typically be issued only after site improvements have been completed. Staff conducted a site visit on July 26, 2013. Staff found that some, but not all, of the site improvements have been completed. Staff made the initial determination that this SP is inactive, as only some of the site improvements had been completed and a use permit was never issued. Staff contacted the owner to report its initial determination that the SP be found inactive and worked with the owner, who submitted a permit application on August 20, 2013. Staff has signed off on his use permit with the condition that all site improvements be completed within six months. As some of the site improvements were completed and the remaining site improvements are a condition of the use permit with a defined time limit, staff is recommending this SP be found to be actively under development. Should the conditions not be met within the six month time frame, their permit will be invalid and they could be cited for operating illegally.

STAFF RECOMMENDATION

Staff recommends that the Horrell Properties SP be found to active.

Resolution No. RS2013-161

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-004-001 **was found to be active. (9-0)**

7. 2009SP-011-001

BLEVINS ROAD

Map 040, Parcel(s) 060, 064
Council District 03 (Walter Hunt)
Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (IND) district known as "Blevins Road", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 3146 Old Hickory Boulevard and 3108 Blevins Road, (16.39 acres), approved for Automobile Sales, Used, Automobile Repair, Vehicular Sales and Services, Heavy Equipment Repair, Wrecker Services and Outdoor Storage subject to the standards, regulations and requirements of the IWD zoning district via Council Bill BL2009-472 approved on July 23, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District complete.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (IND) district known as "Blevins Road", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 3146 Old Hickory Boulevard and 3108 Blevins Road, (16.39 acres), approved for Automobile Sales, Used, Automobile Repair, Vehicular Sales and Services, Heavy Equipment Repair, Wrecker Services and Outdoor Storage subject to the standards, regulations and requirements of the IWD zoning district via Council Bill BL2009-472 approved on July 23, 2009.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires the review of each SP District four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

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

DETAILS OF THE SP DISTRICT

This SP was regulatory in nature, and limited two parcels to all uses in the CS zoning district subject to the standards, regulations and requirements of the CS zoning district and to permit Automobile Sales, Used, Automobile Repair, Vehicular Sales and Services, Heavy Equipment Repair, Wrecker Services and Outdoor Storage subject to the standards, regulations, and requirements of the IWD zoning district. The SP included a site plan that defines the limits of this SP, as Map 040-00, Parcels 060 and 064.

SPECIFIC PLAN REVIEW

The property is operating under an active permit for Heavy Equipment Sales, which is categorized as a Heavy Equipment Repair use. Heavy Equipment Sales and Services is defined in the Zoning Code as retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with incidental service or maintenance such as, but not limited to, construction equipment rental yards, tractor-trailers, semi-trailers, boats, buses, recreational vehicles, farm equipment and moving trailer rental. Staff conducted a site visit on July 26, 2013, and found a tour bus rental company operating on-site. The on-site use matches the active permit and an approved SP use. There were no specific conditions in the Council Bill in regards to the site, and the site plan had no site improvement or limitation requirements.

STAFF RECOMMENDATION

Staff recommends that the Blevins Road SP be found to be complete.

Resolution No. RS2013-162

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-011-001 **was found to be complete. (9-0)**

8. 2013SP-027-001
TENNESSEE AVENUE COTTAGES
Map 091-07, Parcel(s) 104-107
Council District 20 (Buddy Baker)
Staff Reviewer: Duane Cuthbertson

A request to rezone from CS to SP-R zoning for properties located at 4900, 4902, 4904 and 4906 Tennessee Avenue, at the northwest corner of Tennessee Avenue and 49th Avenue North (0.7 acres), to permit up to nine residential dwelling units, requested by Nashville Civil, LLC, applicant; Allan Satterfield and Ron Griffeth, Jr., owner.

Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013SP-027-001 to the September 26, 2013, Planning Commission meeting. 9-0

9. 2013SP-031-001
US BANK 4601 GALLATIN PIKE (PRELIM & FINAL)
Map 061-07, Parcel(s) 050
Council District 08 (Karen Bennett)
Staff Reviewer: Bob Leeman

A request to rezone from SP-MU to SP-MU and for final site plan approval for property located at 4601 Gallatin Pike, at the northwest corner of Gallatin Pike and Broadmoor Drive, (0.68 acres), to permit a 3,200 square foot bank and all other uses and standards of the MUL-A district in case of redevelopment of the site, requested by the Metro Planning Department, applicant; US Bank National Association, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Preliminary and Final SP to permit an existing bank.

Preliminary and final SP

A request to rezone from SP-MU to SP-MU and for final site plan approval for property located at 4601 Gallatin Pike, at the northwest corner of Gallatin Pike and Broadmoor Drive, (0.68 acres), to permit a 3,200 square foot bank and all other uses and standards of the MUL-A district in case of redevelopment of the site.

History

The Smith-Schultz SP for retail, retail storage, and coffee shop/refreshment counter was approved in 2006. Development of the site under this SP never occurred. In 2010, a 3,246 square foot financial institution was approved and constructed on the site because it was consistent with the use and form-based requirements of the Gallatin Pike SP, which was approved in 2007 and replaced the Smith-Schultz SP.

In 2013, the Gallatin Pike SP zoning district was declared invalid by the Tennessee Court of Appeals. Therefore, permits issued under the SP were not issued under a valid zoning district. Although the existing financial institution complied with the bulk standards of the Gallatin Pike SP at the time of approval, it does not meet the setback requirements of the Smith-Schultz SP, which remains the zoning district for this property. The existing setbacks also would not comply with the required build-to zone of the proposed 'A' zoning districts under application 2013Z-028PR-001. Because the building permit does not comply with the required setbacks and uses of the Smith-Schultz SP, nor the A district, it is now considered illegal, not a legally non-conforming. This proposed SP would allow the existing financial institution to be a legal use.

Existing 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. *This SP includes 960 square feet of retail uses, 1,109 square feet of retail storage, and 531 square feet of coffee shop/refreshment counter.*

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. *This SP includes a 3,246 square financial institution.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

The existing financial institution promotes walkability through its front building entrance along the Gallatin Pike sidewalk and the placement of the associated parking and drive-thru to the side and rear of the lot. Because the site was previously developed and is in an existing neighborhood along a mixed use corridor, this is a strong example of infill development.

EAST NASHVILLE COMMUNITY PLAN

Detailed Policy

Mixed Use (MxU) is intended for buildings that are mixed horizontally and vertically. The latter is preferable in creating a more pedestrian-oriented streetscape. This category allows residential as well as commercial uses. Vertically mixed-use buildings are encouraged to have shopping activities at street level and/or residential above.

General Policies

Community Corridor (CC) is intended for dense, predominantly commercial areas at the edge of a neighborhood, which either sits at the intersection of two major thoroughfares or extends along a major thoroughfare. This area tends to mirror the commercial edge of another neighborhood forming and serving as a “town center” of activity for a group of neighborhoods. Appropriate uses within CC areas include single- and multi-family residential, offices, commercial retail and services, and public benefit uses. An Urban Design or Planned Unit Development overlay district or site plan should accompany proposals in these policy areas, to assure appropriate design and that the type of development conforms with the intent of the policy.

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

Consistent with Policy?

Yes. The existing SP is consistent with both land use policies. The financial institution use and development is consistent with the intent of the Mixed Use in Community Corridor (MxU in CC) policy. The Neighborhood General policy is a residential policy. The portion of the site within the NG policy does not include any of the existing building or parking lot. This area serves as a buffer between the financial institution use and the residential development to the west.

PLAN DETAILS

The financial institution was constructed with short setbacks along the Gallatin Pike and Broadmoor Drive street frontages, as required by the Gallatin Pike SP. Parking and drive-thru lanes were constructed to the side and rear of the building. The rear of the property, which is within the Neighborhood General policy, serves as a buffer area between the financial institution and the existing dwellings to the west. The existing building and associated parking do not encroach onto this portion of the site.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No exception taken

STAFF RECOMMENDATION

Staff recommends approval with conditions. The proposed SP is consistent with the existing land use policies. Although it does not meet the setback requirements of the Smith-Schultz SP and the proposed A districts along Gallatin Pike, it is consistent with the intent of these zoning districts to activate the street frontage through the placement of buildings and pedestrian entrances with short setbacks and the placement of parking to the side and behind buildings.

CONDITIONS

1. Permitted land uses within this SP are limited to financial institution and all uses permitted under the MUL-A zoning district.
2. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the MUL-A zoning district as of the date of the applicable request or application.
3. Redevelopment of the site shall meet the standards, regulations and requirements for the MUL-A zoning district.
4. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.

5. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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

Approved with conditions and disapproved without all conditions (9-0), Consent Agenda

Resolution No. RS2013-163

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-031-001 is **Approved with conditions and disapproved without all conditions. (9-0)**

The proposal is consistent with the Community Corridor (CC) and Neighborhood General (NG) policies.

CONDITIONS

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

Zone Changes

10. 2013Z-030PR-001

Map 094-09, Parcel(s) 085 Map 094-10, Parcel(s) 010
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Jason Swaggart

A request to rezone from IR to IG zoning for properties located at 1044 Omohundro Place and 905 Visco Drive, at the corner of Visco Drive and Fesslers Lane and partially located within the Floodplain Overlay District (6.83 acres), requested by Dale & Associates, applicant; Creative Strategic Investments, L.P. and Jimmy Allen et ux, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from IR to IG.

Zone Change

A request to rezone from Industrial Restrictive (IR) to Industrial General (IG) zoning for properties located at 1044 Omohundro Place and 905 Visco Drive, at the corner of Visco Drive and Fesslers Lane and partially located within the Floodplain Overlay District (6.83 acres).

Existing Zoning

Industrial Restrictive (IR) is intended for a wide range of light manufacturing uses at moderate intensities within enclosed structures. *The maximum build out under IR is 178,508 square feet.*

Industrial General (IG) is intended for a wide range of intensive manufacturing uses. *The maximum build out under IG is 178,508 square feet.*

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

Industrial (IN) areas are dominated by one or more activities that are industrial in character. Types of uses intended in IN areas include non-hazardous manufacturing, distribution centers and mixed business parks containing compatible industrial and non-industrial uses.

Natural Conservation (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.

Consistent with Policy?

Yes. The proposed IG district is consistent with the Industrial policy, which covers a majority of the site. While the IG district is not consistent with the NCO policy applied to the low areas along Brown’s Creek, it will not permit any more disturbances within the buffer along Brown’s Creek than what is currently permitted under the existing IR district. It is important to note that industrial districts are exempt from the floodplain regulations. While industrial districts are exempt the site is currently developed with the exception of the buffer along Brown’s Creek and the proposed IG district will not permit any more disturbance than what is currently permitted. The intent of the IG district is to permit additional uses that are not permitted under the existing IR district. Uses in the IG district are more intense in nature than uses permitted in the IR district and include uses such as heavy manufacturing and scrap operation. The maximum FAR and ISR are the same with both districts. The site is located in an area that consists mostly of other industrial uses, including heavy industrial and the additional uses permitted with the IG district are appropriate for this site and much of the area.

PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development.

No traffic table provided since uses and allowable floor areas are similar.

STAFF RECOMMENDATION

Staff recommends that the request be approved as the proposed IG zoning district is consistent with the land use policies on the subject site.

Mr. Swaggart presented the staff recommendation of approval.

Tom White informed the commission that the incorrect item was pulled from the Consent Agenda.

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

Mr. Ponder moved and Mr. Adkins seconded the motion to approve. (9-0)

Resolution No. RS2013-164

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-030PR-001 is **Approved. (9-0)**

The IG district is consistent with the Industrial (IN) policy.

11. 2013Z-031PR-001

Map 134, Parcel(s) 013, 297
Council District 13 (Josh Stites)
Staff Reviewer: Duane Cuthbertson

A request to rezone from R10 to IWD zoning for properties located at McGavock Pike (unnumbered), approximately 1,850 feet north of Harding Place and partially located within the Floodplain Overlay District (88.81 acres), requested by Hawkins Development Company, applicant; Metropolitan Nashville Airport Authority and the Estate of Louise M. Miles, owners.

Staff Recommendation: Approve

The Metropolitan Planning Commission deferred 2013Z-031PR-001 to the October 10, 2013, Planning Commission meeting. (9-0)

J. PLANNING COMMISSION ACTIONS

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

Subdivision: Concept Plans

12. 2013S-112-001

YOUNG WOODS, RESUB LOT 6 (CONCEPT PLAN)

Map 131-01, Parcel(s) 010
Council District 34 (Carter Todd)
Staff Reviewer: Jason Swaggart

A request for concept plan approval to create two lots on property located at 3304 Hobbs Road, approximately 175 feet east of Vailwood Drive, zoned R20 (0.91 acres), requested by James Conrad Camp, owner; Nashville Civil, LLC, applicant.

Staff Recommendation: Defer to the September 26, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2013S-112-001 to the September 26, 2013, Planning Commission meeting. 9-0

Subdivision: Developments Plans

13. 2013S-003-002

BELL ESTATES (DEVELOPMENT PLAN)

Map 116-08, Parcel(s) 168, 185
Council District 25 (Sean McGuire)
Staff Reviewer: Bob Leeman

A request for development plan approval to create five lots on properties located at 3721 and 3731 Woodmont Boulevard, at the southeast corner of Woodmont Boulevard and Estes Road, zoned R20, (3.35 acres), requested by Dewey-Estes Engineering, LLC, applicant; Land Development.com, Inc., owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Development plan for five residential lots

Subdivision Development Plan

A request for development plan approval to create five lots on properties located at 3721 and 3731 Woodmont Boulevard, at the southeast corner of Woodmont Boulevard and Estes Road, zoned One and Two-Family Residential (R20), (3.35 acres).

Existing Zoning

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots. *R20 would permit a maximum of 7 lots with 1 duplex lot for a total of 8 units. The concept plan for this subdivision was approved for 5 lots with 1 duplex lot for a total of 6 units.*

CRITICAL PLANNING GOALS

- Supports Infill Development
- Preserves Historic Resources

The subdivision will allow for the redevelopment of a site already served by infrastructure in a manner that will be sensitive to the character of surrounding development. The concept plan approval was approved with the intent to preserve the existing dwelling and perimeter rock wall. The proposed development intends to do the same.

PLAN DETAILS

This subdivision was approved as a concept plan on February 14, 2013, by the Planning Commission. The concept plan is the first of three steps required for subdivision approval when new infrastructure is required. The development plan is the second step, and is intended to show the layout of the required infrastructure within the proposed subdivision. Normally, a development plan is reviewed administratively as long as there are no major revisions. However, at the February 14, 2013, meeting the Planning Commission approved the concept plan with conditions, including a requirement for development plan to be presented to the Planning Commission for final approval. The third step, the final plat, can be approved administratively if it is consistent with the approved concept and development plan.

The development plan maintains consistency with the approved concept plan. Lots 1 through 4 are single-family lots that are oriented toward Woodmont Boulevard, and will be required by the Zoning Code to have their front facades facing that street. Lot 5 is a duplex lot that will face Estes Road. Lots 3 and 4 will take access through an existing driveway from Woodmont Boulevard. Lots 1, 2, and 5 will take access from Estes Road through a shared driveway. The lot sizes have changed slightly, but all meet the requirements of the R20 zoning district, and are consistent with the concept plan approval.

Sidewalks

Sidewalks are required along the Woodmont Boulevard and Estes Road frontages with this subdivision because it is located within the Urban Services District. Sidewalks are not shown on the plan because the subdivision is eligible for a contribution to the sidewalk fund in lieu of construction. The contribution will be required prior to the recording of the final plat.

Wall along frontage

The development plan identifies the existing stone wall along the Woodmont Boulevard frontage and a portion of the Estes Road frontage. The approved concept plan included a note stating "rock wall to remain." Inclusion of this note in the development plan is required as a condition of approval.

ANALYSIS

The proposed development plan includes minor revisions to the subdivision layout from the concept plan approval. These revisions are primarily a result of revisions to the open space layout at the southeast corner of the site. The general lot layout and lot frontages remain consistent with the concept plan approval. Additionally, the subdivision complies with the Subdivision Regulations and Zoning Code.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

1. This subdivision has submitted engineering data that supports the approval for construction of homes up to 3,600 sq. ft. Any home over 3,600 sq. ft. will require an independent permit review by the Fire Marshal's Office. 2006 IFC - D102.1 Access and loading.
2. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg). The access road shall be paved before any combustibles are brought onto the site.
3. 2006 IFC - D103.6.1 Roads 20 to 26 feet in width.
4. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No exceptions taken

STAFF RECOMMENDATION

Staff recommends approval with conditions. With the conditions of approval, the development plan will be consistent with the approved concept plan, the Subdivision Regulations, and the Zoning Code.

CONDITIONS

1. The following note shall be added to the development plan: Vehicle parking pads shall not be placed between the front façade and the street for lots 3 and 4.

2. Development of the site shall comply with conditions of approval from the Fire Marshal.

3. Sidewalks are required along the Woodmont Boulevard and Estes Road frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:

- Construct sidewalk and have it accepted by Public Works,
- Submit a bond application and post a bond with the Planning Department,
- Submit payment in-lieu of construction to the Planning Department. The in-lieu contribution for this subdivision would be \$6,000.
- Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (4-B), in a location to be determined in consultation with the Public Works Department.

4. The following note shall be added to the development to address the existing rock wall along the Woodmont Boulevard and Estes Road frontages: Rock wall to remain.

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

Kevin Estes, 2925 Berry Hill Drive, spoke in support of staff recommendation of approval with conditions.

Robin Thompson, 3419 Hampton Ave, spoke in opposition to the application due to storm water and increased traffic concerns as well as concerns with decreased property values.

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

Ms. LeQuire asked if sidewalks will be built.

Mr. Estes clarified that sidewalks will not be built on Estes and that Public Works is working with NES to determine if they will be able to build them on Woodmont.

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

Resolution No. RS2013-165

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-003-002 is Approved with conditions. (9-0)

CONDITIONS

1. The following note shall be added to the development plan: Vehicle parking pads shall not be placed between the front façade and the street for lots 3 and 4.

2. Development of the site shall comply with conditions of approval from the Fire Marshal.

3. Sidewalks are required along the Woodmont Boulevard and Estes Road frontages of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:

- **Construct sidewalk and have it accepted by Public Works,**
- **Submit a bond application and post a bond with the Planning Department,**
- **Submit payment in-lieu of construction to the Planning Department. The in-lieu contribution for this subdivision would be \$6,000.**
- **Construct an equal length of sidewalk within the same Pedestrian Benefit Zone (4-B), in a location to be determined in consultation with the Public Works Department.**

4. The following note shall be added to the development to address the existing rock wall along the Woodmont Boulevard and Estes Road frontages: Rock wall to remain.

K. OTHER BUSINESS

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

September 26, 2013

MPC Meeting

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

October 9, 2013

Web-based seminar – Planning Ethics and the Law

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

M. ADJOURNMENT

The meeting adjourned at 4:44 p.m.

Chairman

Secretary