



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, September 26, 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:
Jim McLean, Chair
Stewart Clifton, Vice Chair
Hunter Gee
Phil Ponder
Derrick Dalton
Councilmember Walter Hunt
Andree LeQuire

Staff Present:
Rick Bernhardt, Executive Director
Jennifer Carlat, Assistant Planning Director
Kelly Adams, Administrative Services Officer III
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Kathryn Withers, Planning Manager II
Carrie Logan, Planner III
Joni Priest, Planner III
Jason Swaggart, Planner II
Tifinie Capehart, Planner II
Duane Cuthbertson, Planner II
Andrew Collins, Planner
Amy Diaz-Barriga, Planner I
Jason Aprill, Planner I
Susan Jones, Legal

Commissioners Absent: Judy Cummings, Greg Adkins, 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
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.



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MEETING AGENDA

A. CALL TO ORDER

The meeting was called to order at 4:06 p.m.

B. ADOPTION OF AGENDA

Mr. Ponder moved and Mr. Gee seconded the motion to adopt the agenda. (6-0)

C. APPROVAL OF SEPTEMBER 12, 2013 MINUTES

Mr. Ponder moved and Mr. Gee seconded the motion to approve the September 12, 2013 minutes.

D. RECOGNITION OF COUNCILMEMBERS

Mr. Clifton arrived at 4:08 p.m.

Councilmember Anthony Davis spoke in support of Items 1a and 1b and noted that it is a great working solution, a great compromise, and will be willing to work in the incentives when the time comes. He also spoke in support of Items 2a and 2b and stated that it is a great plan for mixed-use development and will help improve property values.

Councilmember Scott Davis spoke in support of Items 1a and 1b and noted that incentives are needed for small businesses. He also spoke in support of Items 2a and 2b.

Councilmember Allen spoke in support of Items 3a and 3b.

Councilmember Todd asked for either a deferral or a disapproval of Item 6. He noted that subdivision regulations do not permit flag lots, this does not fit with the character of the neighborhood, and there will be increased traffic problems.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

13. 2013S-154-001

BUGEL THREE LOT SUBDIVISION

Mr. Gee moved and Councilmember Hunt seconded the motion to approve the Deferred Item. (7-0)

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.

1a. 2013Z-028PR-001

1b. 2013UD-003-001

GALLATIN PIKE UDO

4. 2013Z-012TX-001

ADJUSTMENTS TO BUILD-TO ZONE REQUIREMENTS

5. 2013SP-027-001

TENNESSEE AVENUE COTTAGES

7. 2013S-121-001

KENNER MANOR LAND, RESUB LOTS 126 & 127

- 8. 2009SP-008-001**
BATTERY PARK
- 9. 2009SP-010-001**
ASHLAND CITY HIGHWAY
- 10. 2013Z-033PR-001**
MCCRORY LANE (UNNUMBERED)
- 11. 2013NHC-002-001**
EASTWOOD NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT
- 12. 2013S-156-001**
LAKESHORE DRIVE SUBDIVISION (CONCEPT PLAN)
- 14a. 2001UD-002-003**
MUSIC ROW UDO (FINAL: 1515 DEMONBREUN)
- 14b. 2001UD-002-004**
MUSIC ROW UDO (MAJOR MODIFICATION: 1515 DEMONBREUN)
- 15. 2014 Planning Commission filing deadlines & meeting schedule**
- 16. Appointment of Kim Totzky to the Hillsboro Village Urban Design Overlay Advisory Committee**
- 17. Employee contract renewal for Joni Priest**

Mr. Bernhardt clarified that Mr. Dalton, Mr. Ponder, and Councilmember Hunt all reviewed the prior record for Items 1a and 1b.

Mr. Ponder moved and Councilmember Hunt seconded the motion to approve the Consent Agenda. (7-0)

Chairman McLean asked Vice Chair Clifton to chair the meeting.

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.

Zone Changes

1a. 2013Z-028PR-001

BL2013-513

Maps Various, Parcels Various

Council District 05 (Scott Davis); 06 (Peter Westerholm); 07 (Anthony Davis); 08 (Karen Bennett)

Staff Reviewer: Duane Cuthbertson

A request to rezone from MUG, CS, CL, OR20, RS5, R6, OL, SP, RS10, and RS7.5 to MUG-A, MUL-A, and OR20-A zoning for various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway, (213.96 acres), requested by the Metro Planning Department, applicant; various property owners.

Staff Recommendation: Approve with a substitute ordinance and a housekeeping amendment to the Community Plan.

APPLICANT REQUEST

Zone Change from various districts to MUG-A, MUL-A and OR20-A.

Zone Change

A request to rezone from Mixed Use General (MUG), Commercial Services (CS), Commercial Limited (CL), Office/Residential (OR20), Single-Family Residential (RS5), One and Two-Family Residential (R6), Office Limited (OL), Specific Plan (SP), Single-Family Residential (RS10), and Single-Family Residential (RS7.5) to Mixed Use General – A (MUG-A), Mixed Use Limited – A (MUL-A), and Office Residential – A (OR20-A) zoning for various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway, (213.96 acres).

ZONING HISTORY

In July 2007, Metro Council adopted the Gallatin Pike SP, which established specific development standards for properties fronting the Main Street and Gallatin Pike corridor from South 5th Street to Briley Parkway. These standards intended to implement the East Nashville Community Plan by addressing building design and placement, signage, parking, vehicle access, landscaping, and land use restrictions. In a recent Court of Appeals case, the court determined that the Gallatin Pike SP was enacted improperly and invalidated the SP; thus, the land use classification of all properties affected by the Gallatin Pike SP legislation remained the zoning designation that was in place prior to July 2007.

SUMMARY

The properties along the Main Street and Gallatin Pike corridor from South 5th Street north to Cahal Avenue (the northern edge of the UZO) are proposed to change from various zoning districts (predominantly CS and CL), to MUG-A.

The properties along the Gallatin Pike corridor north of Cahal Avenue to the Inglewood rail overpass are proposed to change from various zoning districts (predominantly CS), to MUL-A.

The properties along the Gallatin Pike corridor north of the Inglewood rail overpass to Briley Parkway are proposed to change from various districts (predominantly CL, OR20 and OL) to MUL-A and OR20-A. The properties proposed for OR20-A are located on the west side between Virginia Avenue and Broadmoor Drive and on the east side at the northwest corner of Gallatin Pike and Winding Way.

Descriptions of existing and proposed zoning districts are provided at the end of the report.

CRITICAL PLANNING GOALS

Creates Walkable Neighborhoods

The proposed A districts will focus development along the Gallatin Pike corridor in East Nashville at a higher intensity than currently exists and permit a mix of uses within single buildings and along the corridor. The proposed zoning districts will encourage new development in a form that supports a strong pedestrian environment by reducing the number of vehicular access points, minimizing prominence of parking facilities and orienting new buildings toward the sidewalk. The A districts help create an environment that allows individuals to park and walk to multiple destinations and reduces vehicular/pedestrian conflict points.

Supports a Variety of Transportation Choices

The proposed zone change will permit mixed use development that will support transit, walking and cycling. The proposed A districts establish greater development intensity along an existing transit corridor and prioritize walking as a viable mode of transportation by regulating building placement within build-to zones to create pedestrian oriented street walls with appropriately scaled sidewalks.

Provides a Range of Housing Choices

All of the proposed zoning districts for the Main Street/Gallatin Pike corridor allow residential development through a range of building types and intensities in residential only buildings and as a part of mixed-use developments.

Supports Infill Development and Promotes Compact Building Design

The proposed A districts encourage infill on many of the under-performing lots located on the Main Street/Gallatin Pike corridor with higher development entitlements in exchange for appropriate building and parking placement and orientation. The zone change will establish a consistency of application along the corridor and provide assurances to potential developers that future development will be compatible with, and complement, current investments.

EAST NASHVILLE COMMUNITY PLAN

General Policies

Commercial Mixed Concentration is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. (Applies to that portion of the Gallatin Pike corridor adjacent to and south of Briley Parkway.)

Community Center 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. (Applies to that portion of the Main Street – Gallatin Pike corridor south of Ordway Place to South 5th Street)

Detailed Policies associated with Community Center policy

- Mixed Use is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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. (Applies to that portion of the Gallatin Pike corridor north of Ordway Place to Solley Drive/Haysboro Avenue just south of Briley Parkway except where the Office policy is established.)
- Office is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category. (Applies to that portion of the Gallatin Pike corridor north of Gillock Street/Stratford Avenue to Virginia Avenue/McAlpine Avenue and to a portion north of Calvert Street to Broadmoor Drive.)

Consistent with Policy?

Along most of the corridor, the proposed zone change implements the bulk standards and uses envisioned in the East Nashville Community Plan Update adopted in February 2006. The plan calls for higher development intensity and mixed uses along much of the corridor.

In an attempt to concentrate and reinforce commercial development at neighborhood nodes within the northern section of the corridor, the plan establishes a policy of Office in Community Center Policy at two intervals. The southern interval extends between Gillock Street/Stratford Avenue and Virginia/McAlpine Avenues. This area contains a predominance of commercial zoning as well as commercial uses more consistent with the proposed MUL-A zoning district. Applying an OR20-A zoning district over that segment is not suggested as it would “down-zone” many properties.

The MUL-A district is proposed for the area between Gillock Street/Stratford Avenue and Virginia/McAlpine Avenues in order to mirror the existing commercial zoning and uses. Staff is recommending a housekeeping community plan amendment to change the area’s policy from Office in Community Center to one of Mixed Use in Community Center. This recognizes the fact that many of the properties are already nonconforming to the Office Land Use Policy; they are zoned for commercial and used for commercial purposes. This proposed policy change would be completed in the future as part of the overall update of the Community Plan or as part of the Community Plan translation that will be completed with the General Plan update.

REQUEST DETAILS

The zone change applies to properties that were included in the Gallatin Pike SP and have frontage along Main Street, Gallatin Avenue and Gallatin Pike from South 5th Street to Briley Parkway.

Every parcel of land fronting Main Street or Gallatin Pike between 5th Street and Briley Parkway is included in the zone change, except for those parcels located within the Institutional Overlay for the Nashville Auto Diesel College, Planned Unit Developments adopted pursuant to BL2003-82 and BL2005-881, and Metropolitan Public School properties.

The corridor is the primary artery serving the variety of neighborhoods in East Nashville. The corridor is flanked by diverse residential neighborhoods. This zone change application applies mixed use zoning districts along the corridor in order to accomplish many of the goals outlined in the East Nashville Community Plan and addressed by the Gallatin Pike SP. The proposed zoning districts were not available as tools in 2007 when the Gallatin Pike SP was established.

ANALYSIS

The proposed zoning districts encourage a mixture of uses and the redevelopment of property along the corridor in a manner consistent with the goals of the East Nashville Community Plan.

The proposed districts encourage the creation of a more walkable built environment along the corridor by locating new buildings closer to, and oriented to, the street within a built-to zone adjacent to new and existing sidewalks. Parking is required to be located behind or beside new buildings, which will enhance the pedestrian environment by minimizing the number of vehicular curb cuts and, as a result, the number of vehicular/pedestrian conflict points.

The proposed districts enable a higher development intensity that will support alternative modes of transit, including walking, cycling and the existing BRT-lite transit service. The proposed districts will encourage development that will better support future transit investments along the corridor.

The proposed districts encourage a mixture of commercial, office and residential uses to enliven the corridor and provide a wider variety of necessary services for the adjacent neighborhoods. The MUG-A and MUL-A zoning districts generally allow uses similar to those permitted by the existing commercial zoning, though Automotive Sales and Repair will not be permitted with the proposed zoning. The OR20-A zoning district proposed will allow uses similar to those permitted by the existing office zoning districts, though it will encourage and permit more residential uses.

The proposed districts will allow more pedestrian oriented development than the current zoning districts, and provide development standards to create a more transit friendly corridor.

Non-Conforming Structures/Uses

Any legal use made nonconforming by the proposed zoning districts will be permitted to continue as a legal nonconforming use. Further, any legal structure made nonconforming by the proposed zoning districts will be permitted to remain and be reused for uses allowed by the proposed district. Additions to nonconforming structures would be permitted, as long as the additions do not increase the degree of nonconformity. The Zoning Administrator has determined that additions could be located in front of, beside or behind existing buildings. Buildings damaged to more than fifty percent of their total floor area would be required to comply with the new zoning standards. New buildings would be required to comply with the new zoning standards.

MEETINGS

There have been multiple meetings held during the review process. Staff has held several meetings with councilmembers, the community and property owners and stakeholders along the corridor since the zone change was introduced. These include:

- Community Meeting – July 22nd (60 attendants)
- Planning Commission Meeting – August 8th
- Chamber of Commerce – July 31st
- Community Meeting (East Police Precinct) – August 19th (90 attendants)
- East Caucus Meeting with Neighborhood Association representatives – September 4th
- Nashville Chamber of Commerce – September 10th
- Planning Commission Work Session- September 12th

Based on the comments received from these meetings, several changes were made to the zone change.

The zone change application was changed to extend the boundary of the proposed MUL-A zoning district on both sides of Gallatin Pike between Stratford Avenue to Virginia Avenue. OR20-A zoning was originally proposed in this area.

The proposed OR20-A zoning district boundary on the west side of Gallatin Pike was extended two blocks to the south to Virginia Avenue, replacing the originally-proposed MUL-A district.

The zoning district proposed for the area from Cahal Avenue north to the Inglewood rail overpass was modified from MUG-A to MUL-A. Every parcel within the UZO (south of Cahal Avenue) is proposed for MUG-A.

Staff will file a substitute ordinance to address these changes. Additionally, the substitute ordinance will remove two parcels from the request:

- Parcel 87 of map 061-11, a Metropolitan Fire Department station, and
- Parcel 50 of map 061-07, a U.S. Bank that is currently being rezoned to SP.

PUBLIC WORKS RECOMMENDATION

With the redevelopment of individual parcels a TIS may be required.

MDHA RECOMMENDATION

The zoning change to MUG-A is more in line with East Bank Redevelopment District plan than the current base zoning.

STAFF RECOMMENDATION

Staff recommends approval of the zone change with a substitute ordinance. The zone changes are intended to implement the policies of the East Nashville Community Plan. While a portion of the proposed MUL-A district is not consistent with the current Community Plan, staff recommends a housekeeping amendment to the community plan to replace the Office in Community Center policy on Gallatin Pike from Gillock Street/Stratford Avenue to Virginia/McAlpine Avenues with a Mixed Use in Community Center policy supportive of the proposed zoning.

Descriptions of Existing and Proposed Zoning Districts

Existing Zoning

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

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

Mixed Use General (MUG) is intended for a moderately high intensity mixture of residential, retail, and office uses.

Office Limited (OL) is intended for moderate intensity office uses.

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre.

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

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

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

Single Family Residential (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.

Proposed Zoning

Mixed Use General-A (MUG-A) is intended for a moderately high 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.

Development Standards:

Height: max - 5 stories (75 feet) at the setback; total up to 7 stories (105 feet)
Floor Area Ratio: 3.00 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

Mixed Use Limited-A (MUL-A) 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.

Development Standards:

Height: max - 3 stories (45 feet) at the setback; total up to 4 stories (60 feet)
Floor Area Ratio: 1.00 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)
Parking: Per Zoning Code – located to rear or side of building(s)

Office/Residential-A (OR20-A) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

Development Standards:

Height: max - 30 feet at the setback; total up to 45 feet
Floor Area Ratio: 0.8 maximum
Front Build-to Zone: 5' to 15' from street property line (new building shall occupy corner)

Parking: Per Zoning Code – located to rear or side of building(s)

Approved with a substitute ordinance and a housekeeping amendment to the Community Plan. (7-0), Consent Agenda

Resolution No. RS2013-166

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-028PR-001 is APPROVED with a substitute ordinance and a housekeeping amendment to the Community Plan.” (7-0)

1b. 2013UD-003-001

BL2013-514

GALLATIN PIKE UDO

Maps Various, Parcels Various

Council District 05 (Scott Davis); 06 (Peter Westerholm); 07 (Anthony Davis); 08 (Karen Bennett)

Staff Reviewer: Duane Cuthbertson

A request to apply the Gallatin Pike Urban Design Overlay (UDO) district to various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway (213.96 acres), requested by the Metro Planning Department, applicant; various property owners.

Staff Recommendation: Approve with a substitute ordinance.

APPLICANT REQUEST

Apply Urban Design Overlay (UDO).

Urban Design Overlay

A request to apply the Gallatin Pike Urban Design Overlay (UDO) district to various properties and a portion of property located along Gallatin Avenue, Gallatin Pike and Main Street, between South 5th Street and Briley Parkway (213.96 acres).

Existing Zoning

See 2013Z-028PR-001 Staff Report

ZONING HISTORY

In July 2007, Metro Council adopted the Gallatin Pike SP, which established specific development standards for properties fronting the Main Street and Gallatin Pike corridor from South 5th Street to Briley Parkway. These standards intended to implement the East Nashville Community Plan by addressing building design and placement, signage, parking, vehicle access, landscaping, and land use restrictions. In a recent Court of Appeals case, the court determined that the Gallatin Pike SP was enacted improperly and invalidated the SP; thus, the land use classification of all properties affected by the Gallatin Pike SP legislation remained the zoning designation that was in place prior to July 2007.

Proposed Overlay Zoning

Gallatin Pike Urban Design Overlay (UDO) is intended to permit optional development standards to enable flexibility with a new building's placement on a lot as it relates to the base zoning district's build-to zone requirement. If the optional development standards are utilized, this UDO will require improvements to the street frontage and pedestrian environment. This UDO also permits alley signs.

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods

The Gallatin Pike UDO will implement the goals of the East Nashville Community Plan to create a stronger pedestrian environment along the Main Street/Gallatin Pike corridor through the use of supplemental development standards, when the UDO is utilized.

EAST NASHVILLE COMMUNITY PLAN

General Policies

Commercial Mixed Concentration (CMC) is intended to include Medium High to High density residential, all types of retail trade (except regional shopping malls), highway-oriented commercial services, offices, and research activities and other appropriate uses with these locational characteristics. (Applies to that portion of the Gallatin Pike corridor adjacent to and south of Briley Parkway.)

Community Center (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. (Applies to that portion of the Main Street Gallatin Pike corridor south of Ordway Place to South 5th Street)

Detailed Policies associated with Community Center policy

- Mixed Use (MxU) is intended to encourage an integrated, diverse blend of compatible land uses ensuring unique opportunities for living, working, and shopping. Predominant uses include residential, commercial, recreational, cultural, and community facilities. Commercial uses appropriate to MU areas include offices and community, neighborhood, and convenience scale activities. Residential densities are comparable to medium, medium-high, or high density. 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. (Applies to that portion of the Gallatin Pike corridor north of Ordway Place to Solley Drive/Haysboro Avenue just south of Briley Parkway except where the Office policy is established.)

- Office (O) is intended to include a variety of office uses. These offices will vary in intensity depending on the Structure Plan category. (Applies to that portion of the Gallatin Pike corridor north of Gillock Street/Stratford Avenue to Virginia Avenue/McAlpine Avenue and to a portion north of Calvert Street to Broadmoor Drive.)

Consistent with policy?

Yes. This UDO, in exchange for flexibility in the placement of new buildings, will require certain improvements to a property's street frontage and will limit vehicular access points, in order to improve the quality of the pedestrian environment along the Gallatin Pike corridor.

REQUEST DETAILS

This UDO provides the option of development flexibility for new buildings on all property with frontage on Main Street and Gallatin Pike, except those located within adopted MDHA Redevelopment Districts. An associated case (2013Z-028PR-001) proposes to rezone properties along the Main Street and Gallatin Pike corridor to mixed use “A” districts (MUG-A, MUL-A or OR20-A), which will require new buildings to be located within a 5' to 15' build-to zone. This UDO will allow flexibility with the placement of new buildings by providing the choice to develop with the optional development standards, utilizing the non-A district standards, but applying supplemental development standards, to create a pedestrian friendly environment.

If a development utilizes the UDO, the following will be required:

- Limited vehicular ingress/egress on Gallatin Pike/Main Street which will allow one driveway per 300 feet of street frontage.
- A direct pedestrian connection between the sidewalk and new building.
- Improvements to the Gallatin Pike/Main Street Pedestrian Zone and Green Zone per the Major and Collector Street Plan standard, which establishes the following minimums, except where there is constrained ROW:
 - a four foot wide Furnishing Zone (tree planting strip),
 - an eight foot wide Pedestrian Travelway (sidewalk) and
 - a four foot wide Frontage Zone.
- A minimum planted perimeter landscape strip in between the Pedestrian and Green Zones and a parking area. The UDO provides the option of either:
 - a seven foot wide strip with maintained shrubs or
 - a five foot wide strip with a knee wall.

The perimeter landscape strip can include the required four foot frontage zone.

A Final Site Plan will be required to be submitted to the Planning Department for review and approval when developing under the UDO.

This UDO also includes standards to permit alley signs to be located along alleys to the rear or properties.

MEETINGS

Staff has held several meetings with councilmembers, the community and property owners and stakeholders along the corridor since the zone change was introduced. These include:

Community Meeting – July 22nd (60 attendants)
Planning Commission Meeting – August 8th
Chamber of Commerce – July 31st
Community Meeting (East Police Precinct) – August 19th (90 attendants)
East Caucus Meeting with Neighborhood Association representatives – September 4th
Nashville Chamber of Commerce – September 10th
Planning Commission Work Session- September 12th

Based on the comments received from these meetings, changes were made to the UDO. The proposed UDO was modified to eliminate the section related to building and ground signage. Alley signs will still be addressed by the UDO. Building and ground signs will be required to meet the base zoning standards.

The UDO was modified to allow for development flexibility with regard to building placement on a lot, while requiring improvements to the pedestrian environment.

Staff will file a substitute ordinance to replace the draft of the UDO currently attached to the bill with the draft dated September 16, 2013. Additionally, the substitute ordinance will remove two parcels from the request:

- Parcel 87 of map 061-11, a Metropolitan Fire Department station, and
- Parcel 50 of map 061-07, a U.S. Bank that is currently being rezoned to SP.

MDHA RECOMMENDATION

MDHA staff does not see any conflicts between the Gallatin Pike UDO and MDHA signage guidelines for Gallatin Pike.

STAFF RECOMMENDATION

Staff recommends approval with a substitute ordinance. The Gallatin Pike UDO provides development flexibility while still implementing the goals of the East Nashville Community Plan.

Approved with a substitute ordinance. (7-0), Consent Agenda

Resolution No. RS2013-167

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013UD-003-001 is APPROVED with a substitute ordinance.” (7-0)

Community Plan Amendments

2a. 2013CP-005-002

EAST NASHVILLE PLAN AMENDMENT (Porter Road)

Map 072-15, Parcel(s) 252, 251, 237-241, 243, 245, 185, Part of Parcel(s) 270, 188

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: Approve

APPLICANT REQUEST

Amend land use policy from Neighborhood General (NG) and Residential Low Medium (RLM) to Neighborhood Center (NC).

Major Plan Amendment

A request to amend the East Nashville Community Plan: 2006 Update to change the Land Use Policy from Neighborhood General (NG) and Residential Low Medium (RLM) to Neighborhood Center (NC) for multiple properties located at Porter Road and Cahal Avenue.

CRITICAL PLANNING GOALS

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

The Neighborhood Center policy creates walkable neighborhoods by encouraging a mixture of uses within a five minute walk, thus creating pedestrian access to goods and services. The Neighborhood Center Policy also outlines design principles that foster pedestrian friendly environments (sidewalks, street trees, buildings located near the street). In addition, the Neighborhood Center policy supports a range of housing types, fostering neighborhoods that support aging-in-place and the growth of successful neighborhood market places.

The creation of walkable neighborhoods with mixed housing and accessible goods and services is most often facilitated by infill development. The Neighborhood Center Policy supports and provides guidance for infill development by encouraging appropriate transitions in massing, height and scale, so that infill development is compatible with existing development.

EAST NASHVILLE COMMUNITY PLAN

Current Policy

Neighborhood General (NG)

NG is intended to meet a spectrum of housing needs with a variety of housing that is carefully arranged, not randomly located.

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.

Proposed Policy

Neighborhood Center (NC)

NC is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five-minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial uses.

BACKGROUND

Case 2013SP-030-001 considers a zone change from R6 district to SP-MU district on properties located at 1505, 1507, and 1601 Porter Road. The SP-MU zone district is inconsistent with the existing Neighborhood General Policy. The applicant requests a plan amendment for their property to Neighborhood Center so that the proposed zone change will be consistent with the land use policy. Upon reviewing the requested plan amendment, Planning staff expanded the plan amendment area to consider a more broad application of the Neighborhood Center policy.

COMMUNITY PARTICIPATION

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

A community meeting was held on Monday August 19, 2013 at the East Nashville Community Center, from 6:00 pm to 7:00 pm. There were 11 people in attendance. The applicant also held an informal gathering at the site, prior to the plan amendment meeting on August 19th.

Some community stakeholders questioned why a neighborhood meeting was not held at a location closer to the subject site within the immediate neighborhood. Staff made numerous attempts to contact the South Inglewood Community Center and the Margaret Maddox Family YMCA, both within the immediate neighborhood; however, a date could not be confirmed at either location prior to notices being mailed. Community members in attendance also expressed that they were not made aware of the applicant's meeting. Due to the aforementioned, there was concern that residents in the immediate neighborhood were not fully aware of the proposal. Staff did offer to attend any subsequent meetings held by the applicant and community stakeholders, but subsequent meetings did not occur.

During the remainder of the meeting, stakeholders primarily discussed the broader policy issues of housing affordability and gentrification. During the discussion, the stakeholders expressed a keen interest in keeping their neighborhood affordable.

ANALYSIS

Physical Site Conditions

The plan amendment area that was considered has minimal physical constraints and there is no floodplain or floodway in the area.

Land Use

Surrounding land uses include single-family residential, multi-family in the form of town homes and stacked flats, and commercial. Land uses within the plan amendment area include parking for institutional uses (church), and single family residential.

Access

Properties in the plan amendment area have individual driveway access. There is no alley access.

Existing Development Pattern

The development pattern in the area is primarily urban, characterized by shallow setbacks and small lot sizes. The commercial development near the plan amendment areas is suburban in character; moderate setbacks with parking in front of the building.

Historic Features

Riverside Drive is identified as a National Register Historic Property and runs adjacent to the plan amendment area along the eastern boundary.

Summary

The study area is flanked by Neighborhood Center policy to the east and west. The development found in the existing Neighborhood Center includes neighborhood scaled commercial and mixed housing. The application of Neighborhood Center Policy would be appropriate to continue this type of development and link the two centers into a cohesive whole. The Neighborhood Center Policy would also encourage the continuation of neighborhood center urban design principles; pedestrian friendly elements (sidewalks, street trees, buildings located near the street), appropriate transitions between commercial and non-commercial development, and prominently placed civic and institutional structures.

STAFF RECOMMENDATION

Staff recommends approval.

Items 2a and 2b were heard and discussed together.

Ms. Capehart presented the staff recommendation of approval.

Councilmember Anthony Davis spoke in support of approval.

Chris Choate, 1824 Tamony Drive, spoke in favor of the application. He stated that he has tried to make the units smaller as well as not out pricing the neighborhood.

Roy Dale, 1657 Stokley Lane, spoke in favor of the application and expressed excitement about the project. He noted that it is very cohesive and creates a walkable community.

Brett Withers, 1113 Granada Avenue, spoke in favor of the application. He stated that this will put commercial space right along the street, which will keep eyes on the street and increase safety. The units are smaller and more affordable than other places in Nashville.

Hollis Enman, 7905 Meadowview Drive, spoke in favor of the application and noted that the developers do an excellent job; this will create cohesiveness.

Pastor Glenda Sutton, 1600 Riverside Drive, spoke in opposition to the application and asked for a deferral to allow for more community meetings. She stated that they were only invited to one of the meetings and had no knowledge of the meeting that was held across the street from her church. She also noted that they never received any informational flyers.

Margo Chambers, 3803 Princeton Avenue, spoke in opposition to the application and stated that transportation and social services discussions need to be had first.

Thomas McKenzie, 4828 Briarwood Drive, spoke in opposition to the application and noted that people at the one community meeting he attended had no knowledge of this plan until the meeting was called.

Reverend Bailey, 1603 Porter Avenue, spoke in opposition to the application and stated that the price point is too high therefore pricing the current residents out of the neighborhood.

Laura McKenzie, 4828 Briarwood Drive, spoke in opposition to the application and stated that Councilmember Davis was incorrect when he said the entire community was behind this effort. She noted that most of the people that will be affected had no knowledge of this.

Chris Choate stated that he was very surprised by the opposition as he has met with each of these parties separately and has gone above and beyond to reach out to everyone in the community.

Mr. Ponder moved and Councilmember Hunt seconded the motion to close the Public Hearing. (7-0)

Ms. LeQuire stated that she would be interested in hearing from the other commissioners regarding the tension since we usually want the community to come together on these types of policy changes.

Mr. Dalton stated that he is not necessarily against this and would be interested in learning what the next step would be if the individuals feel that they have not been heard.

Mr. Bernhardt clarified that the rezoning requires a council bill.

Mr. Dalton stated that even if the commission passes it today, people will still have an opportunity to go before the council and voice their opinion. He pointed out that there will be change and would like all parties involved to try to come together on the front end and guide it.

Chairman McLean spoke in favor of the application and stated that he likes the infill plan and the enthusiasm of the council member and developer.

Mr. Gee stated that it seems like the developer has addressed some of the concerns regarding affordability and the size of the units. He asked Legal if price point is something that the commission could/should consider.

Ms. Jones clarified that price point is not something that should be considered by the commission given fair housing considerations.

Mr. Ponder expressed excitement about this and stated that it should definitely improve the neighborhood.

Councilmember Hunt spoke in favor of the application but noted that in the future it would be helpful for community meeting organizers to keep better records of notifications and attendance at each meeting to alleviate these types of issues.

Mr. Ponder moved and Chairman McLean seconded the motion to approve. (7-0)

Resolution No. RS2013-168

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-005-002 is APPROVED." (7-0)

2b. 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: Approve with conditions and disapprove without all conditions if the Commission approves the associated policy amendment and disapprove if the associated policy amendment is not approved.

APPLICANT REQUEST

Permit 28 residential units and 6,000 square feet of commercial.

Preliminary SP

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.

Existing Zoning

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25 percent duplex lots. *R6 would permit a maximum of 14 lots with 3 duplex lots for a total of 17 units.*

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 is limited to 28 residential units and 6,000 square feet of commercial uses.*

CRITICAL PLANNING GOALS

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

This request adds additional density in an area that is served by adequate infrastructure. The proposal provides an additional housing type that is attractive to young couples and retirees. The commercial portion of the proposal will provide for additional community conveniences which will help sustain an already emerging neighborhood center. Sidewalks and bike lane are located along Porter Road and the site is also served with public transportation. The additional density and services will also support the emerging walkable and transit friendly area.

EAST NASHVILLE COMMUNITY PLAN

Existing 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.

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.

Proposed Policy

Neighborhood Center (NC) is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single and multi-family residential, public benefit activities and small scale office and commercial uses.

Consistent with Policy?

The existing NG policy is a residential policy; therefore, it would not support the proposed commercial uses along Porter Road. The proposed NC policy supports a mixture of uses including various types of residential, office and commercial uses. The plan provides a mixture of uses that are cohesively designed, providing for services along Porter Road and additional housing options for the area. The plan also fosters a pedestrian friendly environment by providing a sidewalk and planting strip, including street trees, along Porter Road and an integrated sidewalk within the development.

A small portion of the site, located at the back (mid-block between Riverside Drive and Porter Road) is not included within the associated policy amendment. Since the Community Plan calls for residential within this existing NG policy area, the proposed plan for this portion of the site is consistent with the policy and does not require a policy amendment.

PLAN DETAILS

The site is located along the east side of Porter Road, just south of the intersection of Cahal Avenue and Porter Road. The site consists of two properties along Porter Road, unimproved right-of-way (Turner Street), a portion of a landlocked property and a portion of property which fronts onto Riverside Drive to the east. The properties contain single and two family uses and an abandoned parking lot associated with the Riverside Church of Christ, which is located at the southwest intersection of Porter Road and Riverside Drive. The adjacent property to the south consists of a multi-family development and the commercially zoned properties directly across Porter Road consist of a convenience market and fuel station, retail use and laundromat. There is also a large multi-family development near the site on the west side of Porter. Sidewalks and bike lanes are located along of Porter Road.

Site Plan

The plan calls for 28 residential units (~14.8 units per acre) and 6,000 square feet of commercial space. The commercial space is shown on the ground floor within two separate mixed-use buildings along Porter Road. Upper floors contain six residential lofts. The SP permits all uses that are permitted by MUL. The SP limits restaurant uses to 3,000 square feet with the exception that additional floor area may be permitted if adequate parking can be provided. The remaining 22 units are located behind the mixed use buildings along Porter Road. The units are attached and are located within four separate structures. All units front onto private driveways.

Conceptual elevations for the attached residential units have been provided. Units will be two stories and are described as Craftsman-style. Exterior materials will include a variety of brick, block, James Hardie siding and architectural shakes and shingles intended to give each unit a unique appearance. Units will include front porches and balconies and end units will include a wraparound porch. Each unit contains a one car garage, which will be recessed behind the porch area.

Primary access into the site is provided from Porter Road. The plan also provides for future connections to the east and south, in order to provide future connectivity in the event that adjacent properties are redeveloped. The plan calls for the abandonment of an un-built right-of-way (ROW) for Turner Street. Public Works has indicated that the abandonment will not require a mandatory referral. A sidewalk is provided along the northern side of the private drive connecting Porter Road to the eastern property line. In addition to garage parking, surface parking is also provided and includes 37 onsite spaces and five on-street spaces along Porter. A total of 65 parking spaces are provided, which includes the five on-street spaces. The SP permits additional offsite parking, but this parking must be approved by Planning and/or Public Works.

The Major and Collector Street Plan (MCSP) calls for a 67 foot ROW along this section of Porter Road. The current ROW is 40 feet. The plan proposes a 13.5 foot ROW dedication, which is consistent with the MCSP.

ANALYSIS

While the commercial area in the SP is not consistent with the existing NG land use policy, it is consistent with the proposed NC land use policy. The plan also meets several critical planning goals. If the associated policy amendment is approved, staff recommends approval of the SP with conditions and disapproval without all conditions. If the proposed NC land use policy is not approved, then staff recommends disapproval

SCHOOL BOARD REPORT

Projected student generation existing R6 district: 1 Elementary 1 Middle 1 High
Projected student generation proposed SP district: 6 Elementary 4 Middle 3 High

The proposed SP zoning district could generate ten more students than what is typically generated under the existing R6 zoning district. Students would attend Rosebank Elementary School, Bailey Middle School, and Stratford High School.

All three schools are identified as under capacity and will accommodate additional students. This information is based upon data from the school board last updated September 2012.

STORMWATER RECOMMENDATION

Approve with Conditions

- If an adequate surface discharge location is located, then the development shall install any necessary structures (offsite improvements) to tie into an adequate system.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

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

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	1.78	7.71	17 U	154	12	17

*Based on three duplex lot

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	1.78	-	28 U	282	17	32

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	1.78	-	4'000 SF	209	11	32

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Restaurant (932)	1.78	-	2,000 SF	235	24	23

Traffic changes between maximum: **R6** and proposed **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+572	+40	+70

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions if the Commission adopts the policy amendment and disapproval if the associated policy amendment is not approved.

CONDITIONS

1. Uses within the SP shall be limited to residential and all uses permitted by the MUL zoning district.
2. Residential uses are limited to a maximum of 28 units and non-residential uses are limited to a maximum of 6,000 square feet.
3. Restaurant uses are limited to a maximum of 3,000 square feet, unless additional parking is provided in compliance with Metro Zoning Code requirements. Additional floor area for restaurant uses shall be reviewed with final site plan and/or use and occupancy permits. Additional parking may be permitted offsite, but must be approved by Metro Planning and/or Metro Public Works.
4. Bike racks for at least six bikes shall be provided and shall be shown on the final site plan.
5. Prior to final site plan approval, the right of way for Turner Street shall be abandoned.
6. Permitted signs shall be limited to wall mounted signs, projecting signs, awning signs, window signs and hanging signs. Freestanding ground signs, monument signs, portable signs, roof mounted signs, LED signs and billboards shall not be permitted. A signage program for shall be included with the final site plan and must be approved by Planning.
7. 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 zoning district as of the date of the applicable request or application.
8. 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.
9. 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.
10. 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.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 2a and 2b were heard and discussed together.

Councilmember Anthony Davis spoke in support of approval.

Chris Choate, 1824 Tamony Drive, spoke in favor of the application. He stated that he has tried to make the units smaller as well as not out pricing the neighborhood.

Roy Dale, 1657 Stokley Lane, spoke in favor of the application and expressed excitement about the project. He noted that it is very cohesive and creates a walkable community.

Brett Withers, 1113 Granada Avenue, spoke in favor of the application. He stated that this will put commercial space right along the street, which will keep eyes on the street and increase safety. The units are smaller and more affordable than other places in Nashville.

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Pastor Glenda Sutton, 1600 Riverside Drive, spoke in opposition to the application and asked for a deferral to allow for more community meetings. She stated that they were only invited to one of the meetings and had no knowledge of the meeting that was held across the street from her church. She also noted that they never received any informational flyers.

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Thomas McKenzie, 4828 Briarwood Drive, spoke in opposition to the application and noted that people at the one community meeting he attended had no knowledge of this plan until the meeting was called.

Reverend Bailey, 1603 Porter Avenue, spoke in opposition to the application and stated that the price point is too high therefore pricing the current residents out of the neighborhood.

Laura McKenzie, 4828 Briarwood Drive, spoke in opposition to the application and stated that Councilmember Davis was incorrect when he said the entire community was behind this effort. She noted that most of the people that will be affected had no knowledge of this.

Chris Choate stated that he was very surprised by the opposition as he has met with each of these parties separately and has gone above and beyond to reach out to everyone in the community.

Mr. Ponder moved and Councilmember Hunt seconded the motion to close the Public Hearing. (7-0)

Ms. LeQuire stated that she would be interested in hearing from the other commissioners regarding the tension since we usually want the community to come together on these types of policy changes.

Mr. Dalton stated that he is not necessarily against this and would be interested in learning what the next step would be if the individuals feel that they have not been heard.

Mr. Bernhardt clarified that the rezoning requires a council bill.

Mr. Dalton stated that even if the commission passes it today, people will still have an opportunity to go before the council and voice their opinion. He pointed out that there will be change and would like all parties involved to try to come together on the front end and guide it.

Chairman McLean spoke in favor of the application and stated that he likes the infill plan and the enthusiasm of the council member and developer.

Mr. Gee stated that it seems like the developer has addressed some of the concerns regarding affordability and the size of the units. He asked Legal if price point is something that the commission could/should consider.

Ms. Jones clarified that price point is not something that should be considered by the commission given fair housing considerations.

Mr. Ponder expressed excitement about this and stated that it should definitely improve the neighborhood.

Councilmember Hunt spoke in favor of the application but noted that in the future it would be helpful for community meeting organizers to keep better records of notifications and attendance at each meeting to alleviate these types of issues.

Mr. Ponder moved and Ms. LeQuire seconded the motion to approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2013-169

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-030-001 is APPROVED with conditions and disapproved without all conditions.” (7-0)

CONDITIONS

- 1. Uses within the SP shall be limited to residential and all uses permitted by the MUL zoning district.**
- 2. Residential uses are limited to a maximum of 28 units and non-residential uses are limited to a maximum of 6,000 square feet.**

3. Restaurant uses are limited to a maximum of 3,000 square feet, unless additional parking is provided in compliance with Metro Zoning Code requirements. Additional floor area for restaurant uses shall be reviewed with final site plan and/or use and occupancy permits. Additional parking may be permitted offsite, but must be approved by Metro Planning and/or Metro Public Works.
4. Bike racks for at least six bikes shall be provided and shall be shown on the final site plan.
5. Prior to final site plan approval, the right of way for Turner Street shall be abandoned.
6. Permitted signs shall be limited to wall mounted signs, projecting signs, awning signs, window signs and hanging signs. Freestanding ground signs, monument signs, portable signs, roof mounted signs, LED signs and billboards shall not be permitted. A signage program for shall be included with the final site plan and must be approved by Planning.
7. 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 zoning district as of the date of the applicable request or application.
8. 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.
9. 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.
10. 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.

3a. 2013CP-010-001

GREEN HILLS-MIDTOWN PLAN AMENDMENT

Map 104-08, Parcel(s) 172-173
Council District 18 (Burkley Allen)
Staff Reviewer: Kathryn Withers

A request to amend the Green Hills - Midtown Community Plan: 2005 Update to change the Land Use Policy from Neighborhood General (NG) to T4 Urban Neighborhood Evolving Policy for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), requested by Barge, Waggoner, Sumner, and Cannon, Inc., applicant; John Holland, Jared Danford, and Mary R. Smith, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Change the policy from Neighborhood General to T4 Urban Neighborhood Evolving.

Amend the Community Plan

A request to amend the *Green Hills - Midtown Community Plan: 2005 Update* to change the Land Use Policy from Neighborhood General (NG) to T4 Urban Neighborhood Evolving (T4 NE) Policy for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres)

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Neighborhood General (NG) policy 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 ensure appropriate design and that the type of development conforms with the intent of the policy.

PROPOSED POLICY

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

BACKGROUND

The proposed amendment area consists of two properties that are adjacent to Hillsboro Village to the west. When the case was before the Planning Commission in July, the proposed amendment area consisted of 2.44 acres and encompassed existing surrounding multi-family and institutional development. The applicants' original request is reflected in the current request (1708 and 1710 19th Avenue South, 0.44 acres and is discussed in 2013SP-023-001. In July, staff asked that the amendment area be expanded to take in the adjoining nursing home and multi-family housing, which predate the 2005 community plan update and are developed at higher densities than Neighborhood General Policy supports. The community requested that the amendment area reflect only the applicant's current request.

The applicants have requested a community plan amendment and Specific Plan rezoning in order to construct a multi-family development with more units per acre than can be supported by the existing Neighborhood General policy, which has a limit of twenty units per acre. The requested policy, T4 Urban Neighborhood Evolving, supports residential development at up to forty units per acre with some exceptions supporting higher densities that are detailed in the T4 NE section of the *Community Character Manual*. The current NG policy is part of the *Land Use Policy Application* document, the older of the two policy manuals that are used in the community plans. The proposed T4 NE policy is part of the newer manual, the *Community Character Manual*. The LUPA land use policies contained in the nine pre-CCM community plans (including Green Hills-Midtown) are in the process of having their policies translated to the CCM equivalents.

The Green Hills – Midtown Community Plan was last updated in 2005. There have been four amendments since then. One of the most recent amendments was the Midtown Community Character Plan. That amendment changed a large area between Charlotte and West End Avenues from Land Use Policy Application policies to Community Character Manual policies, including two T4 NE policy areas.

COMMUNITY PARTICIPATION

A community meeting was held by the Planning Department on June 25, 2013. The meeting was attended by approximately 20 people, including District Councilwoman Burkley Allen. Attendees were concerned about both the proposed SP and the community plan amendment proposal. Many of the concerns centered on the lack of specifics that were provided about the project proposal and the potential broader impacts of the community plan amendment. In addition to this community meeting, the applicant met with some neighborhood residents on a previous occasion.

ANALYSIS

As noted above, the requested policy – T4 NE – allows up to 40 dwelling units per acre, and can support higher densities at strategic locations. The proposed amendment area 10-T4-NE-03 is in a good location for more intense residential development than the T4 NE policy would normally support. This is because the amendment area:

- Provides opportunities to develop needed multifamily housing with smaller units at appropriate locations and relieves pressure to redevelop nearby single- and two-family neighborhoods;
- Is located in the block off Wedgewood Avenue, an urban arterial street, with bus routes including the university connector;
- Is less than a block away from an MTA stop;
- Adjoins Hillsboro Village, providing goods and services within walking distance;
- Is located between two large universities; and
- Is served by existing urban infrastructure that can be upgraded as necessary as opposed to being in a greenfield area where there is no infrastructure.

STAFF RECOMMENDATION

Staff recommends approval of the plan amendment request.

Ms. Withers presented the staff recommendation of approval.

Items 3a and 3b were heard and discussed together.

Councilmember Hunt moved and Mr. Ponder seconded the motion to close the previous Public Hearing. (7-0) A new Public Hearing was opened.

Jay Fulmer, 1420 Sharp Avenue, and Todd Jackovich, 103 Cherokee Road, spoke in favor of the application and noted that they agreed with all staff conditions.

Marty Hansen, 1711 18th Avenue South, spoke in opposition to the application and stated that there is no legitimate basis for this to be above three stories.

Terri Behr, 323 Forest Park, spoke in opposition to the application and expressed concerns regarding storm water runoff and lack of parking.

Harish Prasad, 1817 Wedgewood Avenue, spoke in opposition to the application and noted that the road is not wide enough.

Jay Fulmer clarified that the number of bedrooms is not increasing with the increased density.

Councilmember Hunt moved and Mr. Ponder seconded the motion to close the Public Hearing. (7-0)

Mr. Gee stated that he is glad the community, councilmember, and developer have been able to get together and come to some sort of consensus.

Mr. Ponder expressed agreement with Mr. Gee.

Councilmember Hunt spoke in favor and stated that it seems like most everyone is in agreement.

Ms. LeQuire spoke in favor of the application.

Chairman McLean moved and Councilmember Hunt seconded the motion to approve the Community Plan Amendment. (7-0)

Resolution No. RS2013-170

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013CP-010-001is APPROVED.” (7-0)

3b. 2013SP-023-001

19TH & BELCOURT

Map 104-08, Parcel(s) 172-173

Council District 18 (Burkley Allen)

Staff Reviewer: Jason Swaggart

A request to rezone from RM40 to SP-R zoning for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), to permit up to 36 residential units, requested by Barge, Waggoner, Sumner & Cannon, Inc., applicant; John Holland, Jared Danford and Mary Smith, owners.

Staff Recommendation: Approve with conditions and disapprove without all conditions if the proposed T4 NE policy is approved. Disapprove if the T4 NE policy is not approved.

APPLICANT REQUEST

Preliminary SP to permit 36 multi-family dwellings.

Preliminary SP

A request to rezone from Multi-Family Residential (RM40) to Specific Plan – Residential (SP-R) zoning for properties located at 1708 and 1710 19th Avenue South, at the northeast corner of Belcourt Avenue and 19th Avenue South (0.44 acres), to permit up to 36 residential units.

Existing Zoning

Multi-Family Residential (RM40) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre. *RM40 would permit a maximum of 18 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.

DEFERRALS

This request and the associated policy amendment were previously heard at the July 25, 2013, Planning Commission meeting. Staff's recommendation at that time was to approve the policy amendment and to defer indefinitely or disapprove the SP. The Planning Commission deferred the policy amendment and the SP indefinitely. The applicant submitted a revised plan just prior to the July meeting. The revised plan, which is the current plan under review, was not presented at the July meeting because its late submittal did not permit staff adequate time to review.

Staff recommended disapproval of the previous plan because it placed the top floor of the parking structure at street level along 19th Avenue South and Belcourt Avenue. Because the garage was located at street level, only one pedestrian entrance was provided. The only entrance was located at the southwest corner of 19th and Belcourt and was identified as an “amenity area”. The plan also included several faux doors along both street frontages, intended to create an illusion of an active street frontage.

The previous plan was not conducive to creating, or in this case sustaining, a walkable neighborhood. The site is located adjacent to Hillsboro Village, a well-recognized and popular mixed use center on Hillsboro Pike. This area is characterized by a high level of pedestrian activity, which is encouraged by existing development that places active uses at street level and parking behind buildings away from the street. The placement of a parking structure at street-level, with one entrance and no active uses, could be disruptive to the character of surrounding development. While the plan attempted to create the illusion of an active street frontage with faux doors, the lack of activity on the first floor (windows and doors on to occupied space or stoops) was not supported by the Community Plan.

After submitting the original SP application, but prior to the SP being heard by the Commission, the applicant filed for a Special Exception (SE) from the Board of Zoning Appeals (BZA) for a shortened street setback and additional building height along 19th Avenue. The BZA approved the SE on June 20, 2013. This BZA approval allows for the construction of essentially the same building shape and massing that is proposed with the previous SP, however, the BZA approval only permits 18 dwelling units. The applicants would prefer 36 units as proposed by the SP. If the proposed SP district is not approved, then the property could develop under the BZA order with 18 units.

The applicant has indicated that they will move forward with the BZA approved site plan if they are not successful in rezoning the property; however, they would prefer to move forward with the SP zone change. The SP provides an opportunity for the Planning staff and Councilmember to reach a compromise proposal that better meets the goal of complementing community character. Again, the current plan is not the plan that was previously brought before the Commission, but is the plan that was presented to staff, just before the July 25, 2013, meeting which staff did not have time to review.

CRITICAL PLANNING GOALS

N/A

GREEN HILLS – MIDTOWN COMMUNITY PLAN

Current policy

Neighborhood General (NG) policy 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 ensure appropriate design and that the type of development conforms with the intent of the policy.

Proposed policy

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

Consistent with Policy?

The density of the proposed SP is consistent with the proposed T4 NE policy. Also, as discussed in the analysis below, the design does provide for a more activated street frontage than the previous plan that was considered by the Commission in July, 2013.

While staff does not believe that the design is ideal, it is better than the previous plan in how it relates to the street from a pedestrian standpoint. While this plan does not meet all of the objectives of the community plan policy, including fully activating the street, it does meet some of them, including placing density at an appropriate location near a major arterial street and within the Hillsboro Village area. Also, the building design should have less of an impact on the vibrant mixed use center that is Hillsboro Village, due to the sites location further away from Hillsboro Village.

PLAN DETAILS

The current SP proposal includes a five story building with a maximum of 36 units. The first floor of living space is located on the second level of the building. The overall height is approximately 60 feet and 45 feet at the minimum setbacks along 19th and Belcourt Avenues. The top two floors are stepped back at the setback. The plan identifies a common space along the north which will be a court yard.

Structured parking is provided below the living space within the building footprint. The parking area is provided on two levels with one level being subgrade and the upper deck at street level. Parking is provided at one space per bedroom. The plan also permits up to 40 percent of the parking spaces to be sized for compact automobiles. Access to the parking comes from a vehicular entrance from Belcourt along the south side of the building. A six foot sidewalk and three foot planting strip is located along Belcourt and 19th.

Conceptual elevations are included with the SP. Pedestrian entrances are located along 19th and Belcourt. The plan calls for brick or engineered stone along the first three floors and stucco with horizontal definition on the top two stories. Four entrances are located along 19th and one entrance is located along Belcourt. Since the second level of parking is located at street level, the doors into the units are located on the second level, approximately 12 feet above street grade.

ANALYSIS

The current plan is an improvement from the previous plan presented to the Commission. The current plan does not provide an ideal active ground floor, but it does provide entrances to some of the residential units from the street, which is more consistent with the proposed T4 NE policy than the previous design. Since the site is located further from Hillsboro Village, along a dead end street into Magnolia Boulevard the proposed design should have less of an impact to the atmosphere of Hillsboro Village. While staff is recommending approval of this plan, it is important to note that the proposed design would not be appropriate closer to the center of Hillsboro Village or within proximity to an existing mixed use center, an area planned for a mixed use center or residential areas planned to create or sustain a vibrant walkable neighborhood.

STORMWATER RECOMMENDATION

Preliminary SP approved

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.
- ROW dedications along the alley and along 19th must be recorded prior to approval of the Final SP.
- Garage access to be located at appropriate distance from 19th and Alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.44	40 D	17 U	227	13	27

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.44	-	36 U	342	22	38

Traffic changes between maximum: **R6** and proposed **MUN-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+19	+115	+9	+11

SCHOOL BOARD REPORT

Projected student generation existing RM40 district: 1 Elementary 0 Middle 0 High

Projected student generation proposed SP district: 2 Elementary 2 Middle 1 High

The proposed SP zoning district could generate 4 more students than what is typically generated under the existing RM40 zoning district. Students would attend Eakin Elementary School, West End Middle School, and Hillsboro High School.

Eakin Elementary and West End Middle schools have been identified as over capacity. There is capacity within the cluster for elementary and middle school students. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions and disapproved without all staff conditions if the proposed T4 NE policy is approved. If the T4 NE policy is not approved then staff recommends disapproval.

CONDITIONS

1. Garage access shall be located at an appropriate distance from 19th Avenue South and the alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.
2. Permitted land uses shall be limited to 36 multi-family units.
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 RM80-A 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 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.

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all conditions.

Items 3a and 3b were heard and discussed together.

Councilmember Hunt moved and Mr. Ponder seconded the motion to close the previous Public Hearing. (7-0) A new Public Hearing was opened.

Jay Fulmer, 1420 Sharp Avenue, and Todd Jackovich, 103 Cherokee Road, spoke in favor of the application and noted that they agreed with all staff conditions.

Marty Hansen, 1711 18th Avenue South, spoke in opposition to the application and stated that there is no legitimate basis for this to be above three stories.

Terri Behr, 323 Forest Park, spoke in opposition to the application and expressed concerns regarding storm water runoff and lack of parking.

Harish Prasad, 1817 Wedgewood Avenue, spoke in opposition to the application and noted that the road is not wide enough.

Jay Fulmer clarified that the number of bedrooms is not increasing with the increased density.

Mr. Gee stated that he is glad the community, councilmember, and developer have been able to get together and come to some sort of consensus.

Mr. Ponder expressed agreement with Mr. Gee.

Councilmember Hunt spoke in favor and stated that it seems like most everyone is in agreement.

Ms. LeQuire spoke in favor of the application.

Chairman McLean moved and Mr. Gee seconded the motion to approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2013-171

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-023-001 is APPROVED with conditions and disapproved without all conditions.” (7-0)

CONDITIONS

- 1. Garage access shall be located at an appropriate distance from 19th Avenue South and the alley intersections to allow adequate sight distance and access operation. Any parking access control equipment shall be located a minimum distance to back of sidewalk to allow adequate space for queuing without spilling into the public right of way or impacting sidewalk accessibility.**
- 2. Permitted land uses shall be limited to 36 multi-family units.**
- 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 RM80-A 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 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.**

Zoning Text Amendments

4. 2013Z-012TX-001

ADJUSTMENTS TO BUILD-TO ZONE REQUIREMENTS

Staff Reviewer: Duane Cuthbertson

A request to amend Table 17.12.020.D and Table 17.24.230 of the Metropolitan Zoning Code pertaining to adjustments to build-to zone requirements, rear setbacks and landscape buffers, requested by the Metro Planning Department, applicant.

Staff Recommendation: Approve

APPLICANT REQUEST

Amend the Zoning Code to allow adjustments to build-to zone requirements, rear setbacks and landscape buffers.

Text Amendment

A request to amend Table 17.12.020.D and Table 17.24.230 of the Metropolitan Zoning Code pertaining to adjustments to build-to zone requirements, rear setbacks and landscape buffers.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

The Zoning Code provides specific build-to requirements for Alternative zoning districts in Note 4 of Table 17.12.020D and landscape buffer yard requirements in Table 17.24.230.

PROPOSED ZONING CODE

The proposed text amendment would establish an additional provision in Note 4 under Table 17.12.020.D. and a note under Table 17.24.230.

The proposed Note 4.h under Table 17.12.020.D is as follows:

h. The zoning administrator may allow necessary adjustments to the build-to zone when existing utilities or utility easements are within the build-to zone and unusual circumstances require that the utilities cannot be relocated or easements reduced. Upon allowing an adjustment to the build-to zone, the zoning administrator may also allow adjustments to the rear setback and landscape buffer yard as authorized by Table 17.24.230, to provide for a necessary building area. The zoning administrator may allow necessary adjustments to the build-to zone, rear setback and landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department and any relevant department or agency.

The proposed Note 1. under Table 17.24.230 is as follows:

1. The zoning administrator may allow a necessary adjustment to the landscape buffer yard located along a rear property line to provide for necessary building area after adjusting a required build-to zone as permitted by Note 4.h. of Table 17.12.020.D. The zoning administrator may allow a necessary adjustment to the landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department.

ANALYSIS

The Zoning Code requires new buildings constructed in the various "A" zoning districts to be located within a build-to zone of five to fifteen feet as measured from the standard right-of-way line provided by the Major and Collector Street Plan.

It is not uncommon for over-head electric lines and other utilities to be located along a street frontage in proximity to a required build-to zone. Nashville Electric Service, as well as other utility providers, requires a minimum clearance for buildings from existing utilities, which may at times be in conflict with the build-to zone requirement.

The proposed text amendment would allow the Zoning Administrator, with a recommendation from the Planning Department and other relevant agencies, to adjust the required build-to zone in order to provide the necessary clearance when utilities or utility easements are within the build-to zone and unusual circumstances require that the utilities cannot be relocated or easements reduced. Additionally, the proposed text amendments would allow the Zoning Administrator to make adjustments to the same property's rear setback and required landscape buffer yard along the rear property line in order to provide for a necessary building area.

NES RECOMMENDATION

NES supports this amendment.

CODES ADMINISTRATION RECOMMENDATION

Approve

DEPARTMENT RECOMMENDATIONS

If received, additional department recommendations will be provided at the Planning Commission meeting.

STAFF RECOMMENDATION

Staff recommends approval.

Ordinance No. BL2013-XXX

An ordinance amending Table 17.12.020D and Table 17.24.230 of the Metropolitan Code, pertaining to alternative zoning districts and landscape buffer yard requirements (Proposal No. 2013Z-012TX-001)

BE IT ENACTED BY THE COUNCIL OF THE METROPLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:
Section 1. That Table 17.12.020D is hereby amended by inserting subsection h. under Note 4:

h. The zoning administrator may allow necessary adjustments to the build-to zone when existing utilities or utility easements are within the build-to zone and unusual circumstances require that the utilities cannot be relocated or easements reduced. Upon allowing an adjustment to the build-to zone, the zoning administrator may also allow adjustments to the rear setback and landscape buffer yard as authorized by Table 17.24.230, to provide for a necessary building area. The zoning administrator may allow necessary adjustments to the build-to zone, rear setback and landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department and any relevant department or agency.

Section 2. That Table 17.24.230 is hereby amended by inserting Note 1:

1. The zoning administrator may allow a necessary adjustment to the landscape buffer yard located along a rear property line to provide for necessary building area after determining an adjustment to a required build-to zone is necessary as permitted by Table 17.12.020.D. The zoning administrator may allow a necessary adjustment to the landscape buffer yard based on the nature of the existing and future land uses and site conditions in the general vicinity after receiving a written recommendation from the planning department.

Section 3. That this Ordinance shall take from and after its passage and such change be published in a newspaper of general circulation, the welfare of the Metropolitan Government of the Nashville and Davidson County requiring it.

Introduced by: _____

Approved (7-0), Consent Agenda

Resolution No. RS2013-172

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-012TX-001 is APPROVED." (7-0)

Specific Plans

5. 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 Griffith, Jr., owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Permit nine residential units.

Preliminary SP

A request to rezone from Commercial Services (CS) to Specific Plan-Residential (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.

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods
- Provides a Range of Housing Choices

This SP, proposing nine detached residential units, provides for additional residential density and housing types on a mostly vacant lot in an existing neighborhood. The proposed infill development will support the viability of the neighborhood by increasing population near the 51st Avenue corridor. The development further supports the walkability of the neighborhood by establishing buildings close to the street and orienting them towards proposed sidewalks. The SP also minimizes the impact of automobiles on the pedestrian environment by creating better defined on- street parking and placing on-site parking behind the buildings and limiting access to an existing alley.

WEST NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The SP provides additional housing in the form of detached residential dwellings that will support and enhance the viability of the neighborhood while facilitating a transition in development intensity between the residential neighborhood to the south and the industrial area to the north

The layout is consistent with the general character of urban neighborhoods as it orients the homes to the public street and minimizes impact from vehicular access to the site.

PLAN DETAILS

This SP proposes nine detached residential units. The existing dwelling and small warehouse on the subject property will be removed. The site is located at the northeastern edge of a residential neighborhood adjacent to an industrial area to the north. A mixture of housing types and uses are found in the surrounding neighborhood, including a church use immediately to the south and industrial uses immediately to the north and east.

Site Plan

The SP proposes a layout in which seven of the nine proposed buildings are oriented towards public streets, while the other two are located interior to the site and front a courtyard. The street fronting townhomes will be constructed with a twenty foot setback along Tennessee Avenue and a fifteen foot setback along 49th Avenue North, will have elevated (30 inches) front porches and will have front entrances connected to the abutting sidewalks. The corner unit will provide a wrap-around porch in order to orient to both abutting public streets. Each dwelling unit will have a relatively small footprint, but will be permitted a building height up to three stories in 35 feet as measured to the top of the roof, which is less than with the maximum height permitted in the adjacent R6 zoning district.

Vehicular access to the site will be limited to one 24 foot wide driveway from the alley on the north side of the development. The development meets the parking requirement by providing seventeen on-site parking spaces and eight bulb-in street parking spaces around the perimeter of the site.

Street trees will enhance the development by softening the transition between the buildings and abutting public sidewalks. Tree planting in addition to a screening fence will buffer the neighbors to the east from the development's parking area.

ANALYSIS

The proposed SP is consistent the Urban Mixed Use Corridor policy. The plan supports infill development, improves the walkability of the neighborhood and provides for a wider range of housing options while enhancing the urban character found along both 49th Avenue and Tennessee Avenue corridors and in the surrounding area.

SCHOOL BOARD REPORT

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

Students would attend Cockrill Elementary School, McKissack Middle School, or Pearl-Cohn High School. Of these, Cockrill Elementary School has been identified as being over capacity by the Metro School Board. However, there is capacity within the cluster for elementary school students. This information is based upon data from the school board last updated October 2012.

STORMWATER RECOMMENDATION

Approve with a condition

- A Maintenance Agreement shall be recorded prior to Final SP approval.

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.
- Indicate on the plans the proposed sidewalks with curb and gutter and grass strip. The sidewalk must be located within public ROW.
- All driveways to be MPW standard ramps, to be coordinated with Final SP

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Retail (814)	0.7	0.6	18,295 SF	821	22	66

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (210)	0.7	-	9 U	87	7	10

Traffic changes between maximum: **CS** 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
-	-	-	-	-734	-15	-56

STAFF RECOMMENDATION

Approve with conditions and disapprove without all conditions. The request is consistent with the site's Urban Mixed Use Corridor land use policy and meets several critical planning goals.

CONDITIONS

1. Comply with all Public Works Department requirements.
2. Comply with the Stormwater Department requirement: A Maintenance Agreement shall be recorded prior to Final SP approval.
3. Uses within the SP shall be limited to a maximum of nine residential units.
4. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.
5. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.
6. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
7. The 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.

Resolution No. RS2013-173

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013SP-027-001 is **APPROVED with all conditions and disapproved without all conditions.**” (7-0)

CONDITIONS

1. **Comply with all Public Works Department requirements.**
2. **Comply with the Stormwater Department requirement: A Maintenance Agreement shall be recorded prior to Final SP approval.**
3. **Uses within the SP shall be limited to a maximum of nine residential units.**
4. **For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Council approval, the property shall be subject to the standards, regulations and requirements of the RM20 zoning district as of the date of the applicable request or application.**
5. **A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to the filing of any additional development applications for this property, and in any event no later than 120 days after the effective date of the enacting ordinance. The corrected copy provided to the Planning Department shall include printed copy of the preliminary SP plan and a single PDF that contains the plan and all related SP documents. If a corrected copy of the SP plan incorporating the conditions therein is not provided to the Planning Department within 120 days of the effective date of the enacting ordinance, then the corrected copy of the SP plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, final site plan, or any other development application for the property.**
6. **Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.**
7. **The 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: Concept Plans

6. 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: Approve with conditions.

APPLICANT REQUEST

Concept plan to create two two-family lots.

Concept Plan

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).

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 2 lots with 2 duplex lots for a total of 4 units.

CRITICAL PLANNING GOALS

- Supports Infill Development

This subdivision will create an additional residential lot, permitting two new residential units within an area already served by infrastructure and services.

PLAN DETAILS

This request is for concept plan approval to create two lots out of one existing lot. The subject site is a little under an acre in size (0.92 acres, 40,121 square feet). The subject site is located on the north side of Hobbs road just east of Vailwood Drive, and is currently occupied by a single-family residential structure.

Concept Plan

The request calls for two new two-family lots. The proposed lots configuration includes one flag lot. The proposed lots will have the following land area:

- Lot 1: 0.46 Acres (20,030 SF);
- Lot 2: 0.46 Acres (20,090 SF).

Access to the lots will be restricted to one point along the western property line of lot two. Sidewalks exist along the Hobbs Road frontage and are required to be maintained during the redevelopment of the site.

ANALYSIS

The subdivision meets minimum bulk standards found in the Zoning Code. However, the Subdivision Regulations do not permit flag lots, unless an exception is granted by the Planning Commission. For the Commission to grant an exception all of the following conditions must be met:

1. There is limited area for lot frontage on a street.
2. The proposed lots fit into the character of the area and are consistent with the general plan.
3. All minimum standards of the Zoning Code shall be met.
4. No more than three lots are proposed.
5. The residential unit on the lot with frontage is comparable to other lots in the area and shall face the street.
6. The flag lot private drive and/or access easement shall connect to a street.
7. The flag lot private drive and/or access easement shall be at least ten feet wide for its entire length.
8. The flag lot shared access easement shall be part of one non-frontage lot and under the same ownership as that lot.

Staff finds that the request meets all of the conditions. While the lot has sufficient area to be subdivided, it lacks adequate frontage, requiring the proposed lot configuration. The request meets minimum Zoning Code requirements and is only for two lots. The lot is similar to the adjacent flag lot to the east that was approved by the Commission in 2004. The proposed lots are consistent with the surrounding density which is also consistent with the property's Residential Low Medium (RLM) land use policy and a special policy that applies to the property. The special policy recommends that development consist of single and two-family uses with densities similar to surrounding densities along the north side of Hobbs Road. Finally, the request meets all the access and configuration requirements.

The request is consistent with the adjacent flag lot and the character along this section of Hobbs Road is inconsistent. While many homes front onto Hobbs Road, there are numerous developments where the homes back up to Hobbs Road. A condition of approval is that a note be added to the plan requiring that any home on Lot One must front onto Hobbs Road and that no garage or parking be permitted in front of any home directly facing Hobbs. This is similar to the requirements on the adjacent flag lot.

While staff supports the proposed layout, the request has not yet been approved by Metro Stormwater. Since the request has not been approved by Stormwater, then staff cannot recommend approval at this time. Staff is recommending that the request be deferred to the October 10, 2013 Planning Commission meeting, and approval with conditions if Metro Stormwater recommends approval prior to the September 26, 2013, Planning Commission meeting.

STORMWATER RECOMMENDATION

Approve with conditions

- A Maintenance Agreement shall be recorded prior to the approval of any Development plans and Final plat.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends that the request be deferred to the October 10, 2013, Planning Commission meeting. Approve with conditions if Metro Stormwater recommends approval prior to the September 26, 2013, Planning Commission meeting.

CONDITIONS (if approved)

1. A Maintenance Agreement shall be recorded prior to the approval of any Development plans and Final plat.

2. A note shall be added to the plan stating that any home on Lot One shall be oriented towards Hobbs Road.

3. A note shall be added to the plan restricting garage doors from the front façade of any structure on Lot One.

4. A note shall be added to the plan prohibiting parking in front of any home on Lot One.

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

John Brittle, 5474 Franklin Pike Circle, spoke in favor of the application and noted that they have tried very hard to configure something that is visually appropriate from the street. He also noted they have dealt extensively with Metro Storm Water to improve what is already there.

Brian Hamilton, 6215 Brownlee Drive, spoke in favor of the application and noted that this flag lot is consistent with the neighborhood as it is basically a mirror of the lot next door.

Wes Hall, 3300-B Hobbs, spoke in opposition to the application and noted that this lot is not subject to being a good flag lot. He noted that he lives next door and no one has spoken to him about this. He also stated concerns with storm water runoff.

Charlotte Cooper, 3409 Trimble Road, spoke in opposition to the application and stated that not every piece of property lends itself to be subdivided. She expressed traffic concerns, storm water concerns, and noted that this does not fit with the character of the neighborhood.

Connie Cowan, 4016 Vailwood Drive, spoke in opposition to the application due to increased traffic on an already busy Hobbs Road, safety concerns considering the close proximity of an elementary school, storm water runoff issues, and the fact that infill is no longer applicable in their area.

Donna Bostick, 4008 Vailwood, spoke in opposition to the application due to increased density; does not fit with the character of the neighborhood.

Ruth Crouch, 4106 Dorman Drive, spoke in opposition to the application and noted that infill is not good for this property. She also expressed traffic concerns.

John Brittle admitted that he did not call any of the surrounding neighbors but noted that he will work hard to fix the storm water issues.

Mr. Ponder moved and Councilmember Hunt seconded the motion to close the Public Hearing. (7-0)

Mr. Dalton asked to hear more about the storm water concerns.

Steve Mishu, Metro Storm Water, stated that, regarding the sewer, there will be a 10' easement on both sides that will typically require the buildings to stay out of the easement. As far as storm water is concerned, instead of looking at these as individual lots, they will be looked at as a combined lot, therefore not falling into the residential exemption. He noted that they will require the same kind of storm water features on this site as they would a McDonalds or any other developments. If approved, it will be reviewed to the same standards as any other development in the construction stage.

Ms. LeQuire inquired if there is any encouragement to do pervious pavements.

Mr. Mishu stated that pervious will not be required.

Ms. LeQuire inquired if the houses will eventually share a driveway. Mr. Swaggart confirmed.

Mr. Ponder stated that the strongest argument for this is that the next door lots are virtually the same situation

Mr. Gee pointed out that a lot of the concerns/issues raised are basically moot considering this is not a rezoning. He stated that he feels this would help preserve the character of the neighborhood over the alternative of splitting the lots into two 50' lots.

Mr. Clifton stated that he could not support this and feels like it would set a bad precedent. He noted that the historical developments of the school and the efforts people have made to lessen the density around that school is enough of a factor to lead him to oppose this. He clarified that this does not meet the requirements; it meets exceptions to the requirements.

Mr. Gee moved and Mr. Ponder seconded the motion to approve with conditions. (4-3) Mr. Clifton, Mr. Dalton, and Councilmember Hunt voted against.

Resolution No. RS2013-174

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-112-001 is APPROVED with conditions." (4-3) Mr. Dalton, Mr. Clifton, and Councilmember Hunt voted against.

CONDITIONS (if approved)

1. A Maintenance Agreement shall be recorded prior to the approval of any Development plans and Final plat.
2. A note shall be added to the plan stating that any home on Lot One shall be shall be oriented towards Hobbs Road.
3. A note shall be added to the plan restricting garage doors from the front façade of any structure on Lot One.
4. A note shall be added to the plan prohibiting parking in front of any home on Lot One.

Subdivision: Final Plats

7. 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 duplex 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: Approve with a condition

APPLICANT REQUEST

Final plat to create three duplex lots.

Final Plat

A request for final plat approval to create three duplex lots on property located at 4006 Woodmont Boulevard, at the northeast corner of Woodmont Boulevard and Woodmont Hall Place, zoned R10 (0.98 acres).

Existing Zoning

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

CRITICAL PLANNING GOALS

- Supports Infill Development

The proposed subdivision creates three lots in a developed section of Green Hills, which will permit up to six dwellings. The proposed subdivision utilizes existing infrastructure.

HISTORY

Woodmont Hall Place, abutting the subject property to the west, was established with the development of the Woodmont Hall subdivision. In 2001, the Planning Commission approved the Woodmont Hall subdivision which proposed a public street extension (Woodmont Hall Place) and three lots all to contain two-family residences. The Woodmont Hall subdivision has developed as proposed.

REQUEST DETAILS

The property is located at the northeast corner of Woodmont Boulevard and Woodmont Hall Place and is just less than one acre. The proposed subdivision will consist of three lots each containing more than 10,000 square feet of area. Each lot is intended to accommodate a two-family dwelling, as permitted by the current zoning, for a total of six residential units.

Each of the lots will have frontage on Woodmont Hall Place to the west and the southern-most lot will also have frontage on Woodmont Boulevard. No vehicular access will be permitted from Lot 1 directly to Woodmont Boulevard. Lots two and three on the north side of the subdivision will share a driveway through an access easement. All three lots will have direct access to Woodmont Hall Place.

Sidewalks are required to be constructed with this development and the existing sidewalk will be extended east along Woodmont Boulevard in front of the subdivision. Additionally, the applicant is establishing drainage easements to accommodate an existing drainage channel running through the southern end of the site and for water quality/ quantity measures associated with the future development.

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.

ANALYSIS

The proposed subdivision meets all applicable subdivision regulations and zoning requirements. It meets a critical planning goal by supporting infill development in a manner that is consistent with the development pattern established in the surrounding area.

FIRE MARSHAL RECOMMENDATION

Approve with a condition:

- 20' access easement shall be paved to Fire Department standards for turnaround prior to any construction.

STORMWATER RECOMMENDATION

Returned

- Show all stormwater features on the plat (bioretention, pervious pavement, etc.).
- Provide PUDE's for all stormwater features (storm system, etc.)
- Cite the Maintenance Agreement number on the plat.

PUBLIC WORKS RECOMMENDATION

No Exception Taken:

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

STAFF RECOMMENDATION

Defer to the October 10, 2013, Planning Commission meeting. Approve with a condition if Metro Stormwater recommends approval prior to the September 26, 2013, Planning Commission meeting. The final plat complies with all subdivision regulations and zoning requirements.

CONDITIONS

1. Comply with the Fire Marshal requirement: 20' access easement shall be paved to Fire Department standards for turnaround prior to any construction.

Approved with a condition. (7-0), Consent Agenda

Resolution No. RS2013-175

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-121-001 is APPROVED with a condition." (7-0)

CONDITIONS

1. Comply with the Fire Marshal requirement: 20' access easement shall be paved to Fire Department standards for turnaround prior to any construction.

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).

No Cases on this Agenda

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

8. 2009SP-008-001

BATTERY PARK

Map 131-12-0-O, Parcel(s) 001-013, 900-901

Council District 34 (Carter Todd)

Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (R) district known as "Battery Park", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for various properties located along Battery Drive, (7.4 acres), approved for 13 single-family lots via Council Bill BL2009-473 approved on August 24, 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 (R) district known as "Battery Park", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for various properties located along Battery Drive, (7.4 acres), approved for 13 single-family lots via Council Bill BL2009-473 approved on August 24, 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 SP district is appropriate.

DETAILS OF THE SP DISTRICT

This SP limits uses to up to 13 single family residences. Building square footage is defined by minimum and maximum limits. Lots range in size from 10,416 SF to 15,924 SF. The fallback zoning for this SP is RS15. The site plan locates 12 lots along a private drive, and one lot fronting open space with alley access. Three lots have access limited to the alley. Standard "C" landscape buffers 30' in width are provided along the west, south, and east SP boundaries. Sidewalks are provided along one side of the private drive. The SP also prohibits pedestrian and vehicular connections to Kirkland Lane, the unimproved right-of-way adjacent the south boundary of the SP that is a historic antebelleum road listed on the National Register of Historic Places.

SPECIFIC PLAN REVIEW

The final site plan for this SP was administratively approved on February 28, 2012. A plat for thirteen lots, shared open space, and private right-of-way was approved on July 26, 2012. Of these thirteen lots, six have been issued occupancy permits, and another six have been issued building permits. Lot 2 is the only lot without an active building permit. Staff conducted a site visit on September 4, 2013. Staff found that the private road and sidewalk were constructed, and the majority of the houses were constructed or under construction.

STAFF RECOMMENDATION

Staff recommends that the Battery Park SP be found to be active.

Find the SP District Active (7-0), Consent Agenda

Resolution No. RS2013-176

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-008-001 finds the SP District ACTIVE." (7-0)

9. 2009SP-010-001

ASHLAND CITY HIGHWAY

Map 069, Parcel(s) 120

Council District 01 (Lonnell Matthews, Jr.)

Staff Reviewer: Amy Diaz-Barriga

The periodic review of an approved Specific Plan (MU) district known as "Ashland City Highway", 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 Ashland City Highway (unnumbered), (7.14 acres), approved for a funeral home subject to the standards, regulations and requirements of the OR20 zoning district and one residence via Council Bill BL2009-474 approved on July 23, 2009, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District inactive and direct staff to prepare a report to the Council recommending the property be rezoned to RM9.

APPLICANT REQUEST

Four year SP review to determine activity.

SP Review

The periodic review of an approved Specific Plan (MU) district known as "Ashland City Highway", 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 Ashland City Highway (unnumbered), (7.14 acres), approved for a funeral home subject to the standards, regulations and requirements of the OR20 zoning district and one residence via Council Bill BL2009-474 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 SP district is appropriate.

DETAILS OF THE SP DISTRICT

This SP limits the uses to a funeral home and one residence. The funeral home is to comply with all standards and regulations of OR20 zoning. The bill and site plan stipulate that one residence may be constructed above the detached garage of the funeral home. It further states that if a single family residence is constructed on the site, the use and occupancy permit for the residence above the garage shall be transferred to the single family residence outside of the funeral home, and the area above the detached garage shall no longer be used for residential purposes. Signage is limited to one wall sign and one ground sign.

SPECIFIC PLAN REVIEW

A final site plan was never submitted or approved for this SP. Staff conducted a site visit on July 26, 2013, and found no evidence of development on site. Staff's initial determination was that the SP is inactive. Staff contacted the owner to report its initial determination, and asked for documentation from the owner demonstrating activity, by August 16, 2013. The owner did not respond to this request. The owner was then contacted by phone on August 29, 2013, at which time he confirmed that he no longer has plans to develop this site for a funeral home or residence.

FINDINGS OF INACTIVITY

When the assessment of an SP is that it is inactive, staff is required to prepare a report for the Planning Commission with recommendations for Council Action including:

1. An analysis of the SP district's consistency with the General Plan and compatibility with the existing character of the community and whether the SP should remain on the property, or
2. Whether any amendments to the approved SP district are necessary, or
3. To what other type of district the property should be rezoned.

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination to Council with a recommendation on the following:

1. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
2. Any recommendation to amend the development plan or individual phase(s) to properly reflect existing conditions and circumstances, and the appropriate base zoning classification(s) should the SP district be removed, in whole or in part, from the property.

Permits on Hold

Section 17.40.106.I.1 of the Zoning Code requires that once the review of an SP with a preliminary assessment of inactivity is initiated, no new permits, grading or building, are to be issued during the course of the review.

ANALYSIS

This property is within the Bordeaux/Whites Creek Community Plan, which was last updated in 2005. The policies for this SP are Residential Medium (RM) and Natural Conservation (NCO). RM policy is intended to accommodate residential development within a density range of four to nine dwelling units per acre. The appropriate land uses for this policy include a variety of housing types, civic and public benefit uses, and small open spaces. Appropriate housing types include compact, single-family detached units, town-homes, and walk-up apartments. Natural Conservation (NCO) policy is applied to the southeast corner of the parcel (approximately 14percent of the parcel), and aligns with the 100-year floodplain. 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.

When this SP was originally brought before Planning Commission, it was proposed to permit a funeral home, as well as all uses in the RM9 zoning district. Staff recommended disapproval of the SP, stating that the funeral home was not consistent with RM and NCO policies of the Bordeaux/Whites Creek Community Plan. The councilmember and community members voiced concerns against the proposed density, and spoke in favor of approving the SP without the RM9 zoning district included. The Planning Commission did approve the SP, stating that, although the proposed funeral home was not consistent with Residential Medium Policy, it is more consistent with Natural Conservation Policy as a funeral home will require less land than allowed with the residential policy.

The current SP is not consistent with the RM and NCO policies. Neither RM nor NCO policy support a funeral home as an appropriate use. A single residence for this 7.14 acre parcel would be supported by NCO policy, but the majority of the parcel is within RM policy, and a single residence is well below the supported density for RM policy. In regards to the NCO policy on the site, the Metropolitan Zoning Code will regulate development within the floodplain. Staff recommends rezoning the property to the RM9 zoning district, to allow the zoning to better support the RM land use policy. Rezoning this property to RM9 would provide appropriate housing type variety and the density supported by RM policy. It would allow 64 dwelling units on this 7.14 acre parcel, and those units could be single, two-family, or multifamily units. The councilmember is supportive of staff's recommendation, and supportive of higher density multi-family development in this area. Two public hearings would be part of the rezoning process, should the councilmember move forward with this zone change.

Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination of inactivity and the recommendation to Council to rezone this property to RM9.

STAFF RECOMMENDATION

Staff recommends that the Ashland City Highway SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that the property be rezoned to RM9.

Find the SP District Inactive (7-0), Consent Agenda

Resolution No. RS2013-177

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-010-001 finds the SP District INACTIVE and directs staff to prepare a report to the Council recommending the property be rezoned to RM9." (7-0)

Zone Changes

10. 2013Z-033PR-001

MCCRORY LANE (UNNUMBERED)

Map 126, Part of Parcel(s) 059, 568

Council District 35 (Bo Mitchell)

Staff Reviewer: Jason Swaggart

A request to rezone from AR2a to RS10 zoning for a portion of properties located at 7986 McCrory Lane and McCrory Lane (unnumbered), approximately 1,000 feet north of Newsom Station Road (2.45 acres), requested by Civil Site Design Group, PLLC, applicant; Joe L. Rodgers, Steven Adcock and J.D. Valiquette, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from AR2A to RS10.

Zone Change

A request to rezone from Agricultural/Residential (AR2a) to Single-Family Residential (RS10) zoning for a portion of properties located at 7986 McCrory Lane and McCrory Lane (unnumbered), approximately 1,000 feet north of Newsom Station Road (2.45 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two acres and intended for uses that generally occur in rural areas, including single-family, two-family, and mobile homes at a density of one dwelling unit per two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan. *AR2a would permit a maximum of 1 lot with 1 duplex lots for a total of 2 units.*

Single-Family Residential (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. *RS10 would permit a maximum of 9 units.*

CRITICAL PLANNING GOALS

N/A

BELLEVUE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The proposed RS10 district is consistent with the T3 NM policy which covers a majority of the site. The proposed RS10 district will permit the development of single-family residential lots, which would be consistent with the predominant residential development pattern in the area. While the proposed RS10 is not entirely consistent with the CO policy along a small stream which bisects the property, the required stormwater buffers will provide adequate protection in keeping with the intent of the CO policy. This property is adjacent to the Travis Place cluster lot subdivision, which was originally approved in 2006. This zoning will permit additional lots to be added into the subdivision. It is important to note that the preliminary plat for Travis Place will likely need to be revised in order to include the subject area into the subdivision.

PUBLIC WORKS RECOMMENDATION

A traffic study may be required at time of development.

SCHOOL BOARD REPORT

Projected student generation existing AR2A district: 1 Elementary 0 Middle 0 High

Projected student generation proposed RS10 district: 1 Elementary 0 Middle 0 High

The proposed RS10 district will not generate any additional students. This information is based upon data from the school board last updated September 2012.

STAFF RECOMMENDATION

Staff recommends that the proposed RS10 zoning district be approved, since it is consistent with the adopted land use policies.

Approved (7-0), Consent Agenda

Resolution No. RS2013-178

"BE IT RESOLVED by The Metropolitan Planning Commission that 2013Z-033PR-001 is APPROVED." (7-0)

Neighborhood Conservation Overlays

11. 2013NHC-002-001

EASTWOOD NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT

Map 083-06, Parcel(s) 295-298, 380-386 Map 083-06-0-A, Parcel(s) 001-012

Council District 06 (Peter Westerholm)

Staff Reviewer: Duane Cuthbertson

A request to apply the provisions of the Eastwood Neighborhood Conservation Overlay District to various properties located along Eastland Avenue and Scott Avenue, between Porter Road and Chapel Avenue (2.45 acres), requested by Councilmember Peter Westerholm, applicant; various property owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Apply Neighborhood Historic Conservation Overlay.

Neighborhood Conservation Historic Overlay

A request to apply the provisions of the Eastwood Neighborhood Conservation Overlay District to various properties located along Eastland Avenue and Scott Avenue, between Porter Road and Chapel Avenue (2.45 acres).

Existing Zoning

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

One and Two-Family Residential (R6) requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots.

Proposed Overlay

Neighborhood Conservation Overlay Districts (NHC) are geographical areas which possess a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events or aesthetically by plan or physical development.

CRITICAL PLANNING GOALS

- Preserves Historic Resources

The District is intended to preserve historic structures within the Eastwood neighborhood through the implementation of development guidelines by the Metro Historic Zoning Commission and staff.

EAST NASHVILLE COMMUNITY PLAN

Neighborhood Center (NC) is intended for small, intense areas that may contain multiple functions and are intended to act as local centers of activity. Ideally, a neighborhood center is a "walk-to" area within a five minute walk of the surrounding neighborhood it serves. The key types of uses intended within NC areas are those that meet daily convenience needs and/or provide a place to gather and socialize. Appropriate uses include single- and multi-family residential, public benefit activities and small scale office and commercial 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) 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?

Both policies encourage the preservation and protection of historic features. The proposed Eastwood Neighborhood Conservation Overlay District will aid implementation of the design principles provided for both the Neighborhood Center and Neighborhood General policies.

REQUEST DETAILS

The Planning Commission recommended approval on June 13, 2013, of a zone change from R6 to MUN-A for seven parcels included in this request, located on the south side of Eastland Avenue west of North 20th Street. The Councilmember and community indicated they would support the zone change request with the additional protection of a Neighborhood Conservation Overlay District. The property owners agreed to the application of the District. The zone change to MUN-A was deferred by the Metro Council at 3rd Reading in order to allow this application to be filed and heard by the Planning Commission.

Additional properties on the north side of Eastland Avenue, on both sides of Scott Avenue, are included in this application so as to provide a contiguous southward extension of the Eastwood Neighborhood Conservation Overlay District.

The Metro Historic Zoning Commission (MHZC) considered this application at its September 18, 2013, meeting and recommended approval. The following background information from the Metro Historical Commission staff was available in the staff report to the MHZC:

Metro Historical Commission staff recommendation

Background:

The impetus for the expansion is the rezoning of some of these properties from R6 to MUN-A. The commercial uses allowed could encourage demolition of these historic properties, which was not the desire of the neighborhood; therefore the owners agreed to seek a historic overlay as well.

This area was a part of the McEwan Place subdivision platted in 1910. The majority of the homes were constructed between 1915 and 1930, as were many of the historic homes in the Eastwood Neighborhood. The proposed boundaries include a building constructed in 1950, one in 1999, and a mixed-use complex constructed in 2005. The historic buildings were homes to the middle class and included a salesman, bank teller, shoemaker and mechanic.

Analysis and Findings:

The area, with just a few modern intrusions, includes buildings constructed at the turn of the century and helps to tell the story of the Eastwood neighborhood. The extension of the overlay continues the architectural diversity of the rest of the neighborhood with bungalow, Queen Anne and Greek Revival styles. The properties meet standard 3 of section 17.26.120.A. of the design guidelines as embodying the distinctive characteristics of their individual types and the overall period of the neighborhood, specifically the current boundaries of the overlay.

Finding that the majority of the buildings meet the standards of the ordinance, Staff suggests the Commission recommend to City Council that the Eastwood Neighborhood Conservation Zoning Overlay be expanded and recommends that the Commission adopt the current design guidelines to apply to the expansion.

To be considered as an NHC a district must meet one or more of the following criteria:

1. The district is associated with an event that has made a significant contribution to local, state or national history; or
2. It includes structures associated with the lives of persons significant in local, state or national history; or
3. It contains structures or groups of structures that embody the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possesses high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. It has yielded or may be likely to yield archaeological information important in history or prehistory; or
5. It is listed or is eligible for listing in the National Register of Historic Places.

METRO HISTORIC ZONING COMMISSION RECOMMENDATION

On September 18, 2013, the Metro Historic Zoning Commission recommended approval of the Eastwood Neighborhood Conservation Zoning Overlay.

STAFF RECOMMENDATION

Staff recommends approval of the District.

Approved (7-0), Consent Agenda

Resolution No. RS2013-179

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013NHC-002-001 is APPROVED.” (7-0)

J. PLANNING COMMISSION ACTIONS

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

Subdivision: Concept Plans

12. 2013S-156-001

LAKESHORE DRIVE SUBDIVISION (CONCEPT PLAN)

Map 054-13, Parcel(s) 030

Council District 11 (Darren Jernigan)

Staff Reviewer: Jason Swaggart

A request for concept plan approval to create six lots on property located at 3225 Lakeshore Drive, approximately 1,700 feet east of Old Hickory Boulevard, zoned RS20 (6.19 acres), requested by James and Pamela Lynch, owners; Crawford & Cummings, P.C., applicant.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Create six single-family lots.

Concept Plan

A request for concept plan approval to create six lots on property located at 3225 Lakeshore Drive, approximately 1,700 feet east of Old Hickory Boulevard, zoned Single-Family Residential (RS20) (6.19 acres).

Existing Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 11 units.*

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

This request is to subdivide one property into six single-family residential lots. The property is located in on the east side of Lakeshore Drive Old Hickory and abuts Old Hickory Lake. One single-family dwelling currently occupies the property and is proposed to be demolished.

Site Plan

The proposed plan calls for six new single-family residential lots with a density of just under one unit per acre. The largest lot is 1.43 acres (62,140 SF) and the smallest lot is 0.61 acres (26,571 SF). All lots, with the exception of Lot 1, have frontage along Old Hickory Lake. All six lots will be accessed from a new short, dead-end public street which includes a sidewalk. The right-of-way extends to the southern property line.

ANALYSIS

The proposed lot pattern is somewhat irregular; however, the existing lot is oddly shaped and does not lend itself to a typical lot layout. While the lots are somewhat irregularly shaped, the lots lines are at right angles at the street, consistent with the Subdivision Regulations. The lot pattern also permits a majority of the lots to have frontage onto Old Hickory Lake. The proposed street will be a permanent dead end; however, the plan does provide for the properties south of site to connect to the new street if developed in the future. Since the request meets the Subdivision Regulations and Zoning requirements, staff is recommending approval with conditions.

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

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

STORMWATER RECOMMENDATION

Approve with conditions

Label that the bioretention areas are Open Space / PUDE.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions as it is consistent with the Subdivision Regulations and Zoning Code requirements.

CONDITIONS

1. Label that the bioretention areas are Open Space / PUDE.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

Approved with conditions (7-0), Consent Agenda

Resolution No. RS2013-180

“BE IT RESOLVED by The Metropolitan Planning Commission that 2013S-156-001 is APPROVED with conditions.” (7-0)

CONDITIONS

1. Label that the bioretention areas are Open Space / PUDE.
2. Pursuant to 2-3.4.e of the Metro Subdivision Regulations, because this application has received conditional approval from the Planning Commission, that approval shall expire unless revised plans showing the conditions on the face of the plans are submitted prior to any application for a final plat, and in no event more than 30 days after the date of conditional approval by the Planning Commission.

Subdivision: Final Plats

13. 2013S-154-001

BUGEL THREE LOT SUBDIVISION

Map 129-04, Parcel(s) 047
Council District 23 (Emily Evans)
Staff Reviewer: Duane Cuthbertson

A request for final plat approval to create three lots on property located at 200 Haverford Avenue, at the corner of Haverford Avenue and West Meade Drive, zoned RS20 (2.41 acres), requested by Harry Joseph Bugel et ux, owners; Donlon Land Surveying, LLC, applicant.

Staff Recommendation: Defer to the October 10, 2013, Planning Commission meeting.

The Metropolitan Planning Commission deferred to the October 10, 2013, Planning Commission meeting. (7-0)

Urban Design Overlays: Final Site Plans

14a. 2001UD-002-003

MUSIC ROW UDO (FINAL: 1515 DEMONBREUN)

Map 093-13, Parcel(s) 574
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Andrew Collins

A request for final site plan approval for a portion of the Music Row Urban Design Overlay District for property located at 1515 Demonbreun Street, at the intersection of Demonbreun Street and Division Street (1.54 acres), zoned CF and located within the Arts Center Redevelopment District, to permit a 16-story mixed use building containing 421 multifamily units, requested by Littlejohn Engineering Associates, applicant; LUI Nashville Roundabout, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Major Modification and Final Site Plan Approval for a 16 Story mixed-use building.

Major Modification and Final Site Plan

A request for a Major Modification to the Music Row UDO bulk standards and for Final Site Plan approval for property located at 1515 Demonbreun Street, within the Arts Center Redevelopment District, on the Buddy Killen Circle, fronting Demonbreun Street and Division Street, (1.54 acres), to permit a 178.5' building height, where 150' is the maximum permitted height, and to reduce the street wall along Division Street frontage from the required 100 percent to approximately 66 percent to build both a public plaza and a private courtyard amenity.

Existing Zoning

Core Frame (CF) is the underlying base zoning and is intended for a wide range of parking and commercial service support uses for the central business district.

Music Row UDO Sub-District 1: Core is a sub-district in the Music Row UDO that provides additional design standards for large scale development near the roundabout given its prominent location and scale.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

The proposed development is a good example of Infill Development as proposed. The building is proposed to be constructed on vacant land in the Music Row neighborhood at a height appropriate for the prominent location on the roundabout. The proposed development would help to create a friendlier pedestrian environment by providing a public plaza space along Division Street, a planting strip between Division Street and the adjacent sidewalk, orienting the building entrances to the sidewalks, and minimizing the parking structure's prominence on Demonbreun Street. The proposed development also programs two retail units on the ground floor of Demonbreun Street, which would create a walkable destination for nearby office and residential uses.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

Policy

Neighborhood Urban (NU) is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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.

The proposed project lies within Area 5 of the Green-Hills – Midtown Community Plan, which encourages pedestrian-oriented mixed-use developments. The goal of the area is, "To accommodate demands for new and additional housing, employment, and retail space, develop guidelines to shape new pedestrian-oriented environments."

Consistent with Policy?

Yes. The proposed development has a mixed-use component by providing 5,144 square feet of dedicated retail space along Demonbreun Street and the roundabout. In addition a public plaza is provided along the Division Street. The proposed development is also a significant residential project that would provide additional housing in the area, a component envisioned in the Neighborhood Urban (NU) policy and in the Green Hills – Midtown Community Plan.

MUSIC ROW UDO

Design standards statement of intent:

The design standards are intended to ensure new development and redevelopment in the study area that:

1. Reinforces a scale and form of development that emphasizes sensitivity to the pedestrian environment;
2. Reinforces a scale and form of development that balances the needs of pedestrians with the benefits provided by automobile traffic;
3. Accommodates the area's parking needs, while maintaining a pedestrian-oriented environment;
4. Provides for the strategic placement of public spaces in relationship to building masses, streetscapes, and landscaping features;
5. Encourages active ground floor uses to animate the street, such as restaurants, shops, and services;
6. Includes adaptive use and sensitive rehabilitation of existing older buildings;
7. Protects and enhances the economic viability of the area, as well as a diversity of uses and activities.

MODIFICATION REQUEST DETAILS

The following modifications to the Bulk Standards of the Music Row UDO are being requested by the applicant:

1) Maximum Building Height

Music Row UDO Requirement: 150 ft.

Modification Request: 178.5 ft. as measured from the roundabout elevation and the courtyard frontage along Division Street.

2) Required Length of Street Wall

Music Row UDO Requirement: 100% along any public street

Modification Request: Approximately 66% along Division Street to allow for both a public plaza and a private courtyard amenity.

SITE PLAN DETAILS

The Final Site Plan and Modification request proposes a 16 story building with 421 residential units on 1.54 acres. The site is situated on the Buddy Killen Circle between Demonbreun Street and Division Street in the Music Row UDO district.

Eight levels of structured parking are proposed with liner buildings fronting Demonbreun Street and the courtyard off Division Street. Vehicular access to the site will be limited to two 24' wide accesses into the parking structure, one on Demonbreun Street and one on Division Street. The ground floor uses along Demonbreun Street consist of two Retail spaces (including one on the roundabout), a Fitness Center/Flex Retail, a Leasing Office, and a Lobby. The ground floor along Division Street of the building includes the Retail space fronting the roundabout, residential units with a private courtyard amenity, and a public plaza fronting directly onto the street frontage.

The building will be constructed at the back of sidewalk along Demonbreun Street. On Division Street, the building is located at the back of sidewalk except for 135' of building frontage, where the public plaza and private courtyard amenity are proposed (as requested in the modification). Street trees, landscaping, and pedestrian improvements are provided along all street frontages. The proposed plaza and courtyard will have landscaping within their respective interiors; with the private courtyard including a transparent fence (wrought iron or similar style) along its edge.

ANALYSIS

The Major Modification request consists of two parts: a request for additional building height, and a reduction to the required street wall along Division Street. The proposed building height of 178.5' is only 28.5' above the maximum required height. This additional height is in keeping with the desired building intensity for the area as envisioned by the UDO, Community Plan and the NU policy, and is appropriate given the prominent location on the roundabout.

The modification to reduce the street wall along Division Street to create a public plaza and a private courtyard amenity is also in keeping with the vision of the Music Row UDO, Community Plan, and the NU policy. A pedestrian oriented project and public benefit uses are provided via the public plaza space along Division Street. The modifications, and plan in its entirety, improves the walkability of the neighborhood and provides additional housing while enhancing the urban character of the existing site.

MDHA RECOMMENDATION

Approve Concept Plan

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.
- Submit solid waste and recycling plan.
- Indicate on the plan the loading area.
- Driveway ramps are to be MPW standard ST-324, add detail to plan set.
- Indicate that brick sidewalks are to be installed per MPW standard ST-500, add detail to plan set.
- Submit dedication of ROW to the back of the proposed sidewalk on all public streets, where required.
- Remove all steps and walls within the ROW, proposed or existing.
- Indicate the installation of an ADA compliant curb ramp at the intersection of Division and Music Circle.
- All plantings within the ROW must be sized and maintained by the developer to not obstruct vehicular sight distance.
- Comply with the comments of the MPW Traffic Engineer.

WATER SERVICES RECOMMENDATION

Approved as marked

1. Correct sanitary sewer service line labeling. Water and sewer permits will not be issued until applicant obtains construction plan approval for the two proposed public fire hydrants.

STORMWATER RECOMMENDATION

Conditionally Approved

1. Finalize underground retention design

STAFF RECOMMENDATION

Staff recommends Approval with conditions. The modification request is consistent with the UDO's and Community Plan's vision for intense mixed-use pedestrian friendly development at the prominent roundabout location. The proposal is also consistent with the Neighborhood Urban policy and meets several Critical Planning Goals.

CONDITIONS

1. The requirements of the Metro Fire Marshal's Office for emergency vehicle access, adequate water supply, and sprinklers for fire protection must be met prior to the issuance of any building permits.
2. Comply with the following Public Works conditions:
 - The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
 - Submit solid waste and recycling plan.
 - Indicate on the plan the loading area.

- Driveway ramps are to be MPW standard ST-324, add detail to plan set.
- Indicate that brick sidewalks are to be installed per MPW standard ST-500, add detail to plan set.
- Submit dedication of ROW to the back of the proposed sidewalk on all public streets, where required.
- Remove all steps and walls with in the ROW, proposed or existing.
- Indicate the installation of an ADA compliant curb ramp at the intersection of Division and Music Circle.
- All plantings within the ROW must be sized and maintained by the developer to not obstruct vehicular sight distance.
- Comply with the comments of the MPW Traffic Engineer.

3. Comply with Water Services condition of approval: A correct sanitary sewer service line labeling. Water and sewer permits will not be issued until applicant obtains construction plan approval for the two proposed public fire hydrants.

4. Comply with Stormwater condition of approval: Finalize underground retention design

5. For any development standards, regulations and requirements not specifically shown on the UDO plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district and the Music Row Urban Design Overlay district as of the date of the applicable request or application.

6. A corrected copy of the UDO final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission.

7. The UDO final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with conditions (7-0), Consent Agenda

Resolution No. RS2013-181

“BE IT RESOLVED by The Metropolitan Planning Commission that 2001UD-002-003 is **APPROVED with conditions.**” (7-0)

CONDITIONS

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

2. Comply with the following Public Works conditions:

- **The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.**
- **Submit solid waste and recycling plan.**
- **Indicate on the plan the loading area.**
- **Driveway ramps are to be MPW standard ST-324, add detail to plan set.**
- **Indicate that brick sidewalks are to be installed per MPW standard ST-500, add detail to plan set.**
- **Submit dedication of ROW to the back of the proposed sidewalk on all public streets, where required.**
- **Remove all steps and walls with in the ROW, proposed or existing.**
- **Indicate the installation of an ADA compliant curb ramp at the intersection of Division and Music Circle.**
- **All plantings within the ROW must be sized and maintained by the developer to not obstruct vehicular sight distance.**
- **Comply with the comments of the MPW Traffic Engineer.**

3. Comply with Water Services condition of approval: A correct sanitary sewer service line labeling. Water and sewer permits will not be issued until applicant obtains construction plan approval for the two proposed public fire hydrants.

4. Comply with Stormwater condition of approval: Finalize underground retention design

5. For any development standards, regulations and requirements not specifically shown on the UDO plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district and the Music Row Urban Design Overlay district as of the date of the applicable request or application.

6. A corrected copy of the UDO final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission.

7. The UDO 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.

14b. 2001UD-002-004

MUSIC ROW UDO (MAJOR MODIFICATION: 1515 DEMONBREUN)

Map 093-13, Parcel(s) 574

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Andrew Collins

A request for a modification to the Music Row Urban Design Overlay district standards for property located at 1515 Demonbreun Street, at the intersection of Demonbreun Street and Division Street, zoned CF and located within the Arts Center Redevelopment District, to permit a building height over the 150' maximum, and to reduce the street wall frontage from the required 100% along Division Street, requested by Littlejohn Engineering Associates, applicant; LUI Nashville Roundabout, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Major Modification and Final Site Plan Approval for a 16 Story mixed-use building.

Major Modification and Final Site Plan

A request for a Major Modification to the Music Row UDO bulk standards and for Final Site Plan approval for property located at 1515 Demonbreun Street, within the Arts Center Redevelopment District, on the Buddy Killen Circle, fronting Demonbreun Street and Division Street, (1.54 acres), to permit a 178.5' building height, where 150' is the maximum permitted height, and to reduce the street wall along Division Street frontage from the required 100 percent to approximately 66 percent to build both a public plaza and a private courtyard amenity.

Existing Zoning

Core Frame (CF) is the underlying base zoning and is intended for a wide range of parking and commercial service support uses for the central business district.

Music Row UDO Sub-District 1: Core is a sub-district in the Music Row UDO that provides additional design standards for large scale development near the roundabout given its prominent location and scale.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

The proposed development is a good example of Infill Development as proposed. The building is proposed to be constructed on vacant land in the Music Row neighborhood at a height appropriate for the prominent location on the roundabout. The proposed development would help to create a friendlier pedestrian environment by providing a public plaza space along Division Street, a planting strip between Division Street and the adjacent sidewalk, orienting the building entrances to the sidewalks, and minimizing the parking structure's prominence on Demonbreun Street. The proposed development also programs two retail units on the ground floor of Demonbreun Street, which would create a walkable destination for nearby office and residential uses.

GREEN HILLS - MIDTOWN COMMUNITY PLAN

Policy

Neighborhood Urban (NU) is intended for fairly intense, expansive areas that are intended to contain a significant amount of residential development, but are planned to be mixed use in character. Predominant uses in these areas include a variety of housing, public benefit uses, commercial activities and mixed-use development. 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.

The proposed project lies within Area 5 of the Green-Hills – Midtown Community Plan, which encourages pedestrian-oriented mixed-use developments. The goal of the area is, "To accommodate demands for new and additional housing, employment, and retail space, develop guidelines to shape new pedestrian-oriented environments."

Consistent with Policy?

Yes. The proposed development has a mixed-use component by providing 5,144 square feet of dedicated retail space along Demonbreun Street and the roundabout. In addition a public plaza is provided along the Division Street. The proposed development is also a significant residential project that would provide additional housing in the area, a component envisioned in the Neighborhood Urban (NU) policy and in the Green Hills – Midtown Community Plan.

MUSIC ROW UDO

Design standards statement of intent:

The design standards are intended to ensure new development and redevelopment in the study area that:

1. Reinforces a scale and form of development that emphasizes sensitivity to the pedestrian environment;
2. Reinforces a scale and form of development that balances the needs of pedestrians with the benefits provided by automobile traffic;
3. Accommodates the area's parking needs, while maintaining a pedestrian-oriented environment;
4. Provides for the strategic placement of public spaces in relationship to building masses, streetscapes, and landscaping features;
5. Encourages active ground floor uses to animate the street, such as restaurants, shops, and services;
6. Includes adaptive use and sensitive rehabilitation of existing older buildings;
7. Protects and enhances the economic viability of the area, as well as a diversity of uses and activities.

MODIFICATION REQUEST DETAILS

The following modifications to the Bulk Standards of the Music Row UDO are being requested by the applicant:

3) Maximum Building Height

Music Row UDO Requirement: 150 ft.

Modification Request: 178.5 ft. as measured from the roundabout elevation and the courtyard frontage along Division Street.

4) Required Length of Street Wall

Music Row UDO Requirement: 100% along any public street

Modification Request: Approximately 66% along Division Street to allow for both a public plaza and a private courtyard amenity.

SITE PLAN DETAILS

The Final Site Plan and Modification request proposes a 16 story building with 421 residential units on 1.54 acres. The site is situated on the Buddy Killen Circle between Demonbreun Street and Division Street in the Music Row UDO district.

Eight levels of structured parking are proposed with liner buildings fronting Demonbreun Street and the courtyard off Division Street. Vehicular access to the site will be limited to two 24' wide accesses into the parking structure, one on Demonbreun Street and one on Division Street. The ground floor uses along Demonbreun Street consist of two Retail spaces (including one on the roundabout), a Fitness Center/Flex Retail, a Leasing Office, and a Lobby. The ground floor along Division Street of the building includes the Retail space fronting the roundabout, residential units with a private courtyard amenity, and a public plaza fronting directly onto the street frontage.

The building will be constructed at the back of sidewalk along Demonbreun Street. On Division Street, the building is located at the back of sidewalk except for 135' of building frontage, where the public plaza and private courtyard amenity are proposed (as requested in the modification). Street trees, landscaping, and pedestrian improvements are provided along all street frontages. The proposed plaza and courtyard will have landscaping within their respective interiors; with the private courtyard including a transparent fence (wrought iron or similar style) along its edge.

ANALYSIS

The Major Modification request consists of two parts: a request for additional building height, and a reduction to the required street wall along Division Street. The proposed building height of 178.5' is only 28.5' above the maximum required height. This additional height is in keeping with the desired building intensity for the area as envisioned by the UDO, Community Plan and the NU policy, and is appropriate given the prominent location on the roundabout.

The modification to reduce the street wall along Division Street to create a public plaza and a private courtyard amenity is also in keeping with the vision of the Music Row UDO, Community Plan, and the NU policy. A pedestrian oriented project and public benefit uses are provided via the public plaza space along Division Street. The modifications, and plan in its entirety, improves the walkability of the neighborhood and provides additional housing while enhancing the urban character of the existing site.

MDHA RECOMMENDATION

Approve Concept Plan

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.
- Submit solid waste and recycling plan.
- Indicate on the plan the loading area.
- Driveway ramps are to be MPW standard ST-324, add detail to plan set.
- Indicate that brick sidewalks are to be installed per MPW standard ST-500, add detail to plan set.
- Submit dedication of ROW to the back of the proposed sidewalk on all public streets, where required.

- Remove all steps and walls with in the ROW, proposed or existing.
- Indicate the installation of an ADA compliant curb ramp at the intersection of Division and Music Circle.
- All plantings within the ROW must be sized and maintained by the developer to not obstruct vehicular sight distance.
- Comply with the comments of the MPW Traffic Engineer.

WATER SERVICES RECOMMENDATION

Approved as marked

1. Correct sanitary sewer service line labeling. Water and sewer permits will not be issued until applicant obtains construction plan approval for the two proposed public fire hydrants.

STORMWATER RECOMMENDATION

Conditionally Approved

1. Finalize underground retention design

STAFF RECOMMENDATION

Staff recommends Approval with conditions. The modification request is consistent with the UDO's and Community Plan's vision for intense mixed-use pedestrian friendly development at the prominent roundabout location. The proposal is also consistent with the Neighborhood Urban policy and meets several Critical Planning Goals.

CONDITIONS

1. The requirements of the Metro Fire Marshal's Office for emergency vehicle access, adequate water supply, and sprinklers for fire protection must be met prior to the issuance of any building permits.
2. Comply with the following Public Works conditions:
 - The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
 - Submit solid waste and recycling plan.
 - Indicate on the plan the loading area.
 - Driveway ramps are to be MPW standard ST-324, add detail to plan set.
 - Indicate that brick sidewalks are to be installed per MPW standard ST-500, add detail to plan set.
 - Submit dedication of ROW to the back of the proposed sidewalk on all public streets, where required.
 - Remove all steps and walls with in the ROW, proposed or existing.
 - Indicate the installation of an ADA compliant curb ramp at the intersection of Division and Music Circle.
 - All plantings within the ROW must be sized and maintained by the developer to not obstruct vehicular sight distance.
 - Comply with the comments of the MPW Traffic Engineer.
3. Comply with Water Services condition of approval: A correct sanitary sewer service line labeling. Water and sewer permits will not be issued until applicant obtains construction plan approval for the two proposed public fire hydrants.
4. Comply with Stormwater condition of approval: Finalize underground retention design
5. For any development standards, regulations and requirements not specifically shown on the UDO plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district and the Music Row Urban Design Overlay district as of the date of the applicable request or application.
6. A corrected copy of the UDO final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission.
7. The UDO final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

Approved with conditions (7-0), Consent Agenda

Resolution No. RS2013-182

"BE IT RESOLVED by The Metropolitan Planning Commission that 2001UD-002-004 is APPROVED with conditions." (7-0)

CONDITIONS

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

2. Comply with the following Public Works conditions:

- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
- Submit solid waste and recycling plan.
- Indicate on the plan the loading area.
- Driveway ramps are to be MPW standard ST-324, add detail to plan set.
- Indicate that brick sidewalks are to be installed per MPW standard ST-500, add detail to plan set.
- Submit dedication of ROW to the back of the proposed sidewalk on all public streets, where required.
- Remove all steps and walls within the ROW, proposed or existing.
- Indicate the installation of an ADA compliant curb ramp at the intersection of Division and Music Circle.
- All plantings within the ROW must be sized and maintained by the developer to not obstruct vehicular sight distance.
- Comply with the comments of the MPW Traffic Engineer.

3. Comply with Water Services condition of approval: A correct sanitary sewer service line labeling. Water and sewer permits will not be issued until applicant obtains construction plan approval for the two proposed public fire hydrants.

4. Comply with Stormwater condition of approval: Finalize underground retention design

5. For any development standards, regulations and requirements not specifically shown on the UDO plan and/or included as a condition of Metro Council approval, the property shall be subject to the standards, regulations and requirements of the CF zoning district and the Music Row Urban Design Overlay district as of the date of the applicable request or application.

6. A corrected copy of the UDO final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission.

7. The UDO 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.

L. OTHER BUSINESS

15. 2014 Planning Commission filing deadlines & meeting schedule

Approved (7-0), Consent Agenda

Resolution No. RS2013-183

"BE IT RESOLVED by The Metropolitan Planning Commission that the 2014 Planning Commission filing deadlines and meeting schedule is APPROVED." (7-0)

16. Appointment of Kim Totzky to the Hillsboro Village Urban Design Overlay Advisory Committee

Approved (7-0), Consent Agenda

Resolution No. RS2013-184

"BE IT RESOLVED by The Metropolitan Planning Commission that the appointment of Kim Totzky to the Hillsboro Village Urban Design Overlay Advisory Committee is APPROVED." (7-0)

17. Employee contract renewal for Joni Priest

Approved (7-0), Consent Agenda

Resolution No. RS2013-185

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewal for Joni Priest is APPROVED." (7-0)

18. Historic Zoning Commission Report
19. Board of Parks and Recreation Report
20. Executive Committee Report
21. Executive Director Report [See Memo]
22. Legislative Update

M. MPC CALENDAR OF UPCOMING MATTERS

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

October 10, 2013

MPC Meeting

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

N. ADJOURNMENT

The meeting adjourned at 6:44 p.m.

Chairman

Secretary



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**
Planning Department
Metro Office Building, 2nd Floor
800 Second Avenue South
Nashville, Tennessee 37219

Date: September 26, 2013

To: Metropolitan Nashville-Davidson County Planning Commissioners

From: Richard C. Bernhardt, FAICP, CNU-A

Re: Executive Director's Report

The following items are provided for your information.

A. Request for rehearing – 5516 Kentucky Ave

1. Request received September 10, 2013 by email as follows.

I (Jeremy Jeter) am formally requesting a rehearing of the rezoning of 5516 Kentucky Ave.

During the Planning Commission hearing on 8/22/13, Councilman Baker states (at time marker 2:30 and 2:42 in the YouTube video) that his reasons for supporting the rezoning are that he attended 3 Nations Neighborhood Association meetings where the room was split on the rezoning and that Mr. Cherry had collected 100 signatures in support of his rezoning. As President of the Nations Neighborhood Association and moderator of the monthly meetings, I can tell you that the large majority of homeowners present were opposed to rezoning this parcel at each meeting it was discussed. The vast majority of the Nations want the parcel to remain CN. As for the 100 signatures, after cross-checking those with tax rolls, only about 25% of the signatures were valid homeowners in the Nations. The signature list Mr. Cherry provided was compiled mostly of tenants and children of tenants. Councilman Baker's reasons for supporting this rezoning at the time were baseless.

Also, at time marker 1:59:21 in the YouTube video from the 8/22/13 Planning Commission hearing, Phil Ponder has asked legal if this is a spot zoning, to which it is clearly shown in the video Mr. Ponder acknowledging that legal is saying "yes" it is a spot zoning. I have since spoken with two different real estate attorneys in town that have confirmed that this rezoning would constitute a spot zoning.

The link to the above referenced YouTube video

is http://www.youtube.com/watch?v=1_kGadGZ9Ew&list=PL8D81599A8AA3FF35&index=1.

You will also find attached the signature list provided by Mr. Cherry with black lines drawn through invalid signatures and valid signatures highlighted.

Thank you for your time in considering this rehearing request.

2. Response provided September 16, 2013 by email as follows:

Dear Mr. Jeter:

The Planning Department, on September 10, 2013, received your request for a rehearing of the above-identified case, which was recommended for rezoning at the August 22, 2013 Planning Commission meeting.

In accordance with the Commission's rules, your request has been reviewed by Chairman McLean and me and we have the following comments:

1. The request for rehearing was received within the 45-day time period required by the Commission rules.
2. Commission Rule VI. K. states that a request for rehearing "must state what conditions have changed or what new information has become available since the original hearing that may serve as cause for rehearing." Listed below are the items you claim are "new information" and our response in each instance.
 - a."During the Planning Commission hearing on 8/22/13, Councilman Baker states (at time marker 2:30 and 2:42 in the YouTube video) that his reasons for supporting the rezoning are that he attended 3 Nations Neighborhood Association meetings where the room was split on the rezoning and that Mr. Cherry had collected 100 signatures in support of his rezoning. As President of the Nations Neighborhood Association and moderator of the monthly meetings, I can tell you that the large majority of homeowners present were opposed to rezoning this parcel at each meeting it was discussed. The vast majority of the Nations want the parcel to remain CN. As for the 100 signatures, after cross-checking those with tax rolls, only about 25% of the signatures were valid homeowners in the Nations. The signature list Mr. Cherry provided was compiled mostly of tenants and children of tenants. Councilman Baker's reasons for supporting this rezoning at the time were baseless."

Response: The Council Member's recommendations and input are not controlling or binding on the Planning Commission. This is an issue to address with the Metropolitan Council at their public hearing.

- b. "...Also, at time marker 1:59:21 in the YouTube video from the 8/22/13 Planning Commission hearing, Phil Ponder has asked legal if this is a spot zoning, to which it is clearly shown in the video Mr. Ponder acknowledging that legal is saying "yes" it is a spot zoning. I have since spoken with two different real estate attorneys in town that have confirmed that this rezoning would constitute a spot zoning.

Response: The issue of spot zoning relates to consistency with the communities general plan as well as isolated zoning and or independent zoning locations. The response provided by staff and the Commission's legal advisor was correct in our opinion.

It has been determined that conditions have not changed nor has new information become available to serve as cause for rehearing this case. Consequently, your request will not be presented to the Planning Commission.

Thank you for your interest in this matter and if you have additional concerns, please do not hesitate to contact me directly.

Sincerely,
Richard C. Bernhardt, FAICP, CNU-A
Executive Director

Reviewed and concurred in by: Mr. Jim McLean

B. Internal Audit review underway

- 1. Will continue through November

C. Employee News

D. Communications

- 1. Parking Day on September 20, 2013 was very successful. Many thanks go out to staff for working above and beyond the call of duty and especially to Ben Miskelly for coordinating the event. With the help of Metro Parks we converted three spaces on Lower Broadway into a small parklet. Using a myriad of recycled materials we created a deck, a shade producing pergola, and giant N used for public input. All of this was complimented by benches and plants provided by parks. Our parklet was full of pedestrians all day which showed the importance of making Broadway more pedestrian friendly. The Civic Design Center’s judges named our parklet the “Best Use of Space”.



E. Community Planning

F. Land Development

G. GIS

- 1. The Metro Council approved the funding for the flying of new orthographic images. We will be getting essentially new color high quality aerial photos of the entire county. We are partnering with the NGA through the USGS because they were already going to obtain part of the area. This is the same product we buy every other year and is what can be seen on the property mapping site. We use the data to extract building footprints, pavement, and sidewalks for GIS users. It also serves as a historical reference. All the GIS users in the city rely on these to do their work.

H. NashvilleNext

1. Current Focus: Priority Setting “Be NashvilleNext Next Mayor”

- a. Participants
 - i. Total participants 4,039
 - ii. Live (Public, Book-A-Planner events and Paper) – 1,621 responses
 - iii. Online – 2,419 responses
- b. 37 issues (3 given – Education; Growing Economy; Safe Community) 34 open
 - i. Top Topics
 - (1) Transit (37.8%)
 - (2) Affordable Living (35.9%)
 - (3) Growing Economy (28.4%)
 - (4) Walkable Neighborhoods (27.1%)
 - (5) Strong Neighborhoods (24.2%)

2. Resource Teams:

- a. Resource Team progress in identifying Driving forces for each plan element

Resource Team	1 st	2 nd	3 rd	4 th
Economic/Workforce Development	●	●	●	●
Arts, Culture, & Creativity	●	●	●	●
Natural Resources/Hazard Adaptation	●	●	●	○
Education & Youth	●	●	●	○
Housing	●	●	●	○
Health, Livability, & Built Environment	●	●	●	○
Land Use, Transportation, & Infrastructure	○	○	○	○

- 3. **DRAFT NashvilleNext Guiding Principles - *The Guiding Principles are written from the perspective of Nashvillians in 2040, assessing Nashville based on the actions taken to implement NashvilleNext.***

Be Nashville

- Nashville is strong because we lift one another up and help people help themselves.
- We are strong because of our culture of creativity, respect for history, and optimism for the future.
- We are strong because of our welcoming culture that represents the best of Southern hospitality and celebrates Nashville's multiculturalism.

Expand Accessibility

- Nashville is accessible, allowing *all* Nashvillians to come together to work, to play, to learn, and to create community, regardless of background or ability.
- Nashville's accessibility extends to transportation, employment and educational opportunities, online capabilities, civic representation, access to nature and recreation and government services.
- In Nashville, we are all able to participate and contribute to community decision-making and the future of our community.

Create Opportunity

- Nashville's economy is diverse, dynamic and open. It benefits from our culture of arts, creativity and entrepreneurialism.
- Our strong workforce and high quality of life make Nashville's economy nationally and internationally competitive.
- Nashville's success is based on promoting opportunities for individual growth and success, for small and local businesses and entrepreneurs.
- To provide a foundation for future growth and prosperity, Nashville meets its infrastructure needs in an environmentally responsible way.

Foster Strong Neighborhoods

- Neighborhoods are the building blocks of our community: they are where we live, work, shop and gather as a community.
- Our neighborhoods are healthy, safe, affordable and connected – with vibrant parks, welcoming libraries, accessible shopping and employment, valued and protected natural features and strong schools.
- Our diverse neighborhoods give our community character and grow with us as we move into the future.

Advance Education

- Nashville recognizes that education is a lifelong endeavor; it is how we prepare our children for tomorrow's challenges, and how we keep our residents ready to successfully participate in the workforce and civic life.
- Community investment is key to Nashville's success in K-12 education. Neighborhoods, businesses, institutions, non-profits, families, individuals and Metro work to ensure access to opportunity for all children through child care and school choices, transportation options, and engaging Nashvillians in supporting children and families.
- Life-long learning also benefits from the community's investment in continuing education, retraining opportunities and literacy.
- Nashville's excellent colleges and universities are community assets that educate our youth and adults, are a tremendous resource for the community and add to the community's prestige.

Champion the Environment

- Nashville is blessed with natural environments of breath-taking beauty, exceptional parks and greenways, abundant water and agricultural land that support local food production.
- The natural landscapes of Nashville – from the Cumberland River to the steep slopes in the west and the lush tree canopy – are part of our identity. They are protected because they contribute to our health and quality of life and provide a competitive advantage to Nashville.
- Nashville enables sustainable living through transportation options, housing choices, economic and social diversity and thoughtful design of sustainable buildings and infrastructure.

Ensure Equity for All

- Nashville is stronger because of its diversity of age, race, ethnicity, nationality, ability, income, gender, sexual orientation and the mix of long-time and new-to-town residents.
- Ensuring equity has been and continues to be central to Nashville's culture. As demographics change, as Nashville changes, we remain committed to equity and inclusion.
- We are vigilant in protecting human rights for all to provide for inclusive civic life.
- Nashville ensures that all communities are engaged in decision-making and share in the city's growth, prosperity and quality of life.

4. NashvilleNext presence:

- a. **Past 2 weeks** – Last Saturday we were at the 5th Annual Hispanic Festival hosted by the Metro Police Department's El Protector Program at the Global Mall. We were able to collect 55 surveys in Spanish and 30 in English!
- b. **Next 2 weeks**
 - i. September 28th - FUTURO Conference at the Tennessee Hospital Association (targeting Latino college students)
 - ii. September 29th - Surveying Mass Attendees -- Our Lady of Guadalupe Church
 - iii. October 5th - Celebrate Nashville
 - iv. October 8th – Human Relations Commission Youth Conference
 - v. October 16th - Conexion Americas - Prosperous Business Class
 - vi. October 19th - Nashville Neighborhoods Celebration

I. NashvilleNext Community Growth Allocation Workshop

1. **October 12, 2013, Bridge Building**
2. The event will last from 9 a.m. to 3:30 p.m. The mapping exercise **will begin every hour**, and should last between 1½ and two hours.
3. **Purpose:** A NashvilleNext growth mapping exercise to get community members' thoughts on where we should grow and what we should preserve over the next 25 years. They'll be marking up large maps of Nashville and Davidson County to help guide our planning through 2040, adding their recommendations on what areas are appropriate for residential and commercial development and which areas should remain open space.

We've invited several hundred community leaders and the members of the NashvilleNext steering committee.

We'll also be providing them with more information about NashvilleNext – and, based on the invitations, we expect to see a diverse group from all parts of our community.

J. NashvilleNext Special Studies

1. **Jefferson Street Economic Analysis** - Purpose: Identification of inner-city commercial districts comparable to Jefferson Street in other cities that have achieved sustained economic revitalization. Analysis of public policies, private investments, and other public- private interventions that was instrumental to the successful revitalization. Focus of the study is to identify cases, interventions and factors that lead to revitalization without gentrification-related displacement of existing residents and small businesses. The case studies will include identification of programs beyond the typical public sector approaches of land acquisition, rezoning, and streetscape improvements. Vanderbilt (Dr. Doug Perkins and Karl Jones) and TSU (Dr. David Patchett)

2. **ULI Governor's Assistance Panel** - "Increasing Opportunities for Infill/Redevelopment' in Nashville" scheduled for October. ULI Governors will present their findings on October 24th at the Hilton Downtown. Please share this announcement, <http://e2.ma/message/9qu0d/5za4o>, with your colleagues and invite them to register to attend!

3. **Suburban Retrofit** - A \$10,000 grant from the National Association of Realtors will provide real life retrofit examples to make suburban areas more sustainable. Potential study situations include:
- Strip commercial abutting residential
 - Introducing missing middle housing into suburban post-war single-family neighborhoods
 - Introducing neighborhood commercial into suburban post-war single-family neighborhoods
 - Diversifying post-war suburban multifamily concentrations
 - Taming strip commercial areas
 - Design or transition of high traffic roadways with adjacent single-family residential
 - Transition or reuse of big box sites for public schools
 - If teams are available, mall retrofit

That grant, provided through the Greater Nashville Association of Realtors and matched by a similar contribution from the Metropolitan Planning Commission, will fund research by a key team of urban planners and strategists from Georgia Tech University, led by Professor Ellen Dunham-Jones, a nationally recognized expert in urban retrofitting. The University of Tennessee design studio, under the direction of T. K. Davis, will also be part of this effort.

4. **Trends, Preferences and Opportunities Study** (Nelson) – Presentation – October 9, 2013, Nashville Civic Design Center Annual Meeting and Luncheon.

Please let Kelly know if you would like to attend.

Study is being undertaken to aid local planning and decision-making processes, this report reviews Nashville and the 10 –county region's market trends, emerging housing preferences, and opportunities for the redevelopment of commercial corridors and nodes to meet future development needs to 2025 and then to 2040. The report is composed of four parts.

- Part 1** explores emerging market trends that will influence market choices over the next several decades. One key trend is that fundamental changes will reduce the home ownership rate. Another is that demographic changes will reshape the demand for types of homes and their locations.
- Part 2** synthesizes surveys to determine what Americans generally and residents of the Mid-South states specifically want in their neighborhoods and communities, and for their homes.
- Part 3** identifies the kinds of jobs that occupy space, estimates the total number of workers who will occupy built space, and estimates the space used by workers in 2010, 2030 and 2040. The analysis includes estimating the volume of workspace existing in 2010 that will be replaced and/or repurposed or "recycled" to 2025 and then to 2040.
- Part 4** synthesizes research, analysis and findings of the first three parts to show that, at least in theory, all the demand for new attached residential and nonresidential development to 2040 could be accommodated through the redevelopment of nonresidential spaces, especially along transit-ready commercial corridors and nodes.

- K. Planning Commission Workshops** (all include 1.5 hours Planning Commissioners Training credits)
1. **Thursday, October 24, 2013** – [MPC Workshop – Infill Development, Redevelopment and Community Character](#) ; 2:00 pm, 800 Second Ave. South, Metro Office Building, Nashville Room
 2. **Thursday, January 23, 2013** – [MPC Workshop – Retrofitting Suburbia and Suburbanization of Poverty and Legislative Issues](#); (tentative) 2:00 pm, 800 Second Ave. South, Metro Office Building, Nashville Room
 3. **Thursday, March 27, 2013** – [MPC Workshop – Nashville Next Scenario Review](#); (tentative) 2:00 pm, 800 Second Ave. South, Metro Office Building, Nashville Room

L. APA Training Opportunities

1. Scheduled APA Webinars
2. Nashville Room, 2nd floor MOB.
3. All are scheduled from 3:00 – 4:30 pm
4. All have 1.5 hours AICP credit and 1.5 hours Planning Commissioner training credit

Date	Topic (Live Program and Online Recording)
October 9, 2013	Planning Ethics and Law
November 6, 2013	Smart Growth in Small Towns and Rural Areas
December 4, 2013	Fiscal Impact Analysis as a Decision Support Tool
January 15, 2014	Administering Zoning Codes
March 12, 2014	Using Subdivision Regulations in the 21st Century
May 14, 2014	Jane Jacob's Legacy and New Urbanism
June 4, 2014	Introducing New Density to the Neighborhood
June 25, 2014	2014 Planning Law Review

Calendar of Events

1. **Saturday, September, 28 – NashvilleNext**
 - i. FUTURO Conference at the Tennessee Hospital Association
2. **Sunday, September, 29 – NashvilleNext**
 - i. Surveying Mass Attendees — Our Lady of Guadalupe Church
3. **Saturday, October, 5 – NashvilleNext**
 - i. Celebrate Nashville
4. **Tuesday, October, 8 - NashvilleNext**
 - i. Human Relations Commission Youth Conference
5. **Wednesday, October, 9 – Arthur C. Nelson presentation – [“Development Trends and Opportunities for Nashville”](#)**; Nashville Civic Design Center Annual Meeting and Luncheon; 11:30 – 1:00 pm; Hilton Downtown Nashville, 121 Fourth Ave S.
6. **Wednesday, October, 16 - NashvilleNext**
 - i. Conexion Americas - Prosperous Business Class
7. **Saturday, October, 19 – NashvilleNext**
 - i. Nashville Neighborhoods Celebration
- B. **Thursday, September 26, 2013 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- C. **Thursday, October 10, 2013 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- D. **Thursday, October 24, 2013 – [MPC Workshop – Infill Development, Redevelopment and Community Character](#)** ; 2pm, 800 Second Ave. South, Metro Office Building, Nashville Room
- E. **Thursday, October 24, 2013 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- F. **Thursday, November 14, 2013 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- G. **Thursday, December 12, 2013 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- H. **Thursday, January 9, 2014 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- I. **Thursday, January 23, 2013 – [MPC Workshop – Retrofitting Suburbia and Suburbanization of Poverty and Legislative Issues](#)**; (tentative) 2pm, 800 Second Ave. South, Metro Office Building, Nashville Room
- J. **Thursday, January 23, 2014 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- K. **Thursday, February 13, 2014 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- L. **Thursday, February 27, 2014 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- M. **Thursday, March 13, 2014 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- N. **Thursday, March 27, 2014 - [MPC Meeting](#)**; 4pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- O. **Thursday, March 27, 2013 – [MPC Workshop – NashvilleNext Scenario Review](#)**; (tentative) 2pm, 800 Second Ave. South, Metro Office Building, Nashville Room