



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, September 27, 2012

4:00 pm Regular Meeting

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

MISSION STATEMENT

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

Commissioners Present:

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

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Doug Sloan, Assistant Executive Director
Kelly Adams, Administrative Services Officer III
Jon Michael, Legal
Craig Owensby, Public Information Officer
Bob Leeman, Planning Manager II
Brenda Bernards, Planner III
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Brian Sexton, Planner I

Commissioners Absent: Derrick Dalton

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

Metro Planning Department of Nashville and Davidson County
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Notice to Public

Please remember to turn off your cell phones.

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

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

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

Writing to the Commission

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

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

Speaking to the Commission

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

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

Legal Notice

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



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MEETING AGENDA

A. CALL TO ORDER

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

Chairman McLean turned over the meeting to Vice Chair Clifton.

B. ADOPTION OF AGENDA

Vice Chair Clifton moved and Mr. Ponder seconded the motion to adopt the agenda. (9-0)

C. APPROVAL OF AUGUST 23, 2012 MINUTES

Mr. Ponder moved and Dr. Cummings seconded the motion to approve the August 23, 2012 minutes. (9-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilman McGuire spoke in support of approval of Item 5 as well as Items 10a and 10b.

Councilmember Tony Tenpenny was in attendance but elected not to speak until later.

Councilmember Karen Johnson spoke in support of deferring Item 18 indefinitely.

Councilmember Anthony Davis spoke in support of staff recommendation of Item 12.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

9. 2012S-113-001

TOWNVIEW

13. 2008SP-009G-06

BLUFFS ON SAWYER BROWN

18. 2012Z-022PR-001

Item 21 was moved to the Consent Agenda.

Item 18 was added to the Deferral List.

Mr. Ponder moved and Councilmember Claiborne seconded the motion to defer Items 9, 13, and 18. (9-0)

F. CONSENT AGENDA

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

1. 2006SP-108-002

METRO CENTER AUTO FACILITY

2. 2012SP-024-001

1404 CLINTON STREET

4. **2012Z-019PR-001**
1208 HAWKINS STREET
6. **2004P-035-002**
BURKITT PLACE, PH 2K
7. **2012S-088-001**
KENNER MANOR
8. **2012S-112-001**
24TH & FAIRFAX
11. **2012S-062-001**
MADISON CHURCH OF CHRIST
14. **2008Z-040G-06**
497 & 501 OLD HICKORY BOULEVARD
15. **2012SP-025-001**
TUGGLE AVENUE
16. **2012SP-026-001**
TEASLEY'S CONVENTION FLORIST
17. **2012Z-021PR-001**
906 ACKLEN AVENUE
19. **2008SP-007-001**
BYRON CLOSE
20. **61-84P-001**
BELLEVUE VALLEY PLAZA
21. **2012S-120-001**
HAYNIE'S CENTRAL PARK PLAN, RESUB LOT 86
22. Employee Contract for Greg Claxton

Item 12 was removed from the Consent Agenda.

Item 21 was added to the Consent Agenda.

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

G. ITEMS FROM THE SEPTEMBER 13, 2012 PLANNING COMMISSION MEETING

1. 2006SP-108-002

METRO CENTER AUTO FACILITY

Map 081-04, Parcel(s) 126-132, 144, 145, 261-262

Map 081-08, Parcel(s) 079

Council District 21 (Edith Taylor Langster)

Staff Reviewer: Jason Swaggart

A request to amend the Metro Center Auto Facility Specific Plan District for properties located at 1919, 1920, 1921, 1922, 1925 and 1927 5th Avenue North, 1918, 1920, 1922 and 1924 6th Avenue North, 410 Clay Street, and 501 Dominican Drive, at the southeast corner of Dominican Drive and Rosa L. Parks Boulevard (7.58 acres), to allow for CS signage standards for all signage within the Specific Plan District, requested by TPC Management, Inc., applicant, for Ironwood Partners LTD, and S.A. North Ltd., owners.

Staff Recommendation: Approve with a condition

APPLICANT REQUEST

Amend SP Zoning District to permit additional signage

Amend SP

A request to amend the Metro Center Auto Facility Specific Plan District for properties located at 1919, 1920, 1921, 1922, 1925 and 1927 5th Avenue North, 1918, 1920, 1922 and 1924 6th Avenue North, 410 Clay Street, and 501 Dominican Drive, at the southeast corner of Dominican Drive and Rosa L. Parks Boulevard (7.58 acres), to allow for Commercial Services (CS) signage standards for all signage within the Specific Plan District (BL2008-278).

Existing Zoning

Specific Plan-Auto (SP-A) 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 automobile uses.

CRITICAL PLANNING GOALS

N/A

NORTH NASHVILLE COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) policy is intended to enhance suburban community centers encouraging their redevelopment as intense mixed use areas that are compatible with the general character of suburban neighborhoods as characterized by the service area, development pattern, building form, land use, and associated public realm. Where not present, enhance infrastructure and transportation networks to improve pedestrian, bicycle and vehicular connectivity. T3 Suburban Community Centers are pedestrian friendly areas, generally located at prominent intersections. T3 Suburban Community Centers serve suburban communities within a 10 to 20 minute drive.

D District – Office Concentration (D OC) policy is intended to preserve, enhance, and create Districts where office use is predominant and where opportunities for the addition of complementary uses are present. The development and redevelopment of such Districts occurs in a manner that is complementary of the varying character of surrounding communities as characterized by development patterns, building form, land use, and associated public realm.

Consistent with Policy?

Yes. The proposed request does not change the layout or design of the approved plan, but only permits additional signage which is consistent with surrounding signage in the area. When the plan was originally approved the policy was Commercial in Corridor Center. With the proposed amendment the overall plan remains consistent with the previous land use policy and is not inconsistent with the current land use policies.

REQUEST DETAILS

This request is to amend the Specific Plan and council bill in order to permit additional signage within the district. The district was originally approved by Council in 2006, but was amended in 2008. The 2008 Council bill, BL2008-278, limits free standing signs to one on Rosa Parks Boulevard and one on Dominican Drive. It further limits the signs to six feet in height and total area of 72 square feet. The bill permitted all other signs to be subject to the standards of the Commercial Service (CS) District.

As proposed all signs will be subject to the standards of the CS district. This will permit a significant amount of additional free standing signage over what is permitted under the current zoning. A draft sign plan submitted by the applicant shows a 50 foot tall, 350 square foot sign along I-65, a 36 foot tall, 120 square foot sign along Rosa Parks Boulevard and a 36 foot tall, 120 square foot sign along Dominican Drive.

STAFF ANALYSIS

Staff has no issues with the request. It does not change the overall layout and design of the currently approved plan. This request only permits additional signage beyond or over what is currently permitted. *It is important to note that this request only amends a portion of BL2008-278 by removing a specific requirement (Section 3.2) and that all other requirements shall carry over.*

STORMWATER RECOMMENDATION

Ignore

PUBLIC WORKS RECOMMENDATION

Signage should be installed to ensure adequate sight distance is provided.

STAFF RECOMMENDATION

Staff recommends that the request be approved with a condition.

CONDITION

1. All sections and conditions of BL2008-278 shall remain in force with the exception of Section 3.2 pertaining to signage.

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-167

"BE IT RESOLVED by the Metropolitan Planning Commission that 2006SP-108-002 is **Approved with Conditions. (9-0)**

The amendment is consistent with the Suburban Community Center land use policy, and will affect only signage requirements within the site.

2. 2012SP-024-001

1404 CLINTON STREET

Map 092-08, Parcel(s) 018

Council District 19 (Erica S. Gilmore)

Staff Reviewer: Duane Cuthbertson

A request to rezone from MUG to SP-MU zoning and for final site plan approval for property located at the northeast corner of 16th Avenue North and Clinton Street (2.2 acres), to permit all uses and bulk standards permitted by MUG-A zoning and building contractor supply, light manufacturing, warehousing and storage, artisan distillery and micro-brewery, requested by the Metro Planning Department, applicant, J.D. Eatherly, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Add Artisan Distillery and other light industrial uses as permitted uses on this property.

Preliminary SP

A request to rezone from Mixed-Use General (MUG) to Specific Plan – Mixed-Use (SP-MU) zoning and for final site plan approval for property located at the northeast corner of 16th Avenue North and Clinton Street (2.2 acres), to permit all uses and bulk standards permitted by Mixed-Use General – Alternative (MUG-A) zoning and building contractor supply, light manufacturing, warehousing and storage, artisan distillery and micro-brewery.

Existing Zoning

Mixed-Use General (MUG) is intended to implement the moderately high intensity mixed-use policies of the general plan and can be used near the central business district or in areas otherwise policed for concentrations of mixed commercial development.

Proposed Zoning

Specific Plan-Mixed-Use is a zoning district intended to implement a context sensitive development pattern containing a mixture of land uses compatible with the general plan. *This Specific Plan includes a mix of commercial and light industrial uses.*

CRITICAL PLANNING GOALS

- Creates Walkable Neighborhoods
- Supports Infill Development

This Specific Plan enables a wide mixture of land uses utilizing the existing warehouse buildings on the property. Existing buildings are built out and oriented to existing streets. The SP would ensure additions or redevelopment of the property would take an urban form; built out and oriented to existing streets. Uses specifically contemplated include an artisan distillery which would support the North Nashville Community Plan's goal of enhancing this area's role as a gateway to downtown.

NORTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes, the proposed SP enables additional use considerations in the existing buildings that are located up to and oriented to abutting streets. The SP will apply the bulk standards of the MUG-A district to shape any new development toward a form consistent with the general character of urban neighborhoods. This SP will allow specific low impact light industrial uses appropriate for the existing building types in addition to the uses permitted with the property's existing MUG zoning.

PLAN DETAILS

The 1404 Clinton Street SP involves the property on the north side of Clinton Street south of the rail right-of-way between 14th Avenue North and 16th Avenue North. The property is currently zoned MUG. The SP would allow specific low-impact light industrial uses related to alcoholic beverage production and storage and building contractor supply in addition to those already permitted with the MUG zoning. An Artisan Distillery is immediately planned to occupy a space in the building complex.

The uses added by this SP are of a light industrial nature and do not include heavy industrial activities related to processing and transportation of goods. All processing and storage of goods and materials would occur inside buildings.

The subject property is comprised of five connected one story brick warehouse-type buildings. The buildings are currently built out to the north, south, and west property lines. The SP envisions utilization of existing buildings, however, additions to or redevelopment of the property would be required to comply with the bulk standards of the MUG-A district as well as all other applicable zoning requirements to ensure a development pattern compatible with the surrounding context and consistent with the land use policy.

Limited on-site parking is provided on the east side of the subject property in a parking area shared with the commercial buildings adjacent to the east. On-street parking is available in front of the buildings on Clinton St. as well as on 14th and 16th Avenues North. A parking area also exists behind the building in the adjacent rail right-of-way. The site is non-conforming as related to parking requirements. New uses introduced onto the subject property will be required to satisfy the parking requirement.

STORMWATER RECOMMENDATION

No Stormwater permit required.

WATER SERVICES RECOMMENDATION

No availability letter required at this time for this preliminary/final SP. It will be necessary for capacity studies to be required as development occurs at this site, however, no study is required presently.

PUBLIC WORKS RECOMMENDATION

At redevelopment of property, provide parking per Metro code.

This SP does not significantly increase traffic to the site nor does it add to student generation numbers, therefore, no tables are included.

STAFF RECOMMENDATION

The 1404 Clinton Street SP is consistent with the T4 Urban Mixed Use Neighborhood land use policy and staff recommends approval with conditions.

CONDITIONS

1. The uses for this SP are limited to those permitted by the MUG zoning district in addition to light manufacturing for food and beverage production only, warehousing and storage of alcoholic beverages, artisan distillery, micro-brewery, and building contractor supply with no outdoor storage.
2. For any development standards, regulations and requirements not specifically provided in the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the MUG-A zoning district as of the date of the applicable request or application.

3. 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.

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

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-168

"BE IT RESOLVED by the Metropolitan Planning Commission that 2012SP-024-001 is **Approved with Conditions. (9-0)**

The SP is consistent with the T4 Urban Mixed Use Neighborhood land use policy, and will apply building form standards intended to maintain the character of urban neighborhood.

3a. 2005UD-008-001

BL2012-245 Duvall

HAMILTON HILLS

Map 164, Parcel(s) 044

Council District 33 (Robert Duvall)

Staff Reviewer: Greg Johnson

A request to cancel a portion of the Hamilton Hills Urban Design Overlay District located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road, zoned RM9 and RM20 and proposed for CS (29.9 acres), requested by George Ellis Thomas, owner. (See also Zone Change Proposal No. 2012Z-017PR-001)

Staff Recommendation: Disapprove

APPLICANT REQUEST

Cancel a portion of UDO and rezone to CS zoning district

UDO Cancellation

A request to cancel a portion of the Hamilton Hills Urban Design Overlay District located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road, zoned Multi-Family Residential (RM9 and RM20) and proposed for Commercial-Service (CS) (29.9 acres).

Zone Change

A request to rezone from Multi-Family Residential (RM9 and RM20) districts to the Commercial Service (CS) district property located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road (29.9 acres), and located within the Hamilton Hills Urban Design Overlay District.

Existing Zoning

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Hamilton Hills UDO – A UDO is a zoning tool that allows for a specifically designated area to have unique physical design standards in order to either protect the design character already established, or to create a design character that would otherwise not be ensured by the standard provisions of the zoning regulations. The proposed zone change would place commercial zoning on a portion of the Hamilton Hills UDO that is designated for residential-only development, ranging from single-family to multi-family development.

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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

Consistent with Policy?

No. The Corridor General and Neighborhood General land use policies promote residential development, not the commercial development that is permitted by the CS zoning district.

The Corridor General policy additionally promotes overlay zoning districts to ensure appropriate design. The proposal would strip the property of an overlay zoning district meeting this intent to provide appropriate residential design, and would replace it with commercial zoning without a site plan or overlay zoning district. The UDO cancellation and zone change proposals meet neither the recommended land uses nor the intent for an overlay or site-plan-based zoning district.

REQUEST DETAILS

The Hamilton Hills Urban Design Overlay was approved in 2005 to establish a plan for the development of land within its boundary with the intent of organizing development to meet transportation, connectivity, aesthetic, and environmental goals. The UDO is divided into seven different subdistricts. Each subdistrict has defined building types that are permitted within its boundaries. The UDO also includes a street plan for ensuring connectivity as various parcels develop.

The zone change to CS would allow for a variety of commercial development in a portion of the UDO that was intended for residential development only. The proposed UDO cancellation would sever an important portion of the UDO street plan that is meant to ensure connectivity among parcels. The applicant has not submitted a site plan to show the intent for making commercial development compatible with the UDO or with its intended residential development.

Public Works staff has not recommended approval and has requested a traffic impact study due to the magnitude of the proposed zone change. A traffic impact study has not been submitted.

ANALYSIS

The UDO cancellation and zone change requests are premature at this time. The property is located on Murfreesboro Pike, a major arterial road. Commercial development along this arterial road could be appropriate in the future, but any move toward commercial development and away from the cohesive residential development envisioned by the Hamilton Hills UDO should be done in the same coordinated way that was used to put the UDO in-place. The update of the Antioch/Priest Lake Community Plan is underway, and will re-examine the land use policies along this portion of Murfreesboro Pike. The applicant should also consider coordinating with adjacent property owners to promote an alternate overlay zoning district along Murfreesboro Pike that would permit the mix of land uses and other goals the Hamilton Hills UDO intends to pursue. If the UDO is to be cancelled, it should also be done in a coordinated way with all of the other properties included. Removing a major piece of the UDO and replacing it with CS zoning would undermine the remainder of the UDO to develop as originally planned. This would have detrimental impacts to the property owners within the remaining UDO, who could not expect completion of the original vision.

Staff also recommends disapproval since a Traffic Impact Study is required by Public Works and one has not been submitted.

PUBLIC WORKS RECOMMENDATION

Due to the magnitude of the development, a TIS is required prior to rezoning.

Typical Uses in Existing Zoning District: **RM9**

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)	19.26	9 D	173 U	1172	89	114

Typical Uses in Existing Zoning District: **RM20**

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)	10.64	20 D	212 U	1409	108	135

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	29.9	0.420 F	547,026 SF	4937	731	692

Traffic changes between typical: **RM9, RM20** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2356	+534	+444

Maximum Uses in Existing Zoning District: **RM9**

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)	19.26	9 D	173 U	1172	89	113

Maximum Uses in Existing Zoning District: **RM20**

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)	10.64	20 D	212 U	1409	108	135

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	29.9	0.6 F	781,466 SF	6498	972	955

Traffic changes between maximum: **RM9, RM20** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3917	+775	+707

STAFF RECOMMENDATION

Staff recommends disapproval of the UDO cancellation and the zone change requests. Both requests are in conflict with the CG and NG land use policies, which promote residential land uses and overlay zoning districts to ensure appropriate design. Cancellation of this portion of the Hamilton Hills UDO will create issues of street connectivity and land use compatibility within the remainder of the UDO. The commercial land uses permitted by the proposed CS zoning district are contrary to the residential land uses promoted by the CG and NG land use policies. A Traffic Impact Study is required and one has not been submitted to or approved by the Department of Public Works.

Mr. Johnson presented the staff recommendation of disapproval.

Items 3a and 3b were heard at the same time.

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

Dr. Cummings moved and Mr. Ponder seconded the motion to approve staff recommendation of disapproval. (9-0)

Resolution No. RS2012-169

"BE IT RESOLVED by the Metropolitan Planning Commission that 2005UD-008-001 is **DISAPPROVED. (9-0)**

The Hamilton Hills Urban Design Overlay includes a planned layout for street connectivity and land uses within its boundary. Cancellation of this portion of the Hamilton Hills UDO without a new plan for the overall UDO boundary will create issues of street connectivity and land use compatibility within the remainder of the UDO.

3b. 2012Z-017PR-001

BL2012-246 Duvall
Map 164, Parcel(s) 044
Council District 33 (Robert Duvall)
Staff Reviewer: Greg Johnson

A request to rezone from the RM9 and RM20 districts to the CS district property located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road (29.9 acres), and located within the Hamilton Hills Urban Design Overlay District, requested by George Ellis Thomas, owner. (See also Urban Design Overlay District Proposal No. 2005UD-008-001).

Staff Recommendation: Disapprove

APPLICANT REQUEST

Cancel a portion of UDO and rezone to CS zoning district

UDO Cancellation

A request to cancel a portion of the Hamilton Hills Urban Design Overlay District located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road, zoned Multi-Family Residential (RM9 and RM20) and proposed for Commercial-Service (CS) (29.9 acres).

Zone Change

A request to rezone from Multi-Family Residential (RM9 and RM20) districts to the Commercial Service (CS) district property located at 3300 Murfreesboro Pike, approximately 3,250 feet south of Hamilton Church Road (29.9 acres), and located within the Hamilton Hills Urban Design Overlay District.

Existing Zoning

RM9 is intended for single-family, duplex, and multi-family dwellings at a density of 9 dwelling units per acre.

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Hamilton Hills UDO – A UDO is a zoning tool that allows for a specifically designated area to have unique physical design standards in order to either protect the design character already established, or to create a design character that would otherwise not be ensured by the standard provisions of the zoning regulations. The proposed zone change would place commercial zoning on a portion of the Hamilton Hills UDO that is designated for residential-only development, ranging from single-family to multi-family development.

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

ANTIOCH – PRIEST LAKE COMMUNITY PLAN

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

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

Consistent with Policy?

No. The Corridor General and Neighborhood General land use policies promote residential development, not the commercial development that is permitted by the CS zoning district.

The Corridor General policy additionally promotes overlay zoning districts to ensure appropriate design. The proposal would strip the property of an overlay zoning district meeting this intent to provide appropriate residential design, and would replace it with commercial zoning without a site plan or overlay zoning district. The UDO cancellation and zone change proposals meet neither the recommended land uses nor the intent for an overlay or site-plan-based zoning district.

REQUEST DETAILS

The Hamilton Hills Urban Design Overlay was approved in 2005 to establish a plan for the development of land within its boundary with the intent of organizing development to meet transportation, connectivity, aesthetic, and environmental goals. The UDO is divided into seven different subdistricts. Each subdistrict has defined building types that are permitted within its boundaries. The UDO also includes a street plan for ensuring connectivity as various parcels develop.

The zone change to CS would allow for a variety of commercial development in a portion of the UDO that was intended for residential development only. The proposed UDO cancellation would sever an important portion of the UDO street plan that is meant to ensure connectivity among parcels. The applicant has not submitted a site plan to show the intent for making commercial development compatible with the UDO or with its intended residential development.

Public Works staff has not recommended approval and has requested a traffic impact study due to the magnitude of the proposed zone change. A traffic impact study has not been submitted.

ANALYSIS

The UDO cancellation and zone change requests are premature at this time. The property is located on Murfreesboro Pike, a major arterial road. Commercial development along this arterial road could be appropriate in the future, but any move toward commercial development and away from the cohesive residential development envisioned by the Hamilton Hills UDO should be done in the same coordinated way that was used to put the UDO in-place. The update of the Antioch/Priest Lake Community Plan is underway, and will re-examine the land use policies along this portion of Murfreesboro Pike. The applicant should also consider coordinating with adjacent property owners to promote an alternate overlay zoning district along Murfreesboro Pike that would permit the mix of land uses and other goals the Hamilton Hills UDO intends to pursue. If the UDO is to be cancelled, it should also be done in a coordinated way with all of the other properties included. Removing a major piece of the UDO and replacing it with CS zoning would undermine the remainder of the UDO to develop as originally planned. This would have detrimental impacts to the property owners within the remaining UDO, who could not expect completion of the original vision.

Staff also recommends disapproval since a Traffic Impact Study is required by Public Works and one has not been submitted.

PUBLIC WORKS RECOMMENDATION

Due to the magnitude of the development, a TIS is required prior to rezoning.

Typical Uses in Existing Zoning District: **RM9**

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)	19.26	9 D	173 U	1172	89	114

Typical Uses in Existing Zoning District: **RM20**

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)	10.64	20 D	212 U	1409	108	135

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	29.9	0.420 F	547,026 SF	4937	731	692

Traffic changes between typical: **RM9, RM20** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+2356	+534	+444

Maximum Uses in Existing Zoning District: **RM9**

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)	19.26	9 D	173 U	1172	89	113

Maximum Uses in Existing Zoning District: **RM20**

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)	10.64	20 D	212 U	1409	108	135

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	29.9	0.6 F	781,466 SF	6498	972	955

Traffic changes between maximum: **RM9, RM20** and proposed **CS**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+3917	+775	+707

STAFF RECOMMENDATION

Staff recommends disapproval of the UDO cancellation and the zone change requests. Both requests are in conflict with the CG and NG land use policies, which promote residential land uses and overlay zoning districts to ensure appropriate design. Cancellation of this portion of the Hamilton Hills UDO will create issues of street connectivity and land use compatibility within the remainder of the UDO. The commercial land uses permitted by the proposed CS zoning district are contrary to the residential land uses promoted by the CG and NG land use policies. A Traffic Impact Study is required and one has not been submitted to or approved by the Department of Public Works.

Mr. Johnson presented the staff recommendation of disapproval.

Items 3a and 3b were heard at the same time.

Mr. Johnson presented the staff recommendation of disapproval.

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

Dr. Cummings moved and Mr. Ponder seconded the motion to approve staff recommendation of disapproval. (9-0)

Resolution No. RS2012-170

“BE IT RESOLVED by the Metropolitan Planning Commission that 2012Z-017PR-001 is **DISAPPROVED. (9-0)**

The proposed CS zoning district is not consistent with the Corridor General and Neighborhood General residential land use policies. The CS zoning district would also represent a piecemeal intrusion into the Hamilton Hills Urban Design Overlay.

4. 2012Z-019PR-001

Map 093-13, Parcel(s) 297
 Council District 19 (Erica S. Gilmore)
 Staff Reviewer: Jason Swaggart

A request to rezone from the RM20 to ON district property located at 1208 Hawkins Street, approximately 210 feet west of 12th Avenue South (0.25 acres), requested by New Hope Missionary Baptist Church, owner.

Staff Recommendation: Approve if the Commission directs staff to commence a housekeeping amendment to change the land use policy to Transition Buffer in Neighborhood General. Disapprove if the policy is not amended.

APPLICANT REQUEST

Zone change from multi-family to office

Zone Change

A request to rezone from the Multi-Family Residential (RM20) to Office Neighborhood (ON) district property located at 1208 Hawkins Street, approximately 210 feet west of 12th Avenue South (0.25 acres).

Existing Zoning

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

GREENHILLS/MIDTOWN COMMUNITY PLAN

General 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.

Detailed Neighborhood Design Plan Policy

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

Consistent with Policy?

No. The proposed office zoning district is not consistent with the property's residential land use policy. The proposed office zoning district permits uses that conflict with the policy. While the existing policy does not support the proposed ON zoning district, staff does find that a transitional use *could* be appropriate at this location. The property is just west of 12th Avenue South. The adjacent zoning to the east is zoned multi-family. The proposed ON zoning district does not permit a wide range of non-residential uses; and many nonresidential uses are limited to 2,500 square feet. The ON zoning district also permits single-family residential. Staff understands that the applicant plans to use the existing building for a small office. Buffer yards would be required between the proposed ON district and the R6 and RM20 districts with any new development. This requirement would also limit future development on the site and ensure that it is low intensity providing an appropriate transition. If the Planning Commission finds that this property would be appropriate for a transitional use and directs staff to file a housekeeping amendment to change the policy to Transition Buffer in Neighborhood General (TB in NG), then staff can recommend approval of the rezoning request.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

Typical Uses in Existing Zoning District: **RM20**

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)	0.25	20 D	5 U	34	3	4

Typical Uses in Proposed Zoning District: **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.25	0.280 F	3,049 SF	91	12	12

Traffic changes between typical: **RM20** and proposed **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+57	+9	+8

Maximum Uses in Existing Zoning District: **RM20**

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)	0.25	20 D	5 U	34	3	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.25	0.4 F	4,356 SF	120	16	16

Traffic changes between maximum: **RM20** and proposed **ON**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+86	+13	+12

STAFF RECOMMENDATION

Staff recommends that the request be approved if the Commission directs staff to initiate a housekeeping amendment to change the policy to Transition Buffer in Neighborhood General (TB in NG). Staff recommends disapproval if the Commission does not initiate the policy change.

Approved and directed staff to initiate a housekeeping amendment to change the land use policy to Transition Buffer in Neighborhood General. (9-0), Consent Agenda

Resolution No. RS2012-171

"BE IT RESOLVED by the Metropolitan Planning Commission that 2012Z-019PR-001 is **Approved**. **Staff is directed to initiate a housekeeping amendment to change the land use policy to Transition Buffer in Neighborhood General.**

The location is appropriate for small-scale non-residential use, such small offices that are permitted by the ON zoning district. The ON zoning district is consistent with the Transition Buffer in Neighborhood General land use policy.

5. 2006IN-001-004

DAVID LIPSCOMB

Map 131-03, Parcel(s) 140
Council District 25 (Sean McGuire)
Staff Reviewer: Greg Johnson

A request to amend the David Lipscomb Institutional Overlay District to add property located at 4109 Belmont Boulevard and to make modifications to several buildings located within the existing Overlay District, zoned R10, requested by Tuck-Hinton Architects, applicant, for David Lipscomb University, owner.

Staff Recommendation: Disapprove as submitted. Approve with conditions, including the revised conditions of the Public Works Department, if expansion is area is deleted from the application.

APPLICANT REQUEST

Amend the master plan to:

1. Expand the campus boundary across Belmont Boulevard,
2. Construct a building addition across a required setback line,
3. Construct a parking lot replacing a residential building, and
4. Add campus-related building square footage within the overlay.

Institutional Overlay – Amendment to Preliminary Plan

A request to amend the David Lipscomb Institutional Overlay District to add property located at 4109 Belmont Boulevard and to make modifications to several buildings located within the existing Overlay District, zoned One and Two Family Residential (R10).

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

This amendment application includes four separate requests that require an amendment to the preliminary Institutional Overlay plan for Lipscomb University:

1. Expansion of overlay boundary

The amendment includes a proposed expansion of the overlay to a single property on the west side of Belmont Boulevard, across the street from the Lipscomb University campus. The property in the middle of a block with residential uses on both sides of the remaining block face. It is known as "Parkwood Terrace", a two-story multi-family building that is currently used for residential purposes. According to the application, Lipscomb University proposes to use this property and existing 16,000 square foot building for general administrative offices and conference space.

According to the Zoning Code, the intent of the Institutional Overlay is to provide a means by which colleges and universities within residential areas may continue to function and grow in a sensitive and planned manner that preserves the integrity of the neighborhoods in which they are situated. The Lipscomb University Institutional Overlay currently includes many properties outside of the current campus boundary that are not owned by the university. The master plan for the overlay illustrates the intent for future incorporation of these properties into the campus. The master plan also shows the intended future use of these properties.

Currently, Belmont Boulevard serves as the western boundary of the Lipscomb Institutional Overlay. This expansion would be the first for a campus-related use on the western side of Belmont Boulevard. Any expansion of the overlay across Belmont Boulevard would ideally include a comprehensive proposal for the expansion of the campus across that existing boundary, not just for the immediate reuse of an existing building, mid-block and surrounded by residential development. The current proposal for expansion does not exemplify the proactive "sensitive and planned manner" for campus expansion intended by the Zoning Code.

2. Addition to McFarland Hall

The application includes addition to the McFarland Hall and several proposed additions to other campus buildings which are discussed below. The addition to McFarland Hall, specifically, requires an amendment to the Lipscomb Institutional Overlay. When the overlay was originally approved, it included a 100 foot minimum building setback from Belmont Boulevard. The intent of this setback was to prevent campus buildings from dominating the Belmont Boulevard frontage that is shared with single-family residential development. The addition to McFarland Hall would encroach into the 100 foot setback. Although the amount of building encroachment is not shown on the plans, the architect has advised staff that the encroachment will be less than 20 feet, leaving an 80 foot setback. The applicant explains in a statement about the addition that it is needed on the west side of the building in order to provide science laboratories consistent with today's standards and also to improve the mechanical systems within the building.

By explaining need for the addition to the west side of the building: for mechanical system and laboratory floor plan reasons, the applicant has presented a unique circumstance for allowing the encroachment of this building into the 100 foot setback by less than 20 feet.

3. Parking area along Granny White Pike

The application includes a proposal for a small parking lot adjacent to the existing commercial node at Granny White Pike and Morrow Avenue. The lot intended for this parking area currently contains a single-family home, and is one of a stretch of three dwelling structures. The master plan requires maintaining these residential structures along this portion of Granny White Pike. The middle dwelling is used for a Family and Consumer Sciences/Department of Nutrition building. The proposed parking area would serve this building from the adjacent lot, but would require the removal of the adjacent residential building. Access to the parking area would be provided by an existing access driveway to the adjacent Department of Nutrition building. No vehicular access would be provided to the adjacent commercial area. A plan provided by the applicant shows a landscape buffer separating this parking area from Granny White Pike.

This parking area is an appropriate amendment to the master plan. It will serve an existing campus building and will use an existing access driveway from Granny White Pike. Landscape buffering along Granny White Pike will minimize its visibility from the street. The original master plan approval does not provide detail for the intent of maintaining the dwellings along Granny White Pike. Given the lack of detail regarding this intent, staff finds that the proposed parking area with the landscaping buffer along Granny White Pike can serve the same purpose as the existing dwelling.

4. Building square footage addition

The last approved Council bill for the Lipscomb Institutional Overlay permitted a total of 1,648,386 square feet of building square footage. This application includes changes to the building layout of the campus master plan including proposed reductions and additions to current buildings and revised layouts to planned buildings. These changes within the overlay boundary will increase the total building square footage to 1,706,009 square feet, an increase of approximately 3.5 percent. This 57,623 square foot expansion includes the 16,000 square foot building that would be added with the requested expansion and the 24,000 square foot expansion of the McFarland Building.

These additions are consistent with the intent of the overlay.

STORMWATER RECOMMENDATION

Amendment to Institutional Overlay returned for corrections:

- Show Undisturbed Buffers, provide a hydrologic determination showing the conveyances are not streams or provide variance.

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.
- Indicate solid waste plan, include recycling plan.
- Comply with the conditions set forth by the MPW Traffic Engineer's review of the TIS. (Note from Planning staff: Public Works intends to submit recommendations to the Planning Commission from the TIS review prior to the September 27, 2012 meeting.)

STAFF RECOMMENDATION

Disapprove as submitted. Approve with conditions, including the revised conditions of the Public Works Department, if expansion is area is deleted from the application.

CONDITIONS (if approved)

1. The western addition to McFarland Hall (Building 3b on the master plan) shall maintain a minimum setback of 80 feet from Belmont Boulevard.
2. Comments listed above from Public Works and Stormwater shall be addressed by the corrected copy of the preliminary plan.
3. This approval does not include any signs. Signs in institutional overlay districts must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
4. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
5. If the Institutional Overlay final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require a reduction of the total floor area.
6. Prior to any additional development applications for this property, and in no event later than 120 days after the date of conditional approval by the Planning Commission, the applicant shall provide the Planning Department with a corrected copy of the preliminary Institutional Overlay plan. Failure to submit a corrected copy of the preliminary Institutional Overlay within 120 days will void the Commission's approval and require resubmission of the plan to the Planning Commission.

Public Works Department staff has added conditions of approval related to the approval of the traffic impact study.

In accordance with the 2011 traffic impact study (TIS) and the original conditions of the Institutional Overlay (Ordinance No. BL2003-22), the following conditions shall be required to accommodate the increased density and student enrollment:

Belmont Boulevard and Glenn Echo Road/Campus Access 1

1. Campus Access 1 shall align directly opposite Glen Echo Road at its intersection on Belmont Boulevard.
2. Prior to construction, a detailed traffic engineering analysis of the proposed intersection shall be completed to determine signal phasing, timings, required storage lengths (including the existing northbound left turn lane on Belmont Boulevard), tapers, and transitions.
3. Upon construction of Campus Access 1 and prior to beginning design of buildings 34C and 34D as shown on the Concept Plan, the University shall:
 - Construct Campus Access 1 with one entering and three exiting lanes (LT, Thru, and RT). This drive shall be designed with ONE-WAY internal circulation as described in the TIS. If ONE WAY circulation is not desired at the time of construction, appropriate storage shall be provided on-site to ensure efficient operation of the intersection. The required storage could influence the placement or design of buildings 34C and 34D.
 - Construct a dedicated southbound left turn lane on Belmont Boulevard at Glen Echo Road with appropriate storage and transitions per AASHTO standards.
 - Construct a dedicated eastbound left turn lane on Glen Echo Road at Belmont Boulevard with appropriate storage and transitions per AASHTO standards.
 - Modify the existing traffic signal to include video detection, a right turn overlap for the westbound approach, and pedestrian signals and facilities per ADA standards.

Belmont Boulevard and Parkwood Terrace Access

4. In order to improve access and sight distance, the existing circular access drive should be consolidated to a single access point and shall align directly opposite the Campus Access 5 exit. The new access point shall include one entering lane and one exiting lane.

5. The University shall coordinate with Metro Public Works to determine the appropriateness of installing a marked crosswalk on Belmont Boulevard and pedestrian warning signs/signals at the proposed Parkwood Terrace Access.

Granny White Pike and Campus Access 8 (Mustang Drive)

6. Construct a dedicated northbound left turn lane on Granny White Pike at Campus Access 8 (Mustang Drive) with appropriate storage and transitions per AASHTO standards.

7. Prior to design, a study shall be completed to determine the appropriateness of constructing a continuous two-way left turn lane on Granny White from Maplehurst Avenue to Campus Access 8. In keeping with the intent of the University Master Plan, these improvements shall be constructed so that there is no reduction to the existing number of public on-street parking spaces on Granny White.

8. Modify or reconstruct the existing pedestrian traffic signal on Granny White Pike as required based on the proposed improvements to Granny White Pike. Modifications shall be designed and constructed by the University. Signal plans shall be submitted to Metro Public Works for approval of design prior to construction.

9. The timing of this improvement shall be determined by focused traffic impact studies as campus projects are proposed.

Granny White Pike and Caldwell Lane

10. The University shall continue to provide a traffic officer at this intersection during peak traffic periods.

11. Upon construction of garage M or O, a detailed traffic engineering analysis of this intersection shall be completed to determine the appropriateness of installing a southbound left turn lane on Granny White Pike and westbound left turn lane on Caldwell Lane. A signal warrant analysis for the intersection shall be completed at this time. Implementation of any proposed improvements shall be evaluated by and coordinated with the Department of Public Works and shall be the responsibility of the University.

Belmont Boulevard and Shackleford Road

12. Focused studies of this intersection will be required by the Metro Traffic Engineer as various campus projects are proposed in order to monitor the operating levels of service. The studies shall include an evaluation of left turn lanes on Belmont Boulevard and Shackleford Road, as well as conducting signal warrant analyses for the intersection. Implementation of any proposed improvements shall be evaluated by and coordinated with the Department of Public Works and shall be the responsibility of the University.

Granny White Pike and Shackleford Road

13. Focused studies of this intersection will be required by the Metro Traffic Engineer as various campus projects are proposed in order to monitor the operating levels of service. The studies shall include an evaluation of left turn lanes on Granny White Pike and Shackleford Road, as well as conducting signal warrant analyses for the intersection. Implementation of any proposed improvements shall be evaluated by and coordinated with the Department of Public Works.

14. An updated comprehensive traffic impact study should be completed if or when the student population exceeds 5,000 students, when there are more than 3,200 off campus commuting students, or every five years, as required by ordinance, whichever occurs first.

15. In addition, focused traffic impact studies will be required by the Metro Traffic Engineer at various development phases to evaluate traffic conditions and recommendations of the comprehensive 5-year traffic study update.

16. The University shall dedicate additional ROW, if necessary, along Belmont Boulevard, Shackleford Road, and Granny White Pike to allow any future improvements or widening of these roads.

Mr. Johnson presented the staff recommendation of disapproval as submitted and approval with conditions with the deletion of the overlay expansion

Phil Ellenburg, applicant, spoke in support of the proposal and stated that Lipscomb has no intention or desire to expand the Institutional Overlay beyond Parkwood Terrace.

Chuck Miller, architect, discussed specifics of the plan and spoke in support of the proposal.

Burt Nowers, 1301 Grandview Drive, spoke in support of the proposal as submitted.

Lisa Shacklett, 3800 Belmont Blvd, spoke in support of the proposal as submitted.

Richard Sweeney, 1607 Observatory Court, spoke in support of the proposal as submitted.

Lanny Witt, 1403 Grandview, spoke in support of the proposal as submitted.

Craig Hartline, 4010 Granny White Pike, spoke in support of the proposal as submitted.

Jeff Wilson, 1111 Morrow Avenue, spoke in support of the proposal as submitted.

Walt Leaver, 1603 Burton Avenue, spoke in support of the proposal as submitted.

Ralph Butler, 1137 Maplehurst, spoke in support of the proposal as submitted.

Nicho Young, 1702 Green Hills Drive, spoke against items 1, 2, and 3, but does not have a problem with item 4. Opposed to a non-residential use moving in to a residential area.

David Perkins, 1701 Green Hills Drive, spoke against the proposal and stated that representatives from Lipscomb University promised residents of Avalon HOA that they would not expand or develop for institutional use their then currently owned properties west of Belmont. The residents understood their promise to be a verbal and moral contract.

Barbara Young, 1702 Green Hills Drive, spoke against the proposal and stated that Parkwood Terrace needs to remain residential.

Bob Crownover, 1708 Bonner Avenue, spoke against the proposal, specifically items 1, 2, and 3.

Holly Quick, 1117 Woodvale Drive, spoke against the proposal, specifically items 1, 2, and 3.

Bruce Alexander, 1826 Green Hills Drive, spoke against the proposal and inquired why the university continues to buy property if they have no intentions of expanding.

David Leonard, 1728 Green Hills Drive, spoke against the proposal.

David Deeb, 1710 Green Hills Drive, spoke against the proposal and noted that Lipscomb University promised not to expand.

Tom Bauer, 1608 S. Observatory Drive, spoke against the proposal.

Betsy Thompson, 1702 Green Hills Drive, spoke against the proposal and noted that Lipscomb University is not living up to their word that that would not expand.

Russ Willis, 1030 Caldwell Lane, spoke against the proposal, specifically items 1, 2, and 3.

Phil Ellenburg, applicant, clarified that there was never a promise made either verbally or in writing regarding Parkwood Terrace or Belmont Boulevard.

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

Mr. Adkins spoke in support of items 2, 3, and 4, but stated uncertainty regarding item 1. Mr. Adkins also stated that perhaps it's time to look at a major overhaul of this area.

Dr. Cummings spoke in support of items 2, 3, and 4 and stated that she sees growth and opportunity for development – looks like a good plan.

Mr. Gee stated that universities could grow “up” rather than “out” and that this seems like a matter of convenience rather than planned. Mr. Gee stated agreement with Mr. Adkins in that it might be time for an overhaul of this area. Undecided at this time.

Mr. Haynes stated that the original development office staff might be small, but could grow considerably considering the amount of available square footage of the building, creating more traffic and congestion in the future.

Mr. Ponder spoke in support of the proposal stating that it appears to have a minimal impact on the area.

Councilman Claiborne stated that considering the purchase of the properties, there seems to be intent to expand and noted that moving a commercial use into only one area seems to be spot zoning. Will not support at this time.

Ms. LeQuire stated that the Master Plan within the Institutional Overlay needs to be addressed and expressed support of expanding within the existing IO footprint.

Ms. LeQuire referenced the proposed setback, inquired if that is the only solution, and stated that she would like to see if there is a way to solve that problem without changing the setback.

Ms. LeQuire asked why the entire house had to be torn down just to gain two parking spaces.

Chairman McLean suggested setting some boundaries as to what the Institutional Overlay would look like in the future, i.e. what would happen if Parkwood Terrace was destroyed by natural causes (fire, tornado).

Mr. Clifton spoke in agreement with Ms. LeQuire and is only comfortable with item 4 without more discussion.

Mr. Adkins also asked the necessity of tearing down a house for a gain of only two parking spaces.

Phil Ellenburg clarified that there is no parking there currently, so it would be a gain of all of the space, not just two parking spaces. He also noted that the existing house does not fit with the character of the neighborhood.

Mr. Adkins stated that it raises a red flag when the larger portion of a neighborhood shows up in opposition to the proposal and noted that he would like to see more consensus.

Councilmember Claiborne moved to disapprove the request to expand the Institutional Overlay boundary west of Belmont Boulevard, approve with conditions including the revised conditions of the Public Works Department, the setback encroachment for McFarland Hall, the new parking area east of Granny White Pike, and the additional building square footage within the existing Institutional Overlay boundary. (7-2) Mr. Clifton and Mr. Ponder voted against.

Resolution No. RS2012-172

"BE IT RESOLVED by the Metropolitan Planning Commission that 2006IN-001-004 is Disapprove request to expand the Institutional Overlay boundary west of Belmont Boulevard, approve with conditions, including the revised conditions of the Public Works Department, the setback encroachment for McFarland Hall, the new parking area east of Granny White Pike and the additional building square footage within the existing Institutional Overlay boundary. (7-2)

Expansion of the overlay across Belmont Boulevard is not appropriate because it is not proposed in the sensitive and planned manner intended by the Zoning Code. The expansion area is in the middle of a residential block. The remaining items within this amendment request are acceptable changes to the master plan.

Mr. Ponder out at 6:13 p.m.

Mr. Haynes out at 6:13 p.m.

A break was taken from 6:13 p.m. until 6:23 p.m.

6. 2004P-035-002

BURKITT PLACE, PH 2K

Map 186, Part of Parcel(s) 033
Council District 31 (Fabian Bedne)
Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan and for final site plan approval for a portion of the Burkitt Place Residential Planned Unit Development Overlay District on a portion of property located on the east side of Ivymount Lane (unnumbered), approximately 1,875 feet south of Burkitt Road, zoned RS10 (12.67 acres), to permit a total of 360 residential units within the overlay and final for 77 single-family lots, requested by Civil Site Design Group, applicant, for NW Burkitt, LLC, owner.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Revise a portion of a Planned Unit Development

Planned Unit Development – Revision to preliminary and final

A request to revise the preliminary plan and for final site plan approval for a portion of the Burkitt Place Residential Planned Unit Development Overlay District on a portion of property located on the east side of Ivymount Lane (unnumbered), approximately 1,875 feet south of Burkitt Road, zoned Single-Family Residential (RS10) (12.67 acres), to permit a total of 360 residential units within the overlay and to grant final approval for 77 single-family lots.

Existing Zoning

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.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The purpose of this request is to revise a portion of the Burkitt Place Planned Unit Development and for final site plan approval to permit the development of 77 single-family lots. The Burkitt Place PUD was originally approved by Council in 2005 for a total of 407 residential units consisting of 60 townhomes, 52 duplexes (104 units) and 243 single-family lots. Numerous revisions has been approved since the original approval and the currently approved plan is for 355 total residential units.

As proposed, five additional single-family lots will be added to the currently approved plan for a total of 295 single-family lots and a total of 360 residential units within the overlay. It is important to note that the final site plan (construction plans) for the subject site have been previously approved. While the proposal adds five lots it will not alter any roadway plans as lots were added by shifting lot lines.

While the request adds five lots, it does not increase the overall density above the density approved by Council and can be considered as a minor modification (revision). Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions.

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

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

k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.

l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.

m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

Staff finds that the request meets all the conditions and that the Planning Commission has the authority to approve the proposed revision.

STORMWATER RECOMMENDATION

Approve with conditions

1. Provide 2 additional sets for approval.
2. Provide revised storm pipe calculations showing no surcharge.

PUBLIC WORKS RECOMMENDATION

Returned for corrections

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. Add MPW standard construction notes to the cover sheet:
 - a. All work within the Public right-of-way requires an Excavation Permit from the Department of Public Works.
 - b. Proof-rolling of ALL street sub-grades is required in the presence of the Public Works Inspector, request to be made 24 hours in advance.
 - c. Stop signs to be 30 inch by 30 inch.
 - d. Street signs to have six inch white letters on a nine inch green aluminum blade.
 - e. All signs to have 3M reflective coating.
 - f. Remove note on Cover Sheet about PUD.
3. Include landscape plan with all planting in the ROW. Add the following statement to the plan "If a tree dies with three years of being planted the developer is responsible for its removal."
4. Submit striping and signage plan.
5. Add note to construct curb ramps at intersections to facilitate pedestrian crossings and to align ramps at intersections.
6. Add note that all driveways are to be MPW standard ST-324.

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions. The proposed request meets all zoning requirements. The request will not require any significant changes to the currently approved plan, and the overall density is within the density last approved by Council.

CONDITIONS

1. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
2. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
3. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
4. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.
5. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

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

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-173

"BE IT RESOLVED by the Metropolitan Planning Commission that 2004P-035-002 is **Approved with Conditions. (9-0)**

7. 2012S-088-001

KENNER MANOR

Map 116-08, Parcel(s) 184
Council District 24 (Jason Holleman)
Staff Reviewer: Brenda Bernards

A request for final plat approval to remove the reserve status and create one lot on property located at 1008 Clearview Drive, approximately 350 feet south of Woodmont Circle, zoned R10 (0.45 acres), requested by Carolyn W. Pharris, owner, Dale & Associates, surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST

Remove reserve status to create a buildable lot.

Final Plat

A request for final plat approval to remove the reserve status and create one lot on property located at 1008 Clearview Drive, approximately 350 feet south of Woodmont Circle, zoned One and Two-Family Residential (R10) (0.45 acres).

Existing Zoning

R10 District requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The applicant is requesting the removal of the reserve status on this property in order to create a buildable lot. Access will be taken from Clearview Drive.

The property was originally platted in May 1916. The reserve status was applied with a re-platting of Lots 123 and 124 in December 1971. At that time notes on the plat indicated that each property needed to be served by sewer and that no building permits would be issued until approved by the Water Services Department. A subsequent re-platting of this property in September 1973, revised the note to require approval by the Planning Commission with no explanatory note as to why the property was designated as a reserve parcel. Sections 2-9.1.c of the Subdivision Regulations requires that the removal of the reserve status on a parcel be approved by the Planning Commission except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel.

c. Removal of the reserve status shall require Planning Commission approval except when the parcel is in reserve pending an action by a public utility to provide service availability as noted on the face of the approved subdivision plat that created the reserve parcel and meets the current standards of all reviewing agencies.

Section 2-9.1.d provides criteria for consideration by the Planning Commission when making a determination to remove a reserve status.

d. When determining whether to remove the reserve status, the Planning Commission shall consider the following:

1. That the parcel fits into the character of the area and is consistent with the general plan.
2. That all minimum standards of the zoning code are met.
3. That the parcel has street frontage or meets the requirements of Section 3-4.2.b or meets the requirements of Sections 3-4.2.b, 3-4.2.c, 4-6.3 or 5-3.1.
4. That the current standards of all reviewing agencies are met.

The R10 zoning is supported by the Residential Low Medium land use policy and the parcel fits within the character of this predominantly developed area. At 19,989 square feet in size, the property meets the minimum standards of the zoning code and all reviewing agencies have recommended approval. A duplex would be permitted on this property.

STAFF RECOMMENDATION

Staff recommends approval of the request to remove the reserve parcel status to create a buildable lot.

Approved (9-0), Consent Agenda

Resolution No. RS2012-174

"BE IT RESOLVED by the Metropolitan Planning Commission that 2012S-088-001 is **Approved. (9-0)**

8. 2012S-112-001

24TH & FAIRFAX

Map 104-11, Parcel(s) 170-171
Council District 18 (Burkley Allen)
Staff Reviewer: Brenda Bernards

A request for final plat approval to create three lots on properties located at 2401 Fairfax Avenue and Fairfax Avenue (unnumbered), at the southwest corner of Fairfax Avenue and 24th Avenue South, zoned RS7.5 and located within the Hillsboro-West End Neighborhood Conservation Overlay District (0.64 acres), requested by Landmark Realty Services Corporation, owner, Walter Davidson & Associates, surveyor.

Staff Recommendation: Approve

APPLICANT REQUEST

Final plat to create three lots

Final Plat

A request for final plat approval to create three lots on properties located at 2401 Fairfax Avenue and Fairfax Avenue (unnumbered), at the southwest corner of Fairfax Avenue and 24th Avenue South, zoned Single-Family Residential (RS7.5) and located within the Hillsboro-West End Neighborhood Conservation Overlay District (0.64 acres).

Existing Zoning

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.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

The proposed subdivision takes advantage of the existing infrastructure and adds three lots to this already developed area. The property is less than a half mile walk from the Hillsboro Village with its restaurants, shops and services, and approximately a quarter mile walk to Vanderbilt University.

PLAN DETAILS

This is a request to subdivide a property into three lots with two lots facing Fairfax Avenue and the third lot facing 24th Avenue. Lots 1 and 3 will access the alley to the rear of the property. Lot 2 will take access from 24th Avenue. Due to the lack of street parking, Lot 1 will also have a driveway accessing Fairfax to accommodate visitors. The applicant has worked with the Historic Zoning Commission on the location of the driveway so that it fits within the context of the Hillsboro-West End Neighborhood Conservation Overlay district. The design of the residential units will need to meet the guidelines of the conservation district.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No exception taken

WATER SERVICES RECOMMENDATION

Approve

STAFF RECOMMENDATION

As the final plat meets all the requirements of the Subdivision Regulations, staff recommends approval.

Resolution No. RS2012-175

"BE IT RESOLVED by the Metropolitan Planning Commission that 2012S-112-001 is **Approved. (9-0)**

9. 2012S-113-001

TOWNVIEW

Map 149-03-0-E, Parcel(s) 007-008, 900
Map 149-04-0-A, Parcel(s) 027-028, 900
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Greg Johnson

A request for final plat approval to create ten lots on properties located at 2610 and 2614 Lakevilla Place, Lakevilla Place (unnumbered), 808 and 812 Lyndon Parke Drive and 924 Townview Place, approximately 575 feet north of Murfreesboro Pike (2.5 acres), zoned Mixed Use Limited (MUL), One and Two Family Residential (R8) and Single-Family Residential (RS3.75), Murfreesboro Road Edge-O-Lake, LLC, owner, Martin Engineering & Surveying, LLC, surveyor.

Staff Recommendation: Defer to the October 11, 2012, Planning Commission meeting. Approve with conditions if the application is approved by Water Services Department prior to the September 27, 2012, Planning Commission meeting.

Deferred to the October 11, 2012 Planning Commission Meeting. (9-0)

The Metropolitan Planning Commission DEFERRED 2012S-113-001 to the October 11, 2012, Planning Commission meeting.

H. 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.

Specific Plans

10a. 18-84P-001

BL2012-247 McGuire

BURTON HILLS

Map 131-06-0-A, Parcel(s) 001
Council District 25 (Sean McGuire)
Staff Reviewer: Jason Swaggart

A request to amend a portion of the Burton Hills Commercial Planned Unit Development Overlay District located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 AC) zoned One and Two Family Residential (R15) and proposed for Specific Plan – Office (SP-O), to permit a seven-story, 110,000 square foot office building and structured parking where a four-story, 54,000 square foot office building and structured parking were previously approved and increase the total floor area for office uses in the overlay from 550,000 square feet to 660,000 square feet., requested by Barge Cauthen & Associates, applicant, for EP Real Estate Fund, L.P., owner. (See also Planned Unit Development Proposal No. 2012SP-023-001)

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

APPLICANT REQUEST

Amend PUD overlay to permit office uses and rezone property from R15 to SP.

Amend PUD

A request to amend a portion of the Burton Hills Commercial Planned Unit Development Overlay District located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) zoned One and Two Family Residential (R15) and proposed for Specific Plan – Office (SP-O), to permit a four-story, 110,000 square foot office building and structured parking where a four-story, 54,000 square foot office building and structured parking were previously approved and increase the total floor area for office uses in the overlay from 550,000 square feet to 660,000 square feet.

Zone Change

A request to rezone from the One and Two Family Residential (R15) to Specific Plan – Office (SP-O) district for property located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) and within a PUD Overlay, to permit office uses.

Existing Zoning

The site is zoned R15 and is part of the larger Burton Hills Planned Unit Development (PUD) overlay district. The PUD permits office uses only on this site.

Proposed Zoning

Specific Plan-Office (SP-O) 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 office uses.

CRITICAL PLANNING GOALS

- Promotes Compact Building Design
- Supports Infill Development
- Supports Walkable Neighborhoods

The proposed request promotes compact building design and supports infill development which supports walkability. The request will permit increase the intensity of development on the site which is located in a developed area where infrastructure is in place. The area contains a variety of housing options and numerous amenities and services which will provide housing choices and services within walking distance of the subject location.

GREEN HILLS/ MIDTOWN COMMUNITY PLAN

Office Concentration (OC) policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (Residential Mixed Housing density) are also an appropriate secondary use.

Consistent with Policy?

Yes. The proposed zoning and PUD amendment will permit additional office uses, which is consistent with the Office Concentration land use policy.

PUD OVERLAY HISTORY

The Burton Hills Planned Unit Development was originally approved in 1984 and included office, multi-family, single-family, amenities and a church. The overall plan was approved under the previous zoning code (COMZO). COMZO did not require overlays to be consistent with the base zoning district, which is the reason why this office use currently has a residential base zoning district. There have been many revisions and one amendment to the overall PUD in the past under both COMZO and the current zoning code. The plan was last amended by Council in 1998, for 550,000 square feet of office uses within the overall PUD. The last revision was approved by the Planning Commission in 2007 and increased the overall floor area for office uses in the PUD to 604,000 square feet. The last revision did not require Council approval. The Commission found the proposal was consistent with the concept of the council approved master development plan; that the overall floor area was not increased over ten percent of the overall floor area that was approved by Council; and that the request was consistent with all other requirements of Section 17.40.120.G. which authorizes the Planning Commission to approve revisions to a PUD master development plan.

August 9, 2012 deferral and questions from Planning Commission

This request was originally heard at the August 9, 2012, Planning Commission meeting. The public hearing was held and closed. The Commission deferred the request to the September 27, 2012, meeting in order for planning staff to address specific questions raised by the Commission concerning the request. Questions arose from information that was presented to the Commission during the Public Hearing. The Commission requested staff research the history of the PUD and provide information relating to the PUD at the September 27, 2012, meeting.

During the Public Hearing, documents were given to the Commission indicating that the original PUD included conditions that conflict with the current request. The opponents presented these documents to support their primary concern relating to the proposed building height. According to the opponent, the original overlay limited the height for the site to three stories and that the height restriction was to preserve views of downtown from other buildings in the development. Since the August meeting, the applicant has had numerous discussions about the design of the plan and has changed their request to reduce the height of the building from seven stories to four stories (maximum height 90 feet to maximum height 60 feet), including four floors of underground parking.

Staff explained that they could not verify the origin of the documents presented at the meeting at that time. Staff also explained that the original approval letter on file did not include any conditions and that conditions are typically included in the approval letter. Staff further explained that the overlay had been amended by Council in 1998 and that the amendment did not include any conditions; therefore, even if the conditions presented by the opponent were part of the original approval, they are not part of the currently approved PUD plan requirements. *Lastly and most importantly, staff explained that the current request is an amendment which must be approved by Council and should be considered under today's land use policies since it is a new zoning request.* The Commission asked staff to address several questions which are as follows:

Question 1:

What is the history of the non-residential development? How did it evolve?

The Burton Hills Planned Unit Development was originally approved in 1984 and included office, multi-family, single-family amenities and a church. For the purpose of this discussion only the non-residential development will be outlined. While this discussion will only include the history of the non-residential component it is important to note that staff reviewed all the files in the overlay. The following table contains the full development history of the non-residential component of the overlay (phase one is the subject site).

MPC Approval Date	Action	Application Type	Scope	Phase
March 14, 1984	Approved with conditions	Preliminary	850 Residential Units and 550,000 SF office	N/A
September 12, 1984	Approved with conditions	Revision and Final	Revised original layout (has been constructed) 120,000 SF Office (3 story)	1
March 12, 1986	Approved with conditions	Revision and Final	Revised original layout (has been constructed) 107,500 SF Office (5 story)	2
January 21, 1988	Approved with conditions	Final	107,000 SF Office (5 story)	3
September 21, 1995	Approved	Remove original conditions	Removed development restrictions established by the 1984 General Plan Amendment and Preliminary PUD approval	N/A
April 18, 1996	Approved with conditions	Revision	Revised layout , 86,000 SF Office (5 Story)	5
May 16, 1996	Approved with conditions	Final	86,000 SF Office (5 Story)	5
December 12, 1996	Approved with conditions	Revision	Reallocate 30,489 SF from Phase 5 to Phase 4 (Ph. 4 goes from 107,500 SF to 137,989 SF)	4 and 5
February 27, 1997	Withdrawn	Withdrawn	Increase floor area from 137,000 SF to 147,000 SF	4
June 4, 1997	Approved with conditions	Revision	Movement of building, 137,989 SF	4

MPC Approval Date	Action	Application Type	Scope	Phase
January 22, 1998	Disapproved	Amendment	1,200 seat, 111,000 SF church, 5 story 130 SF, office and 110,000 SF 120 unit assisted living facility	N/A
March 14, 1998	Approved	Amendment	1,200 seat, 111,000 SF church, 120 unit assisted living facility	N/A
June 25, 1998	Approved with conditions	Revision and Final	130,000 SF office (reduced floor area from 137,000 SF)	4
September 13, 2001	Approved with conditions	Revision and Final	137,906 SF office, 6 story (up from 130,000 SF)	4
September 27, 2007	Approved with conditions	Revision	New 54,000 SF office (4 story) <u>this is less than 10 percent increase over what was originally approved by Council in 1984</u>	1

As shown on the above table there have been numerous revisions made to the development since the original 1984 approval. In fact, no part of the overlay (non-residential or residential) with the exception of phase three has developed exactly as shown on the original plan. With the exception of the 1998 amendment all changes (revisions) were approved by the Planning Commission and did not require Council approval.

Question 2:

Where did the conditions presented by the opponent come from? Were there any conditions with the original 1984 approval?

Staff located the document that was presented to the Commission. The document contains numerous conditions including language regarding height. It states:

“The four office structures attached to the parking deck shall not exceed six stories in height. The northernmost office structure shall not exceed three stories in height.”

While the document was located in the file and is likely the Planning Commission’s conditions of approval, there is no way to verify its origins. Staff searched for the minutes from the March 14, 1984, meeting however, the 1984 volume is incomplete so no further information could be found. Conditions of approval are typically contained within the approval letter. The approval letter dated March 19, 1984, indicates that the approval was conditional but conditions are not included in the letter. The letter does however refer to the conditions being attached. The 1984 approval also included an amendment to the general plan. Some documents, including the September 21, 1995, approval to remove a condition of the 1984 approval, indicates that the conditions presented by the opponent were conditions to the General Plan. The Planning Commission’s 1984, approval letter included a statement that conditions were part of the approval; however, they were not included in that approval letter, nor as part of the PUD ordinance, or on the master development plan.

Question 3:

Did the last amendment remove any previous conditions?

No. Unless an amendment directly removes or modifies previous council conditions then all previous conditions should carry forward. The 1998 amendment only covered a portion of the overlay which did not include the current site; therefore, the 1998 amendment would not have negated any original PUD conditions. *It is important to note here that the enacting PUD legislation in 1984 did not include any conditions.*

Question 4:

Did the Planning Commission have the authority to approve the 2007 revision?

The opponent contends that the above cited condition limiting height prohibited the Planning Commission from approving a four story building, because it could only be approved by Council as an amendment. *Staff finds that the Commission had the authority to approve the 2007 revision.*

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
 - m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

The above specified section of the Zoning Code clearly authorized the Commission to approve the 2007 revision. Said section recognizes PUDs approved under the previous zoning code by the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council. It has been argued that the Commission violated section 2.d which requires Council to approve any changes that would alter any special performance criteria, design standards, or other specific requirements approved under the Council approved enacting ordinance. The original PUD master development plan contains no conditions or height restrictions and there are no conditions within the enacting PUD ordinance (O84-270). Since there are no conditions or height limits stated on the original master development plan or ordinance, then staff contends that the Commission did not violate Section 2.d. As previously stated, the Commission removed one of the conditions included in the document cited by the opponent in 1995. As in 1995, the Commission had the authority to approve the 2007 revision which permitted a four story structure without requiring Council approval.

The 2007 approval in question was for a new four story office building on the subject site. Staff found the proposal consistent with the original master plan's office concept and that it was consistent with the Office Concentration land use policy. The request did not increase the overall floor area above ten percent of what was approved by Council and met all other standards for a minor modification (revision). The Commission concurred with staff's recommendation, and as stated above was consistent with the requirements of the Zoning Code to consider the changes as a Revision to the PUD.

It is important to note that since the deferral the applicant has submitted revised plans. In an attempt to address concerns raised, the building height has been reduced from seven stories (maximum 90 feet) to four (maximum 60 feet) consistent with the 2007 plan. While the height has been reduced the overall office floor area remains the same at 110,000 square feet. The bulk of the parking on the revised plan is subgrade. The remainder of the report has been revised to reflect this change.

PLAN DETAILS

The subject site is a small portion of the larger PUD. It includes a three-story, 120,000 square foot office building and associated surface parking. *The primary intent of this request is to increase the overall floor area for office uses on the subject site by adding a four-story 110,000 square foot office building where a four-story, 54,000 square foot office building was previously approved (this is in addition to the existing 120,000 SF office building).* The plan also proposes minor revisions to an existing surface parking lot. The request will increase the overall floor area for office uses on the site to 230,000 square feet and 660,000 square feet for the overall PUD. The Council approved master development plan is for 550,000 square feet of office uses. Since the subject request increases the floor area over ten percent (605,000 SF) of the floor area that was last approved by Council (1998), the zoning requires Council approval. PUD amendments must meet current zoning requirements for that portion of the PUD that is being amended. Today's Zoning Code requires that overlays and PUD amendments be consistent with their base zone district; therefore, the PUD application is tied to a zone change for a Specific Plan district that will regulate bulk standards (setback, height, floor area, etc.).

Proposed SP-O Zoning

The proposed SP-O is a regulatory zoning which will regulate bulk standards and parking standards similar to any other zoning district. The standards under the proposed SP are as follows:

- Permitted Uses: All uses permitted by the ORI zoning district
- Minimum Lot Area: None
- Maximum FAR: 0.7 (structure parking does not count towards FAR)
- Maximum ISR: 0.9
- Maximum Building Height: 60 feet
- Front Yard Setback: 35 feet from public ROW (Hillsboro Pike and Burton Hills Blvd)
- Side Yard Setback: 10 feet from all shared property lines
- Rear Yard Setback: 10 feet from all shared property lines
- Parking: 3 spaces per 1,000 square feet

The proposed SP also requires that development meet current tree density requirements. Any standards not specifically called out in the SP will fall under the ORI base zoning district. The proposed SP is similar to other office districts in the zoning code. For example it will permit a FAR slightly under what is permitted in the OL zoning district and an ISR consistent with ORI. The major difference in the proposed SP district and other office zoning districts is that it permits slightly fewer parking spaces and a smaller rear yard setback. Under the parking requirements found in the Zoning Code the building including the existing 120,000 square foot building would require 766 parking spaces (one space for every 300 square feet), where under the proposed SP district only 690 parking spaces are required. Typical office districts require a 20 foot rear yard setback where the proposed SP district permits a ten foot rear yard setback.

Site Plan

The plan calls for one new office building and the rearrangement of an existing parking lot. As proposed the new office building will be located near the intersection of Hillsboro Pike and Burton Hills Boulevard. It will be four stories in height with 110,000 square feet of office space. Surface parking is also provided. Access to the site will be from Burton Hills Boulevard. No direct access is proposed to Hillsboro Pike.

ANALYSIS

The proposed PUD amendment and zone change are consistent with the Office Concentration land use policy and meet two critical planning goals. These changes will provide for additional corporate office space which is needed in Davidson County. The additional office space will provide opportunities for new jobs in a growing area that can provide housing options and numerous amenities and services for future tenants.

Since the August 9, 2012, meeting, the applicant has revised the building from seven stories to four stories (90 feet tall to 60 feet tall). The four story building will still obstruct some views from the adjacent building to the north; however, views from the upper floors will be preserved. Staff finds that the need for high-quality corporate office space in Davidson County coupled with the fact that the proposed site location meets several critical planning goals outweigh this issue. Staff also finds that the proposed amendment to the PUD and the limited land area being amended complies with the Metro Zoning Code and specifically Metro Code Section 17.36 and 17.40.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. All driveway ramps should be ST-324.
3. Indicate solid waste plan – dumpster and recycling container locations with SU-30 turn template.
4. Modify signalized intersections on Hillsboro Rd to provide video detection and provide pedestrian facilities at northern signal.
5. Submit parking analysis. Modify median opening at relocated eastern driveway.

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.75	-	54,000 SF*	831	115	140

*FAR regulated by PUD Overlay

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.77	-	110,000 SF*	1436	203	203

*FAR regulated by PUD Overlay (does not include existing floor area)

Traffic changes between maximum: **R15** and proposed **SP-O**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+56,000	+605	+88	+63

STAFF RECOMMENDATION

Staff recommends that both requests be approved with conditions as they are both consistent with the land use policy for the site and meets several critical planning goals.

CONDITIONS

18-84P-001 (PUD Amendment)

1. This approval does not include any signs. Signs in this planned unit development must be approved by the Metro Department of Codes administration. For the purposes of review all signs shall be consistent with the ORI zoning district.
2. 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.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

2012SP-023-001

1. Uses in the SP are limited to office uses and all other uses permitted by the ORI zoning district.
2. No final site plan is required for this SP District as long as the PUD overlay remains. If the overlay is canceled then any new redevelopment will require a final site plan for the SP.
3. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the ORI 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 the Planning Commission and 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.

Items 10a and 10b were discussed at the same time.

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

The Public Hearing was closed at the August 9, 2012 Planning Commission Meeting.

Councilmember Claiborne inquired if the original PUD included any conditions.

Mr. Leeman clarified that there were some conditions in the file, but they were not included in the 1984 council ordinance nor were they on the PUD plan from 1984, therefore they are unenforceable. The proposal being considered now is for a new zone change and PUD amendment that has to be considered on its own. The original PUD is not a factor in this decision.

Jon Michael stated that the Planning Commission has the authority to amend the PUD and change the zoning.

Chairman McLean inquired as to the 60' height starting point.

Mr. Bernhardt clarified that it starts the same way that Codes measures it – the average of the elevation across the front.

Mr. Clifton inquired if the building height reduction is consistent with the 2007 plan.

Mr. Adkins stated that Davidson County needs all the tax dollars, economic development, and jobs that we can keep and spoke in support of staff recommendation.

Chairman McLean asked the applicant as well as the opposition to explain what has changed from the August 9, 2012 Planning Commission meeting that has been agreed or disagreed upon.

John Aiken, Aiken Partners, stated that the building height has been reduced from seven stories to four stories, existing green space will be maintained, lighting impact concerns will no longer be a concern, storm drainage will be improved, all construction traffic will exit on to Hillsboro Road, a traffic study will be conducted and the applicant will work with the city to come up with solutions for traffic calming.

George Dean, Tune, Entrekin and White, speaking for the opposition, stated that the Commission should uphold the original conditions and require the applicant to comply.

Ms. LeQuire asked Mr. Dean if height is the main reason for the opposition.

Mr. Dean stated that traffic concerns as well as the lack of transparency on the process are also issues.

Mr. Gee stated that this meets policy.

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

Resolution No. RS2012-176

"BE IT RESOLVED by The Metropolitan Planning Commission that 18-84P-001 is **Approved with conditions and disapproved without all conditions. (7-0)**

The PUD amendment is consistent with the Office Concentration land use policy. The additional office space will provide opportunities for new jobs in a growing area that can provide housing options and numerous amenities and services for future tenants.

10b. 2012SP-023-001

BL2012-248 McGuire

BURTON HILLS

Map 131-06-0-A, Parcel(s) 001

Council District 25 (Sean McGuire)

Staff Reviewer: Jason Swaggart

A request to rezone from the R15 to SP-O district for property located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) and within a PUD Overlay, to permit office uses, requested by Barge Cauthen & Associates, applicant, for EP Real Estate Fund, L.P., owner. (See also Planned Unit Development Proposal No.18-84P-001)

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

APPLICANT REQUEST

Amend PUD overlay to permit office uses and rezone property from R15 to SP.

Amend PUD

A request to amend a portion of the Burton Hills Commercial Planned Unit Development Overlay District located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) zoned One and Two Family Residential (R15) and proposed for Specific Plan – Office (SP-O), to permit a four-story, 110,000 square foot office building and structured parking where a four-story, 54,000 square foot office building and structured parking were previously approved and increase the total floor area for office uses in the overlay from 550,000 square feet to 660,000 square feet.

Zone Change

A request to rezone from the One and Two Family Residential (R15) to Specific Plan – Office (SP-O) district for property located at 1 Burton Hills Boulevard, at the southeast corner of Hillsboro Pike and Burton Hills Boulevard (9.17 acres) and within a PUD Overlay, to permit office uses.

Existing Zoning

The site is zoned R15 and is part of the larger Burton Hills Planned Unit Development (PUD) overlay district. The PUD permits office uses only on this site.

Proposed Zoning

Specific Plan-Office (SP-O) 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 office uses.

CRITICAL PLANNING GOALS

- Promotes Compact Building Design
- Supports Infill Development
- Supports Walkable Neighborhoods

The proposed request promotes compact building design and supports infill development which supports walkability. The request will permit increase the intensity of development on the site which is located in a developed area where infrastructure is in place. The area contains a variety of housing options and numerous amenities and services which will provide housing choices and services within walking distance of the subject location.

GREEN HILLS/ MIDTOWN COMMUNITY PLAN

Office Concentration (OC) policy is intended for existing and future large concentrations of office development. It is expected that certain types of commercial uses that cater to office workers, such as restaurants, will also locate in these areas. Residential uses of at least nine to twenty dwelling units per acre (Residential Mixed Housing density) are also an appropriate secondary use.

Consistent with Policy?

Yes. The proposed zoning and PUD amendment will permit additional office uses, which is consistent with the Office Concentration land use policy.

PUD OVERLAY HISTORY

The Burton Hills Planned Unit Development was originally approved in 1984 and included office, multi-family, single-family, amenities and a church. The overall plan was approved under the previous zoning code (COMZO). COMZO did not require overlays to be consistent with the base zoning district, which is the reason why this office use currently has a residential base zoning district. There have been many revisions and one amendment to the overall PUD in the past under both COMZO and the current zoning code. The plan was last amended by Council in 1998, for 550,000 square feet of office uses within the overall PUD. The last revision was approved by the Planning Commission in 2007 and increased the overall floor area for office uses in the PUD to 604,000 square feet. The last revision did not require Council approval. The Commission found the proposal was consistent with the concept of the council approved master development plan; that the overall floor area was not increased over ten percent of the overall floor area that was approved by Council; and that the request was consistent with all other requirements of Section 17.40.120.G. which authorizes the Planning Commission to approve revisions to a PUD master development plan.

August 9, 2012 deferral and questions from Planning Commission

This request was originally heard at the August 9, 2012, Planning Commission meeting. The public hearing was held and closed. The Commission deferred the request to the September 27, 2012, meeting in order for planning staff to address specific questions raised by the Commission concerning the request. Questions arose from information that was presented to the Commission during the Public Hearing. The Commission requested staff research the history of the PUD and provide information relating to the PUD at the September 27, 2012, meeting.

During the Public Hearing, documents were given to the Commission indicating that the original PUD included conditions that conflict with the current request. The opponents presented these documents to support their primary concern relating to the proposed building height. According to the opponent, the original overlay limited the height for the site to three stories and that the height restriction was to preserve views of downtown from other buildings in the development. Since the August meeting, the applicant has had numerous discussions about the design of the plan and has changed their request to reduce the height of the building from seven stories to four stories (maximum height 90 feet to maximum height 60 feet), including four floors of underground parking.

Staff explained that they could not verify the origin of the documents presented at the meeting at that time. Staff also explained that the original approval letter on file did not include any conditions and that conditions are typically included in the approval letter. Staff further explained that the overlay had been amended by Council in 1998 and that the amendment did not include any conditions; therefore, even if the conditions presented by the opponent were part of the original approval, they are not part of the currently approved PUD plan requirements. *Lastly and most importantly, staff explained that the current request is an amendment which must be approved by Council and should be considered under today's land use policies since it is a new zoning request.* The Commission asked staff to address several questions which are as follows:

Question 1:

What is the history of the non-residential development? How did it evolve?

The Burton Hills Planned Unit Development was originally approved in 1984 and included office, multi-family, single-family amenities and a church. For the purpose of this discussion only the non-residential development will be outlined. While this discussion will only include the history of the non-residential component it is important to note that staff reviewed all the files in the overlay. The following table contains the full development history of the non-residential component of the overlay (phase one is the subject site).

MPC Approval Date	Action	Application Type	Scope	Phase
March 14, 1984	Approved with conditions	Preliminary	850 Residential Units and 550,000 SF office	N/A
September 12, 1984	Approved with conditions	Revision and Final	Revised original layout (has been constructed) 120,000 SF Office (3 story)	1
March 12, 1986	Approved with conditions	Revision and Final	Revised original layout (has been constructed) 107,500 SF Office (5 story)	2
January 21, 1988	Approved with conditions	Final	107,000 SF Office (5 story)	3
September 21, 1995	Approved	Remove original conditions	Removed development restrictions established by the 1984 General Plan Amendment and Preliminary PUD approval	N/A
April 18, 1996	Approved with conditions	Revision	Revised layout , 86,000 SF Office (5 Story)	5
May 16, 1996	Approved with conditions	Final	86,000 SF Office (5 Story)	5
December 12, 1996	Approved with conditions	Revision	Reallocate 30,489 SF from Phase 5 to Phase 4 (Ph. 4 goes from 107,500 SF to 137,989 SF)	4 and 5
February 27, 1997	Withdrawn	Withdrawn	Increase floor area from 137,000 SF to 147,000 SF	4
June 4, 1997	Approved with conditions	Revision	Movement of building, 137,989 SF	4
January 22, 1998	Disapproved	Amendment	1,200 seat, 111,000 SF church, 5 story 130 SF, office and 110,000 SF 120 unit assisted living facility	N/A

MPC Approval Date	Action	Application Type	Scope	Phase
March 14, 1998	Approved	Amendment	1,200 seat, 111,000 SF church, 120 unit assisted living facility	N/A
June 25, 1998	Approved with conditions	Revision and Final	130,000 SF office (reduced floor area from 137,000 SF)	4
September 13, 2001	Approved with conditions	Revision and Final	137,906 SF office, 6 story (up from 130,000 SF)	4
September 27, 2007	Approved with conditions	Revision	New 54,000 SF office (4 story) <u>this is less than 10 percent increase over what was originally approved by Council in 1984</u>	1

As shown on the above table there have been numerous revisions made to the development since the original 1984 approval. In fact, no part of the overlay (non-residential or residential) with the exception of phase three has developed exactly as shown on the original plan. With the exception of the 1998 amendment all changes (revisions) were approved by the Planning Commission and did not require Council approval.

Question 2:

Where did the conditions presented by the opponent come from? Were there any conditions with the original 1984 approval?

Staff located the document that was presented to the Commission. The document contains numerous conditions including language regarding height. It states:

“The four office structures attached to the parking deck shall not exceed six stories in height. The northernmost office structure shall not exceed three stories in height.”

While the document was located in the file and is likely the Planning Commission’s conditions of approval, there is no way to verify its origins. Staff searched for the minutes from the March 14, 1984, meeting however, the 1984 volume is incomplete so no further information could be found. Conditions of approval are typically contained within the approval letter. The approval letter dated March 19, 1984, indicates that the approval was conditional but conditions are not included in the letter. The letter does however refer to the conditions being attached. The 1984 approval also included an amendment to the general plan. Some documents, including the September 21, 1995, approval to remove a condition of the 1984 approval, indicates that the conditions presented by the opponent were conditions to the General Plan. The Planning Commission’s 1984, approval letter included a statement that conditions were part of the approval; however, they were not included in that approval letter, nor as part of the PUD ordinance, or on the master development plan.

Question 3:

Did the last amendment remove any previous conditions?

No. Unless an amendment directly removes or modifies previous council conditions then all previous conditions should carry forward. The 1998 amendment only covered a portion of the overlay which did not include the current site; therefore, the 1998 amendment would not have negated any original PUD conditions. *It is important to note here that the enacting PUD legislation in 1984 did not include any conditions.*

Question 4:

Did the Planning Commission have the authority to approve the 2007 revision?

The opponent contends that the above cited condition limiting height prohibited the Planning Commission from approving a four story building, because it could only be approved by Council as an amendment. *Staff finds that the Commission had the authority to approve the 2007 revision.*

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions.

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

3. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.

4. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:

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

The above specified section of the Zoning Code clearly authorized the Commission to approve the 2007 revision. Said section recognizes PUDs approved under the previous zoning code by the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council. It has been argued that the Commission violated section 2.d which requires Council to approve any changes that would alter any special performance criteria, design standards, or other specific requirements approved under the Council approved enacting ordinance. The original PUD master development plan contains no conditions or height restrictions and there are no conditions within the enacting PUD ordinance (O84-270). Since there are no conditions or height limits stated on the original master development plan or ordinance, then staff contends that the Commission did not violate Section 2.d. As previously stated, the Commission removed one of the conditions included in the document cited by the opponent in 1995. As in 1995, the Commission had the authority to approve the 2007 revision which permitted a four story structure without requiring Council approval.

The 2007 approval in question was for a new four story office building on the subject site. Staff found the proposal consistent with the original master plan's office concept and that it was consistent with the Office Concentration land use policy. The request did not increase the overall floor area above ten percent of what was approved by Council and met all other standards for a minor modification (revision). The Commission concurred with staff's recommendation, and as stated above was consistent with the requirements of the Zoning Code to consider the changes as a Revision to the PUD.

It is important to note that since the deferral the applicant has submitted revised plans. In an attempt to address concerns raised, the building height has been reduced from seven stories (maximum 90 feet) to four (maximum 60 feet) consistent with the 2007 plan. While the height has been reduced the overall office floor area remains the same at 110,000 square feet. The bulk of the parking on the revised plan is subgrade. The remainder of the report has been revised to reflect this change.

PLAN DETAILS

The subject site is a small portion of the larger PUD. It includes a three-story, 120,000 square foot office building and associated surface parking. *The primary intent of this request is to increase the overall floor area for office uses on the subject site by adding a four-story 110,000 square foot office building where a four-story, 54,000 square foot office building was previously approved (this is in addition to the existing 120,000 SF office building).* The plan also proposes minor revisions to an existing surface parking lot. The request will increase the overall floor area for office uses on the site to 230,000 square feet and 660,000 square feet for the overall PUD. The Council approved master development plan is for 550,000 square feet of office uses. Since the subject request increases the floor area over ten percent (605,000 SF) of the floor area that was last approved by Council (1998), the zoning requires Council approval. PUD amendments must meet current zoning requirements for that portion of the PUD that is being amended. Today's Zoning Code requires that overlays and PUD amendments be consistent with their base zone district; therefore, the PUD application is tied to a zone change for a Specific Plan district that will regulate bulk standards (setback, height, floor area, etc.).

Proposed SP-O Zoning

The proposed SP-O is a regulatory zoning which will regulate bulk standards and parking standards similar to any other zoning district. The standards under the proposed SP are as follows:

- Permitted Uses: All uses permitted by the ORI zoning district
- Minimum Lot Area: None
- Maximum FAR: 0.7 (structure parking does not count towards FAR)
- Maximum ISR: 0.9
- Maximum Building Height: 60 feet
- Front Yard Setback: 35 feet from public ROW (Hillsboro Pike and Burton Hills Blvd)
- Side Yard Setback: 10 feet from all shared property lines
- Rear Yard Setback: 10 feet from all shared property lines
- Parking: 3 spaces per 1,000 square feet

The proposed SP also requires that development meet current tree density requirements. Any standards not specifically called out in the SP will fall under the ORI base zoning district. The proposed SP is similar to other office districts in the zoning code. For example it will permit a FAR slightly under what is permitted in the OL zoning district and an ISR consistent with ORI. The major difference in the proposed SP district and other office zoning districts is that it permits slightly fewer parking spaces and a smaller rear yard setback. Under the parking requirements found in the Zoning Code the building including the existing 120,000 square foot building would require 766 parking spaces (one space for every 300 square feet), where under the proposed SP district only 690 parking spaces are required. Typical office districts require a 20 foot rear yard setback where the proposed SP district permits a ten foot rear yard setback.

Site Plan

The plan calls for one new office building and the rearrangement of an existing parking lot. As proposed the new office building will be located near the intersection of Hillsboro Pike and Burton Hills Boulevard. It will be four stories in height with 110,000 square feet of office space. Surface parking is also provided. Access to the site will be from Burton Hills Boulevard. No direct access is proposed to Hillsboro Pike.

ANALYSIS

The proposed PUD amendment and zone change are consistent with the Office Concentration land use policy and meet two critical planning goals. These changes will provide for additional corporate office space which is needed in Davidson County. The additional office space will provide opportunities for new jobs in a growing area that can provide housing options and numerous amenities and services for future tenants.

Since the August 9, 2012, meeting, the applicant has revised the building from seven stories to four stories (90 feet tall to 60 feet tall). The four story building will still obstruct some views from the adjacent building to the north; however, views from the upper floors will be preserved. Staff finds that the need for high-quality corporate office space in Davidson County coupled with the fact that the proposed site location meets several critical planning goals outweigh this issue. Staff also finds that the proposed amendment to the PUD and the limited land area being amended complies with the Metro Zoning Code and specifically Metro Code Section 17.36 and 17.40.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

Approved with conditions

6. 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.
7. All driveway ramps should be ST-324.
8. Indicate solid waste plan – dumpster and recycling container locations with SU-30 turn template.
9. Modify signalized intersections on Hillsboro Rd to provide video detection and provide pedestrian facilities at northern signal.
10. Submit parking analysis. Modify median opening at relocated eastern driveway.

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.75	-	54,000 SF*	831	115	140

*FAR regulated by PUD Overlay

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	1.77	-	110,000 SF*	1436	203	203

*FAR regulated by PUD Overlay (does not include existing floor area)

Traffic changes between maximum: **R15** and proposed **SP-O**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+56,000	+605	+88	+63

STAFF RECOMMENDATION

Staff recommends that both request be approved with conditions as they are both consistent with the land use policy for the site and meets several critical planning goals.

CONDITIONS**18-84P-001 (PUD Amendment)**

4. This approval does not include any signs. Signs in this planned unit development must be approved by the Metro Department of Codes administration. For the purposes of review all signs shall be consistent with the ORI zoning district.
5. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
6. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.

2012SP-023-001

7. Uses in the SP are limited to office uses and all other uses permitted by the ORI zoning district.
8. No final site plan is required for this SP District as long as the PUD overlay remains. If the overlay is canceled then any new redevelopment will require a final site plan for the SP.

9. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the ORI zoning district as of the date of the applicable request or application.

10. A corrected copy of the preliminary SP plan incorporating the conditions of approval by the Planning Commission and 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.

11. 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.

12. 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.

Items 10a and 10b were discussed at the same time.

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

The Public Hearing was closed at the August 9, 2012 Planning Commission Meeting.

Councilmember Claiborne inquired if the original PUD included any conditions.

Mr. Leeman clarified that there were some conditions in the file, but they were not included in the 1984 council ordinance nor were they on the PUD plan from 1984, therefore they are unenforceable. The proposal being considered now is for a new zone change and PUD amendment that has to be considered on its own. The original PUD is not a factor in this decision.

Jon Michael stated that the Planning Commission has the authority to amend the PUD and change the zoning.

Chairman McLean inquired as to the 60' height starting point.

Mr. Bernhardt clarified that it starts the same way that Codes measures it – the average of the elevation across the front.

Mr. Clifton inquired if the building height reduction is consistent with the 2007 plan.

Mr. Adkins stated that Davidson County needs all the tax dollars, economic development, and jobs that we can keep and spoke in support of staff recommendation.

Chairman McLean asked the applicant as well as the opposition to explain what has changed from the August 9, 2012 Planning Commission meeting that has been agreed or disagreed upon.

John Aiken, Aiken Partners, stated that the building height has been reduced from seven stories to four stories, existing green space will be maintained, lighting impact concerns will no longer be a concern, storm drainage will be improved, all construction traffic will exit on to Hillsboro Road, a traffic study will be conducted and the applicant will work with the city to come up with solutions for traffic calming.

George Dean, Tune, Entekin and White, speaking for the opposition, stated that the Commission should uphold the original conditions and require the applicant to comply.

Ms. LeQuire asked Mr. Dean if height is the main reason for the opposition.

Mr. Dean stated that traffic concerns as well as the lack of transparency on the process are also issues.

Mr. Gee stated that this meets policy.

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

Resolution No. RS2012-177

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-023-001 is **Approved with conditions and disapproved without all conditions. (7-0)**

The proposed SP zoning district permitting offices is consistent with the Office Concentration land use policy.

11. 2012S-062-001

MADISON CHURCH OF CHRIST

Map 043-10, Parcel(s) 056
Council District 09 (Bill Pridemore)
Staff Reviewer: Greg Johnson

A request for final plat approval to create five lots and a variance to the Subdivision Regulations for lot frontage on property located at 596 N. Dupont Avenue, approximately 1,675 feet east of Delaware Avenue, zoned RM20 (5.78 acres), requested by Madison Church of Christ, Trustee, owner, Ragan-Smith Associates, Inc., surveyor.

Staff Recommendation: Approve with condition and grant a variance to the Subdivision Regulations for lot frontage.

APPLICANT REQUEST

Final plat to create five lots and variance request for lot frontage

Subdivision plat

A request for final plat approval to create five lots and a variance to the Subdivision Regulations for lot frontage on property located at 596 N. Dupont Avenue, approximately 1,675 feet east of Delaware Avenue, zoned Multi-Family Residential (RM20) (5.78 acres).

Existing Zoning

RM20 is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

Madison Church of Christ owns five single-family dwellings along North Dupont Avenue in Madison. These five dwellings are all on one parcel of land, which is permitted because the zoning district for the property is RM20, a multi-family district. The applicant wishes to sell one or more of these dwellings and requests a subdivision plat to place each dwelling onto its own lot.

The proposed subdivision consists of three lots along the North Dupont Avenue frontage and two lots without street frontage due to the irregular shape of the original parcel. Access to each lot along North Dupont Avenue would be provided by existing residential driveways that serve each dwelling. A driveway within an access easement provides access to the two dwellings without frontage along North Dupont Avenue. With the proposed subdivision, this access easement would continue to provide access to the two lots without street frontage.

Variance request

Because the Subdivision Regulations do not permit new lots without street frontage, the applicant has requested a variance, stating that "The five existing houses on the proposed subdivision have been in place for over 50 years." Additionally, "These houses have been accessed through the private road named Kingsbury Drive for over 50 years." Planning staff agrees that the unique parcel configuration and the placement of existing dwellings on the site comprise a sufficient hardship for the variance request. The existing access easements on the parcel show that the applicant has taken steps to provide documented access to each of the dwellings without street frontage. The variance request complies with the required findings of the Subdivision Regulations.

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

a. The granting of the variance shall not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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

As noted above, a number of criteria must be met in order for the Planning Commission to allow an exception for lot frontage. The applicant is asking for a variance to permit two lots that do not have frontage onto North Dupont Avenue. The granting of the variance will not nullify the intent of the regulation. In addition, staff finds the following as evidence for this variance consistent with Section 1-11.1, a – d above:

- a. The granting of the variance would not be detrimental to the surrounding area. The subdivision will place individual lots around existing dwellings.
- b. This site is unique because it contains five single-family dwellings on land that is zoned for multi-family development. The proposed lots will reinforce the existing development, but will allow for parts of the existing lot to be sold individually. The current site layout is permitted under the existing RM20 zoning district.
- c. Without subdividing the existing lot to place the existing dwellings onto their own lots, the owner would have difficulty selling individual portions of the property while keeping the existing dwellings in-place.
- d. The lots within the proposed subdivision comply with the requirements of applicable plans and regulations.

Sidewalks

Sidewalks are not shown on the plat. The Subdivision Regulations require sidewalks for infill subdivisions. However, the recent revisions to the sidewalk contribution requirements would not require a sidewalk contribution in this case because the lots along North Dupont have existing dwellings that are to remain with no new development rights being created. The intent of this subdivision is to allow the existing residences to remain as is. According to the requirements of the Zoning Code, sidewalks will be required along the North Dupont frontage as the site is redeveloped into multi-family development that is consistent with the RM20 zoning district.

WATER SERVICES RECOMMENDATION

The plat cannot be approved until construction plans have been submitted and approved.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No exception taken

STAFF RECOMMENDATION

Staff recommends indefinite deferral of this request. If Metro Water Services has approved the plat prior to the August 23, 2012 Planning Commission meeting, staff recommends approval with a condition of the subdivision and approval of a variance request for lot frontage. With approval of the variance and the conditions of approval, the proposal will meet the standards of the Subdivision Regulations.

CONDITION

1. All requirements of the Water Services Department shall be met.

Approved with conditions and granted a variance to the Subdivision Regulations for lot frontage. (9-0), Consent Agenda

Resolution No. RS2012-178

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-062-001 is **Approved with conditions and granted a variance to the Subdivision Regulations for lot frontage. (9-0)**

I. RECOMMENDATIONS TO METRO COUNCIL

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

Zoning Text Amendments

12. 2012Z-019TX-001

BL2012-249 Davis

NANO BREWERY

Staff Reviewer: Brenda Bernards

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, to add "Nano Brewery" as a use permitted with conditions (PC) in the MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, CL and CS zoning districts, requested by Councilmember Anthony Davis, applicant.

Staff Recommendation: Approve with an amendment.

Ms. Bernards presented the staff recommendation of approval with an amendment.

Steve Scobel, head brewer, recommended that a Nano Brewery be defined as those that produce up to 18,000 barrels per year, asked for clarification on whether or not existing loading docks and service doors are grandfathered in, and requested that the tasting room be added as an accessory use to the Nano Brewery.

APPLICANT REQUEST

Add Nano Brewery as a use permitted with conditions in certain zoning districts.

Text Amendment

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations to add "Nano Brewery" as use permitted with conditions (PC) in the Mixed-Use Limited (MUL), Mixed-Use Limited – Alternative (MUL-A), Mixed-Use General (MUG), Mixed-Use General – Alternative (MUG-A), Mixed-Use Intensive (MUI), Mixed-Use Intensive – Alternative (MUI-A), Commercial Limited (CL) and Commercial Services (CS) zoning districts.

CRITICAL PLANNING GOALS

N/A

PURPOSE OF THE TEXT AMENDMENT

This text amendment creates a new land use called "Nano Brewery" defined as the production of beer, regardless of the percentage of alcohol by volume (ABV), in quantities not to exceed one thousand, two hundred fifty (1,250) barrels per month and identifies zoning districts where this use would be permitted and the conditions that need to be met. There is an amendment proposed to reduce the amount of production to 850 barrels per month.

Existing Law

Currently, microbreweries are classified as an industrial use and are defined as the production of beer in quantities not to exceed 5,000 barrels per month. They are permitted in the CF, DTC, IWD, IR, and IG zoning districts.

Proposed Bill

The proposed text amendment would add "nano breweries" as a new land use classified as a commercial use and defined as the production of beer up to 1,250 barrels per month. As noted above, there is an amendment proposed that would reduce this to 850 barrels per month. This new use would be permitted, with conditions, in the MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, CL and CS zoning districts. Conditions have been included in order to ensure that the production of the beer does not negatively impact adjacent properties. The conditions include:

- No outdoor storage
- All production activities are to be within completely enclosed structures
- Requirements for loading dock and service door location, orientation and screening
- Requirements for disposal of all by-products and/or waste from the production of the beer

ANALYSIS

This text amendment will expand the opportunities for beer production associated with a restaurant or bar. By reducing the capacity and adding conditions, the more industrial functions related to the production of beer are mitigated and the use becomes appropriate in certain mixed-use and commercial zoning districts. In the initial drafting of the text amendment, the sponsor and staff consulted with people in the beer production industry and a maximum capacity and appropriate conditions were included. With further consultation, the sponsor has reduced the capacity of nano breweries from 1,250 barrels per month to 850 barrels to further mitigate any negative impacts on adjacent properties.

Staff recommends that the proposed definition be amended as follows (old language ~~crossed out~~, new language in **bold**):

"Nano Brewery" means the production of beer, regardless of the percentage of alcohol by volume (ABV), in quantities not to exceed ~~one thousand, two hundred fifty (1,250)~~ **eight hundred and fifty (850)** barrels per month.

STAFF RECOMMENDATION

Staff recommends approval of the proposed bill with an amendment. The bill will allow smaller breweries to locate in more districts, within Davidson County. When paired with a restaurant or on-site consumption of the beer, these establishments are a destination for visitors and residents.

Ordinance No. BL2012-249

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations to add "Nano Brewery" as use permitted with conditions (PC) in the MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, CL and CS zoning districts. (Proposal No. 2012Z-019TX-001)

WHEREAS, the Metro Council adopted Substitute Ordinance BL2008-282 on September 19, 2008, allowing microbreweries as a permitted use in the IR and IG zoning districts and Ordinance BL2012-117 allowing microbreweries in the IWD zoning districts;

WHEREAS, the Metro Council adopted Ordinance BL2009-587 on February 2, 2010 allowing microbreweries as a permitted use in the DTC zoning district;

WHEREAS, nano breweries are a less intensive use appropriate, with conditions, for certain commercial and mixed-use districts; and,

WHEREAS, it is fitting and proper to allow nano breweries in certain commercial and mixed-use zoning districts as part of Nashville's entertainment and tourism industry.

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

Section 1. Section 17.04.060, Definitions, is hereby amended by adding the following definition in alphabetical order:

"Nano Brewery" means the production of beer, regardless of the percentage of alcohol by volume (ABV), in quantities not to exceed ~~one thousand, two hundred fifty (1,250)~~ **eight hundred and fifty (850)** barrels per month.

Section 2. Section 17.08.030, District Land Use Tables, is hereby amended by adding "Nano Brewery" under "Commercial" in alphabetical order as a permitted with conditions use (PC) in the MUL, MUL-A, MUG, MUG-A, MUI, MUI-A, CL and CS zoning districts.

Section 3. Section 17.16.070, Uses Permitted with Conditions (PC) – Commercial Uses of the Metropolitan Code is hereby amended by adding the following new subsection N. and renumbering the following sections accordingly:

N. Nano Brewery

1. No outdoor storage shall be permitted.
2. All beer production activities shall be within completely enclosed structures.
3. Loading Docks: Loading docks shall not be oriented toward the street. Where the site abuts an R, RS, RM, MUN, MUN-A, or OR zoning district, the building wall facing such lot shall not have any loading docks oriented towards these districts. Where these districts abut all sides, the loading dock shall be screened by a solid wall or opaque fence with a minimum height of six feet, in addition to any required landscape buffer yard. Chain link fencing, barbed wire and razor wire is prohibited along such districts permitting residential use.
4. Service Doors: Any service doors facing a public street or a zoning district permitting residential use shall be screened by a solid wall or opaque fence with a minimum height of six feet, in addition to any required landscape buffer yard. Chain link fencing, barbed wire and razor wire is prohibited along such public street or district permitting residential use.
5. Waste/By-Products. All by-products or waste from the production of the beer shall be disposed of off-site.

Section 4. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Sponsored by: Anthony Davis

Dr. Cummings moved and Mr. Adkins seconded the motion to close the Public Hearing. (7-0)

Commissioners and staff discussed details of the Text Amendment.

Ms. LeQuire moved and Chairman McLean seconded the motion to approve and support an amendment to permit up to 1,500 barrels per month. (6-0-1) Mr. Adkins abstained.

Resolution No. RS2012-179

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-019TX-001 is Approved and supports an amendment to permit up to 1,500 barrels per month.

This text amendment will expand the opportunities for beer production associated with a restaurant or bar. By reducing the capacity from that permitted for a microbrewer and adding conditions, the more industrial functions related to the production of beer are mitigated and the use becomes appropriate in certain mixed-use and commercial zoning districts.

Specific Plans

13. 2008SP-009G-06

BLUFFS ON SAWYER BROWN

Map 128, Parcel(s) 045

Council District 22 (Sheri Weiner)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (R) district known as "Bluffs on Sawyer Brown", 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 Sawyer Brown Road (unnumbered), (39.09 acres), approved for 130 townhouse units via Council Bill BL2008-196 adopted on August 19, 2008, review initiated by the Metro Planning Department.

Staff Recommendation: Defer to the October 11, 2012, Planning Commission meeting.

Deferred to the October 11, 2012 Planning Commission Meeting. (9-0)

The Metropolitan Planning Commission DEFERRED 2008SP-009G-06 to the October 11, 2012, Planning Commission meeting. (9-0)

14. 2008Z-040G-06

497 & 501 OLD HICKORY BOULEVARD

Map 128-00, Parcel(s) 065, 065.01

Council District 22 (Sheri Weiner)

Staff Reviewer: Brenda Bernards

The periodic review of an approved Specific Plan (C) district known as "497 & 501 Old Hickory Boulevard", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 497 and 501 Old Hickory Boulevard (7.33 acres), approved for Commercial uses via Council Bill BL2008-179 adopted on August 19, 2008, review initiated by the Metro Planning Department.

Staff Recommendation: Find the SP District Inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property.

APPLICANT REQUEST

Four year SP review to determine activity

SP Review

The periodic review of an approved Specific Plan (C) district known as "497 & 501 Old Hickory Boulevard", to determine its completeness pursuant to Section 17.40.106.I of the Metro Zoning Code (Review of a Development Plan), for properties located at 497 and 501 Old Hickory Boulevard (7.33 acres), approved for Commercial uses via Council Bill BL2008-179 adopted on August 19, 2008.

Zoning Code Requirement

Section 17.40.106.I of the Zoning Code requires that a SP district be reviewed four years from the date of Council approval and every four years after until the development has been deemed complete by the Planning Commission.

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

DETAILS OF THE SP DISTRICT

This SP was originally a request to rezone to the CS district. The Planning Commission recommended disapproval as the request was not consistent with the Residential Low Medium land use policy in place at that time. The application was amended at Council to an SP that permitted all uses of the CS district with the following exceptions:

1. An operation primarily used as an assembling, manufacturing, distilling, refining, smelting, agricultural or mining operation.
2. Any 'second hand' store, 'surplus' store, or pawn shop.
3. Any mobile home park, trailer court, labor camp, junkyard, or stockyard; provided, however, this prohibition shall not be applicable to the temporary use of construction trailers during periods of construction, reconstruction or maintenance.
4. Any dumping, disposing, incineration or reduction of garbage; provided, however, this prohibition shall not be applicable to garbage compactors located near the rear of any building.
5. Any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house.
6. Any central laundry, dry cleaning plant or Laundromat.
7. Any automobile, truck, trailer or recreational vehicle sales, leasing, display or body shop repair operation.
8. Any bowling alley or skating rink.
9. Any movie theater or live performance theater.
10. Any massage parlors or similar establishments.
11. Any flea market, amusement or video arcade, pool or billiard hall, car wash or dance hall.
12. Any gambling facility or operation, including but not limited to: off-track or sports betting parlor; table games such as blackjack or poker; slot machines, video poker/blackjack/keno machines or similar devices; or bingo hall.
13. Any establishment whose sole or primary business is the cashing of checks for the public.

SPECIFIC PLAN REVIEW

Staff conducted a site visit in August 2012. There appeared to be outdoor storage of gravel and mulch on the site and there were a number of apparently inoperable vehicles stored on the property. Neither of these uses are permitted under the SP.

The applicant did not respond to the letter requesting details of activity. As no documentation of activity was submitted, the staff preliminary assessment of inactivity remains in place.

FINDING 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. For purposes of satisfying this requirement, a hold shall be placed on all properties within the SP on the date the staff recommendation is mailed to the Planning Commission so that no new permits will be issued during the review.

ANALYSIS

This property is within the Bellevue Community Plan. The Plan has been updated since the approval of the SP. As noted above, the Residential Low Medium land use policy was applied to this property. With the updating of the Plan, the land use policies for this property have been significantly altered due to recent weather-related events. In May 2010, there were a series of landslides on steeply sloped properties. The new land use policy is Natural Conservation (CO). While this property is relatively flat, it is surrounded by steeply sloped properties and is included in the larger Natural Conservation policy area.

Amendments/Rezoning

The SP is not consistent with the land use policy in place. The Bellevue Community discussed opportunities to bring this, and other properties similarly situated, into compliance with the new land use policy:

"The CO policy in the Bellevue Community area is applied in part with the intention of protecting the community against further natural disasters such as floods and landslides and related problems. Within the CO area, there are properties that have been rezoned to allow higher intensity residential, commercial and mixed-use development. Some of these proposed developments do not meet the standards of the CO policy and could be detrimental to existing environmentally sensitive features. If no amendments or changes are sought to these proposed developments, then what has been approved can be built without the guidance of the Bellevue Community Plan or the CO policy. If, however, amendments are sought to the adopted development, then the CO policy and the Bellevue Community Plan may provide guidance on how to change the development to create less impact on the environmentally sensitive features. Furthermore, some of the development approved in the area includes Planned Unit Developments (PUDs) and Specific Plans (SPs), each of which is eligible for periodic review and potential revision or amendment. An amendment could be used to bring these proposed developments into closer conformance with the policy. Such measures – to amend approvals to provide more sensitive treatment of environmental features – should be pursued whenever possible."

With the restrictions on the land uses in the SP, its proximity to a commercially zoned property and the lack of steep slopes characterizing the majority of the properties within the CO policy, the SP is appropriate for this property. As a final site plan will be required for any redevelopment, there are opportunities to provide more sensitive treatment of the environmental features at that time. Currently, this property is being used for outdoor storage of building supplies and mulch, which are not uses permitted by the SP zoning. According to the Chief Zoning Examiner, there were no permits issued for the outdoor storage of the building supplies or inoperable vehicles.

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 retain the zoning in place.

STAFF RECOMMENDATION

Staff recommends that the 497 and 501 Old Hickory Boulevard SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that SP district be retained.

Find the SP District Inactive and directed staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (9-0), Consent Agenda

Resolution No. RS2012-180

"BE IT RESOLVED by the Metropolitan Planning Commission that 2008Z-040G-06 Find the SP District Inactive and direct staff to prepare a report to the Council to continue the implementation of the development plan as adopted and that no rezoning is recommended on this property. (9-0)

15. 2012SP-025-001

TUGGLE AVENUE

Map 119-10, Parcel(s) 228
Council District 16 (Tony Tenpenny)
Staff Reviewer: Greg Johnson

A request to rezone from RS10 to SP-MU zoning and for final site plan approval for property located at 2901 Tuggle Avenue, at the southwest corner of Tuggle Avenue and Thompson Lane (0.27 acres), to permit a single-family dwelling unit and/or general office uses, requested by Terry & Associates, applicant, Rembert Woodroof, Jr., Ouida Woodroof Holt and Baker Woodroof, owners.

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

APPLICANT REQUEST

Rezone from RS10 to Specific Plan to permit general office and single-family residential land uses

Specific Plan (preliminary and final)

A request to rezone from Single Family Residential (RS10) to Specific Plan – Mixed Use (SP-MU) zoning and for final site plan approval for property located at 2901 Tuggle Avenue, at the southwest corner of Tuggle Avenue and Thompson Lane (0.27 acres), to permit a single-family dwelling unit and/or general office uses.

Existing Zoning

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.

I-440 Impact Overlay – The property is within subarea 2-G of the overlay district. Policies within this overlay apply to zone change proposals that have been determined by Council to be related to the presence and or operational effects of Interstate 440.

Proposed Zoning

Specific Plan-Mixed Use (SP-MU) is a zoning District category that provides for additional flexibility of design, including the relationship of streets to buildings, to provide the ability to implement the specific details of the General Plan. This Specific Plan includes single-family residential and general offices uses.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

Residential Medium Density (RM) is intended to accommodate residential development within a density range of four to nine dwelling units per acre. A variety of housing types are appropriate. The most common types include compact, single-family detached units, town-homes, and walk-up apartments.

Special Policy Area No. 3 – Land uses intended in the NG, RM, and RLM policy areas include all types of residential development, community services customarily allowed in residentially zoned areas and offices. Single-family residential and office uses are proposed within this SP.

Consistent with Policy?

Yes. Although the RM policy is a residential only policy, the South Nashville Community Plan recognizes through its special policy area No. 3 that properties along Thompson Lane within the RM policy area could be appropriate for limited types of non-residential development. This proposed SP is a good example of the intent of this special policy because its intent is to reuse an existing residential building for residential and office land uses.

PLAN DETAILS

This SP is proposed for one lot at the southwest corner of the intersection of Thompson Lane and Tuggle Avenue. This lot is currently a single-family lot with an existing dwelling. Although this lot is part of a residential neighborhood and was platted with the parcels to the south as part of the Tuggle Heights residential subdivision, it also has frontage on Thompson Lane, a major arterial road. Thompson Lane takes on a mixed development character in this area of formerly residential lots that now house small commercial developments, and some pockets of larger developments, such as churches, multi-family developments, and other non-residential uses. The special policy area No. 3 within the South Nashville Community Plan recognizes this mixed character along Thompson Lane and recommends limited non-residential development where it will maintain compatibility with adjacent residential development.

The SP plan shows the intent to use the property primarily as it exists today with some adaptation of the site to accommodate offices uses. The existing dwelling will be reused. The current driveway location on Thompson Lane will be used with the addition of three off-street parking spaces within the property. Because this property is located within the Urban Zoning Overlay, off-street parking spaces would not be required for any office uses. Additional landscape buffering is proposed along the west and south property lines. A six-foot fence is included along these property lines. With these specific improvements, the SP will meet the intent of the community plan by maintaining compatibility with surrounding residential while adapting the site to accommodate an office use.

The project is located within Sub Area 2-G the I-440 Impact Overlay. This overlay was originally implemented to avoid adverse impacts caused by land use changes encouraged by the introduction of Interstate 440. The I-440 Impact Overlay requires the Planning Commission to advise Council on the applicability of impact area policies. The site is located on the edge of the I-440 Overlay boundary along Thompson Lane. The closest interchange with Interstate 440 is approximately 1.5 miles to the northwest on Nolensville Pike. As described above, the proposal intends to reuse an existing residential building, which would maintain compatibility with the adjacent residential neighborhood to the south. Due to the distance of the property to Interstate 440 and the scale of the project, which is compatible in building height and size to the adjacent neighborhood, staff finds and recommends that the policies of the I-440 Impact Overlay are not applicable to this zone change.

The application does not include information on signage. To maintain compatibility with surrounding residential development, the height and placement of signage should be limited to the standards of the fall back zoning district of ON. Any ground signs should be placed along the Thompson Lane frontage only. Signs shall not be taller than 6 feet in height and shall be non-illuminated.

STORMWATER RECOMMENDATION

Approved without sidewalks

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.
- Any change to the driveway connection will require a permit from Metro Public Works.

Maximum Uses in Existing Zoning District: **RS10**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.27	3.7 D	1 L	10	1	2

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 Office (710)	0.27	-	4,704 SF*	127	17	17

*Based off CN

Traffic changes between maximum: **RS10** 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
-	-	-		+117	+16	+15

STAFF RECOMMENDATION

Staff recommends approval with conditions of the preliminary and final SP and disapproval without all conditions. The proposed uses are consistent with the South Nashville community plan. The site plan meets the intent of the land use policy to maintain compatibility with surrounding residential development while accommodating a non-residential use.

CONDITIONS

1. Ground signs within this SP shall be monument-style signs with a maximum height of six feet and shall be limited to the Thompson Lane street frontage.
2. Illumination of any signs within this SP is prohibited.
3. The SP shall comply with the comments listed above from the Public Works Department.
4. Permitted land uses within this SP are limited to general office and single-family residential.
5. 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 ON zoning district as of the date of the applicable request or application.
6. A corrected copy of the preliminary and final 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.
7. Minor modifications to the preliminary SP plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.
8. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.

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

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

Resolution No. RS2012-181

“BE IT RESOLVED by the Metropolitan Planning Commission that 20012SP-025-001 is **Approved with conditions and disapproved without all conditions.**

The proposed uses are consistent with the South Nashville community plan. The site plan meets the intent of the land use policy to maintain compatibility with surrounding residential development while accommodating a non-residential use.

16. 2012SP-026-001

TEASLEY'S CONVENTION FLORIST

Map 053-07, Parcel(s) 011

Council District 11 (Darren Jernigan)

Staff Reviewer: Jason Swaggart

A request to rezone from R15 to SP-C zoning and for final site plan approval for property located at 1813 Golf Club Road, at the northeast corner of Golf Club Road and Old Hickory Boulevard (0.64 acres), to permit a building contractor supply use (greenhouses) and an office use, requested by Teasley's Convention Florist, applicant, David Holmes, owner.

Staff Recommendation: Approve with conditions if the Commission directs staff to commence a housekeeping amendment to change the land use policy to Office Transition. Disapprove if the policy is not amended.

APPLICANT REQUEST

Zone change to permit a non-retail nursery

SP Amendment (preliminary and final)

A request to rezone from One and Two Family Residential (R15) to Specific Plan – Commercial (SP-C) zoning and for final site plan approval for property located at 1813 Golf Club Road, at the northeast corner of Golf Club Road and Old Hickory Boulevard (0.64 acres), to permit a building contractor supply use (greenhouses) and an office use.

Existing Zoning

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

CRITICAL PLANNING GOALS

N/A

DONELSON/HERMITAGE COMMUNITY PLAN

General 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.

Detailed Policy

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

Consistent with Policy?

No. The proposed zoning is to permit a non-residential use where the land use policies only support residential. Staff does recognize that given the location of the property along a major arterial and the OR20 zoning on the opposite side of Golf Club Road that the existing land use policy may not be appropriate. Since the policy may not be appropriate at this specific location, staff could support a policy amendment. Staff does not find the property appropriate for intense commercial uses, but finds that a transitional use is more appropriate. Staff finds the Office Transition policy to be the most appropriate. While the proposal is not for an office use, the proposed use is moderate in nature and the SP provides adequate buffering providing a suitable transition between the OR20 district across the street and the adjacent residences. If the Planning Commission directs staff to file a housekeeping amendment to change the policy to Office Transition, then staff can recommend approval of the rezoning request.

REQUEST DETAILS

The request is to permit a nonretail nursery. The request does not propose any major construction so the request is for SP zoning approval as well as final site plan approval. Council must approve the rezoning, but the Commission approves the final site plan. Since the applicant has requested simultaneous approvals, permits for the final SP cannot be issued until such time that the rezoning is approved by Council. The applicant currently runs the business at a different location. Staff understands that the business rents out plants for events. Plants are kept at the nursery and shipped to events such as large parties and conferences. The plants are later brought back to the business. It is not a retail use as plants are not for sale to the public, nor do customers pick plants up at the site.

The site is located in Old Hickory on the northeast quadrant of the intersection of Golf Club road and Old Hickory Boulevard. It is directly across from the Old Hickory Country Club and just west of Dupont-Hadley Middle School. The abutting properties to the north, south and east are zoned residential and are residentially occupied. The property directly across the street is zoned OR20 and contains a small office building. The property is relatively flat and open with a mature tree line that runs along the northern and eastern property line. Metro records indicate a small stream running along the eastern property line but it has been determined that it is not a stream.

Site Plan

The proposed sketch plan calls for three individual green houses. Each green house is 24 feet by 72 feet with a total area of 5,184 square feet. A small 11 foot by 24 foot office (264 square feet) is also proposed. The greenhouses will be somewhat centrally located on the site and the office will sit to the north of the greenhouses. Access will be from an existing drive off Golf Club Road. A ten foot wide C-5 landscape buffer yard is proposed along the entire perimeter of the site. A six foot tall solid wood fence is proposed on the inside of the landscaping. Staff drafted a regulating document to accompany the sketch plan and contains the following requirements:

1. Permitted uses within this SP shall be limited to greenhouse and office as shown on the site plan. Any additional uses shall require Council approval.
2. A 10 foot wide C-5 Landscape Buffer Yard shall be provided along the property boundary as specified in Figure 17.24.240C of the Metro Zoning Code with the exception that the specified 6 foot masonry wall may be replaced with a 6 foot solid wood fence.
3. A minimum of four parking spaces is required and does not require a surface of asphalt, concrete or other hard-surfaced dustless material.
4. Access shall be from Golf Club Road as shown on the site plan. No additional access shall be permitted.
5. Free standing or building signs are not permitted.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CN zoning district as of the date of the applicable request or application.
7. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

ANALYSIS

The proposed land use is not consistent with the existing single-family detached land use policy currently in place. While the use is not consistent with the policy, the policy may not be appropriate at this location. The site is adjacent to Old Hickory Boulevard which is a highly traveled four lane roadway and is directly across the street from a small office building. Given these circumstances it is unlikely that someone would purchase the property to build a single-family home consistent with the policy.

The request proposes a somewhat low impact use. The proposed use does not have a retail element so there will be no significant increase in traffic. The proposed zoning requirements including the screening requirements should ensure that the use is adequately buffered from the adjacent residences. Since the proposed zoning should have minimal impacts on the surrounding area then staff can recommend approval if the Planning Commission directs staff to file a housekeeping amendment to change the policy to Office Transition. If the Planning Commission finds that the existing land use policy is appropriate then staff recommends disapproval of the request.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

Maximum Uses in Existing Zoning District: **R15**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Residential (210)	0.64	3.09 D	1 L	10	1	2

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Greenhouse (818)	0.64	-	5,185 SF	NA	13	27

Traffic changes between maximum: **R15** and proposed **SP-C**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-		+12	+25

STAFF RECOMMENDATION

Staff recommends that the request be approved with conditions if the Commission directs staff to commence a housekeeping amendment to change the land use policy to Office Transition. Disapprove if the policy is not amended.

CONDITIONS (if approved)

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

Approved and directed staff to initiate a housekeeping amendment to change the land use policy to Office Transition. (9-0), Consent Agenda

Resolution No. RS2012-182

“BE IT RESOLVED by the Metropolitan Planning Commission that 2012SP-026-001 is **Approved**. Staff is directed to initiate a housekeeping amendment to change the land use policy to Office Transition.

The current Single-Family Detached land use policy is not appropriate in this location. The SP permits a relatively low-impact non-residential land use. This SP is appropriate with a land use policy amendment to Office Transition.

Zone Changes

17. 2012Z-021PR-001

Map 105-09, Parcel(s) 379
Council District 17 (Sandra Moore)
Staff Reviewer: Greg Johnson

A request to rezone from R8 to RS5 zoning for property located at 906 Acklen Avenue, approximately 460 feet west of Wedgewood Avenue (0.25 acres), requested by Kudzu Real Estate, Inc., owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Zone change from R8 to RS5 to allow the applicant to apply for a subdivision

Zone Change

A request to rezone from One and Two Family Residential (R8) to Single-Family Residential (RS5) zoning for property located at 906 Acklen Avenue, approximately 460 feet west of Wedgewood Avenue (0.25 acres).

Existing Zoning

R8 requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots.

Proposed Zoning

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.

CRITICAL PLANNING GOALS

N/A

GREEN HILLS - MIDTOWN COMMUNITY PLAN

Detailed Policy

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

General Policy

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

Consistent with Policy?

Yes. The RS5 zoning district will preserve both the single-family detached intent of the SFD policy and the recommended density of the NG policy.

REQUEST DETAILS

The property contains two existing detached single-family dwellings, one along the front of the property facing Acklen Avenue and one at the rear of the property facing the alley and Wedgewood Avenue. These dwellings are legally non-conforming to Zoning Code requirements. If constructed today, the two dwellings would have to be attached as a duplex. The applicant intends to maintain the dwellings in their current locations, but would like to place each dwelling on its own lot. Under the current R8 zoning district, the lot is not large enough to subdivide into two lots. Under the proposed RS5 zoning district, the lot would be large enough to subdivide into two lots.

The requested zone change is consistent with policy and would not result in an increase in dwellings on the site. The zone change, by itself, would not make the current lot layout consistent with the Zoning Code requirements. The zone change will only permit the applicant to file for a two-lot subdivision to remove the non-conforming status of the dwellings. Staff has informed the applicant that approval of the zone change does not guarantee approval of a subdivision plat in the future. A two-lot subdivision request to place each existing dwelling onto its own lot would require at least one variance request to the Subdivision Regulations for lot frontage requirements. This subdivision would require Planning Commission approval.

PUBLIC WORKS RECOMMENDATION

No exception taken

This zone change request will not result in an increase in the number of dwellings on the site. Therefore, a traffic table was not generated.

METRO HISTORICAL COMMISSION

The residence at 906 Acklen Avenue is a contributing building in the Waverly Place National Register Historic District. The Historical Commission encourages the applicant to retain the residence and welcomes the applicant to consult with Historical Commission staff regarding any questions pertaining to potential rehabilitation of the building.

SCHOOL BOARD REPORT

This zone change request will not result in an increase in the number of dwellings on the site. Therefore, a school board report was not generated.

STAFF RECOMMENDATION

Staff recommends approval of the zone change request. The zone change will not result in an increase in development rights on the property. The zone change was requested to permit the applicant to submit a subdivision application in the future to place each of the two existing dwellings on its own lot. A future subdivision request would require Planning Commission approval.

Approved (9-0), Consent Agenda

Resolution No.RS2012-183

"BE IT RESOLVED by the Metropolitan Planning Commission that 74-79P-008 is **APPROVED. (8-0)**

The zone change is consistent with the Single-Family Detached in Neighborhood General land use policy and will not result in an increase in development rights on the property.

18. 2012Z-022PR-001

Map 150, Parcel(s) 006-007
Map 150-02, Parcel(s) 032, 093-094
Council District 29 (Karen Y. Johnson)
Staff Reviewer: Greg Johnson

A request to rezone from AR2a and R10 to RS3.75 zoning for properties located at 3120 Bluewater Way, 2929 Moss Spring Drive and at Moss Spring Drive (unnumbered), approximately 800 feet east of Owendale Drive (11.42 acres), requested by Martin Engineering & Surveying, applicant, Mark Marshall, owner.

Staff Recommendation: Disapprove

Deferred Indefinitely (9-0)

The Metropolitan Planning Commission INDEFINITELY DEFERRED 2012Z-022PR-001. (9-0)

J. PLANNING COMMISSION ACTIONS

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

Specific Plan: Final Site Plans

19. 2008SP-007-001

BYRON CLOSE

Map 104-10, Parcel(s) 047
Council District 18 (Burkley Allen)
Staff Reviewer: Brenda Bernards

A request for final site plan approval for property located within the Byron Close Specific Plan district and within the Elmington Place Neighborhood Conservation Overlay District at 3501 Byron Avenue, at the northeast corner of Richardson Avenue and Ransom Avenue (1.99 acres), to permit 11 single-family dwelling units and a relocated Ransom Avenue, requested by EDGE Planning, Landscape Architecture & Graphic Design, applicant, for Byron Avenue 3501, LLC, owner.

Staff Recommendation: Approve with conditions, including the revised conditions of the Public Works Department.

APPLICANT REQUEST

Final Site Plan approval for 11 lots

Final Site Plan

A request for final site plan approval for property located within the Byron Close Specific Plan district and within the Elmington Place Neighborhood Conservation Overlay District at 3501 Byron Avenue, at the northeast corner of Richardson Avenue and Ransom Avenue (1.99 acres), to permit 11 single-family dwelling units and a relocated Ransom Avenue.

Existing 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 up to 11 single-family lots*

CRITICAL PLANNING GOALS

- Supports Infill Development
- Creates Walkable Neighborhoods

The Byron Close SP proposal meets a number of critical planning goals. The property is the site of the former Ransom School and is located within the Elmington Place neighborhood. With the adoption of the SP, the neighborhood conservation overlay was extended to this property. While the former school could not be salvaged and reused for housing, the proposed plan adds 11 single-family residences to this existing neighborhood within walking distance of West End Middle school and park.

PLAN DETAILS

The preliminary SP was approved as a regulatory plan without a site plan but included a list of requirements that needed to be met with final site plan approval. As mentioned above, this property was the former site of the Ransom School. The SP was approved for 11 units, either within the existing building, on 11 separate lots using the RS7.5 district standards or a combination of the two. The building was found to be in too deteriorated a condition to be renovated and was demolished in the spring of 2012.

The final site plan fronts the 11 lots on a relocated Ransom Avenue with shared private drives to the rear. Maintenance of the shared drives shall be the responsibility of the Homeowners Association and a note will be required on the plat stating this.

In order to accommodate the lots, the cluster lot provisions of the zoning code have been utilized. The lots range in size from 5,500 to 6,000 square feet. There are two open space areas that make up 15 percent of the site area. Sample elevations have been included. These will offer a base for the units but each will be reviewed by the Historic Zoning Commission using the Elmington Place Neighborhood Conservation Overlay District guidelines. As permitted by the Zoning Code, the Historic Zoning Commission has allowed a reduction in the front setbacks from 20 feet to 10 feet.

STORMWATER RECOMMENDATION

Currently under technical review.

PUBLIC WORKS RECOMMENDATION

Based upon field observations by the Public Works staff and the report submitted by the applicants engineer, RPM and Associates, the exact available intersection sight distance east of the proposed realigned Ransom Avenue cannot be determined due to vegetation growth on the I-440 right of way. Even if sight distance is met after the removal of the vegetation, an undue burden would be placed upon the metropolitan government to perpetually coordinate with TDOT for continued maintenance of the area in order to make the intersection safe. The engineer and site planners should evaluate other alignment options to address these concerns. Public Works recommends disapproval of the plan as submitted.

WATER SERVICES RECOMMENDATION

Approved with conditions:

- Contingent upon construction and completion of 12-WL-69 and Metro Project 12-SL-67 (Availability Letter dated 8/31/2012)

HISTORIC ZONING COMMISSION RECOMMENDATION

For purposes of meeting Section 4 of BL2008-149, the elevations submitted to the MPC meet the intent but each residential unit design and individual site plan will require review and approval by the MHZC. This will also include location of walkways, fencing, walls, mechanical systems and the footprint and house setbacks. The current plan just shows the setback area.

Staff of the MHZC has reviewed the proposed setbacks and found them to be appropriate for the neighborhood.

STAFF RECOMMENDATION

Approve with conditions, including the revised conditions of the Public Works Department.

CONDITIONS (if approved)

1. The private drives shall be maintained by the Homeowners Association. A note to this effect shall be included on the plat for this property.
2. The requirements of the Stormwater Management Division shall be met.
3. The concerns raised by the Public Works Department related to sight distance shall be addressed.
4. The requirements of the Water Services Department shall be met.
5. The uses of this SP shall be limited to eleven single-family residential lots and open space as shown on the plan.
6. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the RS7.5 zoning district as of the date of the applicable request or application.
7. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
8. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.
9. 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.

Public Works Department staff has added five conditions of approval related to the approval of the traffic impact study.

1. The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.
2. On 09/18/2012, the Department of Public Works received a letter from the applicant's traffic engineer indicating that adequate sight distance is available at the intersection of Ransom Avenue and Richardson Avenue if certain conditions are addressed. Therefore prior to issuance of any permits, the applicant shall ensure that adequate sight distance is provided, shall coordinate with TDOT regarding the removal of the vegetation within the I-440 right-of-way, and shall implement measures to discourage return of said vegetation.

3. Prior to issuance of any permits, coordinate with the Department of Public Works regarding the proposed relocation of the existing ALL WAY STOP at Richardson and Ransom Avenue.
4. Provide a sidewalk from the rear of each house to the street frontage on Ransom Place designed for trash cart rollout.
5. Add note that relocated Ransom Ave is to be constructed per ST-252 (add detail.)

Approved with conditions including the revised conditions of the Public Works Department. (9-0), Consent Agenda

Resolution No. RS2012-184

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-007-001 is **Approved with conditions including the revised conditions of the Public Works Department. (9-0)**

Planned Unit Developments: Preliminary Plans

20. 61-84P-001

BELLEVUE VALLEY PLAZA

Map 142, Parcel(s) 267-269

Council District 34 (Carter Todd)

Staff Reviewer: Duane Cuthbertson

A request to revise the preliminary plan for a portion of the Bellevue Valley Plaza Planned Unit Development Overlay District on properties located at 7045, 7087 and 7089 Highway 70 South, at the southeast corner of Highway 70 South and Old Hickory Boulevard, zoned SCC (12.86 acres), to permit a 17,671 square feet addition to an existing commercial structure, a new 4,000 square feet commercial building and an additional fuel station, replacing a previously approved 8,243 square feet commercial building, requested by Barge, Waggoner, Sumner and Cannon, Inc., applicant, for Bellevue Properties, L.P. and The Kroger Co., owners.

Staff Recommendation: Approve with conditions

APPLICANT REQUEST

Revise a portion of a Planned Unit Development

Preliminary PUD (revision)

A request to revise the preliminary plan for a portion of the Bellevue Valley Plaza Planned Unit Development Overlay District on properties located at 7045, 7087 and 7089 Highway 70 South, at the southeast corner of Highway 70 South and Old Hickory Boulevard, zoned Shopping Center Community (SCC) (12.86 acres), to permit a 17,671 square feet addition to an existing commercial structure, a new 4,000 square foot commercial building and an additional fuel station, replacing a previously approved 8,243 square feet commercial building.

Existing Zoning

Shopping Center Community (SCC) is intended for moderate intensity retail, office, restaurant, and consumer service uses for a wide market area.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The purpose of this request is to revise a portion of the Bellevue Valley Plaza Planned Unit Development (PUD) to permit a 17,671 square foot expansion to an existing grocery store in place of an existing 8,243 square foot retail building on the west side of the site and permit a second eight bay fuel station adjacent to the existing fuel station. The request is also to permit an additional 4,000 square foot retail building to the east of the site. The applicant proposes to add a net of 13,428 square feet of retail floor area to the site.

The Bellevue Valley Plaza PUD was originally approved by Council in 1984. The PUD was revised numerous times through 1998 to a layout for the shopping center as exists and reflected in the current plans. In 1999, the Council amended the PUD by adding 74,588 square foot storage facility to the south of the shopping center. The total floor area approved in the PUD is 222,995 square feet. The current proposal will add a net of 13,428 square feet to the PUD bringing the total floor area to 236,423 square feet; less than ten percent above the floor area approved by the Council.

The proposed additions to the PUD are permitted by Planning Commission approval as a revision. Section 17.40.120.G permits the Planning Commission to approve revisions under certain conditions.

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

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;
 - e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
 - f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
 - g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
 - h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
 - i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
 - l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
 - m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

Staff finds that the request meets all of the conditions and the Planning Commission has the authority to approve the proposed revision.

Site Plan

The proposed revision to the PUD calls for a 17,671 square foot expansion to an existing grocery store in place of the existing 8,243 square foot retail building (to be demolished) on the west side of the site. An existing pharmacy drive-thru facility will be relocated from the parking lot just north of the grocery store building to a position attached to the west side of the expanded grocery store. The plan also calls for a second, eight bay fuel stations in the northwest corner of the site. A 4,000 square foot commercial building with a drive-thru facility currently intended for retail use will be added to the northeast corner of the interior parking lot to accommodate some of the displaced retail space.

The plan indicates the site will provide more parking than the code requires for the existing uses and proposed additions. The parking area will be restriped and reconfigured to gain additional spaces. The plan also provides for parking spaces along the rear of the commercial buildings. All uses on the property operate under a shared parking agreement. Vehicular access to the site will remain as it exists. Sidewalks will be added around the perimeter of the site filling in existing gaps on Old Hickory Boulevard and Highway 70 South. The plan submitted also proposes to increase the landscaping of the interior parking area.

In 2006, the Planning Commission disapproved a PUD revision and Final Site Plan for the property that experienced a high level of opposition. The 2006 plan proposed a 4,000 square foot commercial building in the northeast corner of the site with a mix of food service and retail uses. The site plan in 2006 proposed to redesign and add parking to the site similar to the current redesign however the current plan utilizes the full extent of the site, including the area behind the buildings, to satisfy and exceed the proposed total parking requirement.

ANALYSIS

Staff has found no issues with this request. The proposed revision to the plan does not alter the basic concept of the last Council approved plan and meets all zoning requirements. Public notices and signs were not required as this request can be approved by the Planning Commission as a revision as specified in Section 17.40.120.G.

FIRE MARSHAL RECOMMENDATION

Sprinkler requirement will be determined at permitting.

STORMWATER RECOMMENDATION

80 percent TSS removal will be required for water quality.

PUBLIC WORKS RECOMMENDATION

Based on submitted information a Traffic Impact Study will be required to determine any roadway improvements prior to PUD final site plan approval.

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.

As shown, the sidewalks in front of the Bank of America building and the adjoining medical office building need to be shown at the edge of the existing shoulder. The sidewalk width on Highway 70 South should be eight feet and should indicate a six foot grass strip per MCSP. Indicate all sidewalks along road frontage are with-in the public ROW.

STAFF RECOMMENDATION

Staff recommends approval with conditions as this plan is consistent with the basic concepts of the last Council approved plan and meets all zoning requirements.

CONDITIONS

1. Provide a Traffic Impact Study to Public Works to determine potential roadway improvements prior to PUD final site plan approval.
2. Sidewalks shall meet the requirements of the Public Works.
3. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Stormwater Management division of Water Services.
4. Prior to the issuance of any permits, confirmation of PUD final site plan approval of this proposal shall be forwarded to the Planning Commission by the Traffic Engineering Sections of the Metro Department of Public Works for all improvements within public rights of way.
5. This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
6. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
7. Authorization for the issuance of permit applications will not be forwarded to the Department of Codes Administration until four additional copies of the approved plans have been submitted to the Metro Planning Commission.

8. The PUD final site plan as approved by the Planning Commission will be used by the Department of Codes Administration to determine compliance, both in the issuance of permits for construction and field inspection. Significant deviation from these plans may require reapproval by the Planning Commission and/or Metro Council.

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

Approved with conditions (9-0), Consent Agenda

Resolution No. RS2012-185

"BE IT RESOLVED by The Metropolitan Planning Commission that 61-84P-001 is Approved with conditions. (9-0)

Subdivision: Final Plats

21. 2012S-120-001

HAYNIE'S CENTRAL PARK PLAN, RESUB LOT 86

Map 094-05, Parcel(s) 121-122

Council District 06 (Peter Westerholm)

Staff Reviewer: Greg Johnson

A request for final plat approval to create 5 lots on properties located at 1007 S. 11th Street and at Ozark Street (unnumbered), approximately 420 feet west of S. 12th Street (0.88 acres), zoned RS5, requested by Kelley Properties, LLC, owner, Campbell, McRae & Associates Surveying, Inc., surveyor.

Staff Recommendation: Defer to the October 11, 2012, Planning Commission meeting. Approve with conditions if the application is approved by Water Services Department prior to the September 27, 2012, Planning Commission meeting.

APPLICANT REQUEST

Final plat to create five lots

Final plat

A request for final plat approval to create 5 lots on properties located at 1007 S. 11th Street and at Ozark Street (unnumbered), approximately 420 feet west of S. 12th Street (0.88 acres), zoned Single-Family Residential (RS5).

Existing Zoning

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.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

A five lot subdivision is proposed along Ozark Street. All five lots will have street frontage along Ozark Street to the south and alley access to the north.

The subdivision includes requirements for sidewalks, which are addressed by the conditions of approval. Five options are available for meeting the sidewalk requirements, including a contribution to the sidewalk fund.

Because each lot has a width of less than 50 feet, the Subdivision Regulations require vehicular access from the rear alley for each lot. A note is shown on the plat to limit access to the alley only.

Significant ground slopes are present within the subdivision site. The Subdivision Regulations require the designation of new lots with environmental features like steep slopes and problem soils as critical lots. This designation will be required on the plan. Prior to building permit approval for lots within the subdivision, approval of a critical lot plan is required.

WATER SERVICES RECOMMENDATION

We must hold our review of the subject plat until the necessary construction plans are submitted and approved (detailed in our forthcoming letter). Please have applicant coordinate with Mr. Alan Hand on this topic.

STORMWATER RECOMMENDATION

Add correct FEMA number to plat.

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.
- If sidewalks are required, then they should be shown on the plan per Public Works standards with the required curb and gutter, and be built or bonded prior to recording the plat.

STAFF RECOMMENDATION

Approve with conditions, including the revised conditions of the Water Services Department.

CONDITIONS

1. Sidewalks are required along the Ozark Street frontage of the proposed subdivision. Therefore, prior to final plat recordation, one of the options must be chosen related to sidewalks:
 - a. Construct sidewalk and have it accepted by Public Works,
 - b. Submit a bond application and post a bond with the Planning Department,
 - c. Submit payment in-lieu of construction to Metro Planning. The in-lieu payment for this subdivision would be \$3,375.
 - d. Construct an equal length of sidewalk within the same Pedestrian Benefit Zone, in a location to be determined in consultation with the Public Works Department, or
 - e. Add the following note to the plat: "No building permit is to be issued on any of the proposed lots until the required sidewalk is constructed per the Department of Public Works specifications." Sidewalk shall be shown and labeled on the plan per Public Works Standards with the required curb and gutter.
2. Correct note 13 on the plat to void and vacate the previous plat recording for the subdivision boundary.
3. The subdivision shall comply with requirements of the Public Works and Water Services Departments and the Stormwater Management Division.

The Water Services Department staff has added conditions of approval.

- Update the plat to reflect approved construction plans.
- Extend and label the existing water main on the plat.
- A bond is required prior to the recording of the plat.

Approved with conditions including the revised conditions of the Water Services Department. (9-0), Consent Agenda

Resolution No. RS2012-186

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-120-001 is **Approved with conditions including the revised conditions of the Water Services Department. (9-0)**

K. OTHER BUSINESS

22. Employee Contract for Greg Claxton

Approved (9-0), Consent Agenda

Resolution No. RS2012-187

"BE IT RESOLVED by The Metropolitan Planning Commission that **the contract for Greg Claxton is Approved. (9-0)**

23. Historic Zoning Commission Report
24. Board of Parks and Recreation Report
25. Executive Committee Report
26. Executive Director Report
27. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

September 27, 2012

MPC Meeting

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

October 1, 2012

First Community Open House for Phase 2 of the Fairgrounds Master Plan – A Mixed Use Development Concept

Drop in between 5:00 and 8:00 PM, FiftyForward Knowles Center, 174 Rains Ave. (across Wedgewood/Walsh from the Fairgrounds)

October 10, 2012

American Planning Association web-based seminar -- **Planning Mistakes: Assessing, Learning, Adapting**

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

October 11, 2012

MPC Meeting

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

October 25, 2012

MPC Meeting

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

October 25-26, 2012

Regional Symposium on Implementing Transit, sponsored by the Metropolitan Planning Organization

AT&T Tennessee Headquarters, 333 Commerce Street

Information at: http://www.nashvillempo.org/media_center/regional_events/transit_symposium.aspxNashville Area MPO: [Regional Events: Transit Symposium](#)

M. ADJOURNMENT

Mr. Clifton left at 7:03 p.m.

Dr. Cummings left at 7:06 p.m.

The meeting adjourned at 7:07 p.m.

Chairman

Secretary