



METROPOLITAN PLANNING COMMISSION MINUTES

Thursday, November 8, 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, Chair
Stewart Clifton, Vice Chair
Hunter Gee
Jeff Haynes
Derrick Dalton
Greg Adkins
Judy Cummings
Councilman Phil Claiborne

Staff Present:

Rick Bernhardt, Executive Director
Ann Hammond, Assistant Executive Director
Doug Sloan, Assistant Executive Director
Kelly Adams, Admin Services Officer III
Craig Owensby, Public Information Officer
Brenda Bernards, Planner III
Jason Swaggart, Planner II
Greg Johnson, Planner II
Duane Cuthbertson, Planner II
Susan Jones, Legal

Commissioners Absent: Andree LeQuire, Phil Ponder

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 4:03 p.m.

B. ADOPTION OF AGENDA

Mr. Dalton moved and Mr. Haynes seconded the motion to adopt the agenda. (6-0)

C. APPROVAL OF OCTOBER 25, 2012 MINUTES

Mr. Clifton moved and Mr. Adkins seconded the motion to approve the October 25, 2012 minutes. (6-0)

D. RECOGNITION OF COUNCILMEMBERS

Councilmember Stanley was in attendance but elected to speak at a later time.

Councilmember Tenpenny was in attendance but elected to speak at a later time.

E. ITEMS FOR DEFERRAL / WITHDRAWAL

8. 2012SP-028-001 GREEN AND LITTLE

11. 2012SP-032-001 NASHVILLE WEST END

18. 2012S-130-001 NOELTON

Mr. Clifton moved and Mr. Dalton seconded the motion to approve the Deferred Items. (6-0)

Dr. Cummings arrived at 4:06 p.m.

F. CONSENT AGENDA

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

2. 2012S-133-001 BARNETT SUBDIVISION

5. 2012Z-025TX-001 BL2012-313 / CLAIBORNE ZONING CODE ENFORCEMENT

12. 2012Z-025PR-001 BL2012-307 / GLOVER 931 OLD LEBANON DIRT ROAD

13. 2012Z-026PR-001 1624 16TH AVENUE SOUTH

14. 2012Z-027PR-001

1808, 1809 & 1810 MORENA STREET, 925 & 929 DR D.B. TODD JR. BOULEVARD

19. Employee contract renewals for Jennifer Carlat and Kathryn Withers

20. Amendment to the Rules and Procedures, Section VII.K, Rehearings

21. New employee contract for Amy Diaz-Barriga

Mr. Gee arrived at 4:06 p.m.

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

G. PREVIOUSLY DEFERRED ITEMS

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

Specific Plans

1. 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: Find the SP district inactive and direct staff to prepare a report to the Council recommending the property be rezoned to RS80.

APPLICANT REQUEST

Four year SP review to determine activity

SP Review

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.

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.

DEFERRAL

This item was deferred from the September 27, 2012, and October 11, 2012, Planning Commission meetings at the request of the property owner in order to hold a meeting between the owner, Councilmember and the community. Section 17.40.106.I requires that the Planning Commission provide a recommendation to the Council to retain the SP as approved, amend the SP or to rezone the SP within 90 days of the initiation of the SP four year review. Failure of the Planning Commission to provide the recommendation is considered a recommendation to retain the SP as approved. This review was initiated on August 19, 2012. The 90 day period will end on November 17, 2012.

DETAILS OF THE SP DISTRICT

The Bluffs on Sawyer Brown SP is approved for 130 townhouse units in 18 buildings that range from four to seven units each. The buildings line a private street that includes sidewalks on one side. There is a small community open space area proposed in the north portion of the development. Much of the site is within open space, about 40 percent of which is undisturbed.

This property contains steep slopes and problem soils. Most of the property has a slope of over 25 percent. While the development is proposed for the ridgeline, there is grading proposed on some of the steep slopes. Almost all of the grading for the proposed development is within problem soils. This property contains both Bodine-Sulfura, which is prone to movement, and Dellrose Cherty Silt Loam, which is weak, has a lot of fine pores and is quite crumbly.

The applicant had a preliminary geotechnical analysis performed to insure the feasibility of the proposal. This plan was modified to indicate placement of roadways and buildings with grading to stable soils and placement of engineered fill. Prior to any construction, a detailed geotechnical report was to be submitted with final SP plans.

SPECIFIC PLAN REVIEW

Staff conducted a site visit in August 2012. There was no evidence of development activity on the property. 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.

Previously, the land use policy was Residential Low Medium which is intended for residential uses at a range of two to four units per acre. At 3.33 units per acre, this plan fits within the policy.

With the updating of the Plan, the land use policies for this property have been significantly altered to reflect the information gained due to recent weather-related events. In May 2010, there were a series of landslides on steeply sloped properties with similar soil characteristics. The new land use policy is Natural Conservation (CO) which does not support the intensity of development envisioned in the Bluffs on Sawyer Brown SP District. This project is included on a list of approved developments in environmentally-sensitive areas with CO policy. If amendments are requested for these developments they should be evaluated as to how the development could be changed to bring it into greater conformance with the CO policies.

Amendments/Rezoning

As the SP is no longer consistent with the land use policy in place, the SP is no longer appropriate for the site and area. 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."

Due to the steep slopes on this property, it should be developed at a low density or in locations that reduce the impact of development. As this area is appropriate for residential uses, staff recommends that the property be rezoned to RS80.

Recommendation to Council

If the Planning Commission agrees with the staff assessment, staff will prepare a written report of the Commission's determination of inactivity and the recommendation to Council to rezone this property to RS80.

STAFF RECOMMENDATION

Staff recommends that the Bluffs at Sawyer Brown SP be found to be inactive and that the Planning Commission direct staff to prepare a report to the Council to recommend that the property be rezoned to RS80.

Ms. Bernards presented the staff recommendation to find the SP district inactive and direct staff to prepare a report to the Council recommending the property be rezoned to RS80.

George Dean of Tune, Entrekin, & White spoke against the proposal and stated concern with the hit the bank will take on the value of the collateral they had from the developer.

George Gain, spoke against the proposal.

Mr. Dalton moved and Dr. Cummings seconded the motion to close the Public Hearing. (8-0)

Mr. Dalton asked staff if similar problems would still exist if high-level engineering was done in terms of developing the property for future use.

Ms. Bernards stated that engineering solutions could be found to have some density on this property, but the townhouse development is more than this property could support.

Mr. Adkins asked staff to clarify the zoning surrounding the property.

Ms. Bernards clarified R10, R15, and R20.

Mr. Bernhardt pointed out that this specific area had extensive landslide damage during the flood period.

Mr. Adkins stated concern that the bank could potentially lose a lot of money and asked why it was rezoned in the first place to that specific density when we knew the status of the soils. Mr. Adkins would like more analysis on engineering and possibly the soils and stated discomfort with downzoning to something that is not consistent with any other property around it without more analysis.

Ms. Bernards noted that deferral is not an option; if no decision is made, the recommendation that goes to council will be that no zoning change is proposed.

Mr. Bernhardt clarified that this action will not rezone the property. It will state 1) that it is inactive, 2) that current zoning is inappropriate, and 3) that council should consider an application to rezone.

Mr. Clifton stated that it should be reverted back to the previous zoning and someone should bring a bill forward to be reviewed by the MPC.

Mr. Gee inquired if RS80 is the most or least intense zoning that would be appropriate under this policy.

Ms. Bernards stated that RS80 is very low density, would allow 21 units, and would be more appropriate due to steep slopes and problem soils.

Dr. Cummings inquired if the MPC has to recommend a specific rezoning to the council.

Mr. Bernhardt stated yes, this does call for an MPC recommendation.

Councilman Claiborne asked if the rezone request, if any, would come back before the MPC.

Mr. Bernhardt confirmed.

Councilman Claiborne spoke in support of the staff recommendation.

Mr. Adkins stated support of deferral, letting the property remain as-is, and letting the developer that buys the property build to the level that the soils will allow.

Mr. Bernhardt stated 1) the four year review was put in initially by council when they adopted the SP ordinance, and 2) the SP plan that has been approved has authorized the cutting of the slopes and the removal of the soils in accordance with that plan.

Councilmember Claiborne moved and Mr. Dalton seconded the motion to find the SP district inactive and prepare a report to council recommending the property be rezoned to RS80. (7-1) Mr. Adkins voted against.

"BE IT RESOLVED by The Metropolitan Planning Commission that 2008SP-009G-06 Finds the SP district inactive and direct staff to prepare a report to the Council recommending the property to be rezoned to RS80. (7-1)

Subdivision: Final Plats

2. 2012S-133-001

BARNETT SUBDIVISION

Map 159, Parcel(s) 047

Council District 34 (Carter Todd)

Staff Reviewer: Greg Johnson

A request for final plat approval to create three lots on property located at 5440 Granny White Pike, approximately 275 feet south of Camelot Road (3.44 acres), zoned R40, requested by Wendell Barnett Et ux, owners, Crawford & Cummings, P.C., surveyor.

Staff Recommendation: Approve with conditions and approve variance to the Subdivision Regulations for lot frontage.

APPLICANT REQUEST

Three lot subdivision and a variance request to the lot frontage requirements of the Subdivision Regulations.

Final plat

A request for final plat approval to create three lots on property located at 5440 Granny White Pike, approximately 275 feet south of Camelot Road (3.44 acres), zoned One and Two Family (R40).

Existing Zoning

R40 requires a minimum 40,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 1.16 dwelling units per acre including 25 percent duplex lots.

CRITICAL PLANNING GOALS

N/A

REQUEST DETAILS

The existing lot is 3.44 acres and contains a single-family dwelling. The subdivision request would subdivide the lot into three lots, leaving the existing dwelling on its own lot and placing two additional lots behind it. There are other examples of this configuration within the vicinity along Granny White Pike, including the adjacent lot to the south. The proposed lots meet the minimum lot size required by the R40 zoning district. Additionally, the plat includes a note restricting development on the three lots to single-family development only. This note will allow the subdivision to remain within the density range recommended by the community plan.

The proposed configuration of the subdivision with two lots separated from street frontage by a third lot would require either a flag lot or a variance to the Subdivision Regulations to allow lots without street frontage. Similar examples of subdivisions along Granny White Pike have used the flag lot option, which requires a relatively narrow strip of land to be included in the new lots to provide frontage and access to the nearest public street. Due to the topography of the property frontage, the applicant is unable to meet the requirements for a flag lot. A variance application to the lot frontage requirements of the Subdivision Regulations was submitted.

Variance request

Because the Subdivision Regulations do not, generally, permit new lots without street frontage, the applicant has requested a variance, stating that the shared driveway entrance to the subdivision must be relocated closer to the middle of the site at the crest of a hill along Granny White Pike due to sight visibility constraints. Because the driveway location would be moved away from the edge of the site, the subdivision would not be able to meet the flag lot requirements of the Subdivision Regulations. In order to meet the flag lot requirements, the subdivision would require either 1) placement of a driveway entrance near one of the side property lines with poor visibility along Granny White Pike, or 2) partial or full removal of the existing dwelling to allow for a flag lot line that meets the Subdivision Regulations. The applicant cites the location of the hill along Granny White Pike as the unique circumstance for this variance request. Planning staff agrees that the subdivision would meet the flag lot requirements if the site were flat and could accommodate a driveway entrance closer to the north property line with a flag lot for Lot 2. Under the flag lot provisions of the Subdivision Regulations, one lot without street frontage could be approved if it is provided vehicular access through a flag lot. Because neither lot 2 or 3 is a flag lot, both lots must be approved for a variance. 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 Granny White Pike. 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. There are examples of similar lot configurations along Granny White Pike.
- b. This site is unique because it is located at the crest of a hill along Granny White. The location of the crest dictates the location of the driveway entrance due to sight distance requirements. If not for the topography and sight distance issues, the subdivision could meet the flag lot requirements of the Subdivision Regulations.
- c. The subdivision is consistent with the character of the surrounding area. The proposed lots comply with minimum size requirements. In order to subdivide the property without a variance, the applicant would have to partially or completely remove the existing dwelling.
- d. The lots within the proposed subdivision comply with the requirements of applicable plans and regulations.

Flag Lot Requirements

As stated above, the subdivision could meet the requirements of the Subdivision Regulations for flag lots if not for the unique circumstance of the topography along the property frontage. Shown below are the flag lot requirements:

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

The subdivision is consistent with the character of the area and is consistent with the general plan. There are several surrounding examples of flag lots along Granny White Pike.

FIRE MARSHAL RECOMMENDATION

Approved

STORMWATER RECOMMENDATION

Approved

WATER SERVICES RECOMMENDATION

Approve with conditions

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 grass strip. (*Planning note: sidewalks are not required with this subdivision.*)
- To increase sight distance, trim or remove vegetation along northern property line prior to building permit issuance. Trimming of vegetation will be at the owner's expense.

STAFF RECOMMENDATION

Staff recommends approval with conditions of the subdivision and approval of a variance to the Subdivision Regulations for lot frontage. The proposed lot configuration meets applicable Zoning Code requirements and is consistent with the character of surrounding residential lots. If not for the unique circumstance of limited sight distance along the Granny White Pike frontage, the subdivision could be reconfigured to meet the flag lot requirements of the Subdivision Regulations.

CONDITIONS

1. Prior to plat recordation the plat shall be revised to label parcel numbers on the plat: Parcel 47 (Lot 1), Parcel 266 (Lot 2), Parcel 267 (Lot 3).
2. The subdivision shall comply with requirements of Metro Public Works as listed above.
3. Prior to plat recordation the plat shall be revised to provide public utility and drainage easements along Granny White Pike.
4. Prior to plat recordation the plat shall be revised to add correct FEMA panel number to plat.
5. Prior to plat recordation, the plat shall be revised to address comments from Metro Water Services dated November 1, 2012.

Approved with conditions and approved variance to the Subdivision Regulations for lot frontage. (8-0), Consent Agenda

Resolution No. RS2012-217

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012S-133-001 is **Approved with conditions and approve variance to the Subdivision Regulations for lot frontage. (8-0)**

CONDITIONS

1. **Prior to plat recordation the plat shall be revised to label parcel numbers on the plat: Parcel 47 (Lot 1), Parcel 266 (Lot 2), Parcel 267 (Lot 3).**
2. **The subdivision shall comply with requirements of Metro Public Works as listed above.**
3. **Prior to plat recordation the plat shall be revised to provide public utility and drainage easements along Granny White Pike.**
4. **Prior to plat recordation the plat shall be revised to add correct FEMA panel number to plat.**
5. **Prior to plat recordation, the plat shall be revised to address comments from Metro Water Services dated November 1, 2012.**

H. COMMUNITY PLAN POLICY CHANGES AND ASSOCIATED CASES

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

No Cases on this Agenda

I. RECOMMENDATIONS TO METRO COUNCIL

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

Zoning Text Amendments

3. 2012Z-022TX-001

BL2012-291 / STANLEY

RECYCLING FACILITY

Staff Reviewer: Duane Cuthbertson

A request to amend Sections 17.04.060 and 17.16.110 of the Metropolitan Code, Zoning Regulations, to amend the definition of "recycling facility" to clarify that it does not include the conversion of material into a fuel product or asphalt, and to prohibit such activity on construction/demolition landfill property, requested by Councilmember James Bruce Stanley, applicant.

Staff Recommendation: Disapprove

APPLICANT REQUEST

Add restrictions for incineration of material into fuel products or asphalt within the definition of "recycling facility" and to the required conditions of a Construction/Demolition Landfill.

TEXT AMENDMENT

A request to amend Sections 17.04.060 and 17.16.110 of the Metropolitan Code, Zoning Regulations, to amend the definition of "recycling facility" to clarify that it does not include the conversion of material into a fuel product or asphalt, and to prohibit such activity on construction/ demolition landfill property.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

The Zoning Code defines a Recycling Facility as

"...a facility, other than a facility open to the public to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes. The use or reuse or a solid waste may not be used in a manner that would constitute solid waste disposal."

These facilities are permitted with conditions in the IWD, IR, and IG districts.

Additionally, the code permits Construction/demolition Landfills in multiple districts. Construction/demolition landfills are permitted with conditions in the CL, CS, IWD, IR, and IG districts; they are also permitted by special exception in the AG, AR2a, MUI, and MUI-A districts. The conditions provided for construction/demolition landfills are intended to mitigate potential impacts of such facilities on the surrounding area. The conditions of a construction/demolition landfill include a minimum lot size, street standards, setbacks, landscape buffer yards, fencing and requires that all loading, unloading, compacting, sorting, processing or storage shall take place within a completely enclosed building.

PROPOSED ZONING CODE

The proposed text amendment would add the following language to the end of the existing definition for recycling facility:

...The conversion or transformation of material into a fuel product or asphalt through an incineration process shall not be considered 'recycling' for purposes of this definition.

The proposed text amendment also adds the following condition as condition number seven to the list of those provided for construction/demolition landfills where permitted with conditions:

7. The conversion or transformation of construction debris, biomass, or other material into a fuel product or asphalt through an incineration process shall be prohibited on construction/demolition landfill property.

This text amendment would prohibit 'the conversion or transformation of material into a fuel product or asphalt through an incineration process' as part of a recycling facility and prohibit 'the conversion or transformation of construction debris, biomass, or other material into a fuel product or asphalt through an incineration process' as part of a construction and demolition landfill where permitted with conditions.

ANALYSIS

The *conversion or transformation of material (construction debris, biomass, or other material) into a fuel product or asphalt through an incineration process* is an activity that is currently classified by the Zoning Administrator as 'Heavy Manufacturing', a category of uses that is only permissible in the IG (Industrial General) district – the most intense industrial district. The activity targeted in this text amendment can currently be associated with recycling facilities and construction/demolition landfills among other associated uses and can be established as an accessory to those uses, only if those uses are located in the IG district. The activity targeted in this text amendment cannot currently be permitted as an accessory to recycling facilities or construction/demolition landfills in any other zoning district.

The activity identified in this text amendment describes the recycling of material. This text amendment, at least in part, attempts to disassociate the activity with recycling. Metro encourages recycling, specifically as provided in the Davidson County Solid Waste Plan.

This text amendment is not necessary since the Code already prohibits the transformation or conversion of material (construction debris, biomass, or other material) into a fuel product or asphalt through an incineration process as part of a recycling facility or construction/demolition landfill unless either use is located in an IG district. Further, this text amendment is written such that it would prohibit a form of recycling as an accessory to recycling facilities and/or construction/demolition landfills where it is currently permitted, in the IG district. Since IG is an appropriate district for this use, staff does not support excluding this use from the IG district.

PUBLIC WORKS RECOMMENDATION:

Disapprove as discussed in the letter below.

STAFF RECOMMENDATION

Staff recommends disapproval of the proposed bill.

James McLean, Chairman Metro Planning Commission
P.O. Box 100453
Nashville, TN 37224

Dear Chairman McLean,

Regarding BL2012-291, it is the opinion of the Public Works Department that current Metro Code and Tennessee State Regulations render this proposed ordinance unwarranted for the following reasons:

- Metro Solid Waste Code 10.20.500 requires all C&D recycling facilities to be permitted with Public Works. A C&D recycling facility cannot have an incinerator under current regulations but would have to apply separately to Tennessee Department of Environment and Conservation (TDEC), Metro Codes and the Metro Health Department (Metro Code 10.56.020 requires incinerators be permitted through the Metro Health Department).
- TDEC Rules 1200-1-7-.02 also require all landfills, incinerators and recycling facilities apply for and receive a permit from the State. A facility could not be built without completing the State's rigorous permitting process which includes adhering to any local county zoning laws.

Additionally, this proposed ordinance conflicts with the Davidson County Solid Waste Region Board, a State mandated board, and TDEC rules.

- In 2008, the Davidson County Solid Waste Board passed an updated Solid Waste 10 Year Plan to reduce waste and encourage the expansion of recycling. The Board set a goal to reduce landfilled waste by 60% over the next 10 years. One recommended method was to create policies that promote construction and demolition recycling. In 2010, Metro Council passed the updated Solid Waste Code which provided permitting guidelines for recycling at C&D landfills and BL 2010-634 removed barriers to recycling at C&D landfills.
- The Davidson County Region Solid Waste Plan further recommends that Metro Nashville consider the development of New Conversion Technologies (8.7) which include recovering energy from waste materials. Nashville needs to develop policies and codes that encourage all types of recycling and does not seek ways to limit the development of future recycling initiatives.
- Conversion of material into a "fuel product" considered beneficial use by State – TDEC considers using waste as a fuel product to be a beneficial use in their rules 1200-1-7-.01 they define "Energy recovery" as the beneficial use or reuse of solid waste through the controlled combustion of such waste to recover energy there from.
- Most wood waste recycling facilities grind and process tree limbs and yard waste into boiler fuel or a "fuel product." As stated above, TDEC considers this waste reduction and/or recycling. Per TCA 68-211-867, Metro Nashville contracts with a tire recycler who operates a recycling facility in Davidson County. Some of these tires will be used as a "fuel product." TCA considers this waste reduction/recycling.

Finally, this proposed ordinance could have unintended consequences by limiting necessary future expansion of waste and recycling services within Davidson County, which would not in the best interest of Metro Public Works' efforts to effectively manage Metro's waste stream. I respectfully request that the Metro Planning Commission does not approve this proposed ordinance.

Sincerely,

Randy Lovett
Public Works Director

ORDINANCE NO. BL2012-291

An ordinance amending Sections 17.04.060 and 17.16.110 of the Metropolitan Code, Zoning Regulations, amending the definition of “recycling facility” to clarify that it does not include the conversion of material into a fuel product or asphalt, and to prohibit such activity on construction/demolition landfill property (Proposal No. 2012Z-022TX-001).

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

Section 1. Section 17.04.060 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding the following provision at the end of the definition of “recycling facility”:

“The conversion or transformation of material into a fuel product or asphalt through an incineration process shall not be considered ‘recycling’ for purposes of this definition.”

Section 2. Section 17.16.110 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding the following provision at the end of subsection A.

“7. The conversion or transformation of construction debris, biomass, or other material into a fuel product or asphalt through an incineration process shall be prohibited on construction/demolition landfill property.”

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

Sponsored by: Bruce Stanley

Mr. Cuthbertson presented the staff recommendation of disapproval.

Councilmember Stanley spoke in support of the text amendment and noted that the community will be adversely impacted by the odor and hazardous chemicals related to incineration.

Veronica Frazier, Metro Public Works, spoke against the text amendment, clarifying that it could have unintended consequences by limiting necessary future expansion of waste and recycling in Davidson County.

Councilmember Stanley expressed appreciation for all the work that Public Works has done to develop the recycling plant, but the number of people that access the greenways on a regular basis do not appreciate the dirty displacement that lands in the Stones River from the facility.

Councilmember Claiborne moved and Mr. Clifton seconded the motion to close the Public Hearing. (8-0)

Mr. Gee asked staff to explain why the proposed text amendment would prohibit incineration anywhere in Davidson County.

Mr. Cuthbertson stated that it would prohibit incineration as part of a recycling facility and/or construction/demolition landfill anywhere in Davidson County, not the activity itself. As a principle use, it would still be permitted in an IG district.

Mr. Gee asked if it is typical for this type of activity to occur at landfills.

Sharon Smith, Metro Public Works, stated no knowledge of a landfill anywhere in Tennessee that has any type of incineration on it and also expressed concern that this will limit expanding into new technologies.

Mr. Clifton stated understanding of both sides.

Mr. Dalton noted that he doesn't find fault in the recommendation nor does he find fault in disapproval, but based on the information presented, will support the text amendment.

Mr. Adkins pointed out that passing this text amendment takes one tool out of the toolbox that might later be used to meet our recycling mandates and expressed support of staff recommendation of disapproval.

Dr. Cummings inquired how Public Works contains the fumes, possible spillage into the rivers, etc.

Sharon Smith clarified that most of the facilities are regulated by EPA, the State Government, and in some cases, the Health Department.

Mr. Clifton spoke in support of the text amendment.

Councilmember Claiborne stated sympathy for Councilmember Stanley's position and what he is trying to accomplish, yet is hesitant to totally close the door on future technologies.

Mr. Adkins moved and Dr. Cummings seconded the motion to approve the staff recommendation of disapproval. (5-3) Mr. Dalton, Mr. Clifton, and Councilmember Claiborne all voted against.

Resolution No. RS2012-218

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-022TX-001 is **Disapproved. (5-3)**

There are three aspects to the disapproval recommendation:

- 1. The bill would add a redundant requirement. The Codes Department already prohibits the transformation or conversion of material into a fuel product or asphalt through incineration in recycling facilities and construction/demolition landfills outside of the IG zoning district.**
- 2. This process is appropriate as an accessory or stand-alone use in the IG zoning district. The bill would exclude this process from two related uses (construction landfill and recycling facility) that could accommodate the process as an accessory use in the IG zoning district. However, this text amendment would not prohibit this process as a stand-alone use in the IG zoning district. There is no apparent need to exclude this use as an accessory use, but not as a primary use.**
- 3. The bill could add an obstacle to permitting an evolving recycling technology in Nashville that may provide a cleaner and less impactful transformation/conversion of material through the incineration process.**

4. 2012Z-024TX-001

BL2012-292 / BARRY, STEINE

RECORDING STUDIOS AS HOME OCCUPATION

Staff Reviewer: Brenda Bernards

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, by amending Sections 17.04.060 and 17.16.250 pertaining to recording studios as a home occupation accessory use in residential districts, requested by Councilmembers Megan Barry and Ronnie Steine, applicants.

Staff Recommendation: Approve

APPLICANT REQUEST

Add recording studio as a home occupation.

ZONING TEXT AMENDMENT

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, by amending Sections 17.04.060 and 17.16.250 pertaining to recording studios as a home occupation accessory use in residential districts.

CRITICAL PLANNING GOALS

N/A

EXISTING ZONING CODE

Currently, a home occupation considered an accessory use to a residence is subject to a number of conditions including:

- the business is run by an occupant of the residence
- no clients served on the property
- one employee not living in the residence is permitted
- limited to no more than 20 percent of residence or 500 square feet
- no signs
- limits on mechanical and electrical equipment
- goods and materials stored indoors

PROPOSED ZONING CODE

The proposed text amendment introduces a new land use "home recording studio" and includes it as a home occupation use and provides conditions for that use. The conditions include that up to ten clients per day can be served, parking is to be provided off-street and all noise restrictions of the Code must be complied with. The Zoning Administrator would define a client as a person paying to utilize the recording studio. All other current conditions for home occupations will apply to this new use.

ANALYSIS

The addition of home recording studios as home occupations is appropriate for "Music City, USA." With the limited number of clients, requirements for off-street parking and adherence to existing noise restrictions, there will be minimal impact on neighboring residences.

Staff recommends approval of this bill.

ORDINANCE NO. BL2012-292

An ordinance amending Title 17 of the Metropolitan Code, Zoning Regulations, by amending Sections 17.04.060 and 17.16.250 pertaining to recording studios as a home occupation accessory use in residential districts, all of which is more particularly described herein (Proposal No. 2012Z-024TX-001).

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

Section 1. That Section 17.04.060 of the Metropolitan Code, Zoning Regulations, is hereby amended by adding the following new definition for "home recording studio":

"Home recording studio" means a facility located within a residential structure used for sound recording and mixing, including but not limited to, the recording of instrumentalists, vocalists, bands, and voiceovers."

Section 2. That Section 17.16.250 of the Metropolitan Code, Zoning Regulations, is hereby amended by deleting subsection D.1. in its entirety and substituting with the following new subsection D.1.:

"1. The home occupation shall be conducted in a dwelling unit or accessory building by one or more occupants of the dwelling unit. Except for home recording studios as provided in this subsection, no clients or patrons may be served on the property. Home recording studios shall have no more than one full-time employee not living within the dwelling of the home recording studio location, and shall have no more than ten clients, customers, musicians, or other visitors at the home recording studio per day. Sufficient off-street parking shall be provided for clients and customers on a paved or graveled area not exceeding twenty five percent of the lot area for residential property per section 16.24.330 of the metropolitan code. The home recording studio shall at all times comply with the noise restrictions contained in section 11.12.070 of the metropolitan code."

Section 3. That this Ordinance shall take effect five (5) days from and 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.

Introduced by: Megan Barry, Ronnie Steine

Ms. Bernards presented the staff recommendation of approval.

Councilmember Claiborne stated that he would like the residents to know that the MPC has discussed this and that the council has some basis for understanding the MPC recommendation.

Dr. Cummings moved and Mr. Dalton seconded the motion to close the Public Hearing. (8-0)

Mr. Adkins spoke in support of staff recommendation.

Mr. Dalton spoke in support of staff recommendation.

Mr. Haynes spoke in support of staff recommendation.

Mr. Clifton spoke in support of staff recommendation.

Mr. Gee spoke in support of staff recommendation.

Dr. Cummings spoke in support of staff recommendation.

Dr. Cummings moved and Mr. Dalton seconded the motion to approve staff recommendation. (7-0-1) Councilmember Claiborne abstained.

Resolution No. RS2012-219

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-024TX-001 is **Approved. (7-0-1)**

With the limited number of clients, requirements for off-street parking and adherence to existing noise restrictions, there will be minimal impact on neighboring residences.

5. 2012Z-025TX-001

BL2012-313 / CLAIBORNE

ZONING CODE ENFORCEMENT

Staff Reviewer: Brenda Bernards

A request to amend Section 17.40.010 of the Metropolitan Code of Laws to require construction, application and enforcement of the Zoning Code in accordance with federal law, requested by the Metropolitan Legal Department, applicant.

Staff Recommendation: Approve

APPLICANT REQUEST

Enforcement of the Zoning Code in accordance with federal law.

ZONING TEXT AMENDMENT

A request to amend Section 17.40.010 of the Metropolitan Code of Laws to require construction, application and enforcement of the Zoning Code in accordance with federal law.

CRITICAL PLANNING GOALS

N/A

BL2008-332, adopted in January 2009, added requirements to the Zoning Code to ensure that Metro Government enforces the Zoning Code consistently with federal law. Federal law, the Fair Housing Act and Americans with Disabilities Act, requires local governments to make reasonable accommodations for disabled persons to ensure that they are afforded an equal opportunity to the use and enjoyment of dwellings. Those accommodations can include exceptions or modifications in the way that zoning laws are construed, enforced, and/or applied. In Metro Nashville, the Zoning Administrator is charged with interpreting, administering, and enforcing the provisions of the Zoning Code. In addition to requiring the Zoning Administrator to grant reasonable accommodations where necessary, there is also a procedure to allow persons with handicaps or disabilities recognized under federal law to request in writing that they be afforded a reasonable accommodation.

PROPOSED ZONING CODE

The proposed text amendment expands on these provisions to ensure that rights established or recognized under the Religious Land Use and Institutionalized Persons Act (RLUIPA) are also protected. The proposed amendment also expands the definition of person to mean “an individual, group or institution” with regard to this section of the Code.

ANALYSIS

Staff is recommending approval of the proposed text amendment because it adds the rights established under RLUIPA to those established under the Fair Housing Act and Americans with Disabilities Act and expands on the procedures for requests to the Metro Government for reasonable accommodation. This continues to ensure that Metro enforces its Zoning Code in accordance with federal law.

Staff recommends approval of this bill.

Ordinance No. BL2012-313

An ordinance amending Section 17.40.010 of the Metropolitan Code of Laws to require construction, application and enforcement of the zoning code in accordance with federal law.

WHEREAS, Title 17 of the Metropolitan Code of Laws was amended through Substitute Ordinance BL2008-333 to require construction, application and enforcement of the zoning code in accordance with federal law; and,

WHEREAS, further amendment of Title 17 is necessary to clarify the responsibilities of the zoning administrator with respect to the construction, application and enforcement of the zoning code.

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

Section 1. Metropolitan Code of Laws § 17.40.010(H) shall be replaced in its entirety with the following:

H. Construction, Application and Enforcement Consistent with Federal Law. The provisions of this title shall in every instance be construed, applied and enforced in a manner consistent with applicable federal law, including without limitation the Fair Housing Act ("FHA"), 42 U.S.C. § 3601 *et seq.*; the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132 *et seq.*; and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc *et seq.* Notwithstanding any other provision of this title to the contrary, the zoning administrator shall make reasonable accommodations in the provisions of this chapter and the rules, policies and practices of his office so that rights established or recognized under RLUIPA are protected and handicapped or disabled persons, or providers of housing for handicapped or disabled persons, are not discriminated against and are afforded an equal opportunity to use and enjoy dwellings. Before approving or denying a request for a reasonable accommodation under this chapter, the zoning administrator shall consult with the department of law and consider advice offered by any other metropolitan department having relevant jurisdiction or duties under the Metropolitan Charter or Code of Laws with respect to the request and any conditions that may be necessary to protect public health and safety.

Section 2. The first sentence of Metropolitan Code of Laws § 17.40.010(I) shall be replaced in its entirety with the following:

For purposes of this section "person" shall mean an individual, group or institution. Any person who has a handicap or disability recognized by federal law, provides housing for such a person or whose religious exercise is burdened by a provision of this title, or a representative of any such person, may request in writing a reasonable accommodation as contemplated in this section.

Introduced by: Phil Claiborne

Approved (8-0), Consent Agenda

Resolution No. RS2012-220

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-025TX-001 is **Approved. (8-0)**

The text amendment adds the rights established under RLUIPA to those established under the Fair Housing Act and Americans with Disabilities Act and expands on the procedures for requests to the Metro Government for reasonable accommodation. This continues to ensure that Metro enforces its Zoning Code in accordance with federal law.

Specific Plans

6. 2006SP-152-003

NOLENSVILLE ROAD AUTOMART (AMENDMENT #2)

Map 119-09, Parcel(s) 042, 062-063
Council District 16 (Tony Tenpenny)
Staff Reviewer: Duane Cuthbertson

A request to amend the Nolensville Road Automart Specific Plan District for properties located at 2721 and 2725 Nolensville Pike and at 2722 Grandview Avenue, at the northwest corner of Nolensville Pike and McClain Avenue (0.82 acres), to allow for one 25 foot tall pole mounted on-premise sign and to allow for the existing monument sign and building sign to remain, requested by Ronald J. Haislip and Alfred J. Haislip, owners.

Staff Recommendation: Disapprove

APPLICANT REQUEST

Allow for one 25 foot tall pole mounted on-premise sign in addition to an existing monument sign and building sign.

SP Amendment

A request to amend the Nolensville Road Automart Specific Plan District for properties located at 2721 and 2725 Nolensville Pike and at 2722 Grandview Avenue, at the northwest corner of Nolensville Pike and McClain Avenue (0.82 acres), to allow for one 25 foot tall pole mounted on-premise sign and to allow for the existing monument sign and building sign to remain.

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.

Proposed Zoning

The amendment would allow an on-premise pole mounted ground sign in addition to originally approved signage on the property.

CRITICAL PLANNING GOALS

N/A

SOUTH NASHVILLE COMMUNITY PLAN

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

The policy specifically **encourages signage along Main Streets to be pedestrian-scaled**. Signage may be located on the building façade, attached to the façade but overhanging the sidewalk, or may be part of an awning above the ground floor windows.

Consistent with Policy?

No. A 25 foot tall pole mounted ground sign is not considered pedestrian-scaled as encouraged by the policy. The SP was established in 2007 to enable expansion of an existing auto use. The SP intended to ensure the continuation of the auto use on the redeveloping Nolensville Road corridor in a manner consistent with the land use policy. The policy envisions new development and/or redevelopment of lots on the corridor at a pedestrian scale. Streetscape improvements have been installed along this portion of the Nolensville Road to support the goals outlined in the policy.

ANALYSIS

The Nolensville Road AutoMart SP was approved in January, 2007 with the following condition:

“The monument signage shown on the site plan shall be the only free standing signage. Any additional signage shall be on the face of the building. Pole-mounted signs shall not be permitted.”

The subject property currently contains an approved 32 square foot monument sign at the southeast corner (intersection of Nolensville Road and McClain Avenue) as well as an approved 2 foot X 10 foot sign on the east face of the building fronting Nolensville Road. The subject property also contains signage on the face of the existing knee wall on Nolensville Road however the applicant has been informed that the SP does not permit the knee wall signage and he has indicated that that signage would be removed.

The applicant proposes to remove the SP’s prohibition on pole mounted signs to establish one 25 foot tall pole mounted ground sign as shown in the attached exhibit. The sign would be located near the driveway at the center of the frontage along Nolensville Road. The sign would include two displays, a principal identifying logo sign and a message board with less than 140 square feet of area and 40 square feet of area respectively. The proposed sign would be internally illuminated.

Three auto-use SPs have been approved along Nolensville Road in addition to the Nolensville Road AutoMart SP. All three other SPs were approved with sign standards similar to the subject SP specifically prohibiting pole mounted wall signs.

PUBLIC WORKS RECOMMENDATION

All signage, proposed and existing, should meet the requirements for sight distance.

STAFF RECOMMENDATION

Staff recommends disapproval. The request to allow a 25 foot tall pole mounted sign on the property is inconsistent with the Mixed Use in Community/ Corridor Center policy.

Mr. Haynes out at 5:30.

Mr. Cuthbertson presented the staff recommendation of disapproval.

Mr. Haynes in at 5:33

Jordan Haislip, applicant, spoke in support of the proposal.

Councilmember Tenpenny spoke in support of the proposal.

Mr. Haynes moved and Dr. Cummings seconded the motion to close the Public Hearing. (8-0)

Mr. Haynes spoke in support of the proposal.

Mr. Adkins spoke in support of the proposal, noting that this would be an improvement and is very appropriate to the area.

Councilmember Claiborne inquired if the height is consistent with other pole signs in the area.

Mr. Bernhardt stated that staff will work with the applicant to ensure consistency.

Councilmember Claiborne moved to approve with a condition that the sign be consistent with other pole signs in the area and that staff will work with the applicant to determine consistency.

Mr. Gee spoke in support of staff recommendation and stated that if this is allowed, we are opening the door.

Mr. Adkins seconded the motion. (6-1-1) Mr. Gee voted against and Mr. Clifton abstained.

Mr. Clifton left at 5:53 p.m.

Resolution No. RS2012-221

“BE IT RESOLVED by The Metropolitan Planning Commission that 2006SP-152-003 is **Approved with a condition that the sign be consistent with pole signs in the area, particularly with respect to height, and that staff will work with the applicant to determine consistency. (6-1-1)**

Approve with a condition that the sign be consistent with pole signs in the area, particularly with respect to height, and that staff will work with the applicant to determine consistency with the policy.

7. 2012SP-027-001

515 SOUTHGATE AVENUE

Map 105-11, Parcel(s) 190
Council District 17 (Sandra Moore)
Staff Reviewer: Jason Swaggart

A request to rezone from R6 to SP-R zoning, property located at 515 Southgate Avenue, at the southwest corner of Southgate Avenue and Carvell Avenue (0.46 acres), to permit 6 residential units, requested by Dale & Associates, applicant, 515 Southgate, LLC, owner.

Staff Recommendation: Approve the SP with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit six detached residential units.

Preliminary SP and Final Site Plan

A request to rezone from Single and Two-Family Residential (R6) to Specific Plan – Residential (SP-R) zoning, property located at 515 Southgate Avenue, at the southwest corner of Southgate Avenue and Carvell Avenue (0.46 acres), to permit 6 residential units.

Existing Zoning

R6 requires a minimum 6,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 7.71 dwelling units per acre including 25% duplex lots. *R6 would permit a maximum of 3 lots with three duplex lots for a total of six units.*

Proposed Zoning

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

CRITICAL PLANNING GOALS

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

While the existing zoning district would permit a maximum of six units, the SP provides the needed flexibility for six units to work on the site creating higher density and promoting infill development. Higher density coupled with existing sidewalk and filling in sidewalk gaps helps to sustain and create a more walkable neighborhood. The plan also provides a different housing option than what can be found in the immediate area.

SOUTH NASHVILLE COMMUNITY PLAN

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 proposed development provides housing which is consistent with the Neighborhood General land use policy.

PLAN DETAILS

The intent of this request is to permit six detached residential units. The property is approximately half an acre in size and is located in South Nashville at the southwest intersection of Southgate Avenue and Carvell Avenue. The immediate area is mostly made of single-family lots, but a large recording studio is directly across Carvell as is Fall-Hamilton Elementary School. The property currently contains a single residential structure.

Site Plan

The plan identifies six residential units. Two units front onto Southgate and the remaining four units front onto Carvell Avenue. As proposed the density is approximately 13 units per acre. The following bulk standards would apply:

- Max Units – 6
- Max FAR – 60 percent (57 percent proposed)
- Max ISR – 70 percent (46 percent proposed)
- Front Yard Setback – 10 feet* on Southgate and 15 feet* on Carvell
- Side Yard Setback – 10 feet from property line and 6 feet between units
- Rear Yard Setback – 20 feet from property line
- Max Height – two stories

**The plan permits porches, stoops, balconies and bay windows to be within six feet of the right-of-way.*

Access to the two units on Southgate Avenue will be from separate driveways with front loaded parking. The four units along Carvell Avenue will be accessed by two shared drives. Parking for the units along Carvell will be located at the rear of the units. A sidewalk currently exists along Southgate Avenue and is shown on the plan. A new sidewalk is shown along Carvell Avenue. A nine foot of right-of-way dedication along Carvell is also proposed.

Staff Analysis

As stated above the request is consistent with the areas Neighborhood General land use policy. The plan also supports infill development, helps to sustain a walkable neighborhood and provides a wider range of housing options in the area which are all Critical Planning Goals.

METRO SCHOOL BOARD REPORT

Projected student generation 1 Elementary 0 Middle 0 High

Schools Over/Under Capacity

Students would attend Fall-Hamilton Elementary School, Cameron Middle School, and Glenclyff High School. Fall-Hamilton is identified as over capacity; however, there is capacity within the cluster for elementary school students. This information is based upon data from the school board last updated September 2011.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

- Provide driveway and parking lot design per Metro Code.
- Revise the building layout on Southgate to allow 18' minimum from the face of the garage to the back of sidewalk.
- The developer's final construction drawings shall comply with the design regulations established by the Department of Public Works. Final design may vary based on field conditions.

Maximum Uses in Existing Zoning District: R6

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Attached (210)	0.46	7.71 D	6 U*	58	5	7

*Three two-family lots.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	0.46	-	6 U	40	4	4

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	0	-18	-1	-3

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. As proposed the request is consistent with the sites Neighborhood General land use policy and meets several Critical Planning Goals.

CONDITIONS

1. Uses within the SP shall be limited to residential.
2. Revise the building layout on Southgate to allow 18' minimum from the face of the garage to the back of sidewalk.
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 RM15 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.

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

Michael Garrigan, spoke in support of the proposal and noted that this SP is for design purposes only, not density purposes. It allows for flexibility with the design.

Susan Heffernon, 1710 Neal Terrace, spoke against the proposal stating concerns with the size of the houses and requested that a fence be built.

Donnel Wordlaw, 1709 Allison Place, spoke against the proposal stating concerns with congestion and no sidewalks.

Michael Garrigan noted that they are required by Public Works to improve the right of way to two lanes with sidewalks; has no objection to a fence.

Mr. Haynes moved and Mr. Dalton seconded the motion to close the Public Hearing. (7-0)

Mr. Adkins expressed appreciation for the neighbor's concerns and noted that it is imperative for the builder and community to work together to make this a win-win. Will support as the SP seems to make more sense from a Planning and Design perspective.

Dr. Cummings thanked the neighbors for coming but stated that this is the best plan for this property.

Mr. Adkins moved and Mr. Haynes seconded the motion to approve with conditions and disapprove without all conditions. (7-0)

Resolution No. RS2012-222

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-027-001 is Approved with conditions and disapprove without all conditions. (7-0)

CONDITIONS

- 1. Uses within the SP shall be limited to residential.**
- 2. Revise the building layout on Southgate to allow 18' minimum from the face of the garage to the back of sidewalk.**
- 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 RM15 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.**

The request is consistent with the Neighborhood General land use policy. The plan also supports infill development, helps to sustain a walkable neighborhood and provides a wide range of housing options in the area.

8. 2012SP-028-001

GREEN AND LITTLE

Map 117-10, Parcel(s) 115-116 Map 117-14, Parcel(s) 042

Council District 25 (Sean McGuire)

Staff Reviewer: Greg Johnson

A request to rezone from OR20 to SP-MU zoning properties located at 2400 Crestmoor Road and at 3813 and 3815 Cleghorn Avenue, at the southwest corner of Crestmoor Road and Cleghorn Avenue (2.09 acres), to permit hotel, office, retail, and restaurant uses utilizing most bulk standards of the MUG-A district, requested by Gresham Smith and Partners, applicant, Green & Little, L.P. Et Al and GLCZ Cleghorn, L.P., owners.

Staff Recommendation: Defer to the December 13, 2012, Planning Commission meeting

Deferred to the December 13, 2012 Planning Commission meeting. (6-0)

The Metropolitan Planning Commission DEFERRED 2012SP-028-001 to the December 13, 2012 Planning Commission meeting. (6-0)

9. 2012SP-030-001

BL2012-309 / JERNIGAN

IRIS AVENUE (PRELIM & FINAL)

Map 053-16, Parcel(s) 048

Council District 11 (Darren Jernigan)

Staff Reviewer: Jason Swaggart

A request to rezone from Mixed Use Limited (MUL) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 100 Iris Avenue, at the northeast corner of Iris Avenue and Old Hickory Boulevard (0.24 acres), to permit the sale of new and used tires and all uses of the MUL zoning district, requested by Jean Y. Oatsvall, Trustee, and the Metro Planning Department, applicants.

Staff Recommendation: Approve the SP with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit the sale of new and used tires and all other uses permitted by the MUL district.

SP Development Plan and Final Site Plan

A request to rezone from Mixed Use Limited (MUL) to Specific Plan – Auto (SP-A) zoning and for final site plan approval for property located at 100 Iris Avenue, at the northeast corner of Iris Avenue and Old Hickory Boulevard (0.24 acres), to permit the sale of new and used tires and all uses of the MUL zoning district.

Existing Zoning

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

Proposed 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

DONELSON-HERMITAGE COMMUNITY PLAN

Suburban Mixed Use Corridor (T3 CM) policy is intended to enhance suburban mixed use corridors by encouraging a greater mix of higher density residential and mixed use development along the corridor, placing commercial uses at intersections with residential uses between intersections; creating buildings that are compatible with the general character of suburban neighborhoods; and a street design that moves vehicular traffic efficiently while accommodating sidewalks, bikeways, and mass transit.

Consistent with Policy?

Yes. The Suburban Mixed-Use policy promotes a variety of land uses from residential to commercial including auto related uses.

PLAN DETAILS

The intent of this request is to permit the sales of new and used tires on the subject site. It also permits all uses permitted within the MUL zoning district. The subject site, which is approximately a quarter acre, is located in the former City of Lakewood at the northwestern quadrant of Old Hickory Boulevard and Iris Avenue. The property is currently developed and contains several structures that will be reused through this SP.

Specific Plan Proposal

The proposed SP permits the sales of new and used tires as well as all uses permitted by the MUL zoning district. The plan which is a regulatory document also contains limitations intended to ensure that the use does not become a nuisance as well as standards that will guide any future development of the site. The conditions are as follows:

1. Permitted uses within this SP shall be limited to new and used tire sales and all uses permitted by the MUL zoning district. Any additional uses shall require Council approval.
2. No new driveways shall be permitted onto Old Hickory Boulevard.
3. All bulk standards of the MUL zoning district shall apply unless otherwise specified below.
4. Outdoor display is permitted but is limited to four displays of six tires.
5. Signage:
 - a. No more than two building signs shall be permitted within the district. One building sign shall be permitted along the building façade fronting onto Old Hickory Boulevard and one along the building façade fronting onto Iris Avenue.
 - b. No building sign shall be larger than 4 feet wide and 4 feet high.
 - c. One awning sign along the building façade fronting Old Hickory Boulevard shall be permitted, but shall be limited to 12 square feet.
6. Changing tires in front of the building is permitted.

7. Solid waste and recycling containers shall meet zoning code requirements.
8. 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 MUL zoning district as of the date of the applicable request or application.
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 re-approval by the Planning Commission and/or Metro Council.

Staff Analysis

As stated above the request is consistent with the Urban Mixed-Use Corridor land use policy. While the uses permitted by the SP are consistent with the land use policy staff has one minor issue with the request. As proposed the zoning would permit outdoor display. Outdoor display or storage is not permitted in most circumstances within commercial zoning districts. In order to clean up the appearance of Metro's commercial corridors, outdoor display and storage have never been encouraged by Planning. As a policy Planning has always recommended against auto use zonings permitting outdoor display or storage. Permitting outdoor display and/or storage would not be appropriate and could set a bad precedence since it is not permitted in other commercial districts. To address this issue staff is recommending that the zoning prohibit outdoor display as well as outdoor storage.

STORMWATER RECOMMENDATION

Approve

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions. As proposed the request is consistent with the Urban Mixed-Use Corridor land use policy. Staff recommends disapproval without all staff conditions.

CONDITIONS

1. Permitted land uses within shall be new and used tire sales and all uses permitted within the MUL zoning district.
2. Outdoor display or storage shall not be permitted. Regulatory item number four shall be deleted from the SP plan and replaced with, "Outdoor display or storage shall not be permitted."
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. 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 MUL zoning district as of the date of the applicable request or application.
5. The SP final site plan as approved by the Planning Commission will be used to determine compliance, both in the issuance of permits for construction and field inspection. While minor changes may be allowed, significant deviation from the approved site plans may require reapproval by the Planning Commission and/or Metro Council.

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

Jay Voorhees, 130 Hadley Avenue, spoke against rezoning stating that the business was established without proper process for zoning to begin with, there is overall lack of confidence for the SP to be maintained, and this is another business that will detract from the corridor.

Kathy McKellar, 112 28th Street, spoke against the proposal.

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

Councilmember Claiborne asked for clarification on conditions.

Mr. Gee spoke against the proposal and noted that this seems to be a misuse of the SP tool.

Mr. Dalton agreed with Mr. Gee and stated that he is not in support.

Dr. Cummings moved and Mr. Gee seconded the motion to disapprove. (7-0)

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-030-001 is **Disapproved. (7-0)**

10. 2012SP-031-001

WATERFORD ASSISTED LIVING

Map 086, Parcel(s) 140
Council District 14 (James Bruce Stanley)
Staff Reviewer: Jason Swaggart

A request to rezone from RS10 to SP-MR zoning property located at 3778 Central Pike, approximately 450 feet west of Dodson Chapel Road (10.88 acres), to permit an assisted-care living facility and up to 21 single-family lots, requested by Civil Site Design Group, applicant, Barbara Terry, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions

APPLICANT REQUEST

Permit an assisted-care living facility and 21 single-family lots.

Preliminary SP and Final Site Plan

A request to rezone from Single-Family Residential (RS10) to Specific Plan – Mixed Residential (SP-MR) zoning property located at 3778 Central Pike, approximately 450 feet west of Dodson Chapel Road (10.88 acres), to permit an assisted-care living facility and up to 21 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. *The RS10 zoning district would permit a maximum of 40 single-family lots on 10.88 acres.*

Proposed Zoning

Specific Plan-Mixed Residential (SP-MR) 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 a mixture of housing types.

CRITICAL PLANNING GOALS

N/A

DONELSON-HERMITAGE COMMUNITY PLAN

Detailed 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.

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 policy supports a mixture of housing types. The proposed SP zoning district provides opportunities for assisted-care living as well as single-family residential and is consistent with the land use policies.

PLAN DETAILS

The intent of this request is to permit the development of an assisted-care living facility and 21 single-family lots. The subject site is located in the Hermitage area on the western side of Central Pike. The site is just southwest of the Hermitage Police Precinct and Public Library and public park. The property is mostly vacant and records indicate that it contains a single-family structure. The property is heavily wooded and contains some steep slopes in excess of 25 percent. Metro GIS also indicates the presence of a stream on the site.

Specific Plan Proposal

The plan calls for an assisted-care living facility and 21 single-family lots. The assisted-care living facility is shown closer to Central Pike while the proposed lots are interior to the site. Access to the assisted-care living facility and single-family lots is proposed from a new public street.

As proposed the assisted-care living facility will include a two-story, 60,000 square foot building with 92 rooms and 97 beds. Parking for the facility is located in front of the building with the building sitting approximately 200 feet from Central Pike. The plan requires that parking meet Metro Code requirements. As proposed the facility would require a minimum of 32 parking spaces.

The 21 single-family lots are located behind the assisted-care living facility (west). The proposed bulk standards for the single-family area are as follows:

- Setbacks:
 - Front: 20 Ft
 - Rear: 20 Ft
 - Side: 5 Ft
- Max Building Coverage: 45%
- Max Height: 3 stories

The proposed new public street is consistent with Public Works Standard ST-251 and includes sidewalks on both sides of the street. The street stubs to the western property line and will provide for a future public street connection to the undeveloped property to the west. The plan proposes sidewalks along Central Pike and also shows a 13 foot right-of-way dedication along Central Pike which is consistent with the Major and Collector Street Plan. The plan provides an easement for a future greenway.

Staff Analysis

The plan is consistent with the Community Plan and the Major and Collector Street Plan. The plan also provides for a future street connection with the undeveloped land to the west. At this time Metro Stormwater has not given final approval of the request. Metro records indicate that a stream is located on the site. According to the applicant, state officials have studied the conveyance and have determined that it is not a stream. Currently Metro Stormwater is waiting for an official letter from the State indicating that the conveyance is not a stream, and cannot officially approve the request until the letter has been received. Because of this issue, staff is recommending that the request be approved with conditions if Stormwater approves the request prior to the meeting. If Stormwater approval is not received prior to the meeting, then staff recommends disapproval or that the applicant defer the request until such time that Stormwater issues have adequately been addressed.

METRO SCHOOL BOARD REPORT

Projected student generation 6 Elementary 4 Middle 4 High

Schools Over/Under Capacity

Students would attend Tulip Grove Elementary School, Dupont Tyler Middle School, and McGavock High School. Dupont Tyler is identified as over capacity; however, there is capacity within the cluster middle school students. This information is based upon data from the school board last updated September 2011.

STORMWATER RECOMMENDATION

- Metro GIS indicates a stream located within the property. Provide undisturbed buffers, provide variance, or provide a hydrologic determination showing the conveyance is not a stream.
- Provide a Water Quality Concept plan (water quality features can't reside within residential lots).

PUBLIC WORKS RECOMMENDATION

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. Extend existing left turn lane on Central Pk to project driveway with transition per AASHTO standards.

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 Detached (210)	10.88	3.7 D	40 L	448	38	47

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single-Family Detached (210)	10.88	-	21 L	201	16	22

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Assisted Living (254)	10.88	-	60,000 SF (92 Rooms)	272	13	21

Traffic changes between maximum: **RS10** and proposed **SP-MR**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+25	-9	-4

STAFF RECOMMENDATION

Staff recommends approval with conditions subject to Stormwater approval prior to the meeting and disapproval without Stormwater approval and *all conditions*. As proposed the request is consistent with the Mixed Housing in Neighborhood General land use policy, the Major and Collector Street Plan and provides for street connectivity.

CONDITIONS

1. Permitted land uses include assisted-care living, nursing home and single-family residential.
2. The assisted living use shall be limited to monument type sign with a maximum of five feet in height and 48 square feet.
3. No LED signs shall be permitted.
4. Planning Commission/Council approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by Metro Traffic Engineer and/or the Planning Commission.
5. Extend existing left turn lane on Central Pike to project driveway with transition per AASHTO standards.
6. Residential lots shall be a minimum of 7,500 square feet in size.
7. The transfer of ISR shall not be permitted.
8. The maximum ISR for the assisted living facility shall be specified on the final site plan, but shall not be over 75%.
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 single-family area shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the assisted living area shall be subject to the standards, regulations and requirements of the RM20 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.

Mr. Dalton moved and Mr. Haynes seconded the motion to close the Public Hearing. (7-0)

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

Resolution No. RS2012-224

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012SP-031-001 is **Approved with conditions and disapprove without all conditions. (7-0)**

CONDITIONS

1. Permitted land uses include assisted-care living, nursing home and single-family residential.
2. The assisted living use shall be limited to monument type sign with a maximum of five feet in height and 48 square feet.
3. No LED signs shall be permitted.
4. Planning Commission/Council approved traffic conditions may be modified based on subsequent review and approval of a new Traffic Impact Study by Metro Traffic Engineer and/or the Planning Commission.
5. Extend existing left turn lane on Central Pike to project driveway with transition per AASHTO standards.
6. Residential lots shall be a minimum of 7,500 square feet in size.
7. The transfer of ISR shall not be permitted.
8. The maximum ISR for the assisted living facility shall be specified on the final site plan, but shall not be over 75%.
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 single-family area shall be subject to the standards, regulations and requirements of the RS7.5 zoning district and the assisted living area shall be subject to the standards, regulations and requirements of the RM20 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.

The plan is consistent with the Mixed Housing and Neighborhood General land use policies because it provides a mixture of housing types for a range of age groups.

11. 2012SP-032-001

NASHVILLE WEST END

Map 092-16, Parcel(s) 234, 238, 242-245
Council District 19 (Erica S. Gilmore)
Staff Reviewer: Greg Johnson

A request to rezone from MUI-A to SP-MU zoning properties located at 204 and 208 21st Avenue South and at 2003, 2005, 2007 and 2009 Division Street, at the northeast corner of Grand Avenue and 21st Avenue South (1.75 acres), to permit a mixed-use development containing a hotel, multifamily and office and commercial uses, requested by Littlejohn Engineering Associates, applicant, LaGasse Family Partners, LLC, owner.

Staff Recommendation: Defer to the December 13, 2012, Planning Commission meeting

Deferred to the December 13, 2012 Planning Commission meeting. (6-0)

The Metropolitan Planning Commission DEFERRED 2012SP-032-001 to the December 13, 2012, Planning Commission meeting. (6-0)

Zone Changes

12. 2012Z-025PR-001

BL2012-307 / GLOVER
931 OLD LEBANON DIRT ROAD
Map 076, Parcel(s) 052
Council District 12 (Steve Glover)
Staff Reviewer: Jason Swaggart

A request to rezone from RS15 to AR2a zoning property located at 931 Old Lebanon Dirt Road, approximately 650 feet north of N. New Hope Road (6.0 acres), requested by Councilmember Steve Glover, applicant, James and Allison Scarlett, owners.

Staff Recommendation: Approve

APPLICANT REQUEST

Rezone from RS15 to AR2a.

Zone Change

A request to rezone from Single-Family Residential (RS15) to Agricultural and Residential (AR2a) zoning property located at 931 Old Lebanon Dirt Road, approximately 650 feet north of N. New Hope Road (6.0 acres).

Existing Zoning

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

Proposed Zoning

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

CRITICAL PLANNING GOALS

N/A

DONELSON-HERMITAGE COMMUNITY PLAN

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

Consistent with Policy?

While the proposed AR2a zoning permits a lower density limit than what is supported by the policy, it is consistent with the surrounding zoning and the surrounding rural character of the area. AR2a has historically been considered a "holding-pattern" type zoning district and would not preclude the possibility of a future rezoning back to a denser district.

METRO SCHOOL BOARD REPORT

This request represents a downzoning and will not create any additional school students.

STORMWATER RECOMMENDATION

Approved

PUBLIC WORKS RECOMMENDATION

No Exceptions Taken

A traffic table was not prepared for this request as the proposed zoning would reduce the total number of trips.

STAFF RECOMMENDATION

Staff recommends that the request be approved. The proposed AR2a zoning district is consistent with the surrounding zoning and the surrounding rural character of the area.

Approved (8-0), Consent Agenda

Resolution No. RS2012-225

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-025PR-001 is **Approved. (8-0)**

The proposed AR2a zoning district is consistent with the surrounding zoning and the rural character of the area.

13. 2012Z-026PR-001

1624 16TH AVENUE SOUTH

Map 104-08, Parcel(s) 358

Council District 17 (Sandra Moore)

Staff Reviewer: Duane Cuthbertson

A request to rezone from OR20 to OR40 zoning property located at 1624 16th Avenue South, approximately 200 feet north of Wedgewood Avenue (0.24 acres) and located within the South Music Row Neighborhood Conservation Overlay District, requested by Barbara Louv, owner.

Staff Recommendation: Approve

APPLICANT REQUEST

Rezone from OR20 to OR40

Zone Change

A request to rezone from Office/Residential (OR20) to Office/Residential (OR40) zoning property located at 1624 16th Avenue South, approximately 200 feet north of Wedgewood Avenue (0.24 acres) and located within the South Music Row Neighborhood Conservation Overlay District.

Existing Zoning

Office/Residential (OR20 District) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. This property would permit up to four total dwelling units with the existing OR20.

Proposed Zoning

Office/Residential (OR40 District) is intended for office and/or multi-family residential units at up to 40 dwelling units per acre. This property would permit up to nine total dwelling units with the proposed OR40 zoning.

CRITICAL PLANNING GOALS

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

The proposed zone change increases the residential density permitted on the subject property and enables multifamily development in an area where existing services and infrastructure are provided. The surrounding area contains a complete sidewalk network and a variety of services are within walking distance. The subject property is within close proximity to transit services provided on 16th Avenue and on Wedgewood Avenue to the north.

GREEN HILLS-MIDTOWN COMMUNITY PLAN

Office Concentration (OC) policy is intended for existing and future large concentrations of office development. Medium high to high density residential uses may also be considered appropriate.

Consistent with Policy?

Yes. The proposed zoning district is consistent with the policy's consideration for high density residential uses. The property is located within the South Music Row Neighborhood Conservation Overlay District. Any redevelopment of the property is subject to Historic Zoning Commission approval. The overlay is intended to ensure that future development or redevelopment of the property is compatible with and sensitive to the surrounding context. The subject property contains 0.24 acres. The

proposed OR40 district would permit up to nine dwelling units. There are several multi-family projects near the subject property that contain residential densities in between 20 and 40 units per acre.

HISTORICAL COMMISSION RECOMMENDATION

New construction will need to receive a Preservation Permit since the property is within the South Music Row Neighborhood Conservation Zoning Overlay.

PUBLIC WORKS RECOMMENDATION

- Traffic study may be required at time of development.

Maximum Uses in Existing Zoning District: **OR20**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.24	0.8 F	8,363 SF	198	26	26

Maximum Uses in Existing Zoning District: **OR40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
General Office (710)	0.24	1 F	10,454 SF	235	31	31

Traffic changes between maximum: **OR20** and proposed **OR40**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2,091 SF	+37	+5	+5

SCHOOL BOARD REPORT

Projected student generation 1 Elementary 1 Middle 0 High

Schools Over/Under Capacity

Students would attend Eakin Elementary School, West End Middle School, or Hillsboro High School. Two of the three (Eakin and West End) of the schools have been identified as being over capacity by the Metro School Board. However, there is capacity within the cluster for elementary and middle schools students.

STAFF RECOMMENDATION

Staff recommends approval as the requested OR40 district is consistent with the Office Concentration land use policy.

Approved (8-0), Consent Agenda

Resolution No. RS2012-226

“BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-026PR-001 is **Approved. (8-0)**

The requested OR40 zoning district is consistent with the Office Concentration land use policy.

14. 2012Z-027PR-001

1808, 1809 & 1810 MORENA STREET, 925 & 929 DR D.B. TODD JR. BOULEVARD

Map 092-03, Parcel(s) 308-311, 408
 Council District 21 (Edith Taylor Langster)
 Staff Reviewer: Duane Cuthbertson

A request to rezone from RM20 to RM40-A zoning for properties located at 1808, 1809 and 1810 Morena Street and 925 and 929 Dr. D.B. Todd Jr. Boulevard, approximately 200 feet north of Herman Street (3.42 acres), requested by Don Hardin Group, applicant, Meharry Medical College, owner.

Staff Recommendation: Approve

APPLICANT REQUEST
Rezone from RM20 to RM40-A

Zone Change

A request to rezone from Multi-Family Residential (RM20) to Multi-Family Residential-Alternative (RM40-A) zoning for properties located at 1808, 1809 and 1810 Morena Street and 925 and 929 Dr. D. B. Todd Jr. Boulevard, approximately 200 feet north of Herman Street (3.42 acres).

Existing Zoning

Residential Multifamily (RM20 District) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre. This property would permit up to 68 total dwelling units with the existing RM20 district.

Proposed Zoning

Residential Multifamily Alternative (RM40-A District) is intended for single-family, duplex, and multi-family dwellings at a density of 40 dwelling units per acre and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards. This property would permit up to 136 total dwelling units with the proposed RM40-A district.

CRITICAL PLANNING GOALS

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

The proposed zone change increases the residential density permitted on the subject property and enables multifamily development in an area where existing services and infrastructure are provided. The surrounding area contains a complete sidewalk network and a variety of services are within walking distance. The subject property is located on a transit service line provided on D.B. Todd Jr. Boulevard.

NORTH NASHVILLE COMMUNITY PLAN

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

Consistent with Policy?

Yes. The proposed zoning district is consistent with the policy’s consideration for higher density in a manner that enhances urban neighborhoods. The RM40-A district supports the policy’s intent. The subject properties contain 3.42 acres. The proposed RM40-A district would permit up to 136 dwelling units.

The subject properties are in part located on D. B. Todd Jr. Boulevard immediately south of Meharry Medical College and west of Fisk University. The zone change has been requested by Meharry Medical College for housing development supportive to their institution.

The zone change encourages higher density infill in an ‘Economically Disadvantaged Incentive Area’ established to encourage and support new development. The subject property is served well by existing infrastructure and suited to accommodate higher residential density. The additional density would support existing services located in the area and provide additional housing within walking distance to the nearby institutions.

PUBLIC WORKS RECOMMENDATION

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

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)	3.42	20 D	68 U	536	38	56

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	3.42	40 D	136 U	948	71	93

Traffic changes between maximum: **RM20** and proposed **RM40-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 68 U	+412	+33	+37

SCHOOL BOARD REPORT

Projected student generation **1** Elementary **0** Middle **1** High

Schools Over/Under Capacity

Students would attend Park Avenue Elementary School, McKissack Middle School, or Pearl-Cohn High School. None of the three schools have been identified as being over capacity by the Metro School Board.

STAFF RECOMMENDATION

Staff recommends approval as the requested RM40-A district is consistent with the T4 Urban Neighborhood Evolving policy.

Approved (8-0), Consent Agenda

Resolution No. RS2012-227

"BE IT RESOLVED by The Metropolitan Planning Commission that 2012Z-027PR-001 is **Approved. (8-0)**

The requested RM40-A zoning district is consistent with the T4 Urban Neighborhood Evolving land use policy.

The commission took a break from 6:12 p.m. until 6:38 p.m.

Planned Unit Developments

15. 74-79P-009

BL2012-302 / JOHNSON

NASHBORO VILLAGE (SITE 15)

Map 135, Parcel(s) 418

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Brenda Bernards

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, zoned R10 (3.46 acres), to permit neighborhood retail uses not to exceed one story, where 27,600 square feet of commercial uses were previously approved, requested by Councilmember Karen Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: Disapprove as submitted, Approve with amendments

APPLICANT REQUEST

Amend Site 15 of the Nashboro Village PUD

PUD Amendment

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, zoned One and Two Family Residential (R10) (3.46 acres), to permit neighborhood retail uses not to exceed one story, where 27,600 square feet of commercial uses were previously approved.

Existing Zoning

Site 15 is zoned R10 with a PUD overlay District. This portion of the PUD overlay allows neighborhood commercial uses.

Proposed Zoning

With the amendment to the PUD, the height of retail uses will be limited to one story, certain uses will be prohibited, buffering will be required from the adjacent residential development and building orientation and parking location will be specified.

CRITICAL PLANNING GOALS

N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

T3 Suburban Neighborhood Center (T3 NC) policy is intended to enhance and create suburban neighborhood centers 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 Neighborhood Centers are pedestrian friendly areas, generally located at intersections of suburban streets that contain commercial, mixed use, civic and public benefit land uses, with residential present only in mixed use buildings. T3 Suburban Neighborhood Centers serve suburban neighborhoods within a 5 minute drive.

Special Policy 13-T3-NC-04

The existing zoning as applied to this property provides specific zoning entitlements. Any development of this property requires a review and approval of a final development plan to ensure consistency with the existing entitlements and conditions prior to obtaining building permits. Development plans may be approved directly or as a revised plan if the proposed development plan is consistent with the approved general development concept and relevant conditions of the existing zoning. In cases where the development plan is not consistent with the approved general development concept and conditions of the existing zoning, an amendment requiring approval by the Metro Council is required. In cases requiring an amendment to the existing zoning conditions, the specific and special land use policies in the Antioch – Priest Lake Community Plan will provide guidance in the review of that amendment.

Below are the special policies that apply to this policy area. Where the Special Policy is silent, the guidance of the T3 Suburban Neighborhood Center policy applies.

Appropriate Land Uses:

Limit land uses to neighborhood retail.

Design Principles:

Building Form (Mass, Orientation, Placement)

- Buildings should not exceed 1 story in height.
 - To encourage a pedestrian friendly streetscape, buildings should frame Nashboro Village or Flintlock Court. Where buildings cannot frame the street, other features such as courtyards, patio spaces, and out-door dining areas should frame the street.
- #### Connectivity (Pedestrian and Bicycle)
- Sidewalks and crosswalks should be provided at the intersection of Flintlock Court and Nashboro Village Boulevard to help pedestrians travel safely to and from the center. Additional pedestrian connections may be warranted to facilitate convenient access to and from the commercial center.

Landscaping and Lighting

- A landscape buffer should be provided along the adjacent townhome development.
- Lighting should be pedestrian scaled and projected downward.

Parking

- With exceptional design, one row of parking may be located in front of the building. To create a traditional neighborhood center character, this parking is encouraged to be designed as parallel parking. The remainder of parking should be located behind or beside the building. Where appropriate, ample landscaping should be provided to buffer the view of parking from the street.

Consistency with Policy

While the proposed amendment is generally consistent with the policy, it does place restrictions on certain uses that would typically be found in a Neighborhood Center. In developing the special policy, staff worked with the Councilmember, the community and the property owners. The changes are consistent with the policy and are described below.

BACKGROUND

Site 15 is part of the Nashboro Village PUD which is located between Murfreesboro Pike and Bell Road south of Smith Springs Road in the Antioch area of Davidson County. The PUD was originally approved by the Metro Council in 1979 for a range of housing types, commercial uses, recreational facilities and a day care center. The PUD is divided into 28 development sites and these have been developed in phases over time. Portions of the PUD have been revised and the master plan updated a number of times. The main recreational facilities include a golf course, which is the central feature of the PUD, and a tennis facility. There are four sites, including this site, that remain undeveloped.

Site 15 was originally approved for 40 stacked flat units and 21 townhouse units. In 1983, the PUD was revised. The commercial development originally proposed for Site 24 across Nashboro Village Boulevard from Site 15 was replaced with 64 stacked flat units. The 27,600 feet of neighborhood commercial that was previously on Site 24 was moved to Site 15.

In March 2012, the Councilmember initiated a PUD review of this site and it was found to be inactive. The Planning Commission recommended that Sites 15 remain as approved as it was consistent with the policy in place. Further, it was recommended that, when an application is received to develop this portion of the PUD, the Planning Commission direct staff to work with the applicant to ensure that the development will contribute to the overall PUD by providing neighborhood services at an appropriate scale and design that also contributes to the walkability of the area. In the recent update of the Antioch-Priest Lake Community Plan, the special policy for this site incorporated the Planning Commission recommendation.

PROPOSED PUD AMENDMENT

As noted above, the proposed amendment is generally consistent with the special policy in place but adds additional restrictions on certain uses. The staff recommended changes to this request are shown in **bold and underlined** for additions and ~~strikethrough~~ for deletions.

A number of the uses proposed to be prohibited are uses appropriate for a neighborhood center. Staff is recommending that full service restaurants, grocery stores, liquor stores and general retail uses not be excluded. Zoning Administrator has indicated that if a "convenience drive-in market" and "Beer and cigarette market" were included in the list of prohibited uses, it would be interpreted that all retail uses would be prohibited. The amendment does prohibit automobile convenience which also prohibits the mini-mart associated with fuel pumps.

1. Uses contained in the commercial development shall be those typically considered to be "neighborhood retail." The following uses shall be prohibited:

- a. Adult entertainment including adult bookstore, adult video store, and adult theater
- b. Pawn shop
- c. Flea market and auction house
- d. Transient lodging
- e. Warehousing and storage
- f. Automobile convenience
- ~~g. Liquor store~~
- h. Bar/Nightclub, not including restaurants that serve beer, wine or liquor.**
- ~~i. Beer and cigarette market~~
- ~~j. Grocery store~~
- ~~k. Convenience drive in market~~

Condition 2 and 3 are consistent with the policy.

The policy allows for one row of parking in front of the building if it does not impact the pedestrian friendly streetscape.

4. Where possible, parking should be located behind or adjacent to the buildings. **One row of parking may be permitted in front if it is demonstrated that the pedestrian-friendly streetscape is not impacted through appropriate, reasonable and properly located pedestrian connections between the sidewalk and the building.**

Condition 5 is consistent with the policy.

The property owner has requested the following revision to Section 6.

6. Buildings shall have accented entrance features and perimeter pedestrian ways **interconnected with existing pedestrian walkways if present. Walkways should be** improved with landscaping to enhance both the building and walking area.

Staff would note that the building materials requirements of Section 7 may not be enforceable in a PUD.

STAFF RECOMMENDATION

Staff recommends disapproval as submitted and approval with amendments.

ORDINANCE NO. BL2012-302

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by amending a portion of the Nashboro Village Planned Unit Development Overlay District for a portion of property located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, zoned R10 (3.46 acres), to permit neighborhood retail uses not to exceed one story, where 27,600 square feet of commercial uses was previously approved, all of which is described herein (Proposal No. 74-79P-009).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By amending a portion of the Nashboro Village Planned Unit Development Overlay District for a portion of property located at Nashboro Boulevard (unnumbered), at the southwest corner of Nashboro Boulevard and Flintlock Court, zoned R10 (3.46 acres), to permit neighborhood retail uses not to exceed one story, where 27,600 square feet of commercial uses was previously approved, being a portion of Property Parcel No. 418 as designated on Map 135-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this Ordinance, to cause the change to be made on Map 135 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory Ordinance.

Section 3. Be it further enacted, that the following conditions shall be completed or satisfied, as specifically required:

1. Uses contained in the commercial development shall be those typically considered to be "neighborhood retail." The following uses shall be prohibited:
 - a. Adult entertainment including adult bookstore, adult video store, and adult theater
 - b. Pawn shop
 - c. Flea market and auction house
 - d. Transient lodging
 - e. Warehousing and storage
 - f. Automobile convenience
 - ~~g. Liquor store~~
 - h. Bar/Nightclub, not including restaurants that serve beer, wine or liquor.**
 - ~~i. Beer and cigarette market~~
 - ~~j. Grocery store~~
 - ~~k. Convenience drive-in market~~
2. Building heights shall not exceed one story.
3. The development shall create a pedestrian-friendly streetscape. Buildings should either frame Nashboro Boulevard or Flintlock Court or, if not possible, other features such as courtyards, patios, outdoor dining or landscaping shall frame the street. Sidewalks and crosswalks should be provided at the intersection of Nashboro and Flintlock Court to encourage pedestrian access and safety with preferably no traffic signal at this location.
4. Where possible, parking should be located behind or adjacent to the buildings. **One row of parking may be permitted in front if it is demonstrated that the pedestrian-friendly streetscape is not impacted through appropriate, reasonable and properly located pedestrian connections between the sidewalk and the building.**
5. The commercial center shall be buffered from the adjacent townhome development with ample landscaping.
6. Buildings shall have accented entrance features and perimeter pedestrian ways **interconnected with existing pedestrian walkways if present. Walkways should be** improved with landscaping to enhance both the building and walking area.
7. Buildings shall be constructed of quality materials for reduced maintenance and shall be designed to be compatible with surrounding development. Exterior finishes shall be in character with existing Nashboro Village finishes or with top quality commercial developments in the vicinity.

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.

INTRODUCED BY: Karen Y. Johnson

Ms. Bernards presented the staff recommendation of disapproval as submitted, approval with amendments.

Council Lady Karen Johnson spoke in support of the proposal, stated that these are fair and reasonable compromises, and noted that it would not be the right thing to place convenience markets or liquor stores in the heart of this community.

Ken Renner, 905 Kingfisher Point, representing the property owner, spoke against the proposal.

David Kuhlman, 1000 Flintlock Court, stated opposition to any commercial development on this site.

Vivian Wilhoite, 1029 Flintlock Court, stated opposition to any development on this site.

Howard Jackson, 2426 Nashboro Blvd, stated opposition to any commercial development on this site.

Council Lady Johnson asked for approval of the proposal.

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

Mr. Dalton suggested that if approved, it should be approved as submitted because this area does not need any further commercial development.

Mr. Haynes spoke in support of staff recommendation with amendments and stated that thoughtful commercial development in residential areas is going to be imperative as Nashville continues to grow.

Mr. Dalton clarified that when this PUD was passed, it was a different time and place. Density can be a good thing, but not in all cases.

Mr. Gee inquired if restricting uses is all that is being done.

Ms. Bernards stated yes, restricting certain uses and addition certain clarifications for when the property is developed.

Councilman Claiborne inquired if they were to move forward would all retail be restricted.

Ms. Bernards stated that some of the retail uses that are proposed to be prohibited are not defined by the Zoning Code and the Zoning Administrator has interpreted this to mean that all retail uses would be prohibited.

Councilman Claiborne stated that he is sympathetic to the property owner and their rights; makes sense that the proposal would allow for some degree of commercial, just not retail.

Mr. Adkins stated that current commercial uses seem to extreme, staff recommendation makes the most sense given the situation, harmful to not allow some types of retail to be there.

Chairman McLean stated that the commission would be interested in hearing if there has been any compromise reached between the parties.

Council Lady Johnson stated that they have agreed on no liquor store, no drive up cigarette/beer market, and no grocery store.

Ken Renner stated an objection to prohibiting retail uses.

Mr. Haynes stated that there are retail uses that can work and that the market will have to bear it out.

Council Lady Johnson stated that she is happy with eliminating only a portion of retail, not all retail.

Mr. Gee stated that the answer to this is a text amendment, which can't be done. In support of deferral.

Dr. Cummings inquired if deferral is an option.

Ms. Bernards stated that this could be deferred to the next MPC meeting.

Mr. Dalton moved and Dr. Cummings seconded the motion to defer indefinitely. (7-0)

Resolution No. RS2012-228

"BE IT RESOLVED by The Metropolitan Planning Commission that 74-79P-009 is Deferred Indefinitely. (7-0)

16. 74-79P-010

BL2012-301 / JOHNSON

NASHBORO VILLAGE (SITE 14)

Map 135, Parcel(s) 276

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Brenda Bernards

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, zoned R10 (4.48 acres), to permit an assisted/independent living facility and multifamily residential townhome uses not to exceed two stories, where 144 multifamily units in two six-story buildings was previously approved, requested by Councilmember Karen Johnson, applicant, Flintlock Investors LLC, LLC, owner.

Staff Recommendation: Disapprove as submitted, approve with amendments

APPLICANT REQUEST

Amend Site 14 of the Nashboro Village PUD

PUD Amendment

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, zoned One and Two Family Residential (R10) (4.48 acres), to permit an assisted/independent living facility and multifamily residential townhome uses not to exceed two stories, where 144 multi-family units in two, six-story buildings were previously approved

Existing Zoning

Site 14 is zoned R10 with a PUD overlay District. This portion of the PUD overlay allows 144 multi-family units in two, six-story buildings.

Proposed Zoning

With the amendment to the PUD, residential uses will be limited to two story townhouse units and assisted/independent living.

CRITICAL PLANNING GOALS

N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

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

Special Policy T3-NM-04, Infill Area 1A-01 - This infill area is referenced as "Site 14 -Multi-family Site" in the Nashboro Village Planned Unit Development (PUD). This infill area is identified to reflect existing development rights on the property and is not intended to suggest intensity beyond what is approved. It is located on the southeast side of Nashboro Boulevard and Flintlock Court, adjacent to the pond. The Metropolitan Planning Commission found the portion of the Planned Unit Development (PUD) for this site to be inactive, but also found that the PUD should be implemented as adopted. The following special policies, developed during discussions with stakeholders during the Antioch -Priest Lake Community Plan Update process, reflect a balance between the existing development rights, community vision, and sound planning principles.

Alternate Policy

This site is also considered for T3 Suburban Potential Open Space. It is referenced as 13-T3-POS-03. If the property is not secured for public open space use, the alternate policy is Conservation and an infill area in T3 Suburban Neighborhood Maintenance. Guidance for these policies may be found in Conservation policy Area 13-CO-01 and within Conservation policy in CCM, and in the special policies below.

Appropriate Land Uses

- Appropriate land uses include Assisted Living or Residential Multi-family.

Design Principle:

Building Form (Mass, Orientation, Placement)

- Development should be in character with the overall character of development in Nashboro Village.
- Building heights should not exceed 4 stories.

Connectivity (Pedestrian/Bicycle)

- Any development should provide public access to the pond.

- A bike route is planned along Flintlock Court. This bike route is part of a neighborhood bike loop that was planned to accommodate varying comfort levels of bicyclists. See the recommendations in Chapter III Transportation Plan, for additional guidance on bikeways.

Parking

- If possible, parking should be located behind or beside the building. If parking is not located behind or beside the building, ample landscaping should be provided to buffer the view of parking from the street.

Consistency with Policy

No. Restricting the multi-family development permitted on Site 14 to a townhouse product of not more than two stories in height is not “in character with the overall character of development in Nashboro Village.” The Nashboro Village PUD was approved for a range of housing types including stacked flats, townhouse units and single-family units. While the PUD was originally approved by the Metro Council for up to six stories on this site, the recently amended policy limits the height to four stories and does not limit the type of a multi-family development in this location. The zoning code does not separate a “townhome” as a use, it is included as multi-family. As Site 14 is situated in a low point of the overall PUD, a building greater than two and up to four stories in this central portion of the PUD would fit the character of the overall PUD and is appropriate at an intersection such as this.

BACKGROUND

Site 14 is part of the Nashboro Village PUD which is located between Murfreesboro Pike and Bell Road south of Smith Springs Road in the Antioch area of Davidson County. The PUD was originally approved by the Metro Council in 1979 for a range of housing types, commercial uses, recreational facilities and a day care center. The PUD is divided into 28 development sites and these have been developed in phases over time. Portions of the PUD have been revised and the master plan updated a number of times. The main recreational facilities include a golf course, which is the central feature of the PUD, and a tennis facility. There are four sites, including this site, that remain undeveloped.

In March 2012, the Councilmember initiated a PUD review of these sites. All four were found to be inactive. The Planning Commission recommended that Site 14 remain as approved for 144 multi-family units in two, six-story buildings as this was consistent with the Residential Medium Policy in place at that time. In addition, the taller building was viewed as appropriate in this prominent location of the PUD.

PROPOSED AMENDMENT

The proposed amendment would restrict the development on this property to a two story assisted/independent living or townhouse development. Staff is recommending that the references to two stories be changed to four stories and the restriction on the type of multi-family development be deleted.

The special policy recently adopted by the Planning Commission permits up to four stories for a building and requires that the development be in character with the overall development of Nashboro Village. Limiting the buildings to two stories is not appropriate from a design perspective and does not appear to be in character with the overall development. The buildings closest to this property appear to be 2.5 stories. The property sits approximately 20 feet lower than the adjacent developments across Nashboro Boulevard and across the pond and golf course. In addition, there is a stream that runs along the north boundary that is heavily vegetated. Any development would need to stay out of the stream buffer area, which is measured 30 feet from the top of the stream bank. Any disturbance in the next 20 feet would have to be mitigated and re-vegetated. This offers a substantial buffer between this property and the property to the northeast which is developed with what appear to be 2.5 and three story town house units. A four-story building on this property would fit in the character of the PUD and would meet the building form requirements of the special policy.

STAFF RECOMMENDATION

Staff recommends disapproval as submitted and approval with amendments. The amendments to the request that staff is recommending are shown in **bold and underlined** for additions and ~~striketrough~~ for deletions.

ORDINANCE NO. BL2012-301

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by amending a portion of the Nashboro Village Planned Unit Development Overlay District for a portion of property located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, zoned R10 (4.48 acres), to permit an assisted/independent living facility and multifamily residential ~~townhome~~ uses not to exceed two four stories, where 144 multifamily units in two six-story buildings was previously approved, all of which is described herein (Proposal No. 74-79P-010).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By amending a portion of the Nashboro Village Planned Unit Development Overlay District for a portion of property located at Nashboro Boulevard (unnumbered), at the southeast corner of Nashboro Boulevard and Flintlock Court, Site 14, zoned R10 (4.48 acres), to permit an assisted/independent living facility and multifamily ~~townhome~~ residential uses, not to exceed ~~2~~ **four** stories and consistent with the scale of development along the southeast side of Nashboro Boulevard, where 144 multifamily units in two six-story buildings was previously approved, being a portion of Property Parcel(s) No. 276 as designated on Map 135-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this Ordinance, to cause the change to be made on Map 135 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory Ordinance.

Section 3. Be it further enacted, that the following conditions shall be completed or satisfied, as specifically required:

1. Development shall be limited to assisted living, independent living, active adult (55+) living, or residential multifamily ~~townhomes~~.
2. Development shall be in character with comparable development within Nashboro Village. Buildings shall be constructed of quality materials for reduced maintenance and shall be designed to be compatible with surrounding development. Exterior finishes shall be in character with existing Nashboro Village finishes.
3. Height shall be restricted to no more than ~~two~~ **four** stories.
4. If possible, parking shall be behind or adjacent to structures. If this is not possible, ample landscaping, berms, or other buffers shall be provided to help screen parking from the street.
5. Public access to Lake Nashboro shall be provided.

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.

INTRODUCED BY: Karen Y. Johnson

Mr. Adkins out at 7:40

Mr. Adkins in at 7:44

Mr. Bernhardt stated that the application was filed as an incomplete application but was accepted based on the extraordinary circumstances that it was filed through the Council Office. He explained that the Commission may decide to waive its rules. If the Commission waives its rules, it must deem this an extraordinary case, and there must be information presented in the record on which the commission is basing its finding that this is an extraordinary case. If the Commission waives its rules, it may consider the case on its merits, and approve, disapprove, or approve with conditions.

Mr. Dalton moved and Mr. Gee seconded the motion to waive the rules and to consider this case on its merits. (7-0)

Ms. Bernards presented the staff recommendation of disapproval as submitted, approval with amendments.

Council Lady Johnson asked for support of the proposal as submitted and disapproval of staff recommendation.

Vivian Wilhoite, 1029 Flintlock Court, asked for a density reduction on this property.

David Kuhlman, Flintlock Court, stated that the density needs to be reduced.

Sam Neal, 200 Nashboro Greens, requested that no apartments be built on this property.

Roger Burnett, Flintlock Court, stated that more apartments are not needed in this area. Assisted Living would be a good fit, but apartments will make property values continue to decline.

Nigel Hodge, 484 Flintlock Court, stated that he would prefer nothing be built on this property, but if so, would like to limit it to two stories.

Howard Jackson stated that his major concern is gun crime from apartments and requested that no apartments be built.

Gwen Berkley, 512 Waterford Place, stated that some development would be fine, just not more apartments.

Elizabeth Hembree, 1151 Nashboro Blvd, stated that this is a very nice area and she would like to keep it that way. Assisted Living would be a good fit, but not more apartments.

Ken Renner, representing the property owner, spoke in opposition. He stated concern that the proposal is not possible. Taking the six stories and spreading it across the site in two-stories could not meet the requirements of the Code and other Metro Departments. The MPC has not been given the information needed to approve this proposal. During the Antioch/Priest Lake Community Plan process, we agreed to come down to four stories and would develop according to the standards in the Plan. We were trying to work with the residence. If you decide to approve this amendment, we would abide by the staff recommendations as we believe that could be accomplished.

Council Lady restated her request for support of the amendment

Mr. Haynes moved and Mr. Dalton seconded the motion to close the Public Hearing. (7-0)

Mr. Adkins spoke in support of staff recommendation.

Mr. Haynes spoke in support of staff recommendation and stated concern with the proposal as submitted.

Dr. Cummings stated that the staff recommended amendments make sense and spoke in support of staff recommendation.

Dr. Cummings moved and Mr. Haynes seconded the motion to disapprove as submitted and approve with amendments. (7-0)

Resolution No. RS2012-229

"BE IT RESOLVED by The Metropolitan Planning Commission that 74-79P-010 **is Disapproved as submitted, approve with amendments. (7-0)**

The proposed Council bill would restrict development on this property to a maximum of two stories in height. The recommended amendments would permit a maximum four story building height, which would be consistent with the special policy approved by the Planning Commission for this site, and would fit within the overall character of the of existing Planned Unit Development.

17. 74-79P-011

BL2012-303 / JOHNSON

NASHBORO VILLAGE (SITE 27)

Map 135, Parcel(s) 317

Council District 29 (Karen Y. Johnson)

Staff Reviewer: Brenda Bernards

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), approximately 1,600 feet east of Murfreesboro Pike, zoned RM6 (1.7 acres), to add conditions applicable to the daycare use previously approved for this site, requested by Councilmember Karen Johnson, applicant, Vastland Nashboro Development, LLC, owner.

Staff Recommendation: Disapprove. If approved, approve with amendments

APPLICANT REQUEST

Amend Site 27 of the Nashboro Village PUD

PUD Amendment

A request to amend a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), approximately 1,600 feet east of Murfreesboro Pike, zoned Multi-Family Residential (RM6) (1.7 acres), to add conditions applicable to the daycare use previously approved for this site.

Existing Zoning

Site 27 is zoned RM6 with a Planned Unit Development overlay that permits a day care use.

Proposed Zoning

With the amendment to the PUD, conditions will be added to the daycare use.

CRITICAL PLANNING GOALS

N/A

ANTIOCH/PRIEST LAKE COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) policy is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. T3 NM areas will experience some change over time, primarily when buildings are expanded or replaced. When this occurs, efforts

should be made to retain the existing character of the neighborhood, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Special Policy T3-NM-04, Infill Area 1A-03 – This infill area is referenced as “Site 27 - Day Care Center” in the Nashboro Village Planned Unit Development (PUD). This infill area is identified to reflect existing development rights on the property and is not intended to suggest intensity beyond what is approved. It is located at the corner of Nashboro Village Boulevard and Long Hunter Lane. The Metropolitan Planning Commission found that the PUD is inactive for this site, but found that the PUD should continue to be implemented as adopted. Development rights include a day care center. Zoning on the property is RM6, which permits multi-family residential development at six units per acre. The following special policies, developed during discussions with stakeholders during the Antioch – Priest Lake Community Plan Update process, reflect a balance between the existing development rights, community vision, and sound planning principles.

Appropriate land uses include Day Care Center. The day care center should develop in a manner that is consistent with all applicable state regulations, particularly as state regulations relate to buffers and fencing along Nashboro Boulevard, to ensure the safety of children along the busy corridor.

Consistency with Policy

No. The policy specifies that the daycare should develop in a manner consistent with applicable state regulations. The amendment would place duplicate requirements or unnecessary additional restrictions on the permitted day care use. Day care centers must be licensed by the State to operate. State licensing regulations determine the appropriate number of children that can be served in a day care by specifying the child to caregiver ratio, the square footage of usable indoor play space (30 square feet per child), outdoor play space (50 square feet per child), the number of toilets and washing facilities required and additional facilities based on the services provided. For the purposes of calculating square footage requirements, any area used as restrooms, halls, kitchen, or office space, and any space used by cribs or large pieces of furniture, is not be considered “usable indoor play space” and is not counted toward the day care’s licensed capacity. The number of children that can be served in a day care facility on Site 27 should be determined by state licensing requirements. A day care is permitted as a Special Exception under the RM zoning district, the underlying district for this property. The Zoning Code would permit a day care for more than 75 children on this property. Details of the Zoning Code requirements are included in the discussion of the proposed amendment.

BACKGROUND

Site 27 is part of the Nashboro Village PUD which is located between Murfreesboro Pike and Bell Road south of Smith Springs Road in the Antioch area of Davidson County. The PUD was originally approved by the Metro Council in 1979 for a range of housing types, commercial uses, recreational facilities and a day care center. The PUD is divided into 28 development sites and these have been developed in phases over time. Portions of the PUD have been revised and the master plan updated a number of times. The main recreational facilities include a golf course, which is the central feature of the PUD, and a tennis facility. There are four sites, including this site, that remain undeveloped.

In March 2012, the Councilmember initiated a PUD review of these sites. All four were found to be inactive. The Planning Commission recommended that Site 27 remain as approved for a day care center.

PROPOSED PUD AMENDMENT

The proposed amendment adds certain conditions to the development of a day care for Site 27, including restricting the size, specifying landscaping requirements and fencing along Nashboro Boulevard. Staff is recommending disapproval of this amendment as the amendment is not necessary. The first three conditions are addressed in either the Zoning Code or through state licensing requirements.

1. The maximum number of children at the daycare facility shall be 75.
2. The parking and tree density requirements of the zoning code shall apply to the development.
3. The site plan's interior landscaping requirements around the play area shall be a minimum landscape B buffer.

The number of children that can be served in the day care should be determined by the state licensing process. No explanation is given in the amendment proposal for limiting the number of children beyond the state requirement. As the site plan for the day care in the approved preliminary plan lacks detail, before a day care could be developed a PUD revision would be required. At that time, all current parking, landscaping and stormwater requirements would need to be met.

The fourth condition implies that outdoor play areas will remain adjacent to Nashboro Boulevard.

4. Wrought-iron, brick, stone, aluminum, or wooden fencing consistent with other fencing within Nashboro Village shall be installed along Nashboro Boulevard for the protection of the children. Chain link fencing shall be prohibited.

If the outdoor play area does not remain adjacent to Nashboro Boulevard, this fencing would be little more than decorative. Any play area already requires fencing and buffering no matter where it is located on the property.

Day Care Requirements of the Zoning Code

Day care centers are permitted as Special Exceptions in the RM6 district, which is the base zoning district of Site 27. There are four classes of day care centers:

- Class I – 13 to 25 individuals
- Class II – 26 to 50 individuals
- Class III – 51 to 75 individual
- Class IV – More than 75 individual.

Each class must meet lot size, street standard and landscape buffer yard criteria. A Class IV day care must meet additional locational criteria. The proposed amendment would restrict this site to a Class III day care. While this is a permitted use in the PUD and a special exception would not be required, Site 27 does meet all the criteria for a Class III and a Class IV day care.

Class III—Fifty-One to Seventy-Five Individuals.

- a. Lot Size. The minimum lot size shall be one and one-half acre.
- b. Street Standard. At a minimum, driveways shall have access on a collector street.
- c. Landscape Buffer Yard. Where the day care center abuts a residential zone district or district permitting residential use, there shall be screening in the form of landscape buffer yard Standard C along common property lines.

Site 27 meets the requirements of a. and b. as the property is 1.7 acres in size and Nashboro Boulevard is a classified as a collector street. Site 27 abuts a multi-family development.

A Class IV day care must meet the criteria for a Class III daycare and also one of four locational criteria.

Preferred residential locations are where:

- a. The day care center will be accessory to another institutional use; or
- b. The day care center will be the principal use serving as an adaptive reuse of a vacant institutional facility or nonresidential structure; or
- c. The day care center lot abuts and has common street frontage with a nonresidential or multifamily zone district; or
- d. The day care center is within a large multifamily housing development of two hundred or more dwelling units.

Site 27 meets criteria c and d.

The Zoning Code requires that an outdoor play area must be fenced and attached to the day care structure in a manner which minimizes noise impacts on neighboring residences. A circular driveway is required with a separate entrance and exit to facilitate the drop-off and pick-up of children.

For both this permitted daycare center and one that would require a Special Exception, all requirements of the state that pertain to the use and operation of the facility must be met.

Recommended Amendments if Approved

Staff is recommending disapproval of this amendment because it is not necessary to ensure compliance with applicable state and local day care requirements. If it is approved, staff recommends that condition 1 be deleted. State licensing regulations and the Zoning Code provisions are the more appropriate determinant of capacity for the day care. Staff further recommends that condition 3 be replaced with the following:

3. The site plan's interior landscaping requirements shall include landscape buffers around the play area to screen this area from adjoining properties.

STAFF RECOMMENDATION

Staff recommends disapproval. If the amendment is approve, approve with amendments. The amendments to the request that staff is recommending are shown in **bold and underlined** for additions and ~~strike through~~ for deletions.

ORDINANCE NO. BL2012-303

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by amending a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), east of Murfreesboro Pike, zoned RM6 (1.70 acres), to add conditions applicable to the daycare facility use already approved for the property, all of which is described herein (Proposal No. 74-79P-011).

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

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By amending a portion of the Nashboro Village Planned Unit Development Overlay District for property located at Nashboro Boulevard (unnumbered), approximately 1,500 feet east of Murfreesboro Pike, zoned RM6 (1.70 acres), being Property Parcel No. 317 as designated on Map 135-00 of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, to add conditions applicable to the daycare facility use already approved for the property, all of which is described by lines, words and figures on the plan that was duly considered by the Metropolitan Planning Commission, and which is on file with the Metropolitan Planning Department and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this Ordinance, to cause the change to be made on Map 135 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory Ordinance.

Section 3. Be it further enacted, that the following conditions shall be completed or satisfied, as specifically required:

~~1. The maximum number of children at the daycare facility shall be 75.~~

1. The parking and tree density requirements of the zoning code shall apply to the development.

~~2. The site plan's interior landscaping requirements around the play area shall be a minimum landscape B buffer. The site plan's interior landscaping requirements shall include landscape buffers around the play area to screen this area from adjoining properties.~~

3. Wrought-iron, brick, stone, aluminum, or wooden fencing consistent with other fencing within Nashboro Village shall be installed along Nashboro Boulevard for the protection of the children. Chain link fencing shall be prohibited.

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.

INTRODUCED BY: Karen Y. Johnson

Ms. Bernards presented the staff recommendation of disapproval or approval with amendments.

Council Lady Johnson spoke in support of the staff recommended amendments.

Ken Renner, representing the property owner, stated support of the proposal with the staff recommended amendments.

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

Dr. Cummings moved and Councilmember Claiborne seconded the motion to approve with amendments and disapprove without amendments. (7-0)

Resolution No. RS2012-230

"BE IT RESOLVED by The Metropolitan Planning Commission that 74-79P-011 is Approved with amendments, disapprove without amendments. (7-0)

The proposed Council bill is not necessary to ensure compliance with applicable local and state day care requirements. With the recommended amendments, the bill would be consistent with the special land use policy in place on this property.

J. PLANNING COMMISSION ACTIONS

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

Subdivision: Final Plats

18. 2012S-130-001

NOELTON

Map 118-09, Parcel(s) 180

Council District 25 (Sean McGuire)

Staff Reviewer: Duane Cuthbertson

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

Staff Recommendation: Defer to December 13, 2012, Planning Commission meeting

K. OTHER BUSINESS

19. Employee contract renewals for Jennifer Carlat and Kathryn Withers

Approved (8-0), Consent Agenda

Resolution No. RS2012-231

"BE IT RESOLVED by The Metropolitan Planning Commission that the employee contract renewals for Jennifer Carlat and Kathryn Withers are Approved. (8-0)

20. Amendment to the Rules and Procedures, Section VII.K, Rehearings

Approved (8-0), Consent Agenda

Resolution No. RS2012-232

"BE IT RESOLVED by The Metropolitan Planning Commission that the amendment to the Rules and Procedures, Section VII. K, Rehearings is Approved. (8-0)

21. New employee contract for Amy Diaz-Barriga

Approved (8-0), Consent Agenda

Resolution No. RS2012-233

"BE IT RESOLVED by The Metropolitan Planning Commission that the new employee contract for Amy Diaz-Barriga is Approved. (8-0)

22. Historic Zoning Commission Report

23. Board of Parks and Recreation Report

24. Executive Committee Report

25. Executive Director Report

26. Legislative Update

L. MPC CALENDAR OF UPCOMING MATTERS

November 8, 2012

MPC Meeting

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

November 12, 2012

Community Meeting- Tanksley Ave Land Use Policy

6:00 pm to 7:00 pm, 384 Thompson Lane, Coleman Community Center

December 13, 2012

MPC Meeting

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

M. ADJOURNMENT – adjourned at 8:33

There will be a General Plan Work Session at 2:30 p.m. prior to the regular MPC Meeting on December 13.

The meeting adjourned at 8:33 p.m.

Chairman

Secretary