

Hickory Ridge Apts. PUD Revision
Item 8
October 22, 2009 Planning Commission Meeting

Staff recommended disapproval of this proposal based on comments from Metro Stormwater. Metro Stormwater has reviewed revised drawings from the applicant and has determined that the proposal can be approved with the addition of several Stormwater-related conditions.

The following conditions have been added to the conditions of approval for the Hickory Ridge Apts. PUD Revision:

13. Prior to scheduling a pre-construction meeting the following shall be met:
 - a. Provide construction ready plans for technical approval completion; provide three (3) sets of plans without the text “Plans are not issued for construction until reviewed and approved by all agencies”. Also, remove the any references to water quality stream buffers on the plans.
 - b. A 4-foot diameter culvert was included and sized for the 10-year storm runoff. The Design storm for culverts under residential collector roads is the 100-year storm event. The drainage map, area, time of concentration, rational coefficient, and design flowrate for the culvert was not included in the Design Calculations and shall be included.
 - c. Complete the NOC and certified EPSC notes on the plans.
 - d. The Grading Permit fee of \$1,605, payable to Metro Water Services, must be submitted.

14. A *Long Term Maintenance Plan* and an *Inspection and Maintenance Agreement* shall be submitted for approval and issuance of the Grading Permit. The Register of Deeds fees are \$5 per page plus \$7, payable to the Davidson County Register of Deeds.

15. A *Dedication of Easement* shall be required prior to the issuance of the Grading Permit if the stormwater easements will not be platted through the Metro Planning Commission. The Register of Deeds fees are \$5 per page plus \$2, payable to the Davidson County Register of Deeds.

METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY



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KRISTINE LALONDE

Councilwoman, District 18
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Email: kristine.lalonde@nashville.gov

October 20, 2009

Mr. James T. McLean, Chairman
Metropolitan Planning Commission
P. O. Box 100453
Nashville, TN 37224

Dear Mr. McLean and Members of the Commission:

I am writing to signal my support for Zone Change 2009SP-021-001-Blakemore Primitive Baptist Church. The proposed use of the church as an event center is preferable to the existing zoning of RM40. The creation of a single-family, duplex or multi-family dwelling at this location would be inappropriate and is opposed by the neighborhood. The proposed use under the requested zoning change would be in keeping with the adjacent Metro park and the immediate neighborhood, which includes Vanderbilt University and the restaurants and other commercial establishments of Hillsboro Village.

Mr. Dan Cook has worked very actively with leaders from the Hillsboro-West End Neighborhood Association (HWEN) and myself to meet the concerns of the neighborhood. Indeed, HWEN members were actively involved in the creation of this SP. I have attached a supporting letter from HWEN president Josh Tillman. Mr. Cook has held two public meetings where he was very open to questions and suggestions. I have faith that Mr. Cook will continue to act as a good neighbor as he develops and manages this event center.

I am sorry that out-of-town travel has prevented me from stating my support in public. I hope the commission will approve the staff recommendations for this zoning change.

Best regards,

A handwritten signature in cursive script that reads "Kristine LaLonde".

Kristine LaLonde
Councilmember, District 18

KL/rh
Attachment

cc: Members of the Commission
Mr. Rick Bernhardt, Director



HILLSBORO-WEST END NEIGHBORHOOD

September 16, 2009

To Whom It May Concern:

This letter is to make known our support of and involvement in the proposed plan for the redevelopment of the property formerly operated as Blakemore Primitive Baptist Church, adjacent to Fannie Mae Dees Park at Blakemore Rd. and 24th Ave. South.

On the evening of December 1st, 2008, Dan Cook presented before our Board of Directors his conceptual plan for the property. The outcome of the meeting and the position of the Board were that of general support, provided agreeable solutions could be derived to address a short list of concerns that arose during our discussions. Before the conclusion of that meeting Mr. Cook offered to our Board the opportunity to engage in the process of zone change, to the degree that we saw fit, so as to oversee the resolution of our concerns.

A task force was formed by our body, which did work closely with Mr. Cook, even to the point of helping to draft the language of the Specific Plan (SP) document that was ultimately submitted to Metro Nashville authorities. Upon completing the SP document, the task force presented it to the board on March 2, 2009, where the proposal was approved by a majority vote.

We support the adaptive reuse of the church structure as a meeting hall and event space and appreciate the lengths that Mr. Cook has gone to include us in the process.

Thank you for your recognition of our interest in this project and your deference to our position.

Sincerely yours,

Josh Tillman
Chairman of the Board



October 20, 2009

Dear Neighbor,

Fontanel Properties LLC and EDGE Planning, Landscape Architecture, and Graphic Design would like to invite you to an informational meeting on Wednesday, October 21st to be held at Whites Creek High School at 6:30 p.m. Updates on our efforts to improve the proposed plan will be provided. We are committed to addressing the concerns of some of our neighbors and working together to create solutions acceptable to everyone.

As a result of our meeting with neighborhood representatives and Councilman Hunt held on Monday, October 19th, we have agreed to make several improvements to the plan to address various concerns. Those improvements include:

- **Reduce the maximum number of events per year from thirty-six (36) to eight (8) between May 1st and October 31st with a maximum number of two (2) per month.**
- **Limit events to Friday, Saturday or Sunday only and implement a 10:30 pm curfew.**
- **Provide a stage shell that will help to direct the sound in the direction of orientation.**
- **Incorporate landscaping in the stage vicinity to reduce sound to the sides and rear of the stage.**
- **Utilize a sound technician to determine the final stage orientation subject to review and approval by Metro Planning Staff.** We have already determined through preliminary calculations, using established standards, that based upon distances from the stage to Whites Creek Pike and the surrounding residential property lines, we are well within conformance of the Metro Noise Ordinance.
- **Limiting the decibel level output to 96 db at the soundboard location for the “front porch” stage.**
- **Removing the request for ‘Associated Liquor Storage’ that previously allowed for up to ten (10) buildings at a maximum of 5,000 square feet along the private drive to the mansion.**
- **Serving only beer and wine at the full service restaurant.**

Again, thank you for contributing your thoughts, concerns and creativity to this one-of-a-kind project, which carries the promise of sustainable economic development, job growth and historic preservation in the Whites Creek community. If you should have any additional comments or questions, please feel free to call John Haas at 615-250-8154.

Reminder:

Community Meeting
Wednesday, October 21st
6:30 pm
Whites Creek High School

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Marc Oswald, written in a cursive style. The signature on the right is for John D. Haas, also in cursive, with a more stylized and compact appearance.

Marc Oswald
Fontanel Properties, LLC

John D. Haas, ASLA, RLA
Principal
EDGE Planning, Landscape Architecture & Graphic
Design



October 19, 2009

Dear Neighbor,

Fontanel Properties LLC and EDGE Planning, Landscape Architecture, and Graphic Design would like to take a moment of your time to review the facts of our proposal for the Fontanel Mansion and update you on our efforts to improve the plan. We are committed to addressing the concerns of some of our neighbors and working together to create solutions acceptable to everyone.

It is within this spirit that we have committed to making the following improvements to the “front porch” stage at Fontanel. We have agreed to:

- **Reduce the maximum number of events per month from six to two between May 1st and October 31st.** This reduces the maximum number of events per year from 36 to 12 and represents a more than 75% reduction from our original proposal of 48 per year.
- **Limit events to Friday, Saturday or Sunday only and implement a 10:30 pm curfew.**
- **Provide a stage shell that will help to direct the sound in the direction of orientation.**
- **Incorporate landscaping in the stage vicinity to reduce sound to the sides and rear of the stage.**
- **Utilize a sound technician to determine the final stage orientation subject to review and approval by Metro Planning Staff.** We have already determined through preliminary calculations, using established standards, that based upon distances from the stage to Whites Creek Pike and the surrounding residential property lines, we are well within conformance of the Metro Noise Ordinance.

The reduction in the number of events will also reduce the frequency of the minor provisions of the traffic report that was agreed upon with Metro Public Works. As you may recall, we have also agreed to the condition of approval from Public works that states:

“The applicant shall be required to submit a traffic letter/report to Metro Public Works for review and approval that describes the operation of the development during large events. This report shall be submitted one year following the approval of both Phase 1 and Phase 2. Based on the findings of the report, additional conditions may be required.”

This condition insures that we will continuously monitor traffic flow and operations during events to assure conformance. It also means that we are subject to future conditions if the traffic does not function properly during these events.

Lastly, please remember that the focus of our proposal is intended to transform the existing Fontanel mansion and property into a destination that features some of Middle Tennessee’s most valuable treasures, including agriculture, comfort cuisine and, of course, country music. The plan seeks to:

- Open the doors of Fontanel Mansion for weddings and family gatherings, corporate events and community events
- Reintroduce farming to the land with an organic farm, highlighting produce and techniques native to this region

- Bring the farm-to-table by offering fine local cuisine at a restaurant operated by one of Nashville's most respected restaurateurs
- Welcome Nashville's best musicians to our "front porch" stage and offer our guests a place to throw down a blanket under the evening sky, lay back and enjoy the pristine country environment
- Re-establish the Whites Creek tradition of hand craft spirits with an onsite distillery/micro-brewery, with tours and tastings available
- Invite guests to tour Fontanel Mansion, a honky-tonk haven to the Mandrell family as well as many country music superstars throughout the past several years

Again, thank you for contributing your thoughts, concerns and creativity to this one-of-a-kind project, which carries the promise of sustainable economic development, job growth and historic preservation in your community. If you should have any additional comments or questions, please feel free to call John Haas at 615-250-8154.

Reminder:

Metro Planning Commission Public Hearing
Thursday, October 22nd
4:00pm
"Metro Southeast" Building
1417 Murfreesboro Pike
Green Hills Conference Room

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Marc Oswald and is written in a cursive, flowing style. The signature on the right is for John D. Haas and is more stylized and compact.

Marc Oswald
Fontanel Properties, LLC

John D. Haas, ASLA, RLA
Principal
EDGE Planning, Landscape Architecture & Graphic
Design

Draft Revision to the Rules and Procedures of the Metro Planning Commission to add a new Subsection G. to Section VIII Specific Rules and re-letter subsequent sections accordingly.

G. FOUR YEAR REVIEW OF SPECIFIC PLAN DISTRICTS. In accordance with Section 17.40.106.I of the Zoning Code the Planning Commission shall review Specific Plan (SP) districts every four years to determine level of activity of that SP.

The planning commission shall review each development plan within a SP district four years from the date on which it was approved by the metropolitan council,

The planning commission shall review each development plan within a SP district four years from the date on which it was approved by the Metropolitan Council to determine if the If the review determines that the project is complete then no further review shall be undertaken. If the review determines that the project is actively under development, then no further action will be taken until four years after the completion of the review 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 inactive then the planning commission shall review the development plan within the SP district to determine its continued appropriateness.”

1. **Review Initiation.** Review will be initiated after the four year anniversary of the Council approval of the SP. For SP’s that have been amended by Council, the review cycle shall begin at the four year anniversary of the amended SP. The review will begin after that date and be completed in 90 days. Failure of the planning commission to provide the metropolitan council with a recommendation within ninety days from the initiation of the review shall be considered a recommendation to retain the existing development plan without alteration.
2. **Determination of Activity.** Staff shall visit the site within ten business days of the four year anniversary and make a preliminary determination of completion, activity or inactivity.
 - a. The SP is completed or is Active. Staff will prepare a memo to the Planning Commission, Councilmember, and property owner of record with determination of completion or activity. The Memo shall be placed on the next available agenda under Other Business for action by the Planning Commission. After the action, there shall be 14 days to appeal the concurrence of completion or activity. Appeals may be filed by the property owner of record, the Councilmember or a member of the community. Any appeal shall be heard at the next available Planning Commission meeting. If, following a hearing, the Planning Commission sustains a finding that the SP is complete or active, completed SP’s shall be removed from the four year review cycle. Active SP’s shall be reviewed again four years from the Planning Commission action date. If there is no appeal, completed SP’s shall be removed from the four year review cycle ad active SP’s shall be reviewed

again four years from the Planning Commission action date. If the SP is found to be inactive during the appeal, the process for inactive SP's, described below, shall be followed.

- b. The SP appears to be inactive. A letter shall be sent to property owner of record and Councilmember notifying of initial findings of "Inactivity." Staff shall request a written report from the owner describing development activities to date and any steps taken that would demonstrate that the SP is actively under development. If the documentation provided by the owner describes an aggregate of actions that indicates activity, and the staff, using the guidelines approved by the Planning Commission, determine that that the SP is active, the SP review shall follow the review process for "Active" SP's. For all SP's found to be inactive, staff shall prepare a report for the Planning Commission with recommendations for Council Action including:
 - 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
 - whether any amendments to the approved SP district are necessary, or
 - what other type of district the property should be rezoned.

The report shall be forwarded to Councilmember and owner of record. The matter shall be scheduled as a public hearing at MPC. If the SP is still determined to be Inactive, a report of Planning Commission recommendations will be forwarded to Council; if found completed or actively under development, completed SP's shall be removed from the four year review cycle and active SP's shall be reviewed four years from the Planning Commission action date. If staff recommends inactivity, the zoning code requires that no new permits 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 so that no new permits be issued on the date the staff recommendation is mailed to the Planning Commission.

3. **Report to the Council.** If the Planning Commission finds that the SP is inactive, staff shall prepare a written report of the Commission's determination to Council with a recommendation on the following:
 - a. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
 - b. 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.

If the Planning Commission fails to provide a recommendation to the Council within ninety days from the initiation of the review, it shall be considered a recommendation to retain the existing development plan without alteration.

4. **Final Planning Action.** Once the Council has taken final action, the owner of record shall be informed of the actions by letter. The agencies shall also be informed of that action for permitting purposes.

DRAFT



**METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY**

Planning Department
Metro Office Building
800 Second Avenue South
Nashville, Tennessee 37201

Memo

To: Planning Commission Members
From: Richard C. Bernhardt, FAICP, CNU
Executive Director
Date: October 20, 2009
Re: Four Year Review Process for Specific Plan Districts

This memo has been revised to add a timeframe for the site visit to the SP property and to clarify that no new permits will be issued once the review of an inactive SP is initiated.

Section 17.40.106.I of the Zoning Code requires that the Planning Commission review Specific Plan (SP) districts every four years to determine level of activity of that SP:

“The planning commission shall review each development plan within a SP district four years from the date on which it was approved by the metropolitan council, and every four years hence until the development plan has been deemed by the planning commission to be complete according to the approved development concept.

The planning commission shall review each development plan within a SP district 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 shall be undertaken. If the review determines that the project is inactive then the planning commission shall review the development plan within the SP district, per subsection 2 below, to determine its continued appropriateness.”

A number of SP's are approaching the initial four year review period, the first in December 2009. In order to undertake the review, staff is proposing a process for the Planning Commission's review and approval. Attached is a draft of the proposed new subsection to be added to the Rules and Procedures of the Planning Commission.

Proposed Process to Determine if the Specific Plan District is Complete, Active or Inactive

Review will be initiated after the four year anniversary of the Council approval of the SP. For SP's that have been amended by Council, the review cycle will begin at the four year anniversary of the amended SP.

The review will begin after that date and be completed in 90 days.

“Failure of the planning commission to provide the metropolitan council with a recommendation within ninety days from the initiation of the review shall be considered a recommendation to retain the existing development plan without alteration.”

Initial Action

- The case will be entered into the Planning database to document the actions by staff, Planning Commission and Council.
- Staff will visit the site of the SP, within ten business days or the approval anniversary, to make a preliminary assessment of whether the SP is complete, actively under development, or inactive.

Staff Determination of Level of Activity

1. The SP is completed or is active:
 - Staff will prepare a memo to the Planning Commission, Councilmember, and property owner of record with determination of completion or activity.
 - Memo placed on the next available Planning Commission agenda under Other Business for action by the Planning Commission
 - After the Planning Commission action, there shall be 14 days to appeal Planning Commission's concurrence of completion or activity. Appeals may be filed by the property owner of record, the Councilmember or a member of the community.
 - Any appeal will be heard at the next available Planning Commission meeting. If, following a hearing, Planning Commission sustains a finding that the SP is complete or active, completed SP's will be removed from the four year review cycle. Active SP's will be reviewed again four years from the Planning Commission action date.
 - If there is no appeal, completed SP's will be removed from the four year review cycle. Active SP's will be reviewed again four years from the Planning Commission action date.
 - If found to be inactive during the appeal, the process for inactive SP's, described below, will be followed.
 - A decision of “Complete” or “Actively Under Development” will be noted in the file.
2. The SP appears to be inactive.
 - A letter will be sent to property owner of record and Councilmember notifying of initial findings of “Inactivity.”

- Staff will request a written report from the owner describing development activities to date and any steps taken that would demonstrate that the SP is actively under development.
- If the documentation provided by the owner describes an aggregate of actions that indicates activity, and the staff, using the guidelines below, determine that the SP is active, the SP review can follow the review process for “Active” SP’s.
- Staff will prepare a report for the Planning Commission with recommendations for Council Action including:
 - 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
 - whether any amendments to the approved SP district are necessary, or
 - what other type of district the property should be rezoned.
- The report will be forwarded to Councilmember and owner of record.
- The matter will be scheduled as a public hearing at Planning Commission.
- If the SP is still determined to be “Inactive”, a report of Planning Commission recommendations will be forwarded to Council; if found “Completed” or “Actively under Development”, Completed SP’s will be removed from the four year review cycle and active SP’s will be reviewed four years from the Planning Commission action date.

Guidelines for Determining Activity

The Zoning Code does not include specific guidelines for determining inactivity. Staff recommends that the PUD guidelines be used for determining whether an SP is “Inactive” as follows:

- Construction has not begun on the SP. Construction means physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the SP; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and
- Neither right-of-way acquisition from a third party nor construction has begun on off-site improvement(s) required to be constructed by the metropolitan council as a condition of the SP approval.
- The Planning Commission may also take into consideration the aggregate of actions, if any, taken by the owner of the SP within the four years since council approval that indicates development activity.

Determination of Inactivity

If staff recommends inactivity, the zoning code requires that no new permits be issued during the course of the review.

“1. Once the planning commission's review of an inactive project has commenced, no grading permit, nor any building permit for new building construction shall be issued for the development plan, or for any phase(s) of the

development plan, until the development plan is reviewed by the planning commission and the metropolitan council takes final action as outlined in subsection 3.”

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

If the Planning Commission finds that the SP is inactive, staff will prepare a written report of the Commission’s determination to Council with a recommendation on the following:

- a. The appropriateness of the continued implementation of the development plan or phase(s) as adopted, based on current conditions and circumstances; and
- b. 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.

As noted above, if the Planning Commission fails to provide a recommendation to the Council within ninety days from the initiation of the review, it will be considered a recommendation to retain the existing development plan without alteration.

Guidelines for Recommendations to Council

The Zoning Code does not include guidelines for the recommendation to Council. Staff is proposing that the PUD guidelines be used for SP’s as follows:.

In recommending legislation, the Planning Commission shall:

- Determine whether the existing SP is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans adopted by the Metropolitan government.
- Consider if there have been changes in the area that would affect compatibility of the SP with the built character of the community
- Recommend legislation to re-approve, amend, or cancel the existing SP, including:
 - Any amendments to the inactive SP’s development plan, including regulations and standards, to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.
 - A more appropriate zoning district, consistent with the General Plan if the SP is recommended to be cancelled

Council Action

The Zoning Code specifies the following actions to be taken by the Council.

“3. Within six months of the planning commission's deadline for submitting a recommendation regarding the continued appropriateness of the development plan, the council may take final action to retain the existing development plan, amend the development plan, or cancel the specific plan district and rezone the property to an appropriate base zoning district. Otherwise the property may be

developed in accordance with the development plan last approved by the metropolitan council until such time as the council takes action to alter the zoning of the property.”

Final Planning Action

Once the Council has taken final action, the owner of record will be informed of the actions by letter. The agencies will also be informed of that action for permitting purposes.

Proposed Review Schedule for 2010

Case	Approval Anniversary	Planning Commission Date
2005SP-110U-13 Smith Springs Beauty Salon	December 12, 2005	January 14, 2010
2005SP-165G-13 Del Lago	January 18, 2006	February 25, 2010
2005SP-163U-08 6th & Hume	February 2, 2006	March 11, 2010
2004SP-163U-11 Glenrose	March 21, 2006	April 22, 2010
2005SP-178U-11 Samuchin	March 30, 2006	May 13, 2010
2005SP-099U-10 Stammer Parke	April 4, 2006	May 13, 2010
2005SP-152U-07 Harley Davidson	April 4, 2006	May 13, 2010
2005SP-117G-14 Elm Hill Pike Daycare Center	April 18, 2006	May 27, 2010
2005SP-179U-03 Trinity Bluffs	April 18, 2006	May 27, 2010
2005SP-170U-05 Walden	August 7, 2006	September 9, 2010
2004SP-090G-12 Kingsport Estates	November 21, 2006	January 6, 2011