

5. 2009SP-022-004

THE MANSION AT FONTANEL (AMEND #2)

Map 049, Parcel(s) 200.01, 140, 319

Council District 03 (Walter Hunt)

Staff Reviewer: Brenda Bernards

A request to amend the SP District (adopted with Council Bill BL2010-780) for the previously approved and amended Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and within the Floodplain Overlay District, to modify the condition regarding alcoholic beverages sold in the full-service restaurant along Whites Creek Pike to permit liquor to be served in addition to beer and wine currently permitted, requested by EDGE Planning, Landscape Architects, applicant, Fontanel Properties LLC, owner.

Staff Recommendation: APPROVE WITH CONDITIONS

APPLICANT REQUEST - Permit the serving of liquor within an existing full-service restaurant.

Amend SP A request to amend the SP District (adopted with Council Bill BL2010-780) for the previously approved and amended Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, and 4225 Whites Creek Pike, approximately 1,000 feet north of Lloyd Road (136.04 acres) and within the Floodplain Overlay District, to modify the condition regarding alcoholic beverages sold in the full-service restaurant along Whites Creek Pike to permit liquor to be served in addition to beer and wine currently permitted.

Existing Zoning

SP-MU District - Specific Plan-Mixed Use 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 mix of uses.

CRITICAL PLANNING GOALS/N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Existing Policy

Natural Conservation (NCO) NCO policy is intended for undeveloped areas with the presence of steep terrain, unstable soils, and floodway/floodplain. Low intensity community facility development and very low density residential development (not exceeding one dwelling unit per two acres) may be appropriate land uses.

Rural (R) R is intended for areas that are physically suitable for urban or suburban development but the community has chosen to remain predominantly rural in character. Agricultural uses, low intensity community facility uses, and low density residential uses (one dwelling unit per two acres or lower) may be appropriate.

Whites Creek Historic District This property is within Nashville's only National Register-listed rural historic district. Development is encroaching on the Whites Creek Historic District and should be limited to reduce negative impacts on this significant area.

Conservation subdivisions, rural conservation overlays and roadway cross-sections appropriate for rural areas should be used to preserve the rural character of the Whites Creek Historic District. The plan discourages typical suburban design and subdivision of the property along Whites Creek Pike into small lots that front the road. New development should blend into the natural landscape and protect the existing views from Whites Creek Pike.

Consistent with policy? Yes. The original finding of consistency of the SP with the Natural Conservation (NCO) and Rural (R) land use policies was based upon the following factors:

- The proposed use, scale and location of buildings were consistent with the intent of the policies to support low intensity development and preserve sensitive environmental features of the property.
- While commercial uses are no longer contemplated in the NCO and R policies, the SP brought this property more into compliance with the intensity, design, building orientation and location of development envisioned by the policies than the R15 and RS20 zoning districts. (While the site has constraints in terms of floodplain and steep slopes, it is still developable for one and two-family residences at a density higher than the one unit per two acres called for in the policy.)
- The uses, types of building and location of buildings supported the Whites Creek Historic District.

The proposed amendment does not change the buildings along Whites Creek Pike and the SP does continue to support the Whites Creek Historic District.

PLAN DETAILS The Planning Commission approved the Mansion at Fontanel SP, including final site plan

approval for Phase 1 on October 22, 2009. The final site plan for Phase II was approved on February 11, 2010. The SP was amended in November 2010 to expand the capacity of the Seasonal Performance Entertainment venue. The proposed amendment would delete a condition of the original Council Bill that limits the full service restaurant to wine and beer sales only.

a. Alcoholic beverages served in the full service restaurant along Whites Creek Pike shall be limited to beer and wine only.

There are no similar restrictions for any of the other portions of the property. Currently the restaurant serves beer and allows patrons to bring their own wine. The amendment will allow the restaurant to provide liquor as well.

STAFF RECOMMENDATION Staff recommends approval with conditions.

CONDITIONS

1. All other conditions of the SP adopted with Council Bill BL2009-561 and as amended by BL2010-780 shall apply.
2. References to limiting the full service restaurant to wine and beer only shall be deleted on page 15 of the plan booklet and from the permitted land use table for Phase II and note 24 on page L-1.00 of the plan.
3. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.
4. 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.

Ms. Bernards presented the staff recommendation of approval with conditions.

John Hoss, Edge Planning, spoke in agreement with staff recommendation.

Mr. Clifton moved and Mr. Adkins seconded the motion to close the public hearing. (7-0)

Ms. Lequire moved and Mr. Adkins seconded the motion to approve the staff recommendation of approval with conditions. (7-0)

Resolution No. RS2011-230

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-004 is **APPROVED WITH CONDITIONS. (7-0)**

Conditions of Approval:

1. All other conditions of the SP adopted with Council Bill BL2009-561 and as amended by BL2010-780 shall apply.
2. References to limiting the full service restaurant to wine and beer only shall be deleted on page 15 of the plan booklet and from the permitted land use table for Phase II and note 24 on page L-1.00 of the plan.
3. A corrected copy of the SP final site plan incorporating the conditions of approval by the Planning Commission shall be provided to the Planning Department prior to the issuance of any permit for this property, and in any event no later than 120 days after consideration by Planning

Commission. If a corrected copy of the SP final site plan incorporating the conditions therein is not provided to the Planning Department within 120 days after the date of conditional approval by the Planning Commission, then the corrected copy of the SP final site plan shall be presented to the Metro Council as an amendment to this SP ordinance prior to approval of any grading, clearing, grubbing, or any other development application for the property.

4. 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.

There are no similar restrictions on liquor sales for any other portions of the property. The restaurant currently serves beer and allows patrons to bring their own wine. The amendment will allow the restaurant to provide liquor as well. There are no conflicts with land use policy.”