

## 2. 2009SP-022-007

### THE MANSION AT FONTANEL (AMENDMENT)

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

Council District 03 (Walter Hunt)

Staff Reviewer: Jason Swaggart

A request to amend the 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 located within the Floodplain Overlay District, to permit a rural resort with lodging for up to 140 rooms, requested by EDGE Planning, Landscape Architects, applicant; Fontanel Properties LLC, owner.

**Staff Recommendation: Approve with conditions and disapprove without all staff conditions if the Commission approves the associated policy amendment. Disapprove if the associated policy amendment is not approved by the Planning Commission.**

### APPLICANT REQUEST

Permit a rural resort with up to 140 rooms.

#### Preliminary SP Amendment

A request to amend the 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 located within the Floodplain Overlay District, to permit a rural resort with lodging for up to 140 rooms.

#### **Existing Zoning**

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

#### **CRITICAL PLANNING GOALS**

- Preserves Sensitive Environmental Features

The majority of this property contains steep slopes and floodplain. The floodplain is associated with Whites Creek that bisects the property. While the proposed amendment will permit additional development in an area with steep slopes currently designated as open space, it retains 75 percent (102 acres) of the site in open space.

#### **BORDEAUX/WHITES CREEK COMMUNITY PLAN**

Natural Conservation (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) policy 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?

No. The request is not consistent with the existing Natural Conservation district because the request permits additional commercial activity in an area where the policy does not typically support commercial uses. Staff's support of the original request was based on 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 not consistent with 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.
- The uses, types of building and location of buildings supported the Whites Creek Historic District.

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The Planning Commission found that the 2009 request was consistent with the Bordeaux – Whites Creek Community Plan's Natural Conservation and Rural policies stating that it "will conserve a majority of the land, utilize and preserve existing structures, and maintain the rural appearance along Whites Creek Pike."

The proposed change to the Council approved plan will be located in an area encompassed by the Natural Conservation policy only. While the request does not meet the current Natural Conservation policy, there is a policy amendment associated with this application. The proposed policy amendment would add a special policy into the Natural Conservation policy (NCO SPA 2) for the subject site. It "is intended to meet the intent of the standard NCO policy to preserve the large majority of the land in an environmentally constrained site while continuing to support its unique commercial operation."

The proposed amendment to the SP is consistent with the proposed NCO SPA 2 policy because it maintains the unique commercial operations while preserving a majority of the site (75percent) as open space, including a majority of the existing tree canopy. Also, the additional development proposed with this amendment will be designed in a way that minimizes disturbance and grading. While the proposed change to the SP is only located within the Natural Conservation policy area, it is important to ensure that it does not negatively impact the Rural policy or the Whites Creek Historic District. Staff finds that the proposal will not have an impact on the rural character along Whites Creek Pike because it will be located at the back of the site and is located at an elevation which should keep the buildings below the tree line. *If the Planning Commission approves the proposed policy amendment, the proposed SP amendment would be consistent with the policy.*

### PLAN DETAILS

The Mansion at Fontanel Specific Plan was originally approved in 2009. Since the original approval, there have been three amendments, with the last amendment for a bed and breakfast/Southern Living Idea House, approved in 2012. While there have been several Planning Commission and/or Council approved changes to the original plan, a majority of the development has been developed as originally approved.

#### Plan layout

This amendment will add a "rural resort" as a new use within the SP. The SP defines a rural resort as "facilities owned and operated by a non-government entity for the purpose of providing a rural setting in which lodging, and/or conference, meeting and event facilities are provided for compensation. The use may also include a restaurant and or/banquet facilities and recreational amenities of a rural nature." While the use is defined in the SP as a rural resort, it is similar to a hotel use as defined in the Metro Zoning Code.

The proposed rural resort will be located near the back of the site, just to the west of the Fontanel Mansion. A maximum of 140 rooms are proposed in ten individual buildings that are to be stepped into the hillside. Access to the site will be from the existing single-lane drive which will be widened to 20 feet. The plan also proposes a new 18 foot wide emergency bypass road, which loops around the existing "temporary vendor area" near the Seasonal Performance Entertainment area. Additional parking is provided at the site and will meet current parking requirements for hotel/motel as defined in the Metro Zoning Code. While parking is provided, the plan calls for visitors to use golf carts for getting around the site after arrival.

### ANALYSIS

Staff recommends that the request be approved with conditions if the associated policy amendment is approved and disapproval if the policy amendment is not approved. Staff also recommends disapproval without all staff conditions. The proposed SP amendment is consistent with the associated, proposed special policy as it will retain a majority of the site in open space 75 percent (102 acres). Also, the proposal should not have an impact on the rural character along Whites Creek Pike because the changes are proposed at the back of the site, out of view from Whites Creek Pike.

In order to minimize grading and retain the sites rural character, the plan calls for a design and layout that will minimize grading. This includes working with the existing grades and stepping the buildings into the hill side which also minimizes the need to remove existing vegetation including trees. While this plan identifies ten individual buildings, a final site plan could include a different layout and building count if the overall unit count does not exceed 140, and the layout and design minimizes disturbance. Public Works is requiring that the private drive into the resort be widened to 20 feet. The character of the existing drive is important to the overall setting for this development, and any required widening should not destroy this character. Any grading and fill associated with the widening of the private drive should be minimal. To ensure that the character along the drive remains intact, staff is recommending that the Planning Commission and/or Metro Council be required to approve any plan that proposes grading that staff finds to be excessive.

Since this development has had several amendments in the past, staff has included previous council bill requirements as conditions of this approval. This is intended to simplify future review of this development.

### STORMWATER RECOMMENDATION

Approved

### PUBLIC WORKS RECOMMENDATION

No Exception Taken

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

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### **FIRE MARSHAL RECOMMENDATION**

Approved

- All structures shall be sprinklered.
- No part of any building shall be more than 500 ft from a fire hydrant via an approved hard surface road. Metro Ordinance 095-1541 Sec: 1568.020 B.
- The improved access drive back to the "resort" shall be a private drive, and will have a pavement width of 20 feet.
- Any proposed grades in excess of 10% will be pending based on approval of the Fire Appeals Board. If a variance is not granted, the resort site will be redesigned to ensure that all slopes are less than 10%.
- A fire hydrant shall be provided within 100 feet of each fire department connection.

### **STAFF RECOMMENDATION**

Staff recommends that the proposed amendment be approved with conditions and disapproved without all staff conditions, if the Commission approves the associated policy amendment. Staff recommends disapproval if the associated policy amendment is not approved by the Planning Commission. This request is consistent with the proposed special policy in the Natural Conservation policy area, but it is not consistent with the existing Natural Conservation policy.

### **CONDITIONS**

1. Uses within this SP shall be limited to the specific uses as described in the SP document.
2. Any additional development not shown on the Council approved plan shall require Planning Commission and or Council approval.
3. Excessive grading for the widening of the private drive shall not be permitted. If the final site plan calls for grading that includes retaining walls over five feet in height and/or it is determined that the grading will destroy the existing character of the drive, then it shall require Commission and/or Council approval.

#### Previous conditions carried over from previous Council legislation:

4. A stage shell shall be provided for all Seasonal Performance Entertainment events.
5. Seasonal Performance Entertainment events shall be limited from the first of April through the 30<sup>th</sup> of November.
6. The maximum number of Seasonal Performance Entertainment events within one calendar year shall not exceed 14, and no more than two events may occur within one calendar month with the exception that the symphony shall be permitted to hold up to four events in any one month annually and shall not be counted towards the 14 event maximum.
7. Seasonal Performance Entertainment events shall be limited to Friday, Saturday or Sundays, and no event shall last more than one day.
8. Admissions to any one single-day Seasonal Entertainment Performance event shall not exceed 4,500 persons.
9. All Seasonal Performance Entertainment events shall end by 10:30 P.M.
10. The decibel level output for all Seasonal Performance Entertainment events shall not exceed 96db at the soundboard location for the stage.
11. All Public Works requirements related to access, traffic, special event traffic management, reporting and number of parking spaces shall be met with all future development.
12. Parking on the east side of Whites Creek shall be used for overflow parking only.
13. For any development standards, regulations and requirements not specifically shown on the SP plan and/or included as a condition of Commission or Council approval, the property shall be subject to the standards, regulations and requirements of the CN zoning district as of the date of the applicable request or application.

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

Mr. Swaggart presented the staff recommendation of approval with conditions and disapproval without all staff conditions if the commission approves the associated policy amendment. Items 1 and 2 were heard and discussed together.

John Haas, on behalf of Fontanel, spoke in support of the application and noted that three community meetings were held in the past 90 days and the project was well received.

Jim Wood, Laws Road, spoke in support of the application.

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Pam Wood spoke in support of the application and stated that Fontanel has done nothing but try to enhance the beauty of the area.

Councilmember Hunt spoke in support of the application and clarified that he was unaware of any opposition until this meeting. He stated that this project will be good for the community as it will bring entertainment, jobs, and business.

Laura Fott, 6921 Old Hickory Blvd, spoke in opposition to the application noting that this is the fourth variance they've asked for in a short period of time. She stated that she has never been invited to a community meeting, this does not keep with the rural character of Whites Creek, and concerns with increased noise and environmental issues.

David Wells, 3456 Knight Drive, spoke in opposition to the application. He stated that he has not been invited to or made aware of any community meetings. He also expressed concerns regarding adequate infrastructure to handle this type of development.

John Haas clarified that notices were sent out twice in accordance with Metro regulations. He also pointed out that under the current SP; there is no commitment to open space. The owner has committed to up to 75% open space of the site.

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

Councilmember Claiborne spoke in support of the application, especially due to the commitment to open space.

Mr. Ponder spoke in support of the application.

Dr. Cummings spoke in support of the application and commended the owner on the commitment to open space.

Mr. Clifton spoke in support of the application and stated that this plan seems to be better than the current one due to the commitment to open space.

Mrs. LeQuire spoke in support of the application due to tightening the policy regarding open space. She would like to see the neighbor's concerns addressed at the councilmember and owner level.

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

#### **Resolution No. RS2013-115**

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-007 is **Approved with conditions and disapproved without all conditions. (7-0)**

**With the associated special policy to preserve most of the site while supporting some commercial uses, this request to amend the preliminary SP is consistent with the Natural Conservation policy.**

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**June 27, 2013, Planning Commission meeting**

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