

2009SP-022-011

THE MANSION AT FONTANEL (AMENDMENT)

Map 040, Parcel(s) 093, 163

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

Council District 03 (Brenda Haywood)

Staff Reviewer: Jason Swaggart

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, 4225, and 4241 Whites Creek Pike, and Whites Creek Pike (unnumbered), approximately 1,000 feet north of Lloyd Road (138.02 acres) and located within the Floodplain Overlay District, to add approximately 31.18 acres into the SP, and to relocate the proposed hotel from the previously approved location to the newly added parcels, requested by EDGE Planning, Landscape Architects, applicant; Fontanel Properties LLC, Linda Jarrett, and Melvin Brown, owners. (See also Associated Case # 2016CP-003-001).

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Amend SP to add additional land into SP to permit the relocation of previously approved hotel.

Preliminary SP Amendment

A request to amend the Mansion at Fontanel Specific Plan District for properties located at 4105, 4125, 4225, and 4241 Whites Creek Pike, and Whites Creek Pike (unnumbered), approximately 1,000 feet north of Lloyd Road (138.02 acres) and located within the Floodplain Overlay District to add approximately 31.18 acres into the SP, and to relocate the proposed hotel from the previously approved location to the newly added parcels.

Existing Zoning

One and Two-Family Residential (R15) requires a minimum 15,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 3.09 dwelling units per acre including 25 percent duplex lots. *R15 would permit a maximum of 90 lots with 22 duplex lots for a total of 112 units. This is based on the approximately 31 acres proposed to be added to the SP. It is important to note that the number of units is the maximum permitted by zoning, and that the max number of units may not be achieved due to required infrastructure such as roadways, stormwater areas and open space, as well as, constraints such as floodplain, floodway, steep hillsides and other constraints.*

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

N/A

BORDEAUX/WHITES CREEK COMMUNITY PLAN

Current Policies

Conservation (CO) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T1 Natural, T5 Center, and T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. *Note: Applies to property at 4241 Whites Creek Pike.*

Conservation (CO) (version from the previous CCM adopted on October 25, 2012, that was retained for the deferred properties in Whites Creek) is intended to preserve environmentally sensitive land features through protection and remediation. CO policy applies in all Transect Categories except T6 Downtown. CO policy identifies land with sensitive environmental features including, but not limited to, steep slopes, floodway/floodplains, rare or special plant or animal habitats, wetlands, and unstable or problem soils. The guidance for preserving or enhancing these features varies with what Transect they are in and whether or not they have already been disturbed. *Note: Applies to property at Whites Creek Pike (unnumbered) which is deferred Area 8. On June 22, 2015, the MPC adopted NashvilleNext with the exception of 11 areas in Whites Creek which were deferred.*

T2 Rural Maintenance (T2 RM) is intended to preserve rural character as a permanent choice for living within Davidson County and not as a holding or transitional zone for future urban development. T2 RM areas have established low-density residential, agricultural, and institutional development patterns. Although there may be areas with sewer service or that are zoned or developed for higher densities than is generally appropriate for rural areas, the intent is for sewer services or higher density zoning or development not to be expanded. Instead, new development in T2 RM areas should be through the use of a Conservation Subdivision at a maximum gross density of 1 dwelling unit per 2 acres with individual lots no smaller than the existing zoning and a significant amount of permanently preserved open space. *Note: Applies to property at 4241 Whites Creek Pike.*

T2 Rural Neighborhood Maintenance (T2 NM) (version from the previous CCM adopted on October 25, 2012, that was retained for the deferred properties in Whites Creek) is intended to preserve the general character of rural neighborhoods. T2 Rural Neighborhood Maintenance 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 public realm. Where not present, enhancements may be made to improve pedestrian, bicycle, and vehicular connectivity. *Note: Applies to property at Whites Creek Pike (unnumbered) which is deferred Area 8.*

T2 Rural Neighborhood Center (T2 NC) (the summaries for the version adopted on June 22, 2015 and October 25, 2012, are the same) is intended to preserve, enhance, and create rural neighborhood centers that fit in with rural character and provide consumer goods and services for surrounding rural communities. T2 NC areas are small-scale, pedestrian friendly areas generally located at intersections. They contain commercial, mixed use, residential, and institutional uses. *Note: Applies to property at Whites Creek Pike (unnumbered) which is deferred Area 8.*

Special Policy Area 03-T2-CO-01 – the Current Fontanel property:

The following Special Policy was adopted by the Metropolitan Planning Commission on June 27, 2013: Commercial activities are not normally supported by Conservation policy. However, the character and development pattern of the business that exists on the site provides a better opportunity for site preservation than the suburban residential zoning that is found in this portion of the surrounding Whites Creek Community. Commercial development that results in minimal disturbance of the natural environment, significant open space preservation, and limited off-site impacts on the surrounding rural community may be considered on its merits provided that:

- At least 75 percent of the site is permanently preserved as undisturbed open space;
- Development techniques are used that cause minimal disturbance to sensitive environmental features such as steep slopes, forested areas, floodplains, and water bodies;
- A development pattern is established that is appropriate to a rural environment in its appearance and operations, including setbacks, parking, building types, landscaping, lighting, road and driveway design, traffic, and noise management; and,
- Low impact development techniques are used for stormwater management.

Proposed Policy

Expansion of Special Policy 03-T2-CO-01 to the two properties located along Whites Creek Pike that are proposed to be added to the SP.

Consistent with policy?

The proposed expansion of the SP along Whites Creek Pike to permit a commercial use is not consistent with the existing residential policy that applies to a majority of the area along Whites Creek Pike. The T2 NC policy which only applies to a small portion of the property at the corner of Whites Creek Pike and Knight Drive could support a nonresidential use; however, the proposed SP does not propose any significant development of that area. The only improvements in the T2 NC area include a walking path/greenway.

PLAN DETAILS

The Mansion at Fontanel Specific Plan was originally approved in 2009. It is located along the east side of Whites Creek Pike, south of Old Hickory Boulevard. The site is within the National Register Whites Creek Historic District. Since the original approval, there have been four amendments. A 2013 amendment added a "rural resort" use with a maximum of 140 rooms to the SP. The SP defined 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." This use is similar to what the Zoning Code would classify as a hotel and is referred to as a hotel in this report. The last amendment was approved in 2014. The 2014 plan amended the 2013 Council approved plan by adding approximately 1.97 acres to the SP boundary, increased the number of hotel rooms for the rural resort from 140 to 150 rooms, and made changes to the requirements for the Seasonal Performance Entertainment Venue.

Plan layout

This proposal calls for the previously approved hotel to be moved from the back of the site to an approximately 31 acre area along Whites Creek Pike that is proposed to be added into the SP boundary. The plan calls for a maximum of 136 rooms, distributed within four buildings. The plan also calls for a 13,300 square foot conference facility that includes a 5,273 square foot banquet hall for up to 300 people, a kitchen and other services. All buildings are one or two stories. Buildings have been designed so that the second story is accommodated within the roof structure. The tallest building shown on the plan is approximately 34 feet. This building includes a structure that resembles a silo, and is slightly taller than 34 feet.

The plan calls for three entrance drives onto Whites Creek Pike. This is in addition to existing drives onto Whites Creek Pike within the existing development. As shown the existing development would be connected to the proposed expansion. Parking is shown at the back or side of the proposed buildings. The SP requires one space per room and

one space per two employees be provided. The plan identifies approximately 150 parking spaces. The plan proposes to extend the existing Metro Parks Greenway along Whites Creek to Knight Road.

ANALYSIS

Staff recommends disapproval of the proposed SP amendment, as the request is not consistent with the Bordeaux/Whites Creek Community Plan and staff is recommending disapproval of the proposed Special Policy expansion. The plan calls for building massing that is not consistent with a rural character of the area, or what is supported by the rural policy. The plan also calls for large areas of parking which is also not consistent with the rural character of the area.

METRO HISTORICAL COMMISSION RECOMMENDATION

Approve with conditions

The parcels proposed for addition to the Mansion at Fontanel Specific Plan District are located within the National Register-listed Whites Creek Historic District. The Historical Commission recommends that the site plan include landscape buffering along Knight Drive to preserve the rural character of the National Register district.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Fire Code issues for the structures will be addressed at permit application review.

STORMWATER RECOMMENDATION

Approved with conditions

- Add bearing reference information.

PUBLIC WORKS RECOMMENDATION

Approve with conditions

- 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.
- Comply with the conditions of the MPW Traffic Engineer.
- If sidewalks are required along Whites Creek Pike, then they are to be built per MPW standards and specifications, within ROW.

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

In accordance with the updated TIS, the developer shall construct the following roadway improvements.

- Internal cross-access between the proposed hotel buildings and the existing Fontanel property shall be provided by developer for vehicular and pedestrian traffic.
- Driveways should be aligned with existing driveways/roads on Whites Creek Pk. if possible.
- A minimum of 150 parking spaces should be provided to accommodate the proposed hotel with 140 guestrooms and assuming 20 employees.
- Comply with previously approved special event conditions for traffic and parking management.

WATER SERVICES RECOMMENDATION

Approve with conditions

- Approved as a Preliminary SP only. The required capacity fees must be paid prior to Final Site Plan/SP approval.

STAFF RECOMMENDATION

Staff recommends disapproval as the request is not consistent with the Whites Creek Community plan.

CONDITIONS (if approved)

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. All previous Public Works requirements related to access, traffic, special event traffic management, reporting and number of parking spaces shall be met with all future development.
4. Parking on the east side of Whites Creek shall be used for overflow parking only.
5. 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.
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 disapproval.

Items 2a and 2b were heard and discussed together.

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John Haas, applicant, spoke in favor of the application as it is consistent with land use policy. Additional entitlements are not requested and everything possible has been done to address the concerns of the community.

Jim Lawson, 3969 Lloyd Road, spoke in favor of the application. Fontanel has done a remarkable job and this would be a definite enhancement to the area.

Stan Cunningham spoke in favor of the application because he would like to see Fontanel continue to grow and thrive.

Bishop Alvin Miller, 4200 Enchanted Ct, spoke in favor of the application; Fontanel has become a beacon of light in the community. This would be good for the area and for the city.

Ben Jumper, 4798 Lickton Pike, spoke in favor of the application because Fontanel has been an asset to the community.

Tim Jones, 4409 Whites Creek Pike, spoke in favor of the application. A vote to disapprove could impact the financial well-being of over 200 employees and their families.

Gary Moore, 2946 Morgan Road, spoke in favor of the application.

Richard Trest, 4416 Whites Creek Pike, spoke in favor of the application because Fontanel is a positive influence on several levels.

Trent Hemphill, 7481 Old Hickory Blvd, spoke in favor of the application.

Marc Oswald, 4225 Whites Creek Pike, spoke in favor of the application.

Jacob Summers spoke in favor of the application because he works at Fontanel and does not want to lose his job.

Mr. Haynes left the meeting at 6:28 p.m.

Kelly Sanford spoke in opposition to the application due to safety concerns with increased traffic and quality of life concerns.

Elise Hudson, 4601 Whites Creek Pike, spoke in opposition to the application; Fontanel has not followed through with any of their promises to take care of the traffic or the noise. There is a lot they are already not doing well.

Gladies Herron, 605 Cherry Grove Pointe, spoke in opposition to the application as it is not consistent with several aspects of NashvilleNext.

Laine Marsh, 3891 Knight Drive, spoke in opposition to the application due to increased safety and traffic concerns.

Tom Kerns, 4037 Knight Road, spoke in opposition to the application due to traffic, lights, and noise concerns.

Michelle Carratu, 3536 Whites Creek Pike, spoke in opposition to the application due to flooding, noise, and traffic concerns.

Angela Williams, 7203 Old Hickory Blvd, spoke in opposition to the application.

Grant Mullins, Clifton Lane, spoke in opposition to the application because it is a historic area.

George Ewing, 4601 Whites Creek Pike, spoke in opposition to the application as it is not harmonious with the surrounding area.

Marsha (last name unclear), 4462 Stenburg Road, spoke in opposition to the application because of archaeological sites on the property.

Sarah Bellos, 3456 Knight Drive, spoke in opposition to the application.

Councilmember Haywood spoke in favor of the application and noted that she represents all the people and has to do what is right for everyone.

John Haas asked for approval and explained they have an updated traffic study and agreed to all conditions from Public Works; they also have already performed a preliminary cultural resources report and recognize there may be artifacts on the site.

Chairman McLean closed the Public Hearing.

Mr. Adkins recused himself.

Mr. Clifton explained this is a planning issue – the location and nature of Whites Creek Pike. Staff has done a good job with their analysis and he is in favor of staff recommendation of disapproval.

Ms. Blackshear stated that it is awkward timing to make a decision on this when the area in question is still undecided on a policy level. She inquired why the original SP was approved but not the proposed SP.

Ms. McCaig explained the original approval was mostly because it was out of sight of Whites Creek Pike. Staff was trying to balance the preservation and the economic opportunities for the area.

Mr. Sloan agreed that the visibility of buildings on Whites Creek Pike did play a large part in the change staff recommendation.

Ms. Blackshear asked if compliance with noise levels is monitored.

Mr. Swaggart explained that Planning does not enforce Codes requirements; mostly things like that are complaint driven.

Ms. Blackshear spoke to archaeological studies and asked for clarification on the process if artifacts are found.

Mr. Swaggart explained that the state has regulations for if artifacts are discovered.

Ms. Diaz stated that it would be challenging to approve this while the entire area is undecided.

Mr. Tibbs spoke in favor of staff recommendation of disapproval and noted the timing isn't good; if this were approved, it would set a precedent.

Ms. Hagan-Dier spoke in favor of staff recommendation and noted this is a planning issue, not a referendum on Fontanel.

Ms. Farr spoke in favor of staff recommendation and stated that we have waited this long, we need to take the time and look at the entire area. This is not consistent with the rural character envisioned for Whites Creek.

Ms. Hagan-Dier moved and Ms. Farr seconded the motion to disapprove. (7-0-1) Mr. Adkins recused himself.

Mr. Tibbs left the meeting at 7:24 p.m.

Resolution No. RS2016-106

"BE IT RESOLVED by The Metropolitan Planning Commission that 2009SP-022-011 is Disapproved. (7-0-1)"
