



METROPOLITAN PLANNING COMMISSION MINUTES

October 27, 2016
4:00 pm Regular Meeting

2601 Bransford Avenue
Board of Education Meeting Room

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:
Jessica Farr, Vice Chair
Stewart Clifton
Jeff Haynes
Jim McLean
Lillian Blackshear
Jennifer Hagan-Dier
Councilmember Burkley Allen

Staff Present:
Doug Sloan, Executive Director
Bob Leeman, Assistant Director, Operations
Carrie Logan, Assistant Director, Special Projects
George Rooker, Special Projects Manager
Kelly Adams, Administrative Services Officer III
Kathryn Withers, Planning Manager II
Lucy Kempf, Planning Manager II
Anita McCaig, Planner III
Greg Claxton, Planner III
Lisa Milligan, Planner III
Latisha Birkeland, Planner II
Patrick Napier, Planner II
Shawn Shepard, Planner II
Karimeh Sharp, Planner I
Theresa Costonis, Legal
Susan Jones, Legal
Craig Owensby, Public Information Officer

Commissioners Absent: Brenda Diaz, Brian Tibbs, Greg Adkins

J. DOUGLAS SLOAN, III

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.

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 15 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: planning.commissioners@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.



The Planning Department does not discriminate on the basis of race, color, national origin, gender, gender identity, sexual orientation, age, religion, creed or disability in admission to, access to, or operations of its programs, services, or activities. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other employment practices because of non-merit factors shall be prohibited. For ADA inquiries, contact Josie Bass, ADA Compliance Coordinator, at (615) 862-7150 or e-mail her at josie.bass@nashville.gov. For Title VI inquiries, contact Human Relations at (615) 880-3370. For all employment-related inquiries, contact Human Resources at (615) 862-6640.

MEETING AGENDA

A: CALL TO ORDER

The meeting was called to order at 4:10 p.m.

B: ADOPTION OF AGENDA

Mr. McLean moved and Mr. Haynes seconded the motion to adopt the agenda. (7-0)

C: APPROVAL OF OCTOBER 13, 2016 MINUTES

Mr. Clifton moved and Ms. Hagan-Dier seconded the motion to approve the October 13, 2016 minutes. (7-0)

D: RECOGNITION OF COUNCILMEMBERS

E: ITEMS FOR DEFERRAL / WITHDRAWAL

3. 2016Z-011TX-001
4. 2016Z-018TX-001
5. 2016S-160-001
RESUBDIVISION OF LOT 1 RESUB LOT 12 OF GEORGE BURRUS
SUBDIVISION OF LOT 81 MAPLE HOME TRACT
- 6a. 2016Z-131PR-001
- 6b. 2004P-032-001
CHADWELL RETREAT
10. 2016SP-074-001
677 VERNON AVE
12. 2014UD-001-006
952 CLAYTON AVENUE
13. 2015Z-088PR-001
18. 2016Z-119PR-001
23. 2016SP-075-001
1822 RIVER DRIVE SP

Mr. McLean moved and Mr. Haynes seconded the motion to approve the Deferred and Withdrawn items. (7-0)

F: CONSENT AGENDA ITEMS

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.

7. 85-85P-003
BRENTWOOD COMMONS (HCA)
8. 2016Z-106PR-001

9. **2015SP-028-003**
TULIP GROVE ADDITION
10. **2016SP-074-001**
677 VERNON AVE
11. **48-83P-001**
PERIODIC REVIEW (PUD)
13. **2015Z-088PR-001**
14. **2016DTC-003-001**
THE BOBBY
15. **2016S-003HM-001**
16. **2016Z-117PR-001**
17. **2016Z-118PR-001**
19. **2016Z-121PR-001**
20. **2016Z-123PR-001**
21. **2016Z-130PR-001**
24. **Rule change to Rules & Procedures of the Metro Planning Commission.**
28. **Accept the Director's Report and Approve Administrative Items**

Councilmember Allen moved and Mr. Haynes seconded the motion to approve the Consent Agenda. (7-0)

Ms. Blackshear recused herself from Items 7, 14, and 16.

Mr. Haynes recused himself from Item 7.

Councilmember Murphy requested to withdraw Item 22.

Mr. Clifton moved and Councilmember Allen seconded the motion to withdraw Item 22. (7-0)

G: ITEMS TO BE CONSIDERED

1. 2016Z-019TX-001

BL2016-415

TELECOMMUNICATION FACILITY USES

Staff Reviewer: Carrie Logan

A request to amend Metropolitan Code of Laws Chapters 17.04, 17.08, 17.16, and 17.40 pertaining to telecommunication facility uses and Section 6.26.350 to insert therein a reference to Chapter 17.16, requested by the Planning Department.

Staff Recommendation: Approve the substitute ordinance.

TEXT AMENDMENT

A request to amend Metropolitan Code of Laws Chapters 17.04, 17.08, 17.16, and 17.40 pertaining to telecommunication facility uses and Section 6.26.350 to insert therein a reference to Chapter 17.16.

Growing Market Need for Connectivity and Broadband Infrastructure*

The dramatic increase in demand for broadband connectivity is driven by basic market dynamics: a fast growing number of users of broadband services is using multiple devices that require greater bandwidth for expanding video and data-intensive applications. Demand for connectivity is outpacing supply at increasing rates on a yearly basis. Studies estimate that with a projected annual growth rate of 80%, mobile data use by 2020 will outpace current network capabilities. Without intervention, the ensuing deterioration to existing network performance will result in service decline and higher costs.

Cities everywhere are grappling with the issue of how to optimize available resources and infrastructure assets to best support the exponential growth in demand for broadband connectivity. The National Broadband Plan, published by the FCC in 2010, refers to broadband as “the great infrastructure challenge of the 21st century” and provides a series of recommendations and thresholds for local broadband health. Furthermore, the National Broadband Opportunity Council (a collaboration across numerous government agencies) provides a guide for how government agencies can work together effectively to share data, improve processes and generally make broadband infrastructure investment less complicated. In 2015, Metro began working with experts in the public-private broadband space to create a strategic plan to ensure Nashville maintains a thriving technology-friendly community.

Deciphering the broadband infrastructure investment drivers and plans of private sector service providers is a difficult proposition. The communications technology market moves so rapidly that companies are in a constant state of reevaluating and shifting investment decisions. With mixed results, the public sector, at all levels, is grappling with the right mix of policy and practice to create an environment in which broadband thrives. For all of these reasons and more, cities must make the effort to shape their own broadband future.

Metro is in a competitively advantageous position to set a broadband course that will have a broad and positive impact among all stakeholders. Just as cities have constructed deliberate plans for railroads, waterways and roadways, infrastructure planners and technologists must decisively lead the way with strategic broadband planning.

A mix of services from traditional broadband provider entities can combine to create seamless connectivity infrastructure for all types of technology needs. An environment that promotes broadband public/private partnerships, coupled with Metro inter-departmental and inter-agency collaboration, will create the right foundation for infrastructure that supports smart city technologies.

Federal Impetus for Change*

Over the last few years, the federal government (through the Federal Communications Commission) has issued new rules to guide cities in developing new ordinances and processes for working with private sector broadband service providers. Currently there are two key federal statutes that address municipal telecom approvals.

•42 U.S.C. 322(c)7 addresses initial site placement & modifications;

•47 U.S.C. 1455 (a) aka Section 6409(a) of the Middle Class Tax Relief & Job Creation Act of 2012, addresses modifications to existing sites only. FCC 6409(a) rules permit modifications of “small cells” and underlying support structures, not just cell towers. To be eligible for a Sec. 6409(a) modification, a facility must have been “approved” at least once.

Under the most recent FCC guidance for Section 6409(a), any “approved” wireless equipment may generally be modified if it honors safety codes, preserves city beautification standards and extends less than 10 feet up and six

feet out. Importantly, if a local government does not grant or deny a covered 6409(a) application within 60 days, it is "deemed granted" by FCC rule.

Specifically, for sites in the public right of way, a service provider or infrastructure entity may automatically extend any "base station" (any utility pole, light pole, building, or other structure that currently hosts wireless equipment) 10 feet in height and six feet in width, provided that it also meets requirements articulated by Metro. Metro must now expect that any 10-foot-tall wireless facility that has already received approval or that is approved in the future may automatically become a 20-foot facility. For already-approved sites not in the public right of way, entities may seek up to a 20-foot or 10% increase, whichever is greater.

PROPOSED ZONING CODE AMENDMENTS

There are two existing telecommunications uses in the Zoning Code, Radio/TV/Satellite Tower and Telephone services, which are reviewed only when installed outside of the public right of way. The Zoning Code does not address installations of telecommunications equipment within the right of way. This ordinance creates standards for telecommunication facilities within the public right of way and creates the same review process for all telecommunication facilities, including Radio/TV/Satellite Tower and Telephone services.

For all telecommunications facilities, collocation is encouraged by including a requirement to use existing structures where possible, prior to constructing new ones. This is especially important within the public right of way, where additional structures could impede pedestrian movements.

This ordinance promotes the use of stealth or other aesthetic accommodations by:

- requiring otherwise visible equipment on a building to be integrated as an architectural feature,
- limiting the height of new structures, within and outside of the public right of way, and
- requiring design consistent with the design requirements of the Planning Department for telecommunication facilities within the public right of way.

This ordinance also protects the integrity and functionality of the public right of way by requiring new or relocated facilities to be located outside of the sidewalk.

On September 21, 2016, Councilmember O'Connell and representatives from the Mayor's Office, Planning Department, Department of Law, Department of Public Works and Information Technology Services Department met with representatives from the telecommunication industry to explain the purpose of the ordinance, which is to prevent the proliferation of poles and other structures within the right of way that create visual clutter and obstructions for pedestrians. Metro asked for comments that were within the spirit of the ordinance by September 30, 2016, and incorporated those into the substitute ordinance where possible.

Since the October 13, 2016, Planning Commission meeting, a joint committee meeting of Budget & Finance Committee, Public Works Committee and Planning and Zoning Committee of Metropolitan Council met on October 17, 2016, to discuss various telecommunications applications. Additionally, Metro staff met with industry representatives on October 18, 2016. At that meeting, the industry representatives requested a meeting specifically for their engineers to discuss the proposed standards. The engineers meeting was held on October 19, 2016. In addition to written comments provided by September 30, 2016, most stakeholders also provided written comments after the additional industry meetings, which were incorporated into the substitute ordinance where possible.

ZONING ADMINISTRATOR RECOMMENDATION

Approve

STAFF RECOMMENDATION

Staff recommends approval of the substitute ordinance. This ordinance will provide comprehensive governance for all telecommunication facilities within and outside of the public right of way with respect to location standards, design and concealment elements, and siting requirements in order to maintain a balance of encouraging infrastructure expansion while maintaining aesthetic standards and pedestrian functionality.

* Information provided by CNX, consultants for the Information Technology Services (ITS) Department.

NOTE: Changes since the last staff report are shown in red.

SUBSTITUTE ORDINANCE NO. _____

An ordinance amending Metropolitan Code of Laws Chapters 17.04, 17.08, 17.16, and 17.40 pertaining to telecommunication facility uses and Section 6.26.350 to insert therein a reference to Chapter 17.16. (Proposal No. 2016Z-019TX-001).

WHEREAS, it is necessary and beneficial for the health, safety and welfare of the community to update the zoning regulations for development of telecommunications facilities in the Metropolitan Nashville and Davidson County area; and,

WHEREAS, it is important to accommodate the growing need and demand for telecommunications services while protecting the character of the Metropolitan Government and its neighborhoods; and,

WHEREAS, there is a need to establish standards for location, aesthetics and compatibility for small cell communication structures and uses, and to update the standards for other kinds of telecommunications facilities; and,

WHEREAS, the Metropolitan Government is committed to encouraging a safe, reliable, efficient, integrated and connected system of Green and Complete Streets that promotes access, mobility and health for all people, regardless of their age, physical ability, or mode of transportation; and

WHEREAS, it is necessary to encourage the location and ~~collocation~~ **collocation** of equipment on existing structures in order to reduce the need for new towers, thereby, minimizing visual clutter, public safety impacts, and effects upon the natural environment and wildlife as well as to encourage concealed technologies and the use of public lands, buildings, and structures as locations for telecommunications facilities; and,

WHEREAS, there is a need to encourage the availability of affordable, high-speed internet and cellular telephone access for businesses and residents, acknowledging that a growing number of businesses are conducted in whole or in part from homes and/or on-the-go, that increasingly education incorporates on-line learning necessitating good home internet connections for students and faculty, and that government participation and emergency services to the general public are enhanced by fast and reliable cellular and home internet connectivity; and,

WHEREAS it is important to encourage coordination between suppliers and providers of telecommunications services to maximize use of existing facilities and structures; and,

WHEREAS, establishing predictable and balanced regulations within the authority reserved for local land use determination is in the interest of citizens the area of the Metropolitan Government of Nashville and Davidson County; and,

WHEREAS, there have been recent changes to the mandates of the Telecommunications Act of 1996, the Middle Class Tax Relief and Job Creation Act of 2012, and other applicable federal and state laws limiting local discretion to regulate location of personal wireless service facilities (PWSF); and,

WHEREAS, a mechanism for the zoning and permitting of small cell telecommunications uses and an update of existing zoning provisions for other kinds of telecommunications uses is in the best interest of the citizens of Metropolitan Nashville and Davidson County.

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

Section 1. That Metropolitan Code of Laws Section 17.04.060, Definitions of general terms, is hereby amended by adding the following definitions:

“Alternative Structure” means a structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including but not limited to buildings, water tanks, pole signs, billboards, church steeples, ~~and~~ electric power transmission ~~poles~~ towers, and ~~utility poles~~ **streetlights**.

“Antenna” means any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized or sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas, **or any other antenna elements approved by the Director of Information Technology Services or his delegate.**

“Base Station” means equipment and non-tower supporting structure at a fixed location that enable wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo or other above ground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to:

equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as

microwave backhaul;

radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks);

any structure other than a tower that, at the time the application is filed under this Section, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, or under another Metro regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

"Base station" does not include any structure that, at the time the application is filed under this Section, does not support or house wireless communication equipment.

"Breakpoint Technology" means the engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole

"Collocation Co-location" means the mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure will not be required, including an eligible facilities request or a qualified **collocation** ~~co-location~~ request.

"Cellular on Wheels (COW)" means a temporary PWSF placed on property to provide short term, high volume telecommunications services to a specific location and which can be easily removed from the property.

"Distributed Antenna System (DAS)" means a system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

"Eligible Facilities Request" means any request for modification of an existing tower or base station involving **collocation** ~~co-location~~ of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment that does not Substantially Change the physical dimensions of such tower or base station.

"Eligible support structure" means any tower or base station existing at the time the application is filed with Metro. **For purposes of this ordinance, the definition of "eligible support structure" shall include utility structures currently hosting fiber, cable and wire.**

"Personal Wireless Service Facility (PWSF)" means any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower. Facilities may include new, replacement, or existing towers, replacement towers, **collocation** ~~co-location~~ on existing towers, base station attached concealed and non-concealed antenna, dual purpose facilities, concealed towers, and non-concealed towers (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

"Qualified **Collocation** ~~Co-location~~ Request" means **collocation** ~~co-location~~ of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

"Small Cell Facility" means a wireless service facility that **either** meets both of the following qualifications **or is within a stealth design that is consistent with the design guidelines:**

1. Each antenna is located inside an enclosure of no more than ~~three (3)~~ **five (5)** cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than ~~three (3)~~ **five (5)** cubic feet, **however, the maximum dimensions of the antenna shall not exceed 36" in height and 14" in width;** and
2. Primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following

associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, **ground-based/underground** enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

"Small Cell Network" means a collection of interrelated small cell facilities designed to deliver wireless service.

"Substantial Change" means a modification or **collocation** ~~co-location~~ constitutes a "substantial change" of an eligible support structure if it meets any of the following criteria:

1. A ~~telecommunications facility~~ telecommunications facility **collocation** ~~co-location~~ on an existing ~~antenna-supporting~~ structure within a public right of way increases the overall height of the ~~antenna-supporting~~ structure, antenna and/or antenna array more than 10% or 10 feet, whichever is greater.
2. A telecommunications facilities **collocation** ~~co-location~~ for towers not in a public right of way protrudes from the ~~antenna-supporting~~ structure more than 10% or 20 feet whichever is greater or the width of the structure at the elevation of the **collocation** ~~co-location~~, and for towers within a public right of way, protrudes from the ~~antenna-supporting~~ structure more than 6 feet.
3. A telecommunications facility **collocation** ~~co-location~~ on an existing ~~antenna-supporting~~ structure fails to meet current building code requirements (including windloading).
4. A telecommunications facility **collocation** ~~co-location~~ adds more than 4 additional equipment cabinets or 1 additional equipment shelter.
5. A telecommunications facility **collocation** ~~co-location~~ requires excavation outside of existing leased or owned parcel or existing easements.
6. A telecommunications facility **collocation** ~~co-location~~ defeats any existing concealment elements of the ~~antenna-supporting~~ structure.
7. A telecommunications facility **collocation** ~~co-location~~ fails to comply with all conditions associated with the prior approval of the ~~antenna-supporting~~ structure except for modification of parameters as permitted in this section.

"Support Structure" means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, **including alternative structures, but excluding antennas.**

"Telecommunications Facility" means one or more antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, **fiber, wire**, and associated structures, enclosures, assemblages, devices and supporting elements that generate, ~~or transmit nonionizing electromagnetic radiation or light operating to~~ produce a signal used for communication that is proposed by an entity other than the Metropolitan Government, including but not limited to radio/tv/satellite and broadcast towers, telephone service, including new microwave or cellular towers, PWSF, DAS, small cell facilities and COW's.

"Tower" means any support structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Lattice - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas.

Monopole - A style of freestanding tower consisting of a single shaft usually composed of two (2) or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

~~Support Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground, including but not limited to all existing utility poles and existing buildings.~~

"Transmission Equipment" means equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, public, public safety, licensed or unlicensed, fixed or wireless), including but not limited to radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

Section 2. That Metropolitan Code of Laws Section 17.08.030, District Land Use Tables, is hereby amended by deleting Radio/TV/Satellite Tower and Telephone services and adding "Telecommunication Facility" under "Communication Uses" as a use permitted with conditions (PC) under all zoning districts.

Section 3. That Metropolitan Code of Laws Section 17.16.080, Communication uses, is hereby amended by deleting subsections B and C, renumbering subsection D as B and adding a new subsection "C. Telecommunications Facility" to read as follows:

C. Telecommunications Facility

1. Application requirements. An applicant for a telecommunications facility, including co-locating on an eligible support structure or adding transmission equipment to an alternative structure shall provide the codes department and the Historic Zoning Commission, for applications within Historic Overlays and/or public rights of way abutting a Historic Overlay, with the following information at the time of application for the final site plan or building permit (**for eligible facilities requests, it is not necessary to meet the requirements of d through g, below**):

- a. A schematic site plan, including schematic landscape plan **for any application where landscaping is required**, and an elevation view of the type of facility to be placed on the site. The site plan shall depict where the facility is to be located on the site and where additional co-located communication equipment, shelters or vaults will be or can be placed.
- b. If the application is not for **collocation** ~~co-location~~, a statement justifying why **collocation** ~~co-location~~ is not possible. Such statement shall include:
 - (i) Such structure and technical information and other justifications as are necessary to document the reasons why **collocation** ~~co-location~~ is not possible; and
 - (ii) The applicant shall provide a list of all eligible support structures and alternative structures considered as alternatives to the proposed location. The applicant shall provide a written explanation why the alternatives considered were impossible due to technical or physical alternatives.
- c. Identification of **the intended user(s) of any radio frequencies that would be utilized on the telecommunications facility. If any frequency is later changed, notice of the new frequency shall be provided to the Information Technology Services (ITS) Department.**
- d. The applicant shall demonstrate that through location, construction, or ~~camouflage~~ **stealthing**, the proposed facility or network of facilities will have minimum visual impact upon the appearance of adjacent properties and the views and vistas from adjacent residential neighborhoods and pedestrian environment, while retaining viable opportunities for future **collocation** ~~co-location~~, **provided applications for designs consistent with the design guidelines provided for in subsection 5.f of this section shall be deemed to have met the requirement of this subsection.**
- e. Documentation of the number of other users that can be accommodated within the design parameters of the telecommunications facility as proposed.
- f. A statement indicating the owner's commitment to allow feasible shared use of the facility within its design capacity for **collocation** ~~co-location~~.
- g. The proposed site plan and design plans meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, and the American Steel Institute. The telecommunications facility must comply with building codes and other federal, state, and local regulations, Applicant must also comply with Section 106 of the National Historic Preservation Act of 1966.

2. **Collocation** ~~Co-location~~ Requirements. **Collocation** ~~Co-location~~ or location on existing alternative structures is required where possible. Applicants for a new Telecommunications Facility must explore all **collocation** ~~co-location~~ opportunities and opportunities to locate their **antenna** ~~transmission equipment~~ on existing alternative structures. Applicant shall utilize eligible support structures first and then alternative structures. ~~If collocation or location on an alternative structure is not possible, Applicant must show a gap in coverage and present a business case, excluding cost, to justify the need for placement of a new support structure.~~

3. Removal of Abandoned Telecommunication Facilities: **Any telecommunication facility that is replaced with a new or updated telecommunication facility, including conduit, wire or cable, or Any telecommunication facility permitted under this chapter that is not operated as a personal communication system carrier application for a continuous period of twelve months shall be considered abandoned and the owner of such telecommunication facility shall notify the Codes Department of the abandonment and remove same within ninety days. Failure to do so shall be deemed to be a violation of these regulations. The owner of the antenna or tower may appeal the decision of the department of codes administration to the board of zoning appeals, but at such hearing shall be required to show just cause why the antenna or tower should not be considered abandoned and subject to removal.**

4. Telecommunication facilities outside of the public right-of-way.
- a. Landscape Requirements: Along all residential zone districts and districts permitting residential use, screening in the form of Landscape Buffer Yard Standard A shall be applied.
 - (i) The following plants are prohibited from being used in any district, to buffer a telecommunications facility, including a new microwave or cellular tower due to problems with hardiness, maintenance, or nuisance: Kudzu Vine, Purple Loosestrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, Garlic Mustard, Paulownia, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.
 - (ii) The maintenance standards set forth in Section 17.24.080 shall be applicable to all required landscaping.
 - b. New support structures or substantial changes to eligible support structures 150' and greater, shall be designed to accommodate a minimum of three PWSF providers. This number shall be inclusive of any emergency management communication systems.
 - c. A permit for a COW is limited to 30 days, **but when circumstances reasonably warrant, the permit may be renewed.**
 - d. Additional provisions for Substantial Changes to Eligible Support Structures or Placement of New Telecommunications Equipment on Alternative Structures.
 - (i) New telecommunications equipment placements on alternative structures, shall be **designed with screening and other stealth elements so as to minimize the visual impact** placed so that they will not be visible from a pedestrian viewpoint within any abutting public right of way, excluding alleys, even after any eligible facilities request. Once said alternative structure is approved and becomes an eligible support structure, any subsequent modifications must meet established design guidelines. The maximum height of a tower shall be determined by the height ~~standards control provisions~~ of Chapter 17.12.
 - (ii) Communication equipment or any new structure that is integrated as an architectural feature of a structure so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer or which is concealed within a building or structure so that it is architecturally indiscernible may be permitted in all zoning districts subject to building permit procedures and standards. Architecturally indiscernible shall mean that the addition or feature containing the antenna is architecturally harmonious in such aspects including but not limited to material, height, bulk, scale and design with the building or structure to which it is to be a part.
 - e. Additional provisions for towers.
 - (i) Setbacks. A tower shall be set back from all property lines on which the tower is located by the distance equal to the height of the lowest engineered break point on the proposed structure or the height of the tower.
 - (ii) Lights. No lights shall be permitted on a tower except such lighting that is required by state or federal law.
 - (iii) Height. The maximum height of a tower shall be determined by the ~~standards control provisions~~ of Chapter 17.12. Guy wire anchors, if used, shall be set back a minimum of five feet from all property lines.
 - (iv) Final Site Plans: Final site plans for a tower shall be accompanied by a certification from a qualified structural engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit.
 - (v) Notification. Prior to the issuance of a zoning permit, and immediately after receiving an application for a new tower, the zoning administrator shall notify the district councilmember that an application for a new tower has been submitted. Such notification shall only be required when a tower is proposed within a residential district, a district permitting residential uses (excluding the MUI, MUI-A, ORI, ORI-A, CF, DTC, and SCR districts), or within one thousand feet of the zoning boundary line of a residential district or a district permitting residential uses. Such notification shall also be required when a telecommunications facility is within a Historic Overlay District or right of way abutting a Historic Overlay District. Within thirty days from the date on which the tower application was filed, the district councilmember may hold a community meeting on the proposed tower. If a meeting is held, the applicant shall attend and provide information about the tower's safety, technical necessity, visual aspects, and alternative tower sites and designs considered.
 - (vi) When an application to construct a new tower is received, the Department of Codes Administration shall consult with the district councilmember, and the councilmember may request that the applicant accommodate tornado sirens and their associated equipment to further the public interest, as well as equipment needed for First Net. The councilmember's request shall be submitted in writing to the applicant within fifteen business days from the date the application was submitted to the Department of Codes Administration, and the request shall be accompanied by a written statement from the Mayor's Office of Emergency Management that a siren is needed in the area where the tower is to be located and that the proposed tower site is suitable for a siren. The applicant shall make good faith efforts to comply with this request, provided that if such use materially increases the cost of the tower, requires utilization of land otherwise reserved for additional wireless carriers on the tower, or would otherwise delay the permitting of the proposed tower, the applicant shall not be required to consider such request. Because tornado sirens require additional tower space and have varying design qualities, applicants will

be allowed a fifty percent increase in height over the otherwise applicable height limitation and will not be required to utilize camouflaged designs, but shall comply with all applicable landscaping standards set forth in this section. This subsection applies to tornado sirens only and is not applicable for other public safety tower uses.

5. Telecommunication facilities within public rights-of-way.
 - a. Support structures and above-ground transmission equipment are prohibited within the sidewalk, but may be located within a grass strip/**green zone** or frontage zone. For substantial changes to eligible support structures or for new telecommunications use of an alternative structure, the eligible support structure or alternative structure shall be relocated outside of the sidewalk and all above-ground utilities consolidated with the permit application. **For eligible support structures that already have wireless telecommunications facilities on them, the structure need not be relocated unless it exceeds the zoning height limitation set in subsection 17.16.080.C.5.d., unless such structure is owned by the Metropolitan Government.**
 - b. No new telecommunication facility support structure may be erected in the public right-of-way within **500'±** of an existing telecommunication support structure. **The term "new telecommunications facility support structure" as used in this subsection shall not include a relocation and/or replacement of a pole pursuant to section 17.16.080.C.5.a.**
 - c. New telecommunication facilities or relocated telecommunication facilities **pursuant to subsection 17.16.080.C.5.a. due to a substantial change** shall place all transmission equipment, **excluding antennas and remote radio units**, underground to the extent possible consistent with departmental regulations. To the extent transmission equipment cannot be placed underground, business justification, excluding cost, for this must be provided.
 - d. New telecommunication facility support structures may not be erected to a height greater than the height surrounding utility poles or street lights, whichever is greater. If no utility poles are present, the **total height support structure** shall be built to a maximum height of **350'**, **including antennas, lightning rods or other extensions**. All new proposed structures, **or a stealth telecommunications support structure replacing an existing support structure or alternative structure**, within the ROW shall be designed for a minimum of two PWSF providers.
 - e. A permit for a COW is limited to 5 days, **but when circumstances reasonably warrant, the permit may be renewed.**
 - f. Telecommunication facilities shall be constructed consistent with the design requirements of the Planning Department, and, where applicable, the Historic Zoning Commission. **The design guidelines will provide greater detail, description and examples of acceptable telecommunications facilities, including visual descriptions.** The requirements in this section shall be in addition to those required by Chapter 6.26 of the Metropolitan Code.
6. Recommendations and other actions from departments of the metropolitan government. Prior to the consideration of a variance for or issuance of a permit for a telecommunication facility, the following departments of the metropolitan government shall submit recommendations or approvals to the Zoning Administrator that describe compliance with all applicable design guidelines or other regulations:
 - a. Metropolitan Development and Housing Agency (MDHA) shall provide a recommendation within a redevelopment district and/or public rights of way abutting a redevelopment district,
 - b. Metro Historic Zoning Commission shall provide a preservation permit within a historic overlay **and/or public rights of way abutting a historic overlay**,
 - c. Planning Commission shall provide a recommendation for property within the downtown code, a planned unit development, urban design overlay, institutional overlay, specific plan, contextual overlay, or neighborhood landmark district.
 - e. The Department of Information Technology Services shall provide a recommendation on all permits, **with regard to the issue of interference with Metropolitan Government facilities.**

Section 4. That Metropolitan Code of Laws Section 17.16.180, Communication uses, is hereby amended by deleting subsections A and B.

Section 5. That Metropolitan Code of Laws Section 17.40.520, Applicability, is hereby amended by deleting and replacing with the following:

An application for a zoning permit must be filed with the zoning administrator prior to any person or entity commencing any construction or alteration of a structure, initiating a change in the use of the property or for a telecommunication facility, including **collocation** ~~re-location~~. No building permit shall be issued except upon presentation of a valid zoning permit. **However, an application for a telecommunications facility building permit for routine maintenance or for like-for-like replacements of equipment, consistent with departmental regulations, shall be submitted within 10 days of such work being performed and include verification that the work performed was for routine maintenance or for like-for-like replacements of equipment, consistent with departmental regulations.** If an applicant contends that they are exempt from this permitting requirement by virtue of TCA Section 13.24.305 due to the fact that they are placing an antenna or related equipment for an existing wireless telecommunications support structure, they shall submit documentation evidencing their eligibility for such exemption.

Section 6. That Metropolitan Code of Laws Section 17.40.750, Fees established by the zoning administrator, is hereby amended by renumbering the existing paragraph as subsection A and adding the following Subsection B:

B. Telecommunications Facility.

1. In addition to the fee schedule in subsection A. of this section, Metro may require, in its sole discretion, a supplemental review by the Director of the Information Technology Services (ITS) Department or his designee, including an approved consultant, for any application for a telecommunication facility where new placement of telecommunications equipment on an alternative structure or new vertical support structures are sought or the complexity of the analysis requires technical expertise, and/or shall require the same for any request for a variance to Section 17.16.080.C., and all the costs of such review, **in an amount not to exceed \$3,500**, shall be borne by the applicant.
2. Based on the results of the supplemental review, the Zoning Administrator may require changes to or supplementation of the applicant's submittal(s).
3. The supplemental review may address any or all of the following:
 - a. The accuracy and completeness of the application and any accompanying documentation, including the impossibility of co-locating and whether there is a reduction in service that requires an additional telecommunication facility.
 - b. The applicability of analysis techniques and methodologies.
 - c. The validity of conclusions reached.
 - d. Whether the proposed telecommunications facility complies with the applicable approval criteria and standards of the Zoning Code and other applicable law.

Section 7. That Metropolitan Code of Laws Section 17.40.340, Limits to jurisdiction, is hereby amended by adding the following subsection C:

C. The board shall not grant variances within the following sections, tables, zoning districts, or overlay districts without first considering a supplemental review by the Planning Commission and the Director of the Information Technology Services (ITS) Department or his designee, including an approved consultant.

Sections/Tables

Section 17.16.080.C (Telecommunication facility)

Section 8. That Section 6.26.350 of the Metropolitan Code of Laws is hereby amended by deleting the period following the word "applicable" and inserting the following at the end of that section:
, including but not limited to the provisions of the Zoning Code codified in Title 17 hereof, especially Chapter 17.16 and Section .080 thereof.

Section 9. 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.

Sponsored by:

Ms. Blackshear recused herself and stepped out of the room at 4:22 p.m.

Ms. Logan presented the staff recommendation of approval of the substitute ordinance.

Mr. Clifton suggested reopening the Public Hearing to allow anyone in attendance the opportunity to speak.

Mr. Clifton moved and Councilmember Allen seconded the motion to reopen the Public Hearing. (7-0)

Jim Murphy, 1600 Division St, spoke in opposition. One of the requirements that is problematic is the requirement that if we want to attach up to an existing pole in the sidewalk, the pole has to be moved out of the sidewalk first. This seems to be counterproductive to what it is trying to achieve.

Ms. Farr closed the Public Hearing.

Mr. Clifton asked for clarification from staff on sidewalk concerns.

Ms. Logan explained that if the support structure has telecommunication facilities on it already, we cannot require them to move the pole unless they are affecting a substantial change, which would be above the 10' requirement. If they are attaching to a structure that does not already have telecommunications attached to it, they would be required to move it out of the right-of-way.

Councilmember Allen noted that a lot of ground has been covered and a lot of progress made since the last meeting.

Mr. McLean moved and Mr. Haynes seconded the motion to approve the substitute ordinance, including an amendment to change one of the measurements of the maximum size of an antenna for a small cell facility from “14” in width” to “16” in diameter.” (6-0-1) Ms. Blackshear recused herself.

Resolution No. RS2016-329

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-019TX-001 is **Approved with the substitute ordinance, including an amendment to change one of the measurements of the maximum size of an antenna for a small cell facility from “14” in width” to “16” in diameter.” (6-0-1)**”

2a. 2014CP-010-004

GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT

Council District 17 (Colby Sledge)

Staff Reviewer: Anita McCaig

A request to amend the Green Hills-Midtown Community Plan by changing the Community Character policy from a T4 Neighborhood Maintenance policy to a T4 Neighborhood Center policy for properties located at 1109 and 1111 Montrose Avenue, approximately 210 feet east of 12th Avenue South (0.34 Acres), requested by Fulmer Engineering, LLC, applicant; The Shop Trust, LLC, owner (See also Specific Plan Case No. 2014SP-083-001).

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Change the policy from Urban Neighborhood Maintenance (residential) to Urban Neighborhood Center (mixture of uses at a neighborhood-scale).

Major Plan Amendment

A request to amend the Green Hills-Midtown Community Plan by changing the Community Character policy from Urban Neighborhood Maintenance policy to Urban Neighborhood Center policy for properties located at 1109 and 1111 Montrose Avenue, approximately 210 feet east of 12th Avenue South (0.34 acres).

GREEN HILLS-MIDTOWN COMMUNITY PLAN

Current Policy

Urban Neighborhood Maintenance (T4 NM) policy is intended to preserve the general character of existing urban neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy

Urban Neighborhood Center (T4 NC) policy is intended to preserve, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential and institutional uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

BACKGROUND

The properties at 1109 and 1111 Montrose Avenue have been residentially zoned for decades and currently contain two single-family houses. The property owners would like to continue their development (along 12th Avenue South) on these two parcels. With the accompanying zone change request, the owners propose keeping the two single-family structures and using them for offices in the future as well as adding parking to the site.

The Green-Hills Midtown Community Plan was last updated in 2015 as part of NashvilleNext. The update also carried forward the 12th Avenue South Corridor Detailed Neighborhood Design Plan, created in 2008. The overarching goal of the design plan is to maintain the corridor as a livable and walkable community by providing a well-balanced mix of housing, neighborhood-scaled businesses, real transportation options, easily accessible open spaces, employment and social services, and civic and cultural opportunities. As one moves off the 12th Avenue corridor, the design plan highlights the importance of preserving the existing housing stock and single-family residential character of the immediately adjacent residential area. The design plan accommodates additional housing types by allowing them along the corridor itself. This approach provides additional housing choices but also helps to preserve the existing single-family housing.

COMMUNITY PARTICIPATION

A community meeting was held on December 4, 2014, to discuss the plan amendment request and associated rezoning. Approximately 55 people attended the meeting, along with the applicants, and the area councilmember at that time. Several attendees voiced concerns and left written comments regarding this proposal. Attendees were mainly concerned that the:

- proposed amendment and rezoning, if approved, would allow commercial to intrude into the adjacent residentially-zoned single-family neighborhood;
- proposed amendment and rezoning, if approved, would set a precedent for other businesses to expand into residential areas in other locations along the 12th Avenue South corridor;
- proposed amendment and rezoning, if approved, continues growth of the center, increases the volume of businesses into the residential area, and has implications for pushing the center's scale beyond that of just serving the immediate neighborhood;
- proposed amendment and rezoning, if approved, would increase the depth of non-residential uses to approximately 4 parcels from 12th Avenue South, taking up more than half of the block; and
- proposed amendment and rezoning, if approved, would result in the loss of residential zoning and single-family homes for residents in a desirable area to live.

Some attendees thought that the proposed development was acceptable, but still remained concerned about the precedent it would set for future commercial encroachment into the adjacent residential area and the implications for increasing the center's scale beyond that of serving the neighborhood.

In December 2014, Public Hearing Notices were mailed out to property owners within 1,300 feet prior to the MPC Public Hearing. Local neighborhood associations were also notified of both the community meeting and the public hearing. Copies of the notices were also placed on the Planning Department website.

On February 12, 2015, the item was deferred indefinitely. Since that time, Metro Council elections have occurred, and a new councilmember was elected for the district. The applicant has continued to work with the neighborhood and councilmember on ideas for the plan amendment request and associated rezoning.

ANALYSIS

While the proposed request may seem minimal and innocuous, there are factors that cause concern. To the east, north, and south is an established single-family residential area. Additional housing is in great demand in the 12South area, and the neighborhood is extremely concerned about losing the existing single-family housing stock over time.

Previously, on September 23, 2004, the property owners requested a zone change (for the adjacent properties to the west) from Commercial Services (CS) to Mixed Use Limited (MUL). This request included two adjacent residential properties. At that time, Planning staff voiced concerns about rezoning the two residential properties to mixed use. One of the two properties is adjacent to the present rezoning request, and the other property is to the south. In 2004, staff recommended not to rezone the two residential properties. However, the Commission approved the rezoning at that time, including the two residential properties.

Since 2004, more detailed planning has taken place in the 12South area. The properties remained in residential policy with the community plan update in 2005. In 2008, more detailed planning work took place in the 12South area, and, again, the properties were included in the policy for the established residential area. Today, the two properties involved in the current plan amendment and rezoning request, remain in residential policy in NashvilleNext. These two properties and their houses are part of the single-family residential fabric along Montrose Avenue. The 12South area continues to be a desirable location with growth and development pressures.

The 12th Avenue South corridor is envisioned as a neighborhood-scaled center. Currently, it is experiencing growth pressures similar to what is found along major corridors, such as 8th Avenue South. Approving this plan amendment at this time may create negative implications for other properties in the area. Without a clearly defined boundary to limit any commercial expansion, the potential exists for fragmented business expansion into the adjacent residential neighborhoods.

STAFF RECOMMENDATION

Staff recommends disapproval of the amendment application because of concerns over the loss of residential properties and residential uses, commercial encroachment into the residential area, and the precedent that approving this application would set for additional non-residential encroachment into residential areas adjacent to the 12th Avenue South Corridor.

Ms. McCaig presented the staff recommendation of disapproval.

Jay Fulmer, applicant, spoke in favor of the application.

Andy Howell spoke in favor of the application as it will save and restore the existing houses, increase street parking on Montrose, and create additional off-street parking.

Bobby Johnson, 1009 Halcyon Ave, spoke in favor of the application because it doesn't create a drastic change.

Cynthia Lucas, 2909 12th Ave S, spoke in favor because it is good for the community and fits with the character of the community.

Abbe Keleher, 1105 Montrose Ave, spoke in favor of the application as it will help with parking issues on the street, will help beautify the street, and will make the sidewalks safer.

Claire Armbruster, 1004 Montrose Ave, spoke in opposition to the application because it will set a precedent for the neighborhood.

Ken Winter, 1021 Paris Ave, spoke in opposition to the application.

Jim Stringer, 1101 Halcyon Ave, spoke in opposition and explained that the residential has driven the commercial in this area, not the other way around.

Mr. Fulmer requested approval.

Ms. Farr closed the Public Hearing.

Mr. McLean spoke in favor of staff recommendation.

Mr. Haynes spoke in favor of staff recommendation and noted there are areas very close by that can provide adequate office space within a short drive; no need to begin the encroachment.

Ms. Hagan-Dier spoke in favor of staff recommendation.

Councilmember Allen spoke in favor of staff recommendation as the community has been clear on several different occasions where the line needs to be.

Ms. Blackshear spoke in favor of staff recommendation.

Mr. Clifton spoke in favor of staff recommendation.

Mr. Haynes moved and Ms. Hagan-Dier seconded the motion to disapprove. (7-0)

Resolution No. RS2016-330

“BE IT RESOLVED by The Metropolitan Planning Commission that 2014CP-010-004 is Disapproved. (7-0)”

2b. 2014SP-083-001
HOWELL CORNER/BECKER CORNER OFFICES SP
Council District 17 (Colby Sledge)
Staff Reviewer: Lisa Milligan

A request to rezone from R8 to SP-MU zoning for properties located at 1109 and 1111 Montrose Avenue, approximately 210 feet east of 12th Avenue South, (0.34 acres), to permit a mixed-use development, requested by Fulmer Engineering, LLC, applicant; The Shop Trust, LLC, owner (See also Community Plan Amendment Case No. 2014CP-010-004).

Staff Recommendation: Disapprove.

APPLICANT REQUEST

Preliminary SP to permit mixed-use development.

Preliminary SP

A request to rezone from One and Two-Family Residential (R8) to Specific Plan-Mixed Use (SP-MU) for properties located at 1109 and 1111 Montrose Avenue, approximately 210 feet east of 12th Avenue South (0.34 acres) to permit a mixed-use development.

Existing Zoning

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots. *There are 2 existing lots.*

Proposed 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 residential uses, office uses, and commercial parking.

History

The rezoning request and associated community plan amendment were previously deferred at the January 8, 2015, January 22, 2015, and February 12, 2015, Planning Commission meetings. The item was deferred indefinitely at the February 12, 2015 meeting. The applicant has reactivated both cases.

GREEN HILLS MIDTOWN COMMUNITY PLAN

Current Policy

T4 Urban Neighborhood Maintenance (T4 NM) is intended to preserve the general character of existing urban residential neighborhoods. T4 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. T4 NM areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Proposed Policy

T4 Urban Neighborhood Center (T4 NC) is intended to preserve, enhance, and create urban neighborhood centers that serve urban neighborhoods that are generally within a 5 minute walk. T4 NC areas are pedestrian friendly areas generally located at intersections of urban streets that contain commercial, mixed use, residential, and institutional land uses. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

The proposed development is not consistent with the current policy. Staff is recommending disapproval of the requested policy change due to concerns including the need for housing in this area, commercial encroachment into a residential area, and the precedent set for additional commercial encroachment into residential areas along the 12th Avenue South corridor. Please see the staff report for 2014CP-010-004 for additional information.

PLAN DETAILS

The site is located at 1109 and 1111 Montrose Avenue. The site is located approximately 210 feet east of 12th Avenue South, south of Montrose Avenue. The site is approximately 0.34 acres in size. The current use of the property is 2 single-family detached residential units.

Site Plan

The proposed plan adds office uses to the two existing buildings. The plan also adds commercial parking behind the buildings, adjacent to the existing alley. A total of 15 parking spaces are proposed. However, the majority of the parking spaces are proposed for Phase 2. Proposed parking is based on Urban Zoning Overlay standards which exempts the 1st 2,000 square feet of office from providing parking.

The existing driveways off of Montrose Avenue will be removed. All vehicular access will be from the alley. An existing sidewalk runs along the entire length of the property. A landscape buffer is proposed along the northern property line.

ANALYSIS

In 2004, a request was made to rezone the adjacent properties to the west of the subject property. The property immediately adjacent to the subject property, 1113 Montrose Avenue, was within the Residential Medium (RM) policy area. Staff recommended disapproval of the rezoning of this property as the rezoning was not consistent with the policy. The Planning Commission approved the entire rezoning request, including those properties that staff recommended disapproval.

Following the adjacent rezoning, a Detailed Neighborhood Design Plan (DNBP) was completed for the 12th Avenue South Corridor. The two properties that are a part of the current request are within a residential policy (T4 Urban Neighborhood Maintenance). Staff finds that it is inappropriate given the policy and the DNBP to expand non-residential uses further into the established and stable residential area. Staff recommends that the residential area needs to be protected from further commercial encroachment.

FIRE DEPARTMENT RECOMMENDATION

Approve with conditions

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

STORMWATER RECOMMENDATION

Approve with conditions

- If post developed sheet flow condition can't be achieved, then offsite improvements may be required.

HISTORIC ZONING COMMISSION STAFF RECOMMENDATION

•Staff recommended that both residential structures be maintained which is being done with the current plan. The properties are noted as worthy of conservation but are not within the recently adopted conservation overlay.

PUBLIC WORKS RECOMMENDATION

Approved with conditions

- The developer's final construction drawings shall comply with the design regulations established by Department of Public Works. Final design may vary based on field conditions.
- Build and dedicate ½ MPW standard ST-263 alley along property frontage. ROW dedication must be recorded prior to building permit approval.
- Coordinate stormwater outfall with MPW and Metro Stormwater to confirm no stormwater flow into the alley causing excessive ponding or flooding, may require hard connection to the existing infrastructure with Final SP.

TRAFFIC AND PARKING RECOMMENDATION

No exception taken

Maximum Uses in Existing Zoning District: **R8**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Two-Family Residential (210)	0.34	5.44 D	2 U*	20	2	3

*Based on one two-family lot.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.34	-	4,020 SF	210	11	32

Traffic changes between maximum: **R8** and **SP-MU**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+190	+9	+29

WATER SERVICES RECOMMENDATION

Approved

METRO SCHOOL BOARD REPORT

Projected student generation existing R8 district: 0 Elementary 0 Middle 0 High

Projected student generation proposed SP-MU district: 0 Elementary 0 Middle 0 High

The proposed SP-MU zoning district will not generate any additional students than the existing zoning.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? The project does not include any affordable or workforce housing units.
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? N/A
4. Have any structures been demolished in the last 12 months? No.

STAFF RECOMMENDATION

Staff recommends disapproval. Staff does not find that the requested zoning is consistent with the existing policy for the area as well as the recommendations of the Detailed Neighborhood Design Plan.

Ms. Milligan presented the staff recommendation of disapproval.

Jay Fulmer, applicant, spoke in favor of the application.

Andy Howell spoke in favor of the application as it will save and restore the existing houses, increase street parking on Montrose, and create additional off-street parking.

Bobby Johnson, 1009 Halcyon Ave, spoke in favor of the application because it doesn't create a drastic change.

Cynthia Lucas, 2909 12th Ave S, spoke in favor because it is good for the community and fits with the character of the community.

Abbe Keleher, 1105 Montrose Ave, spoke in favor of the application as it will help with parking issues on the street, will help beautify the street, and will make the sidewalks safer.

Claire Armbruster, 1004 Montrose Ave, spoke in opposition to the application because it will set a precedent for the neighborhood.

Ken Winter, 1021 Paris Ave, spoke in opposition to the application.

Jim Stringer, 1101 Halcyon Ave, spoke in opposition and explained that the residential has driven the commercial in this area, not the other way around.

Mr. Fulmer requested approval.

Ms. Farr closed the Public Hearing.

Mr. McLean spoke in favor of staff recommendation.

Mr. Haynes spoke in favor of staff recommendation and noted there are areas very close by that can provide adequate office space within a short drive; no need to begin the encroachment.

Ms. Hagan-Dier spoke in favor of staff recommendation.

Councilmember Allen spoke in favor of staff recommendation as the community has been clear on several different occasions where the line needs to be.

Ms. Blackshear spoke in favor of staff recommendation.

Mr. Clifton spoke in favor of staff recommendation.

Ms. Hagan-Dier moved and Mr. Haynes seconded the motion to disapprove. (7-0)

Resolution No. RS2016-331

"BE IT RESOLVED by The Metropolitan Planning Commission that 2014SP-083-001 is Disapproved. (7-0)"

3. 2016Z-011TX-001

BL2016-265

Staff Reviewer: Jason Swaggart

A request to amend Section 17.40.120 of Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to the determination of inactivity of a planned unit development, requested by Councilmember Mina Johnson.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2016Z-011TX-001. (7-0)

4. 2016Z-018TX-001

BL2016-350

Staff Reviewer: Jason Swaggart

A request to amend Title 17 of the Metropolitan Code, Zoning Regulations, to delete "adult entertainment" as a use permitted through Overlay within MUI-A zoning districts, requested by Councilmember Freddie O'Connell.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission indefinitely deferred 2016Z-018TX-001. (7-0)

5. 2016S-160-001

RESUBDIVISION OF LOT 1 RESUB LOT 12 OF GEORGE BURRUS

SUBDIVISION OF LOT 81 MAPLE HOME TRACT

Council District 08 (Nancy VanReece)

Staff Reviewer: Patrick Napier

A request for final plat approval to create two lots on property located at 1003 Curdwood Boulevard, at the northeast corner of Burrus Street and Curdwood Boulevard, zoned RS7.5 (0.35 acres), requested by Chapdelaine & Associates, applicant; Strive Properties, owner.

Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016S-160-001 to the November 10, 2016, Planning Commission meeting. (7-0)

6a. 2016Z-131PR-001

Council District 08 (Nancy VanReece)

Staff Reviewer: Karimeh Sharp

A request to rezone from RM4 to RM6 zoning for property located at 1497 Chadwell Drive, approximately 400 feet southeast of Port Drive (9.98 acres), requested by Dale & Associates, applicant; O.I.C. Chadwell Retreat Townhomes, owners.

Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016Z-131PR-001 to the November 10, 2016, Planning Commission meeting. (7-0)

6b. 2004P-032-001

CHADWELL RETREAT

Council District 08 (Nancy VanReece)

Staff Reviewer: Karimeh Sharp

A request to amend a Planned Unit Development Overlay for property located at 1497 Chadwell Drive (9.98 acres), approximately 400 feet southeast of Port Drive, zoned Multi-Family Residential (RM4), to permit the addition of 13 multi-family residential units for a maximum of 49 residential units within the overlay, requested by Dale & Associates, applicant; O.I.C. Chadwell Retreat Townhomes, owners.

Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2004P-032-001 to the November 10, 2016, Planning Commission meeting. (7-0)

7. 85-85P-003

BRENTWOOD COMMONS (HCA)

Council District 04 (Robert Swope)

Staff Reviewer: Jason Swaggart

A request to revise the preliminary plan for a portion of the Brentwood Commons Planned Unit Development Overlay District on property located at 2000 American General Way, at the northeast corner of American General Way and Old Hickory Boulevard, zoned OL (13.59 acres), to permit an office development, requested by Ragan Smith & Associates, applicant; Southpoint, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Revise a portion of a Planned Unit Development to permit an office development.

Revise PUD

A request to revise the preliminary plan for a portion of the Brentwood Commons Planned Unit Development Overlay District on property located at 2000 American General Way, at the northeast corner of American General Way and Old Hickory Boulevard, zoned Office Limited (OL) (13.59 acres), to permit an office.

Existing Zoning

Office Limited (OL) is intended for moderate intensity office uses.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

CRITICAL PLANNING GOALS

N/A

PLAN DETAILS

The site is developed and contains two office buildings totaling 286,000 square feet. The site is located in the Brentwood Commons PUD, which was approved in 1985 for a variety of office and associated uses.

Site Plan

The plan calls for two additional six story office buildings, a seven story office building, and a six story parking garage. The plan also calls for future parking garages to be located within an existing surface parking area. The additional office space totals 581,019 square feet. Access will be from American General Way, which currently provides access to the site.

ANALYSIS

The request is consistent with the overall concept of the Council approved plan. Council approved the plan in 1985, for 1,307,553 square feet of office and associated uses. As proposed, the total floor area within the PUD will be 1,437,574 square feet. While this exceeds the approved floor area, the Code permits increases in floor area of up to 10% of what Council approved (without a requirement to return to Council for approval as an amendment to the PUD). The resulting maximum floor area of 1,438,308 square feet leaves 734 square feet of additional floor area that would be permitted in the PUD. Since the proposed plan is consistent with the overall concept of the Council approved plan, and is within the floor area permitted under the Zoning Code, then the request does not require Council approval.

Section 17.40.120.G permits the Planning Commission to approve "minor modifications" under certain conditions. Staff finds that the request is consistent with all the requirements of Section 17.40.120.G, which is provided below for review.

G. Status of Earlier Planned Unit Developments (PUDs). The following provisions shall apply to a planned unit development (PUD) approved under the authority of a previous zoning code and remaining a part of the official zoning map upon the enactment of this title.

1. The planned unit development (PUD) shall be recognized by this title according to the master development plan and its associated conditions specified in the PUD ordinance last approved by the metropolitan council prior to the effective date of the ordinance codified in this title.
2. The planning commission may consider and approve minor modifications to a previously approved planned unit development subject to the following limitations. All other modifications shall be considered by the planning commission as an amendment to the previously approved planned unit development and shall be referred back to the council for approval according to the procedures of Section 17.40.120(A)(5). That portion of a planned unit development master plan being amended by the council shall adhere to all provisions of this code:
 - a. In the judgment of the commission, the change does not alter the basic development concept of the PUD;
 - b. The boundary of the planned unit development overlay district is not expanded;
 - c. There is no change in general PUD classification (e.g. residential to any classification of commercial or industrial PUD; any change in general classification of a commercial PUD; or any change in general classification of an industrial PUD);
 - d. There is no deviation from special performance criteria, design standards, or other specific requirements made part of the enacting ordinance by the council;

- e. There is no introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access;
- f. There is no increase in the total number of residential dwelling units originally authorized by the enacting ordinance;
- g. There is no change from a PUD approved exclusively for single-family units to another residential structure type;
- h. The total floor area of a commercial or industrial classification of PUD shall not be increased more than ten percent beyond the total floor area last approved by the council;
- i. If originally limited to office activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- j. If originally limited to office, retail and other general commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to include industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- k. If originally limited to commercial activities, the range of permitted uses in a commercial PUD shall not be expanded to broader classifications of retail, commercial or industrial activities, unless such activities are otherwise permitted by the underlying base zone district. The permitted uses within the planned unit development shall be those specifically authorized by the council through the adopted master development plan, or by the existing base zone district beneath the overlay, whichever is more permissive.
- l. In the determination of the commission, the nature of the change will have no greater adverse impact on those environmentally sensitive features identified in Chapter 17.28 of this code than would have occurred had the development proceeded in conformance with the previous approval.
- m. In the judgment of the commission, the planned unit development or portion thereof to be modified does not meet the criteria for inactivity of Section 17.40.120.H.4.a.

FIRE MARSHAL RECOMMENDATION

Approve with conditions

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

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 MPW Traffic Engineer. Revisions may/ will be requested pending a full review of the TIS by MPW Traffic Engineer.
- Prior to building permit submittal coordinate with MPW Staff on the design of pedestrian facilities at the west bound right turn lane at American General Way, i.e. ADA compliant ramps, crossings, etc.

TRAFFIC & PARKING RECOMMENDATION

Approve with conditions

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

PHASE 1

- Developer of phase 1 shall review lane utilization signage and recommend and install signage upon TDOT approval. Any recommended signage for westbound Old Hickory Blvd near the I-65 ramps shall be appropriate for AM and PM peak hour conditions.
- Developer shall construct 2nd right turn lane with 200 ft of storage and 100ft taper on American General Way at Old Hickory Blvd.
- Developer shall construct a westbound right turn lane with 400ft of storage and 100ft taper on Old Hickory Blvd. at American General Way.
- Developer shall design and install traffic signal modifications when directed by MPW traffic engineer.
- Developer shall design plans for extending right turn lane from I-65 NB- on ramp with appropriate storage for construction by others. Developer of phase 1 shall also design signal modifications as necessary for the right turn lane extension.

PHASE 2

- Developer shall extend eastbound left turn lane 450 ft with a taper length of 100ft on Old Hickory Blvd at Brentwood Commons Way in median.
- Developer shall design and install traffic signal modifications at Old Hickory Blvd and Brentwood Commons Way.

PHASE 3

- If TDOT does not implement the Ramp Queue safety project, Developer shall construct a new eastbound travel lane between Oakes Dr. and Valley View Rd.

- If TDOT does not implement the Ramp Queue safety project, developer shall design a new eastbound travel lane between valley View Rd and Cloverland Dr for construction by others.

STORMWATER RECOMMENDATION
Approved

WATER SERVICES RECOMMENDATION
Approved with conditions

- Approved as a Preliminary PUD only. Public water construction plans for any proposed fire hydrants must be submitted and approved prior to Final PUD approval. These approved construction plans must match the Final Site Plan/ PUD plans. The required capacity fees must also be paid prior to Final Site Plan/ PUD approval.

STAFF RECOMMENDATION

Staff recommends approval with conditions.

CONDITIONS

- 1.This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
- 2.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.
- 3.If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
- 4.Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

Approved with conditions. Consent Agenda, (5-0-2)

Resolution No. RS2016-332

“BE IT RESOLVED by The Metropolitan Planning Commission that 85-85P-003 is **Approved with conditions. (5-0-2)**”

CONDITIONS

- 1.This approval does not include any signs. Signs in planned unit developments must be approved by the Metro Department of Codes Administration except in specific instances when the Metro Council directs the Metro Planning Commission to review such signs.
- 2.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.
- 3.If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved preliminary plan, the final site plan shall be appropriately adjusted to show the actual total acreage, which may require that the total number of dwelling units or total floor area be reduced.
- 4.Prior to or with any additional development applications for this property, the applicant shall provide the Planning Department with a corrected copy of the preliminary PUD plan.

8. 2016Z-106PR-001

BL2016-411/Kathleen Murphy
 Council District 24 (Kathleen Murphy)
 Staff Reviewer: Jason Swaggart

A request to rezone from R20 to RS20 zoning for various properties located on Woodlawn Drive, Lynnbrook Road, and Bowling Avenue, east of Wilson Boulevard, (22.86 acres), requested by Councilmember Kathleen Murphy, applicant; various property owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from R20 to RS20.

Zone Change

A request to rezone from One and Two-Family Residential (R20) to Single-Family Residential (RS20) zoning for various properties located on Woodlawn Drive, Lynnbrook Road, and Bowling Avenue, east of Wilson Boulevard, (22.86 acres).

History

This request was heard at the September 22, 2016, Planning Commission meeting. The Commission deferred the case so that members of the impacted area had more time to evaluate the request.

Existing Zoning

One and Two-Family Residential (R20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 2.31 dwelling units per acre including 25 percent duplex lots.

Proposed Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre.

CRITICAL PLANNING GOALS

N/A

GREENHILLS - MIDTOWN COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban neighborhoods. 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Both the existing R20 zoning district and the proposed RS20 zoning district are consistent with the T3 NM policy. The policy can support single-family, two-family as well as multi-family residential units. The intent of the policy is to ensure that established residential areas develop in a manner consistent with the overall development pattern. The policy does recognize that some change will occur over time, but any change should not disrupt the overall established development pattern.

ANALYSIS

Staff recommends that the request be approved. The surrounding area currently contains a diversity of housing types, including single-family, two-family and multi-family. The surrounding area also has a diversity of zoning districts including large areas zoned for two-family. While the proposed zoning would preclude the subject properties from developing as two-family, it is a confined area, and would not have an impact on the existing diversity of the surrounding area, or the ability to provide additional two-family units in the surrounding area.

STAFF RECOMMENDATION

Staff recommends approval.

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-333

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-106PR-001 is **Approved. (7-0)**”

9. 2015SP-028-003

TULIP GROVE ADDITION

Council District 12 (Steve Glover)

Staff Reviewer: Jason Swaggart

A request to amend the Specific Plan on property located at 1132 Tulip Grove Road, 400 feet south of Tulip Grove Point, (8.86 acres), to delete condition 9C and replace it with a condition prohibiting EIFS and vinyl siding only on the front facade, requested by Councilmember Steve Glover, applicant; Southeastern Development Group, LLC, owner.

Staff Recommendation: Approve with conditions and disapprove without all conditions.

APPLICANT REQUEST

Amend SP to alter a requirement pertaining to building materials.

Amend SP

A request to amend the Specific Plan on property located at 1132 Tulip Grove Road, 400 feet south of Tulip Grove Point, (8.86 acres), to delete condition 9C and replace it with a condition prohibiting EIFS and vinyl siding only on the front facade.

Existing 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

N/A

DONELSON – HERMITAGE COMMUNITY PLAN

T3 Suburban Neighborhood Evolving (T3 NE) policy is intended to create suburban neighborhoods that are compatible with the general character of classic suburban neighborhoods as characterized by their building form, land use and associated public realm, with opportunities for housing choice and improved pedestrian, bicycle and vehicular connectivity. The resulting development pattern will have designed open space with smaller lot sizes and 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?

Not Applicable. The proposed amendment only pertains to building materials, and does not alter the layout or design of the currently approved SP plan which is consistent with the T3 NE land use policy.

PLAN DETAILS

Council approved the Tulip Grove Addition SP in 2015. The Council Bill (BL2015-1097) included a condition prohibiting EIFS and vinyl siding. The proposed amendment is to delete this requirement, and replace with a condition that EIFS and vinyl siding only be prohibited on the front façade. It would then be permitted on all other facades (sides and rear).

ANALYSIS

The proposed amendment does not impact the layout and overall design of the development. Also, homes in adjacent developments include vinyl siding on all or side and rear facades. Staff recommends approval with conditions, which includes carrying over all previous conditions adopted with BL2015-1097, with the exception that the condition(s) pertaining to EIFS and vinyl siding be replaced with the proposed change to only prohibit EIFS and vinyl siding on the front façade.

FIRE MARSHAL'S OFFICE

N/A

PUBLIC WORKS RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

N/A

WATER SERVICES

N/A

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Uses shall be limited to a maximum of 49 residential units.
2. A monument sign shall be placed at each entrance at Elegance Way and Saddlestone Drive clearly indicating that the development is private. The final design of the sign shall be approved by Planning prior to the approval of any final site plan.
3. All private drives shall be constructed to the ST-251 pavement schedule.
4. An engineer must present certification to Public Works that the private drives have been constructed to the ST-251 pavement schedule. Certification is to be conducted in the stages that construction occurs and NOT at the end of the project. The stages shall include subgrade grade elevations, proof rolling and compaction testing of the sub grade, certification of the proper amount of stone, certification on the proper amount of tack coat and pavement thickness and compaction. Certification shall include a statement that the engineer was present and observed the construction, and that it was in compliance with the approved plans.
5. All drives shall be maintained by the Home Owner's Association and shall not be maintained by Metro.
6. The final site plan shall include paved public access to the cemetery on the site with minimal disturbance.
7. The extension of Elegance Way to Tulip Grove Road shall be required with any final site plan. The removal of this extension shall require Council approval.
8. The private drives must be named prior to construction permitting, coordinate through Public Works.
9. A raised foundation of 18"- 36" is required for all residential structures.
10. The following design standards shall be required:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
 - b. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
 - c. EIFS and vinyl siding shall be prohibited on front facades, but is permitted on all other facades (sides and rear).

- d.Porches shall provide a minimum of six feet of depth.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
 12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application
 13. 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.
 14. 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.

Approved with conditions and disapproved without all conditions. Consent Agenda, (7-0)

Resolution No. RS2016-334

"BE IT RESOLVED by The Metropolitan Planning Commission that 2015SP-028-003 is **Approved with conditions and disapproved without all conditions. (7-0)**"

CONDITIONS

1. Uses shall be limited to a maximum of 49 residential units.
2. A monument sign shall be placed at each entrance at Elegance Way and Saddlestone Drive clearly indicating that the development is private. The final design of the sign shall be approved by Planning prior to the approval of any final site plan.
3. All private drives shall be constructed to the ST-251 pavement schedule.
4. An engineer must present certification to Public Works that the private drives have been constructed to the ST-251 pavement schedule. Certification is to be conducted in the stages that construction occurs and NOT at the end of the project. The stages shall include subgrade grade elevations, proof rolling and compaction testing of the sub grade, certification of the proper amount of stone, certification on the proper amount of tack coat and pavement thickness and compaction. Certification shall include a statement that the engineer was present and observed the construction, and that it was in compliance with the approved plans.
5. All drives shall be maintained by the Home Owner's Association and shall not be maintained by Metro.
6. The final site plan shall include paved public access to the cemetery on the site with minimal disturbance.
7. The extension of Elegance Way to Tulip Grove Road shall be required with any final site plan. The removal of this extension shall require Council approval.
8. The private drives must be named prior to construction permitting, coordinate through Public Works.
9. A raised foundation of 18"- 36" is required for all residential structures.
10. The following design standards shall be required:
 - a. Building façades fronting a street shall provide a minimum of one principal entrance (doorway) and a minimum of 25% glazing.
 - b. Windows shall be vertically oriented at a ratio of 2:1 or greater, except for dormers.
 - c. EIFS and vinyl siding shall be prohibited on front facades, but is permitted on all other facades (sides and rear).
 - d. Porches shall provide a minimum of six feet of depth.
11. If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM9 zoning district as of the date of the applicable request or application.
12. A corrected copy of the preliminary SP plan incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application
13. 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.
14. 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.

10. 2016SP-074-001

677 VERNON AVE

Council District 20 (Mary Carolyn Roberts)
Staff Reviewer: Latisha Birkeland

A request to rezone from CS to SP-MU zoning on property located at 677 Vernon Avenue, approximately 480 feet southeast of James Avenue, (9.92 acres), to permit a mixed-use development and up to 243 residential units and up to a maximum of 4,510 square feet of commercial uses, requested by MiKen Development, LLC, applicant; Prewett Holdings, LLC, owner. (See associated case # 2016CP-007-004)

Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-074-001 to the November 10, 2016, Planning Commission meeting. (7-0)

11. 48-83P-001

PERIODIC REVIEW (PUD)

Council District 15 (Jeff Syracuse)
Staff Reviewer: Jason Swaggart

A request for a periodic review for a portion of a Planned Unit Development Overlay District located at 2203, 2205A, and 2207 Pennington Bend Road, on the northwest corner of Pennington Bend Road and McGavock Pike, zoned OR20 (2.52 acres), requested by Councilmember Jeff Syracuse, applicant; The Nards Trust and Tony L. and Pamela J. Adams, owners.

Staff Recommendation: Find the PUD Inactive, and recommend that Council cancel the PUD and rezone the properties to RS20.

APPLICANT REQUEST

Periodic review of a Planned Unit Development.

Periodic PUD Review

A request for a periodic review for a portion of a Planned Unit Development Overlay District located at 2203, 2205A, and 2207 Pennington Bend Road, on the northwest corner of Pennington Bend Road and McGavock Pike, zoned OR20 (2.52 acres).

Existing Zoning

Office/Residential (OR20) is intended for office and/or multi-family residential units at up to 20 dwelling units per acre. *OR20 would permit a maximum of 50 units.*

PUD DETAILS

Council approved this PUD in 1983. There is no plan for the PUD, and the enacting ordinance (O83-1251) contains no information to the permitted density. The only information in the ordinance is that it was rezoned to "allow the construction of a residential time sharing facility to complement the existing facilities in the area." In cases where there is no plan for a PUD, then any proposed development within the PUD boundary is required to go back to Council. For example, if someone submitted an application to develop this site, then it would be considered an amendment and would require Council approval.

Planned Unit Development Overlay District (PUD) is an alternative zoning process that allows for the development of land in a well-planned and coordinated manner, providing opportunities for more efficient utilization of land than would otherwise be permitted by the conventional zoning provisions of this title. The PUD district may permit a greater mixing of land uses not easily accomplished by the application of conventional zoning district boundaries, or a framework for coordinating the development of land with the provision of an adequate roadway system or essential utilities and services. In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands, well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets.

Floodplain Overlay District In addition to the floodplain and floodway protection provisions of Chapter 17.28, the alteration or development of land subject to flooding shall be regulated by Chapter 15.64 of the Metropolitan Code of Laws ("An Ordinance for Storm Water Management"), the purposes being to prevent the obstruction of watercourses and the protection of lives and property from the hazards of flooding. Regulation of flood-prone properties further allows for the reasonable protection of this community's natural ecosystems and wetlands areas, and qualifies Metropolitan Nashville and Davidson County for flood insurance under Public Law 1016, 84th Congress (as amended or superseded).

PERIODIC PUD REVIEW

Section 17.40.120 H of the Metro Zoning Ordinance authorizes the Planning Commission, a councilmember, or the property owner to request the Metropolitan Planning Commission to review, any Planned Unit Development (PUD) overlay district, or portion thereof, to determine whether the PUD is "inactive," and if so, to recommend to the Council what action should be taken with respect to the PUD. The Commission determines whether the PUD is "inactive" by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council. If the Planning Commission determines the PUD to be inactive, the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

Timeline for Planning Commission Action

The Zoning Code requires that, within 90 days from the initiation of its review, the Planning Commission must hold a public hearing to make a determination of activity, and if necessary, make a recommendation to the Council. A request for the periodic review for the subject portion of the PUD was received on September 14, 2016, from Councilmember Jeff Syracuse. The 90 day period extends to December 13, 2016. If the Planning Commission does not make a determination within 90 days from the initiation of a review, it is considered to be a recommendation to re-approve by ordinance the existing PUD overlay district without alteration.

Classification of the PUD (Active or Inactive)

Under 17.40.120 H., the Commission is first required to determine whether the PUD requested for periodic review is active or inactive by examining whether development activity has occurred within six years from the date of the initial enactment, subsequent amendment, or re-approval by the Metro Council.

Section 17.40.120 H.3.a. of the Metro Code requires the Planning Commission to make three findings in order to determine whether a PUD has been active or inactive:

- i. Six or more years have elapsed since the latter of*
 - (1) The effective date of the initial enacting ordinance of the PUD,*
 - (2) The effective date of any ordinance approving an amendment to the PUD,*
 - (3) The effective date of any ordinance re-approving or amending a PUD after it has been reviewed and decided in accordance with subsection 5.a. or b. of this section, or*
 - (4) The deadline for action by the metropolitan council in accordance with subsection 5.d. of this section, and*

The initial enacting ordinance for the PUD became effective in March of 1983. No amendments or further actions have been approved for the PUD that required Metro Council approval since the initial enactment date.

- ii. Construction has not begun on the portion of the PUD under review; construction shall mean physical improvements such as, but not limited to, water and sewer lines, footings, and/or foundations developed on the portion of the PUD under review; clearing, grading, the storage of building materials, or the placement of temporary structures shall not constitute beginning construction, and*

No information has been presented to staff indicating that construction has begun on the site.

- iii. 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 PUD approval.*

No information has been presented indicating that any construction has been begun or completed.

Section 17.40.120 H.3.a. states that the Commission "may also take into consideration the aggregate of actions, if any, taken by the owner of the PUD within the prior 12 months to develop the portion of the PUD under review."

A property owner in the PUD met with staff and presented a preliminary site plan, but no other information was presented.

Planning Commission Recommendation to Metro Council

If the Planning Commission determines the PUD to be active, then no further action is required. If the Commission determines the PUD to be inactive, then the Commission is required to recommend legislation to the Council to re-approve, amend, or cancel the PUD.

With respect to the legislation to be recommended to the Metro Council, the Planning Commission is directed by the Code to take two distinct steps.

First, the Commission is to determine whether the "existing PUD is consistent with the goals, policies, and objectives of the General Plan and any applicable specific redevelopment, historic, neighborhood, or community plans."

Second, the Commission is to recommend the legislation, and include, as required:

(a) The appropriate base zoning district(s), if different from current base zoning, to retain and implement the PUD overlay district as it exists.

(b) Any amendment(s) to the inactive PUD's master development plan and base zoning district(s) to reflect existing conditions and circumstances, including the land use policies of the general plan and the zoning of properties in the area.

(c) Base zoning district(s) consistent with the adopted general plan, should the PUD overlay district be recommended for cancellation.

DONELSON-HERMITAGE COMMUNITY PLAN

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.

Consistent with Policy?

No. The CO policy that covers the land within the PUD boundary recognizes the floodplain and floodway that encumbers the area. The approved PUD and the base zoning are not appropriate given the environmental constraints recognized by the policy.

STAFF RECOMMENDATION

In accordance with the requirements of 17.40.120 H, staff recommends that the Planning Commission find the PUD to be inactive, and that the PUD be canceled, and the properties rezoned to RS20. Staff has not been presented any evidence that there has been activity to develop the PUD, as specified by the Zoning Code.

Ms. Milligan presented the staff recommendation of finding the PUD inactive and recommending that Council cancel the PUD and rezone to RS20.

Councilman Syracuse spoke in favor of cancelling the PUD and rezoning to R15 because that is consistent with the surrounding area.

Richard Loller, 2313 Pennington Bend, spoke in favor of cancelling the OUD and rezoning to R15.

Victoria May, 2409 Pennington Bend, spoke in favor of cancelling the PUD and rezoning to R15.

Pam Adams, 1930 Old Murfreesboro Rd, spoke in opposition and requested additional time to find out all the details and put a plan together.

Tony Adams, 1930 Old Murfreesboro Rd, spoke in opposition and requested a deferral until April 2017 when the new FEMA map comes out.

Pete Prosser, 4931 Danby Dr, agrees that the PUD should be cancelled and rezoned to R15.

Councilman Syracuse spoke in favor of staff recommendation and requested rezoning to R15.

Ms. Farr closed the Public Hearing.

Councilmember Allen spoke in favor of cancelling the PUD and rezoning to R15 as OR20 seems too intense.

Ms. Blackshear asked staff if it would be smart to wait until the new FEMA map comes out.

Ms. Milligan clarified that staff has reviewed the draft FEMA map.

Ms. Blackshear noted that it makes sense to go with less intense zoning and agreed that the PUD should be cancelled.

Mr. Clifton spoke in favor of cancelling the PUD and rezoning to R15.

Ms. Hagan-Dier stated that legally it is an inactive PUD and it should be cancelled and rezoned to R15.

Mr. Haynes spoke in favor of cancelling the PUD and rezoning to R15.

Mr. McLean suggested cancelling the PUD but keeping the base zoning of OR20 in order to be sensitive to property rights.

Ms. Hagan-Dier noted the staff recommendation says the base zoning is no longer appropriate given the environmental constraints recognized by the policy that overlays this property.

Mr. McLean moved and Councilmember Allen seconded the motion to find the PUD inactive. (7-0)
Resolution No. RS2016-335

“BE IT RESOLVED by The Metropolitan Planning Commission that 48-83P-001 is found to be inactive. (7-0)”

Mr. McLean moved and Mr. Haynes seconded the motion to cancel the PUD but keep the base zoning of OR20. (2-5)
Mr. Clifton, Ms. Blackshear, Ms. Farr, Councilmember Allen, and Ms. Hagan-Dier voted against.

Mr. Clifton moved and Councilmember Allen seconded the motion that the PUD and existing zoning are inconsistent with the policy (CO) and therefore recommend cancelling the PUD and rezoning to R15. (6-1) Mr. Haynes voted against.

Resolution No. RS2016-336

“BE IT RESOLVED by The Metropolitan Planning Commission that the PUD and existing zoning are inconsistent with the policy (CO) and, therefore, recommend cancelling the PUD and rezoning to R15. (6-1)”

- 12. 2014UD-001-006**
952 CLAYTON AVENUE
Council District 17 (Colby Sledge)
Staff Reviewer: Singeh Saliki

A request for a modification to the garage location/setback standard of the Clayton Avenue Urban Design Overlay (UDO), to permit an attached garage accessed from the front façade of a principal structure, and final site plan approval for property located at 952 Clayton Avenue, approximately 250 feet northeast of Lealand Avenue, zoned R10 (0.65 acres), requested by Building Company Number 7, applicant; Robert Bernstein and Irma Paz-Bernstein, owners.

Staff Recommendation: Withdraw.

The Metropolitan Planning Commission withdrew 2014UD-001-006. (7-0)

- 13. 2015Z-088PR-001**
Council District 13 (Holly Huezo)
Staff Reviewer: Jason Swaggart

A request to rezone from R15 to CS zoning for property located at 1360 Pleasant Hill Road, approximately 220 feet west of Bell Road (9.69 acres), requested by OneTwelve, LLC, applicant and owner.

Staff Recommendation: Defer indefinitely.

The Metropolitan Planning Commission deferred indefinitely 2015Z-088PR-001. (7-0)

- 14. 2016DTC-003-001**
THE BOBBY
Council District 19 (Freddie O'Connell)
Staff Reviewer: Justin Wallace

A request for a modification of overall building height on property located at 230 4th Avenue North, at the northeast corner of 4th Avenue North and Bankers Aly, zoned DTC within the Core Historic subdistrict and within the Capitol Mall Redevelopment District (0.49 acres), to permit the expansion of an office building to become a hotel, requested by Civil Site Design Group, applicant; 230 North, LLC, owner.

Staff Recommendation: Approve with conditions.

APPLICANT REQUEST

Modification to the overall height standards of the DTC, Core Historic Subdistrict, to allow one story of additional building height to an existing building above the allowable building height.

Modification to overall height

A request for a modification of overall building height on property located at 230 4th Avenue North, at the northeast corner of 4th Avenue North and Bankers Alley, zoned DTC within the Core Historic subdistrict and within the Capitol Mall Redevelopment District (0.49 acres), to permit the expansion of an existing nine-story office building to become a ten-story hotel, where six stories is permitted by right and ten stories is the permitted bonus height maximum.

Existing Zoning

Downtown Code (DTC) is the underlying base zoning and is designed for a broad range of residential and non-residential activities associated with an economically healthy, socially vibrant, and sustainable Downtown.

Downtown Community Plan & Policy

T6 Downtown Core (T6 DC) is intended to preserve and enhance the “core” of Downtown such that it will remain the commercial, civic and entertainment center of Nashville and Middle Tennessee. T6 DC is intended to have the highest intensity of development in the County. Offices are the predominant type of development, although the T6 DC contains a diverse array of land uses including retail, entertainment, institutional uses, government services, and higher density residential. The highest intensity development is in the central portion of the Core (north of Broadway), with less intensive uses locating in the surrounding “frame” area of T6 DC, in the SoBro neighborhood.

Core Neighborhood Special Policy 09-T6-DN-CORE-01 applies to the densest neighborhood in Downtown and is intended to accommodate a mix of uses with an emphasis on office in high-rise buildings. The Core is characterized by low-rise, mid-rise, and high-rise office buildings, parking structures, surface parking, and services to support the commercial businesses. As surface parking lots and other under-utilized land are redeveloped, the activity level is expected to transform from a “nine to five” business center to a “24/7” Downtown. Historic Structures in the Core should be preserved and their massing should be utilized as a contextual basis for new and adaptive reuse development in the area. Attention should be given to developing tools that will preserve these buildings within the higher density zoning districts in which they lie.

Core Neighborhood Special Policy 09-T6-DN-CORE-02 applies to an area with an especially high concentration of historic structures and a National Register Landmark District, including the Arcade and Printer’s Alley. The intent is to preserve these historic structures to the greatest extent possible, to support their adaptive reuse, and to ensure that new development within the special policy area complements the historic structures from an urban design standpoint. Elsewhere in the Core Neighborhood, building heights shall be a minimum of 25 feet at the street with no maximum height. Buildings exceeding allowable heights in the Downtown Code in this area may also be considered for additional height in exchange for public benefits provided by the development per the Bonus Height Program of the Downtown Code.

Consistent with Policy?

Yes. The additional height of one story (for a total of ten stories) meets the intent of the policy. Although not a historic building, the development proposes to adaptively reuse an existing nine-story office building, which is supported by the special policy. The owner has submitted a letter of support to include its property in the expansion of the Downtown Historic Preservation Overlay District that Metro Historic Commission staffs intend to file in January 2017. Additionally, the development enhances an existing 2,700 SF plaza with dedicated space for outdoor dining, landscaping, and additional seating areas. Therefore, the proposal improves the character and urban design quality of the surrounding context. The development also proposes approximately 1,000 SF of active ground floor uses along Bankers Alley, which was previously part of the parking garage. The enhanced plaza and new active use along Bankers Alley contribute to the planning goal for a more active “24/7” downtown environment. The above public benefits, combined with the adaptive reuse of an existing structure were considered in the evaluation for additional height.

DTC Overall Height Modification Process:

The DTC states “For modifications to overall height, the Executive Director of the Planning Department shall determine whether the development has made reasonable efforts to use all appropriate bonuses available in the Bonus Height Program. The Executive Director’s decision may be appealed to the DTC DRC/MDHA DRC. If it has been determined that all reasonable efforts have been made to use the Bonus Height Program, the applicant shall hold a community meeting providing notices to property owners within 300 feet, and the Planning Commission shall review the modification request and may grant additional height for exceptional design, including but not limited to unique architecture, exceptionally strong streetscape, and improvement of the project’s relationship to surrounding properties.”

•The applicant is requesting to construct a one-story rooftop addition onto an existing nine-story structure (for a total of ten stories) where six stories are permitted by-right, and ten stories is the permitted bonus height maximum. There is also an expansion of floor levels four through ten in the back of the building on top of the existing parking podium structure.

Bonus Height Program:

The Executive Director determined that the proposed development has made reasonable efforts to use all appropriate bonuses available in the Downtown Code's Bonus Height Program. Because the project is located within the Core Historic Subdistrict of the DTC, the Historic Preservation bonus is the only program available to use in exchange for additional height. While the project does not preserve a historic structure, it does adaptively reuse an existing building and improve and preserve an existing plaza, providing publicly accessible open space in a pedestrian rich environment where outdoor spaces are in high demand. In addition, while not an available bonus category in this subdistrict, the proposed development does also provide 800 SF of pervious surfaces, which would be considered a bonus in other subdistricts. The commitment to support the intent of the DTC's Historic Preservation Program, in addition to increasing pervious surfaces, has demonstrated satisfactory efforts to meet the requirements for on additional story of building height.

Community Meeting:

The applicant and owner held a community meeting as required per the DTC on Tuesday, October 18th and submitted an affidavit stating they have provided notices to property owners within 300 feet. One community member was in attendance and was supportive of the project.

Analysis

Overall, the development proposal will contribute to the vitality of this area within the Downtown Core and respect the integrity of existing structures within the Core Historic Subdistrict. The property is located directly across from the Arcade and along Banker's Alley in proximity to Printer's Alley and the design has made considerable efforts to provide exceptional design that responds to the immediate context as demonstrated below.

The project meets the threshold for exceptional design, as required by the DTC:

Exceptionally strong streetscape:

- Sidewalk and streetscape improvements meet the Major and Collector Street Plan. Specifically the proposal includes a 14' streetscape zone along 4th Avenue North, including a 10' clear sidewalk zone and a 4' planting zone.
- The plan includes three street trees within tree wells, which exceeds the minimum required number of street trees outlined in the DTC by one additional tree.
- Physically, the development proposes to enhance the streetscape and existing plaza space along 4th Avenue into accessible, enjoyable open space with opportunity for social interaction to occur. Specifically, the design maintains and enhances approximately 2,700 SF of existing plaza space, with dedicated outdoor dining space, landscape planters and seating areas.

Unique architecture:

- Approximately 2,700 SF of existing open space is proposed to be maintained and enhanced, an attribute that is representative of the building's era and is unique to the property.
- The proposal includes a new rooftop space and converts an underutilized portion of the parking structure along Banker's Alley into a bar. These amenities demonstrate a creative approach to adaptively reusing an existing office building into a mixed use hotel building.

Improvements of the project's relationship to the surrounding properties:

- Approximately 1,000 SF of active ground floor use is proposed along Banker's Alley in close proximity to Printer's Alley. The area, previously used for parking, positively contributes to the established character along Printer's alley.
- The proposal includes approximately 800 SF of pervious surface at the street level within the plaza area and landscaped planters along the perimeter of roof levels four and ten, which improves environmental performance of the site.

MDHA RECOMMENDATION

The site is located within the Capital Mall Redevelopment District which is administered by the Metropolitan Development and Housing Agency (MDHA). The MDHA Design Review Committee convened on Tuesday, October 18th to review in concept the proposed design. The DRC approved the proposed design subject to MPC approval of the DTC Overall Height Modification.

STAFF RECOMMENDATION

Staff recommends approval with conditions. The Executive Director of Planning determined that reasonable efforts have been made to use all applicable bonuses available through the Bonus Height Program. The owner's commitment to improving the relationship to surrounding properties, respecting the integrity of the historic context, providing a unique approach to adaptive reuse of an existing building and enhancing the urban design of the streetscape and plaza all demonstrate exceptional design.

CONDITIONS

1. The building material shall be of a durable material (no EIFS).

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016DTC-003-001 is **Approved with conditions. (6-0-1)**”

CONDITIONS

1. The building material shall be of a durable material (no EIFS).

15. 2016S-003HM-001

Council District 03 (Brenda Haywood)
Staff Reviewer: Latisha Birkeland

A request to move a house from 2821 Vaulx Lane to 1227 Old Hickory Boulevard, approximately 370 feet northwest of Marydale Drive, zoned RS20 (2.65 acres), requested by Don Toothman, applicant; Connerth Construction, LLC, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Move a house from 2821 Vaulx Lane to 1227 Old Hickory Boulevard.

House Move

A request to move a house from 2821 Vaulx Lane to 1227 Old Hickory Boulevard, approximately 370 feet northwest of Marydale Drive, zoned Single-Family Residential (RS20) (2.65 acres).

Zoning

Single-Family Residential (RS20) requires a minimum 20,000 square foot lot and is intended for single-family dwellings at a density of 1.85 dwelling units per acre. *RS20 would permit a maximum of 5 units.*

STATE LAW

Tennessee State Code (Title 13, Chapter 3, Part 5) regulates the relocation of a residence from one location to another location (house move).

13-3-502. Requirements for moving single family residence from one foundation to another.

(a) No single family residence shall be moved from an existing foundation to another foundation located within a developed area of single family residences unless:

(1) The residence to be moved is consistent with the age, value, size and appearance of existing residences within the developed area of single family residences to which the single family residence is to be moved; provided, that the value of the house may be greater than that of the existing residences and the size of the house may be larger than that of the existing residences; and

(2) Approval for the movement of the single family residence to a foundation within a developed area of single family residences has been given by:

(A) The home owners' association of the development where the residence is to be moved, if a home owners' association is in existence;

(B) A neighborhood association where the residence is to be moved that has been in existence for more than one (1) year prior to the date the residence is to be moved, if a neighborhood association is in existence in the area;

(C) The regional planning commission, if a regional planning commission is in existence in the area where the residence is to be moved, and subdivision (a)(2)(A) or (B) does not apply;

(D) The municipal planning commission, if a municipal planning commission is in existence in the municipality where the residence is to be moved and subdivision (a)(2)(A), (B) or (C) does not apply; or

(E) The municipal or county legislative body in the jurisdiction where the residence is to be moved, and subdivision (a)(2)(A), (B), (C) or (D) does not apply.

(b) As used in this section, single family residence does not include manufactured or modular homes as manufactured or modular homes are defined in § 47-9-102, § 55-1-105, or title 68, chapter 1, parts 1-4.

The residence is consistent with:

(1) The age of existing residences within the developed area of single family residences, if the residence to be moved is within ten (10) years of the average age of the existing structures within the developed area;

(2) (A) The value of existing residences within the developed area of single family residences, if the valuation of the residence being moved appraised, prior to being moved, at a value that is at least equal to the average appraisal of the existing structures within the developed area; provided, that nothing in this subdivision (2) shall be construed to prevent the residence from exceeding the value of the existing structures. In establishing the value of existing

structures, the value of modular homes located in the developed area shall not be used in arriving at the average appraisal of the existing structures;

(B) If the value of the residence, prior to being moved, appraised at a value that is at least equal to the average appraisal of the existing structures within the developed area, then it shall be presumed that the residence shall appraise at least at the same or greater value once it is moved;

(C) In obtaining approval from a governing body identified in § 13-3-502, as proof that the value of the residence or appearance of the residence is consistent with the value or appearance of the existing residences, evidence may be presented that includes photographs of the inside and outside of the residence to be moved as well as the appraised value of the residence as determined by the assessor of property, or the fair market value of the residence as determined by an independent appraiser. The proof shall be a rebuttable presumption that the value and appearance of the residence is at least equal to the value and appearance of the existing structures within the developed area. Additional documents showing intended improvements may also be presented;

(3) The size of existing residences within the developed area of single family residences, if the size of the residence being moved is at least within one hundred square feet (100 sq. ft.) of the average size of the existing structures within the developed area; provided, that nothing in this subdivision (3) shall be construed to prevent the residence from exceeding the average square footage. In establishing the average size of existing structures, the square footage of modular homes shall not be used in making the calculations; and

(4) The appearance of existing residences within the developed area of single family residences as determined by the body giving its approval for the single family residence to be moved to the developed area.

ANALYSIS

The location for which the house is proposed to be moved is 1227 Old Hickory Boulevard. There is not a Home Owner's Association (HOA) nor is there a Neighborhood Association. Since there is neither a HOA nor a Neighborhood Association, the law requires that the house move be approved by a governmental body, in this case the municipal Planning Commission.

Staff is recommending that the Commission approve the request. The law requires that the residence being moved be consistent with the age, value, size and appearance of surrounding residences within the "developed area". The lot for which the residence is proposed to be moved is Lot 1 of a one lot subdivision that was approved in 2007. This subdivision constitutes the "developed area" specified by the law. There are no residences to compare with the residence being moved because this is a one lot subdivision. Furthermore, the surrounding area (outside of the defined developed area) contains a variety of housing types which vary in age, value, and size.

The house proposed to be moved to 1227 Old Hickory Boulevard is a one story, single-family home built in 1935. The surrounding area mainly contains one story, single-family residential structures. One lot contains a one story, two-family residential structure.

FIRE MARSHAL RECOMMENDATION

N/A

TRAFFIC & PARKING

N/A

STORMWATER RECOMMENDATION

Approve with conditions

- Project to be handled within the Stormwater Infill Criteria (during Building Permit Review).

WATER SERVICES

Returned

The following comments apply only to public sewer issues. Madison Suburban Utility District serves this site with water.

- Public utilities exist within the site - please provide a plan, showing where this house will be located within the site. The 1227 Old Hickory Blvd lot is vacant, therefore, adding a home to this site will require capacity fees. Please pay the required amounts (see MWS letter to Clint Elliott, dated 8/2/16, for details). This letter also states a public sewer will be needed to serve the proposed three-lot subdivision on this site. Depending on which proposed lot this house is re-located to, public sewer construction plans may need to be approved prior to approval of this house move.

MADISON SUBURBAN UTILITY DISTRICT

Approve

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2016, Planning Commission meeting unless recommendations of approval are received from Water Services. If recommendations of approval from Water Services are received, staff recommends approval.

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016S-003HM-001 is **Approved. (7-0)**”

16. 2016Z-117PR-001

Council District 17 (Colby Sledge)
Staff Reviewer: Patrick Napier

A request to rezone from CS and RS5 to MUL-A zoning on various properties along Glenrose Avenue, at the northeast corner of Glenrose Avenue and Dayton Avenue, (2.7 acres), requested by T.W. Frierson Contractor, Inc., applicant; Designworks Investments, LLC and Gerlad M. Johnson, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CS and RS5 to MUL-A

Zone Change

A request to rezone from Commercial Services (CS) and Single-Family Residential (RS5) to Mixed Used Limited-Alternative (MUL-A) zoning for various properties along Glenrose Avenue, at the northeast corner of Glenrose Avenue and Dayton Avenue, (2.7 acres).

Existing Zoning

Commercial Service (CS) is intended for retail, consumer service, financial, restaurant, office, self-storage, light manufacturing and small warehouse uses.

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 8 units.*

Proposed Zoning

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. Locating development in areas served by existing infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. Sidewalks, which meet the criteria of the Major and Collector Street Plan, will be required with the redevelopment of these lots. The existing sidewalk fronting this parcel will allow for access to public transportation as well as a safe path of travel for pedestrians. Glenrose Avenue contains an existing MTA bus route, which provides an alternative method of transportation for current and potential future residents.

SOUTH NASHVILLE COMMUNITY PLAN

T4 Urban Mixed Use Neighborhood (T4 MU) is intended to preserve, enhance, and create urban, mixed-use neighborhoods with a development pattern that contains a variety of housing along with mixed, use, commercial, institutional, and even light industrial development. T4 MU areas are served by high levels of connectivity with complete street networks, sidewalks, bikeways and existing or planned mass transit.

Consistent with Policy?

Yes. The rezoning to MUL-A is consistent with the Mixed Use Neighborhood policy and is appropriate given the site's location in an urban area. The rezone would meet the goals of the policy by placing a mixture of uses along a major collector street, Glenrose Avenue.

ANALYSIS

This request contains various parcels located along Glenrose Avenue. This request is consistent with the policy for the area and is appropriate given the surrounding land uses, and land use policy. The proposed rezoning provides the potential for an increased mixture of uses such as office, restaurant, and retail, all of which are consistent with the current policy for the site. This rezone request will support an increased intensity of uses for the parcels as appropriately stated within the Mixed Use Neighborhood policy. MUL-A design criteria provides an opportunity for

future development to address the public realm in a way that will create an improved pedestrian environment. This zoning district contains standards which visually minimize automobile parking and help create a publicly accessible streetscape which meet the intended goals of the policy.

FIRE MARSHAL RECOMMENDATION
N/A

PUBLIC WORKS RECOMMENDATION
N/A

WATER SERVICES RECOMMENDATION
N/A

STORMWATER RECOMMENDATION
N/A

TRAFFIC AND PARKING RECOMMENDATION
Approved With Conditions
A traffic study may be required at the time of development.

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.62	.6 F	16,204 SF	731	21	61

Maximum Uses in Existing Zoning District: **RS5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single - Family Residential (210)	2.08	8.71 D	18 U	173	14	19

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (820)	2.7	1 F	117,612 SF	7547	170	710

Traffic changes between maximum: **CS, RS5 and MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+6,643	+135	+630

METRO SCHOOL BOARD REPORT

Projected student generation existing **CS** district: 0 Elementary 0 Middle 0 High
 Projected student generation existing **RS5** district: 1 Elementary 1 Middle 1 High
 Projected student generation proposed **MUL-A** district: 15 Elementary 8 Middle 6 High

The proposed zone change would generate 26 more students than what is typically generated under the existing CS and RS5 zoning district. Students would attend Whitsitt Elementary School, Wright Middle School, Glenduff High School. Each school within the cluster has capacity for additional students. This information is based upon data from the school board last updated March 2016.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? No, Applicant states the future vision for this site will contain a mixture of office and retail uses.
2. If so, how many and what is the percentage of the entire development? N/A

- 3.How will you enforce the affordability requirements? N/A
4.Have any structures been demolished in the last 12 months? None

STAFF RECOMMENDATION

Staff recommends approval as the proposed rezoning is consistent with policy and supports several critical planning goals.

Approved. Consent Agenda, (6-0-1)

Resolution No. RS2016-339

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-117PR-001 is **Approved. (6-0-1)**”

17. 2016Z-118PR-001

Council District 02 (DeCosta Hastings)
Staff Reviewer: Patrick Napier

A request to rezone from RS5 to MUL-A zoning on properties located at 1221 and 1223 Brick Church Pike, approximately 400 feet north of Fern Avenue, (0.25 acres), requested by Douglas Dickerson Design, applicant; Mathew Strader, owner.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RS5 to MUL-A

Zone Change

A request to rezone from Single-Family Residential (RS5) to Mixed Use Limited-Alternative (MUL-A) zoning on properties located at 1221 and 1223 Brick Church Pike, approximately 400 feet north of Fern Avenue, (0.25 acres).

Existing Zoning

Single-Family Residential (RS5) requires a minimum 5,000 square foot lot and is intended for single-family dwellings at a density of 7.41 dwelling units per acre. *RS5 would permit a maximum of 2 units.*

Proposed Zoning

Mixed Use Limited-Alternative (MUL-A) is intended for a moderate intensity mixture of residential, retail, restaurant, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. Locating development in areas served by existing infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. Sidewalks which meet the standards of the Major and Collector Street Plan will be required with the redevelopment of these lots. The existing sidewalk fronting this parcel will allow for access to public transportation as well as a safe path of travel for pedestrians. Brick Church Pike contains an existing MTA bus route which provides an alternative method of transportation for current and potential future residents.

BORDEAUX – WHITES CREEK COMMUNITY PLAN

T4 Urban Community Center (T4 CC) is intended to enhance and create urban community centers that contain commercial, mixed use, and institutional land uses, with residential land uses in mixed-use buildings or serving as a transition to adjoining Community Character Policies. T4 Urban Community Centers serve urban communities generally within a 5 minute drive or a 5 to 10 minute walk. T4 CC areas are pedestrian friendly areas, generally located at intersections of prominent urban streets. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The rezoning to MUL-A is consistent with the Community Center policy and is appropriate given the site's location in an urban area. The rezone would meet the goals of the policy by placing a mixture of uses along a major collector street, Brick Church Pike.

ANALYSIS

This request is consistent with the policy for the area and is appropriate given the surrounding land uses, and land use policy. Given the allowed uses within the MUL-A zoning district, this request will likely support the increased intensity of uses entitled by previous rezone requests in the immediate area. The proposed rezoning provides the potential for increased housing supply as well as a mixture of office, restaurant, and retail uses for this site, which is consistent with the goals of the Urban Community Center policy. MUL-A design criteria provide an opportunity for future development to address the public realm in a way that will enhance the pedestrian environment. This zoning district contains standards, which visually minimize automobile parking and help create a publicly accessible streetscape which meet the intended goals of the policy.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

WATER SERVICES RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approved With Conditions

- A traffic study may be required at the time of development

Maximum Uses in Existing Zoning District: **RS5**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Single- Family Residential (210)	0.25	8.71 D	2 U	20	2	3

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	0.25	3.0 F	32,670 SF	1436	33	100

Traffic changes between maximum: **RS5** and **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	+1,416	+31	+97

METRO SCHOOL BOARD REPORT

Projected student generation existing **RS5** district: 0 Elementary 0 Middle 0 High

Projected student generation proposed **MUL-A** district: 0 Elementary 1 Middle 1 High

The proposed zone change would generate two more students than what is typically generated under the existing CS and RS5 zoning district. Students would attend Lillard Elementary School, Joelton Middle School, Whites Creek High School. Each school within the cluster has capacity for additional students. This information is based upon data from the school board last updated March 2016.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? The future development will include work force housing.
2. If so, how many and what is the percentage of the entire development? At least 50%.
3. How will you enforce the affordability requirements? No demolition has been done
4. Have any structures been demolished in the last 12 months? No demolition has been done.

STAFF RECOMMENDATION

Staff recommends approval as the proposed rezoning is consistent with policy and supports several critical planning goals.

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-340

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-118PR-001 is **Approved. (7-0)**”

18. 2016Z-119PR-001

Council District 05 (Scott Davis)
Staff Reviewer: Latisha Birkeland

A request to rezone from SP to R6-A zoning on properties located at 123, 125, and 127 Cleveland Street and 904, 906, 908, 908B, 910, and 912 North 2nd Street, at the northwest corner of Cleveland Street and North 2nd Street (1.13 acres), requested by Councilmember Scott Davis, applicant; various property owners.

Staff Recommendation: Defer to the November 17, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016Z-119PR-001 to the November 17, 2016, Planning Commission meeting. (7-0)

19. 2016Z-121PR-001

Council District 02 (DeCosta Hastings)
Staff Reviewer: Patrick Napier

A request to rezone from CL to MUN-A zoning on property located at 2214 Gains Street, at the southeast corner of Free Silver Road and Gains Street, (0.12 acres), requested by Lauryl Pate, applicant; Anne and Daniel Depriest, owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from CL to MUN-A

Zone Change

A request to rezone from Commercial Limited (CL) to Mixed Use Neighborhood-Alternative (MUN-A) zoning on property located at 2214 Gains Street, at the southeast corner of Free Silver Road and Gains Street, (0.12 acres).

Existing Zoning

Commercial Limited (CL) is intended for retail, consumer service, financial, restaurant, and office uses.

Proposed Zoning

Mixed Use Neighborhood-Alternative (MUN-A) is intended for a low intensity mixture of residential, retail, and office uses and is designed to create walkable neighborhoods through the use of appropriate building placement and bulk standards.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Supports a Variety of Transportation Choices
- Creates Walkable Neighborhoods

This request provides the potential for infill development which often does not require large capital expenses for infrastructure improvements. Locating development in areas served by existing infrastructure does not burden Metro with the cost of upgrading or building new infrastructure. Sidewalks which meet the local road standards of the Major and Collector Street Plan will be required with the redevelopment of these lots. This site is located within approximately 175 feet of Whites Creek Pike. Whites Creek Pike contains an existing MTA bus route which provides an alternative method of transportation for current and potential future residents.

BORDEAUX – WHITES CREEK COMMUNITY PLAN

T3 Suburban Community Center (T3 CC) is intended to enhance and create suburban community centers that serve suburban communities generally within a 10 to 20 minute drive. They are pedestrian friendly areas, generally located at prominent intersections that contain mixed use, commercial and institutional land uses, with transitional residential land uses in mixed use buildings or serving as a transition to adjoining Community Character Policies. T3 CC areas are served by highly connected street networks, sidewalks and existing or planned mass transit leading to surrounding neighborhoods and open space. Infrastructure and transportation networks may be enhanced to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The rezoning to MUN-A is consistent with the Community Center Policy and is appropriate given the site's location in an urban area. The rezoning would meet the goals of the policy by placing a mixture of uses along a major collector street, Brick Church Pike.

ANALYSIS

This request contains a single parcel located on Gains Street. This request is consistent with the policy for the area and is appropriate given the surrounding land uses and land use policy. The proposed rezoning provides the potential for increased housing supply and increased housing choice which will likely support the increased intensity of uses as additional parcels along Whites Creek Pike and West Trinity Lane continue develop. MUN-A design criteria provides an opportunity for future development to address the public realm in a way that will enhance the pedestrian environment. This zoning district contains standards which visually minimize automobile parking and help create a publicly accessible streetscape which meet the intended goals of the policy.

FIRE MARSHAL RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

WATER SERVICES RECOMMENDATION

N/A

STORMWATER RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approved With Conditions

- A traffic impact study may be required at the time of development

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

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	.12	0.6 F	3136 SF	172	10	30

Maximum Uses in Proposed Zoning District: **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Retail (814)	.12	1 F	5227 SF	262	12	35

Traffic changes between maximum: **CL** and **MUL-A**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+2,091 SF	+90	+2	+5

METRO SCHOOL BOARD REPORT

Projected student generation existing **CL** district: 0 Elementary 0 Middle 0 High

Projected student generation proposed **MUN-A** district: 0 Elementary 0 Middle 0 High

The proposed zone change would generate no more students than what is typically generated under the existing CL zoning district.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? Affordable housing has not been considered for the future development of this property at this time.

2. If so, how many and what is the percentage of the entire development? N/A

- 3.How will you enforce the affordability requirements? N/A
4.Have any structures been demolished in the last 12 months? None

STAFF RECOMMENDATION

Staff recommends approval as the proposed rezoning is consistent with policy and supports several critical planning goals.

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-341

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-121PR-001 is **Approved. (7-0)**”

20. 2016Z-123PR-001

Council District 28 (Tanaka Vercher)
Staff Reviewer: Latisha Birkeland

A request to apply a contextual overlay on various properties located on Richards Road, Drewry Drive, Irma Drive, Irma Court, Preston Court, McBride Road, Reeves Road, Richards Court, Bowfield Drive, Bowfield Court and Debra Drive, at the southeast corner of Goodwin Road and Richards Road, zoned AR2a, R15, R8 and RM6 and partially within a Planned Unit Development Overlay District (approximately 79.53 acres), requested by Council Member Tanaka Vercher, applicant; various owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Apply a Contextual Overlay District.

Zone Change

A request to apply a contextual overlay on various properties located on Richards Road, Drewry Drive, Irma Drive, Irma Court, Preston Court, McBride Road, Reeves Road, Richards Court, Bowfield Drive, Bowfield Court and Debra Drive, at the southeast corner of Goodwin Road and Richards Road, zoned Agricultural/Residential (AR2a), One and Two-Family Residential (R15), One and Two-Family Residential (R8) and partially within a Planned Unit Development Overlay District (approximately 79.53 acres).

Existing Zoning

Agricultural/Residential (AR2a) requires a minimum lot size of two 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 two acres. The AR2a District is intended to implement the natural conservation or rural land use policies of the general plan.

One and Two-Family Residential Districts (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre including 25 percent duplex lots.

One and Two-Family Residential Districts (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.

Proposed Zoning

Contextual Overlay provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

CRITICAL PLANNING GOALS

N/A

ANTIOCH-PRIEST LAKE COMMUNITY PLAN

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.

T3 Suburban Neighborhood Maintenance is intended to preserve the general character of developed suburban residential neighborhoods. 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. T3 NM areas have an established development pattern consisting of low to moderate density residential development and institutional land uses. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Yes. The Conservation areas are primarily areas with steep slopes. The majority of the proposed overlay area is within the T3 Suburban Neighborhood Maintenance policy area and the proposed Contextual Overlay is consistent with the policy. The Contextual Overlay would help to preserve the general character of the existing neighborhood with specific standards for new construction that are directly related to the existing residential structures in the area.

CONTEXTUAL OVERLAYS

The Contextual Overlay District provides appropriate design standards for residential areas necessary to maintain and reinforce an established form or character of residential development in a particular area.

The design standards established through the Contextual Overlay include specific standards in regards to street setback, building height, building coverage, access, driveways, garages, and parking areas. Street setbacks, building height, and building coverage are directly tied to the lots abutting on either side of a lot proposed for new construction. Access, driveway, garage and parking design standards are intended to help control new accesses on the public streets as well as the location of garages and parking to lessen the impact of new construction on existing homes. The design standards are already established and cannot be modified.

CONTEXTUAL OVERLAY STANDARDS

A. Street setback. The minimum required street setback shall be the average of the street setback of the two developed lots abutting each side of the lot. When one or more of the abutting lots is vacant, the next developed lot on the same block face shall be used. The minimum provided in 17.12.030A and the maximum provided in 17.12.030C.3 shall not apply. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the minimum required street setback shall be calculated and met for each street.

B. Height.

1. The maximum height, including the foundation, of any primary structure shall not be greater than 35 feet or 125% of the average height of the principal structures on the two lots abutting each side of the lot, whichever is less. When one of the abutting lots is vacant, the next developed lot on the same block face shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum height shall be calculated for each street and limited to 35 feet or 125% of the average height of the lesser value. When 125% of the average of the abutting structures is less than 27 feet, a maximum height of 1.5 stories in 27 feet shall be permitted.

2. The maximum height, including the foundation, of any accessory structure shall not be greater than 27 feet.

3. For the purposes of this section, height shall be measured from grade or, if present, the top of a foundation which shall not exceed three feet above grade, to the roof line.

C. Maximum building coverage. The maximum building coverage (excluding detached garages and other accessory buildings) shall be a maximum of 150% of the average of the building coverage (excluding detached garages and other accessory buildings) of the two abutting lots on each side. When the abutting lot is vacant, the next developed lot shall be used. Where there is only one abutting lot on the same block face, it shall be used for this calculation. When the subject lot is on a corner, the maximum building coverage shall be calculated and met for each street.

D. Access and driveways, garages and parking areas.

1. Access and Driveways.

a. Where existing, access shall be from an improved alley. Where no improved alley exists, a driveway within the street setback may be permitted.

b. For a corner lot, the driveway shall be located within 30 feet of the rear property line.

c. Driveways are limited to one driveway ramp per public street frontage.

d. Parking, driveways and all other impervious surfaces in the required street setback shall not exceed twelve feet in width.

2. Garages.

a. Detached. The front of any detached garage shall be located behind the rear of the primary structure. The garage door of a detached garage may face the street.

b. Attached. The garage door shall face the side or rear property line

STAFF RECOMMENDATION

Staff recommends approval as the establishment of a contextual overlay is consistent with the policy for the area.

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-342

“BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-123PR-001 is Approved. (7-0)”

21. 2016Z-130PR-001
Council District 24 (Kathleen Murphy)
Staff Reviewer: Jason Swaggart

A request to rezone from RM20 to R6 and R8 zoning for various properties located along Marlin Avenue and Linmar Avenue, east of Sharondale Drive (1.25 acres), requested by Councilmember Kathleen Murphy, applicant; various property owners.

Staff Recommendation: Approve.

APPLICANT REQUEST

Zone change from RM20 to R8 and R6.

Zone Change

A request to rezone from Multi-Family Residential (RM20) to One and Two-Family Residential (R8), and One and Two-Family Residential (R6) zoning for various properties located along Marlin Avenue and Linmar Avenue, east of Sharondale Drive (1.25 acres).

Existing Zoning

Multi-Family Residential (RM20) is intended for single-family, duplex, and multi-family dwellings at a density of 20 dwelling units per acre.

Proposed Zoning

One and Two-Family Residential (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 percent duplex lots. The limitation on 25% only applies to newly created subdivisions.

One and Two-Family Residential (R8) requires a minimum 8,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 5.79 dwelling units per acre. The limitation on 25% only applies to newly created subdivisions.

CRITICAL PLANNING GOALS

N/A

GREENHILLS - MIDTOWN COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of developed suburban neighborhoods. 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. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

Consistent with Policy?

Both the existing RM20 zoning district and the proposed R8 and R6 zoning districts are consistent with the T3 NM policy depending on the location. The policy does not support one single-residential type, but can support single-family, two-family as well as multi-family residential units. The intent of the policy is to ensure that established residential areas develop in a manner consistent with the overall development pattern. The policy does recognize that some change will occur over time, but any change should not disrupt the overall established development pattern.

ANALYSIS

As stated above, the T3 NM policy supports all types of residential development including single-family, two-family and multi-family. The existing RM20 zoning district is an appropriate district under the policy at this location. With that said, the proposed R6 and R8 zoning districts are also appropriate. The wider area contains a diversity of housing types, including single-family, two-family and multi-family. The wider area also has a diversity of zoning districts, including large areas zoned for two-family and areas zoned for multi-family. While the proposed zoning would preclude the subject properties from developing as multi-family, it would permit a duplex unit on each lot, except for one lot fronting Linmar Avenue. This would permit additional density and transition from the RM20 area to the single-family homes to the south along Woodlawn Drive.

STAFF RECOMMENDATION

Staff recommends approval.

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-343

"BE IT RESOLVED by The Metropolitan Planning Commission that 2016Z-130PR-001 is Approved. (7-0)"

22. **2016Z-107PR-001**
BL2016-412/Kathleen Murphy
Council District 24 (Kathleen Murphy)
Staff Reviewer: Jason Swaggart

A request to rezone from RM20 to R10 zoning for properties located at 2700, 2702, 2704, and 2706 Linmar Avenue, 2800 and 2802 Marlin Avenue, and Marlin Avenue(unnumbered), approximately 360 feet northeast of Sharondale Drive, (1.23 acres), requested by Councilmember Kathleen Murphy, applicant; various property owners.

Staff Recommendation: Disapprove.

The Metropolitan Planning Commission withdrew 2016Z-107PR-001. (7-0)

23. **2016SP-075-001**
1822 RIVER DRIVE SP
Council District 02 (DeCosta Hastings)
Staff Reviewer: Lisa Milligan

A request to rezone from RS10 to SP-R zoning on property located at 1822 River Drive, approximately 540 feet northeast of Doak Avenue, (0.49 acres), to permit two residential units, requested by Dale & Associates, Inc., applicant; W. P. Stevenson, owner.

Staff Recommendation: Defer to the November 10, 2016, Planning Commission meeting.

The Metropolitan Planning Commission deferred 2016SP-075-001 to the November 10, 2016, Planning Commission meeting. (7-0)

H: OTHER BUSINESS

24. Rule change to Rules & Procedures of the Metro Planning Commission.

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-344

“BE IT RESOLVED by The Metropolitan Planning Commission that the rule change to Rules & Procedures of the Metro Planning Commission is **Approved. (7-0)**”

25. Historic Zoning Commission Report
26. Board of Parks and Recreation Report
27. Executive Committee Report
28. Accept the Director's Report and Approve Administrative Items

Approved. Consent Agenda, (7-0)

Resolution No. RS2016-345

“BE IT RESOLVED by The Metropolitan Planning Commission that the Director's Report and Administrative Items are **Approved. (7-0)**”

29. Legislative Update

I: MPC CALENDAR OF UPCOMING EVENTS

MPC Retreat

November 5, 2016

8am-1pm, 800 Second Avenue South, Metro Office Building, Development Services Center Conference Room

November 10, 2016

MPC Meeting

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

Location change for the following MPC meeting:

November 17, 2016

MPC Meeting

4 pm, 2601 Bransford Avenue, Metropolitan Public Schools Administration Building

December 8, 2016

MPC Meeting

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

J: ADJOURNMENT

The meeting adjourned at 6:05 p.m.

Chairman

Secretary



METROPOLITAN GOVERNMENT
OF NASHVILLE AND DAVIDSON COUNTY
 Planning Department
 Metro Office Building, 2nd Floor

Date: October 27, 2016

To: Metropolitan Nashville-Davidson County Planning Commissioners

From: J. Douglas Sloan III

Re: Executive Director’s Report

The following items are provided for your information.

A. Planning Commission Meeting Projected Attendance (6 members are required for a quorum)

1. Planning Commission Meeting
 - a. Attending: Haynes; Clifton; McLean; Farr;
 - b. Leaving Early: Tibbs (6:30p)
 - c. Not Attending: Diaz; Tibbs
2. Legal Representation – Susan Jones will be attending.

Administrative Approved Items and Staff Reviewed Items Recommended for approval by the Metropolitan Planning Commission

In accordance with the Rules and Procedures of the Metropolitan Planning Commission, the following applications have been reviewed by staff for conformance with applicable codes and regulations. Applications have been approved on behalf of the Planning Commission or are ready to be approved by the Planning Commission through acceptance and approval of this report. Items presented are items reviewed **through 10/18/2016**.

APPROVALS	# of Applics	# of Applics '16
Specific Plans	0	36
PUDs	0	11
UDOs	0	4
Subdivisions	5	133
Mandatory Referrals	11	141
Grand Total	16	325

SPECIFIC PLANS (finals only): MPC Approval
Finding: Final site plan conforms to the approved development plan.

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

URBAN DESIGN OVERLAYS (finals and variances only) : MPC Approval

Finding: all design standards of the overlay district and other applicable requirements of the code have been satisfied.

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

PLANNED UNIT DEVELOPMENTS (finals and variances only) : MPC Approval

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

MANDATORY REFERRALS: MPC Approval

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District (CM Name)
9/21/2016 8:53	10/5/2016 0:00 PLRECAPPR	2016M-003FR- 001	WINDSTREAM KDL LLC FRANCHISE RIGHTS TRANSFER	A request to authorize the approval of assignment or transfer of the franchise rights held by Nashville Data Link, LLC to Windstream, KDL, LLC, requested by The Metropolitan Department of Law, applicant.	
9/21/2016 13:37	10/5/2016 0:00 PLRECAPPR	2016M-004SR- 001	SOUTH 19TH STREET RENAMING	A request to rename a portion of South 19th Street to Oakhill Drive, from Holly Street north to the curve where South 19th Street officially changes to Oakhill Drive, requested by Public Works, applicant; Kay Gaines, owner.	06 (Brett Withers)

9/27/2016 8:31	10/5/2016 0:00	PLRECAPPR	2016M-053ES-001	LEBANON PIKE SIDEWALK PROJECT	A request for temporary construction easements, drainage easements and right-of-way easements for Lebanon Pike Sidewalk Project, between Graylynn Drive and Bluefield Avenue (Project No. 2014-R-007), requested by Metro Public Works and Civic Engineering, applicants; various owners.	15 (Jeff Syracuse)
9/27/2016 8:31	10/5/2016 0:00	PLRECAPPR	2016M-053ES-001	LEBANON PIKE SIDEWALK PROJECT	A request for temporary construction easements, drainage easements and right-of-way easements for Lebanon Pike Sidewalk Project, between Graylynn Drive and Bluefield Avenue (Project No. 2014-R-007), requested by Metro Public Works and Civic Engineering, applicants; various owners.	15 (Jeff Syracuse)
9/28/2016 12:05	10/10/2016 0:00	PLRECAPPR	2016M-054ES-001	ASHLAND CITY TOWNHOMES	A request for the abandonment of approximately 80 linear feet of 8-inch Water Main, and acceptance of approximately 2,037 linear feet of 8-inch Water Main, 2,382 feet of 8-inch Sewer Main, Sanitary Manholes and Fire Hydrant and any associated easements, (Project Number 16-WL-75 and 16-SL-60), requested by Metro Water Services and Dale and Associates, applicants; RWA/Ashland Place, LLC, owner.	01 (Nick Leonardo)
9/28/2016 12:05	10/10/2016 0:00	PLRECAPPR	2016M-054ES-001	ASHLAND CITY TOWNHOMES	A request for the abandonment of approximately 80 linear feet of 8-inch Water Main, and acceptance of approximately 2,037 linear feet of 8-inch Water Main, 2,382 feet of 8-inch Sewer Main, Sanitary Manholes and Fire Hydrant and any associated easements, (Project Number 16-WL-75 and 16-SL-60), requested by Metro Water Services and Dale and Associates, applicants; RWA/Ashland Place, LLC, owner.	01 (Nick Leonardo)
9/21/2016 8:23	10/10/2016 0:00	PLRECAPPR	2016M-002FR-001	EXTENET SYSTEMS INC FRANCHISE AGREEMENT	A request to authorize the approval of granting a franchise to Extenet Systems, Inc., to construct, operate, and maintain a telecommunications system within Metropolitan Nashville and Davidson County under the provisions of Metropolitan Code of Laws, Title 6, Chapter 26, requested by The Metropolitan Department of Law, applicant.	
10/3/2016 8:24	10/12/2016 0:00	PLRECAPPR	2014M-010ES-002	I-40/I-440 SOUTH SEWER REPLACEMENT AMENDMENT	A request to amend Ordinance No. BL2014-784 (Case No. 2014M-010ES-001) to add an additional parcel of Land located at 437 36th Avenue North (Map 092-09 Parcel 234), to negotiate and accept permanent and temporary easements, (Project No. 13-SG-0129), requested by Metro Water Services, applicant; Luehrsen Construction, LLC, owner.	24 (Kathleen Murphy)
10/5/2016 7:54	10/17/2016 0:00	PLRECAPPR	2016M-055ES-001	53RD AVENUE NORTH ABANDONMENT OF EASEMENT RIGHTS	A request to abandon any easement rights that were previously retained by Council Bill No. 75-1262 on property located at Illinois Avenue (unnumbered), (Map 091-11 Parcel 427), requested by Billy Jenkins and Metro Water Services, applicant; Jenkins Development Company, LLC, owner.	20 (Mary Carolyn Roberts)

10/5/2016 13:21	10/17/2016 0:00	PLRECAPPR	2016M-034EN-001	MIKE'S ICE CREAM AT 129 2ND AVENUE NORTH AERIAL ENCROACHMENT	A request to allow an encroachment comprised of one (1) double-faced, illuminated projecting sign encroaching the public right-of-way for property located at 129 2nd Avenue North, requested by Joslin and Son Signs, applicant; Mike's Ice Cream, LLC, owner.	19 (Freddie O'Connell)
10/7/2016 15:09	10/17/2016 0:00	PLRECAPPR	2016M-034PR-001	OPERATION STAND DOWN TENNESSEE LICENSE AGREEMENT	A request authorizing the approval of a revocable license agreement between The Metropolitan Government of Nashville and Davidson County, acting by and through The Metropolitan Department of Human Resources and Operation Stand Down Tennessee for the use of office space, requested by The Metro Department of Human Resources, applicant.	17 (Colby Sledge)

INSTITUTIONAL OVERLAYS (finals and variances only) : MPC Approval

Finding: Final site plan conforms to the approved campus master development plan and all other applicable provisions of the code.

Date Submitted	Staff Determination	Case #	Project Name	Project Caption	Council District # (CM Name)
NONE					

SUBDIVISIONS: Administrative Approval

Date Submitted	Date Approved	Action	Case #	Project Name	Project Caption	Council District (CM Name)
7/14/2016 11:27	10/5/2016 0:00	PLRECAPPR	2016S-180-001	SOUTHSIDE PARK ESTATES	A request for final plat approval to move an easement for properties located at 1005 and 1007 12th Avenue South, approximately 420 feet southwest of South Street, zoned RM20 (0.39 acres), requested by Nashville Partners, GP, applicant and owner.	17 (Colby Sledge)
9/14/2016 9:57	10/5/2016 0:00	PLRECAPPR	2016S-217-001	1009 12TH AVENUE SOUTH	A request for subdivision amendment approval to change setbacks on property located at 1009 D 12th Avenue South, approximately 80 feet northwest of Archer Street, zoned RM20 (0.18 acres), requested by Nicole Bird, applicant; Nikkin Construction, LLC and O.I.C. Homes at 1009 12th Ave. South, owners.	17 (Colby Sledge)
12/31/2015 0:00	10/10/2016 0:00	PLAPADMIN	2016S-032-001	B.F. COCKRILL, RESUB PART OF LOT 3	A request for final plat approval to create one lot on properties located at 606 and 608 Croley Drive, approximately 400 feet south of William Howard Place (2.33 acres), zoned SP, requested by Campbell, McRae & Associates, Surveying, Inc., applicant; Q & A Holdings, GP, owner.	20 (Mary Carolyn Roberts)

6/2/2016 9:52	10/11/2016 0:00	PLAPADMIN	2016S-134-001	VILLAGES OF RIVERWOOD SEC 1 PHASE 5A	A request for final plat approval to create 32 lots on properties located at 3746 Hoggett Ford Road and Hoggett Ford Road (unnumbered), 3816 Dodson Chapel Road, 2809 Whitebirch Drive and Whitebirch Drive (unnumbered), approximately 515 feet northwest of River Trail Drive, zoned RM9 (13.06 acres), requested by Ragan-Smith & Associates, Inc., applicant; Beazer Homes Corp., owner.	14 (Kevin Rhoten)
6/22/2016 14:33	10/11/2016 0:00	PLAPADMIN	2016S-154-001	LIV EAST PHASE 2	A request for final plat approval to create three lots and dedicate right-of-way for property located at Cleo Miller Drive (unnumbered), at the southwest corner of West Eastland Avenue and Cleo Miller Drive, zoned SP-MU (0.87 acres), requested by Crawford & Cummings, PC, applicant; LVH, LLC, owner.	05 (Scott Davis)

Performance Bonds: Administrative Approvals

Date Approved	Administrative Action	Bond #	Project Name
10/13/2016	Approved Extension	2013B-009-004	THE GROVE AT CANE RIDGE, PHASE 2
10/4/2016	Approved New	2016B-001-001	B.F. COCKRILL, RESUB PART OF LOT 3

Schedule

- A. **Thursday, October 27, 2016** - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- B. **Saturday, November 5, 2016** – [MPC Annual Retreat](#): 9 am, 800 Second Ave. South, Metro Office Building, Development Services Center Conference Room
- C. **Thursday, November 10, 2016** - [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center
- D. **Thursday, November 17, 2016** - [MPC Meeting](#); 4 pm, Metro Nashville Public Schools, Board Room, 2601 Bransford Avenue
- E. **Thursday, December 8, 2016**- [MPC Meeting](#); 4 pm, 700 Second Ave. South, Howard Office Building, Sonny West Conference Center