

Metropolitan Planning Commission



Staff Reports

October 27, 2016



Metro Planning Commission Meeting of 10/27/2016

Mission Statement: The Planning Commission is to guide the future growth and development for Nashville and Davidson County to 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.



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NO SKETCH



Project No.

**Text Amendment
2016Z-019TX-001**

Project Name

Telecommunication Facilities

Council Bill

BL2016-415

Council District

Countywide

School District

Countywide

Requested by

Planning Department

Deferral

This item was deferred at the September 22, 2016, and October 13, 2016, Planning Commission meeting. A public hearing was held at the October 13, 2016, Planning Commission meeting.

Staff Reviewer

Logan

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



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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.



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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



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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



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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



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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



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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-~~



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- ~~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** ~~eo-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** ~~eo-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** ~~eo-location~~—on an existing ~~antenna-supporting~~ structure fails to meet current building code requirements (including windloading).
 4. A telecommunications facility **collocation** ~~eo-location~~—adds more than 4 additional equipment cabinets or 1 additional equipment shelter.
 5. A telecommunications facility **collocation** ~~eo-location~~—requires excavation outside of existing leased or owned parcel or existing easements.
 6. A telecommunications facility **collocation** ~~eo-location~~—defeats any existing concealment elements of the ~~antenna-supporting~~ structure.
 7. A telecommunications facility **collocation** ~~eo-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 tower~~ 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.



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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



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- (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 the~~ **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~~ **stealth**, 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 co-location 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



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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



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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,



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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 **500’750’** 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.



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- 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~~ ~~co-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**



Metro Planning Commission Meeting of 10/27/2016

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)



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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.

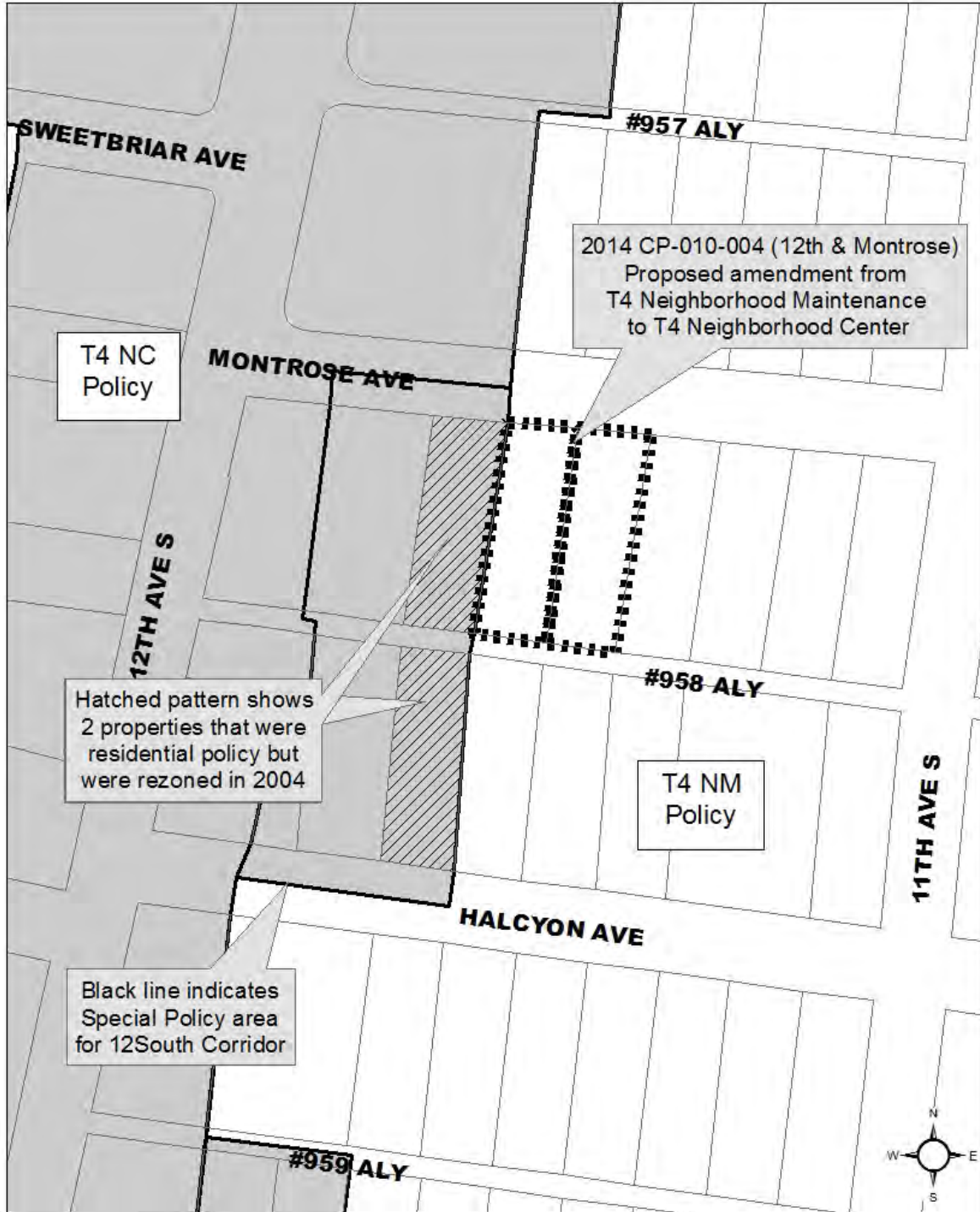
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Metro Planning Commission Meeting of 10/27/2016



2014CP-010-004
GREEN HILLS-MIDTOWN COMMUNITY PLAN AMENDMENT
Map 118-01, Parcel(s) 130-131
10, Green Hills - Midtown
17 (Colby Sledge)



Project No. Major Plan Amendment 2014CP-010-004
Project Name Green Hills-Midtown Community Plan: 2005 Update – 1109 and 1111 Montrose Avenue
Associated Case 2014SP-083-001
Council District 17 – Sledge
School District 8 – Pierce
Requested by Fulmer Engineering, LLC, applicant; The Shop Trust, LLC, owner.

Deferral This request was deferred from the January 8, 2015, January 22, 2015, and February 12, 2015, September 8, 2016, September 22, 2016, and October 13, 2016, Planning Commission meetings. No public hearing was held.

Staff Reviewer McCaig
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.



Metro Planning Commission Meeting of 10/27/2016

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.



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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.



Metro Planning Commission Meeting of 10/27/2016



2014SP-083-001
HOWELL CORNER/BECKER CORNER OFFICES SP
Map 118-01, Parcel(s) 130-131
10, Green Hills - Midtown
17 (Colby Sledge)



Project No. 2014SP-083-001
Project Name Howell Corner/Becker Corner Offices
Associated Case 2014CP-010-004
Council District 17 - Sledge
School District 8 - Pierce
Requested by Fulmer Engineering, Inc., applicant; The Shop Trust, LLC, owner.

Deferrals This request was deferred from the January 8, 2015, January 22, 2015, and February 12, 2015, September 8, 2016, September 22, 2016, and October 13, 2016, Planning Commission meetings. No public hearing was held.

Staff Reviewer Milligan
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.

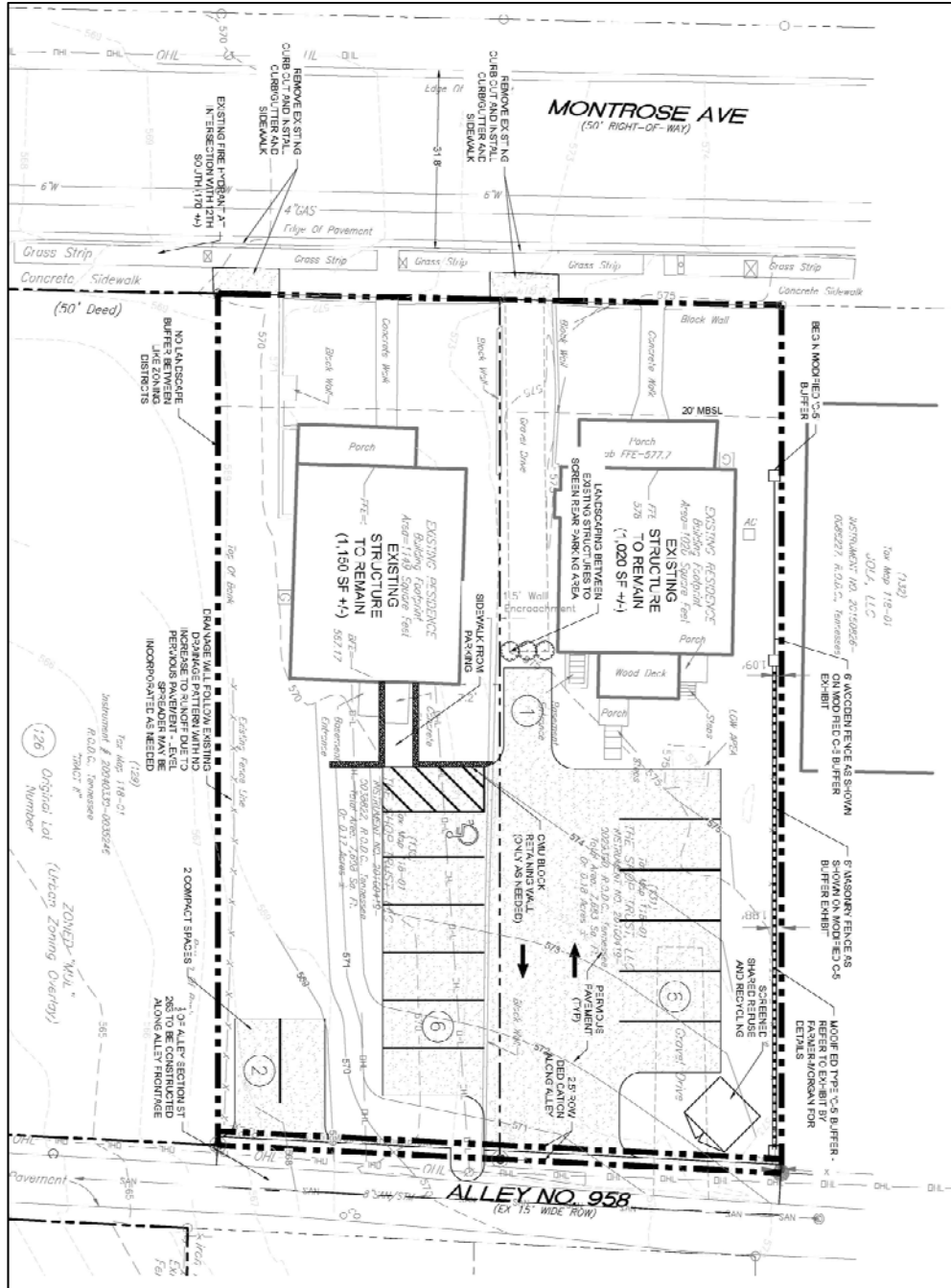
History
 The rezoning request and associated community plan amendment were previously deferred at the January 8, 2015, January 22, 2015, and February 12, 2015, Planning Commission meetings. The item was deferred indefinitely at the February 12, 2015 meeting. The applicant has reactivated both cases.

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,



Metro Planning Commission Meeting of 10/27/2016



Proposed Site Plan



Metro Planning Commission Meeting of 10/27/2016

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 (DNDDP) was completed for the 12th Avenue South Corridor. The two properties that are a part of the current request are



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within a residential policy (T4 Urban Neighborhood Maintenance). Staff finds that it is inappropriate given the policy and the DNDP 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



Metro Planning Commission Meeting of 10/27/2016

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.



NO SKETCH



Project No.	Zone Change 2016Z-011TX-001
Council Bill	BL2016-265
Council District	Countywide
School District	Countywide
Requested by	Councilmember Mina Johnson

Deferrals This request was deferred from the June 23, 2016, the July 14, 2016, the July 28, 2016, and the August 25, 2016, Planning Commission meetings. No public hearing was held.

Staff Reviewer	Swaggart
Staff Recommendation	<i>Withdraw.</i>

APPLICANT REQUEST
Amend Chapters 17.40.120 of the Metropolitan Code, Zoning Regulations, pertaining to the inactivity of Planned Unit Developments.

ZONING TEXT AMENDMENT
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.

STAFF RECOMMENDATION
Staff recommends withdrawal at the request of the applicant.



NO SKETCH



Project No.
Council Bill
Council District
School District
Requested by

Text Amendment 2016Z-018TX-001
BL2016-350
Countywide
Countywide
Councilmember Freddie O'Connell

Deferrals

This request was deferred from the September 23, 2016, Planning Commission meeting. No public hearing was held.

Staff Reviewer
Staff Recommendation

Swaggart
Defer indefinitely.

APPLICANT REQUEST

Amend Title 17 of the Metropolitan Code, Zoning Regulations, pertaining to adult entertainment.

ZONING TEXT AMENDMENT

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.

STAFF RECOMMENDATION

Staff recommends indefinite deferral at the request of the applicant.



Metro Planning Commission Meeting of 10/27/2016



2016S-160-001

RESUBDIVISION OF LOT 1 RESUB LOT 12 OF GEORGE BURRUS SUBDIVISION OF LOT 81 MAPLE HOME TRACT

Map 061-11, Parcel(s) 171

05, East Nashville

08 (Nancy VanReece)



Project No. 2016S-160-001
Project Name Resubdivision of Lot 1 Resub lot 12 of George Burrus Subdivision of Lot 81 Maple Home Tract
Council District 08 - VanReece
School District 03 - Speering
Requested by Chapdelaine & Associates, applicant; Strive Properties, owner.

Deferrals This request was deferred from the August 11, 2016, August 25, 2016, and September 8, 2016, September 22, and October 13, 2016, Planning Commission meetings. A public hearing was held on August 11, 2016.

Staff Reviewer Napier
Staff Recommendation *Defer to the November 10, 2016, Planning Commission Meeting*

APPLICANT REQUEST

Request for final plat approval to create two lots.

Final Plat

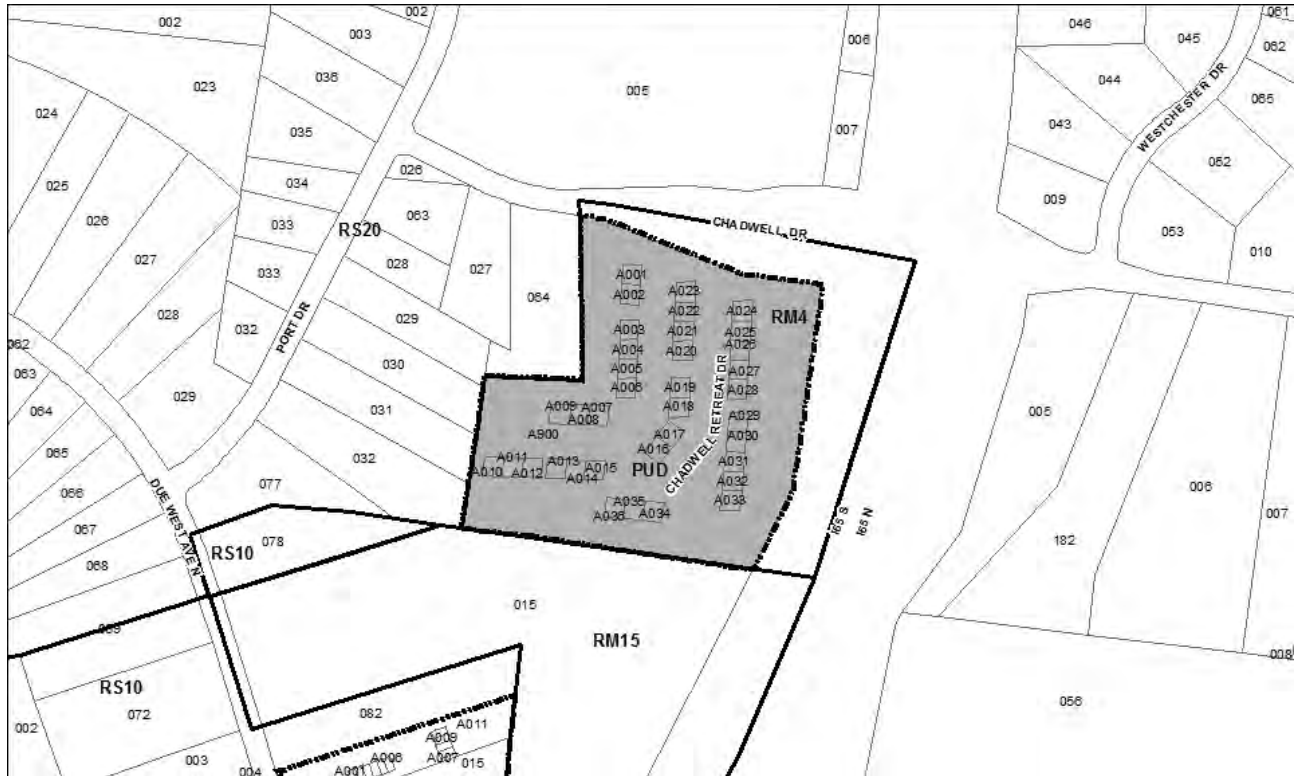
A request for final plat approval to create two lots on property located at 1003 Curdwood Boulevard, at the northeast corner of Burrus Street and Curdwood Boulevard, zoned Single-Family Residential (RS7.5), (0.35 acres).

Staff Recommendation

Staff recommends deferral to the November 10, 2016, Planning Commission at the request of the applicant.



Metro Planning Commission Meeting of 10/27/2016



2016Z-131PR-001

Map 051-02-0-A, Parcel(s) 900
02, Parkwood-Union Hill
08 (Nancy VanReece)



Project No.	Zone Change 2016Z-131PR-001
Associated Case No.	2004P-032-001
Council District	08 – VanReece
School District	03 – Speering
Requested by	Dale & Associates, Inc., applicant; O.I.C. Chadwell Retreat Townhomes, owner.
Staff Reviewer	Sharp
Staff Recommendation	<i>Approve.</i>

APPLICANT REQUEST

Zone change from RM4 to RM6.

Zone Change

A request to rezone from Multi-Family Residential (RM4) to Multi-Family Residential (RM6) zoning for property located at 1497 Chadwell Drive, approximately 400 feet southeast of Port Drive (9.98 acres).

Existing Zoning

Multi-Family Residential (RM4) is intended for single-family, duplex, and multi-family dwellings at a density of four dwelling units per acre. *RM4 would permit a maximum of 39 units.*

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. This PUD plan 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. *The PUD overlay permits a maximum of 36 units.*

Proposed Zoning

Multi-Family Residential (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwellings units per acre. *RM6 would permit a maximum of 59 units.*

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. This PUD plan In return, the PUD district provisions require a high standard for the protection and preservation of environmentally sensitive lands,



Metro Planning Commission Meeting of 10/27/2016

well-planned living, working and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. *If this request and the associated PUD amendment are approved, then the PUD would permit a maximum of 49 units.*

CRITICAL PLANNING GOALS

N/A

PARKWOOD-UNION HILL COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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?

Yes. The proposed RM6 zoning district is consistent with the T3 Suburban Neighborhood Maintenance policy. Depending on the location, the policy supports all types of residential development, including multi-family residential units. The policy supports development that is generally consistent with the surrounding development pattern. The proposed RM6 zoning is consistent with the general character of the neighborhood. The site is directly north of a property zoned RM15 and less than a quarter mile north of property zoned RM9. The associated PUD amendment is also consistent with the policy.

FIRE DEPARTMENT RECOMMENDATION

N/A

PUBLIC WORKS RECOMMENDATION

N/A

TRAFFIC AND PARKING RECOMMENDATION

Approved with conditions

- Traffic study may be required at time of development.



Metro Planning Commission Meeting of 10/27/2016

Maximum Uses in Existing Zoning District: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	9.98	-	36 U	342	22	38

Maximum Uses in Proposed Zoning District: **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	9.98	-	49 U	421	28	45

Traffic changes between maximum: **RM4** and **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 49U	+79	+6	+7

METRO SCHOOL BOARD REPORT

Projected student generation existing PUD district: 5 Elementary 3 Middle 3 High

Projected student generation proposed PUD district: 7 Elementary 4 Middle 5 High

The proposed addition of 13 multi-family units would generate five additional students. Students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. There is capacity for additional students in all three schools. The information is based upon data from the school board last updated in March 2016.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

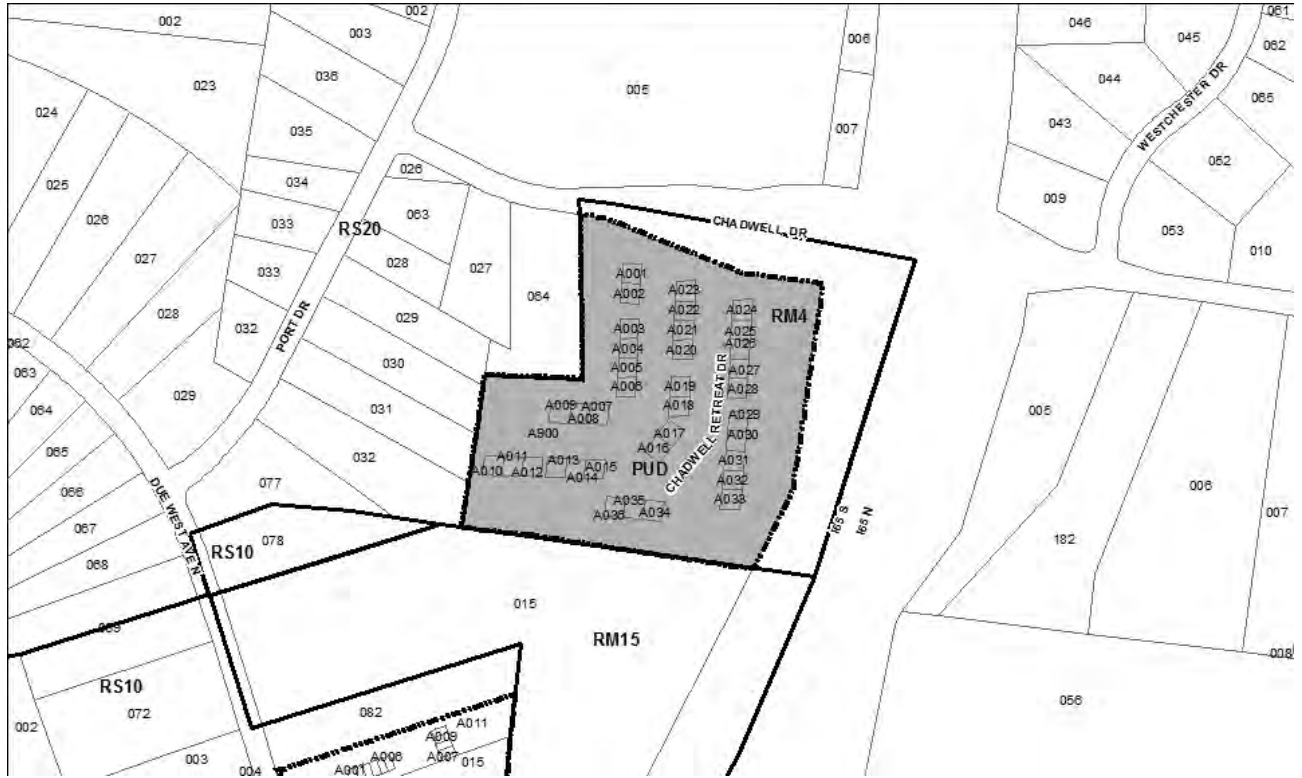
1. Will this project include any affordable or workforce housing units? Although 26 of the units will be smaller and considered affordable, they will not be classified as such.
2. If so, how many and what is the percentage of the entire development? 0%
3. How will you enforce the affordability requirements? No.
4. Have any structures been demolished in the last 12 months? No.

STAFF RECOMMENDATION

Staff recommends approval.



Metro Planning Commission Meeting of 10/27/2016



2004P-032-001
CHADWELL RETREAT PUD
Map 051-02-0-A, Parcel 900
02, Parkwood-Union Hill
08 (Nancy VanReece)



Project No. **Planned Unit Development 2004P-032-001**
Project Name **Chadwell Retreat (PUD Amendment)**
Associated Case No. 2016Z-131PR-001
Council District 08 – VanReece
School District 03 – Speering
Requested by Dale & Associates, Inc., applicant; O.I.C. Chadwell Retreat Townhomes, owner.

Deferral This request was deferred from the October 13, 2016, Planning Commission meeting. No public hearing was held.

Staff Reviewer Sharp
Staff Recommendation *Approve with conditions and disapprove without all conditions subject to the approval of the associated zone change, and disapprove if the associated zone change is not approved.*

APPLICANT REQUEST

Amend a PUD.

Amend PUD

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 units within the overlay.

Existing Zoning

Multi-Family Residential (RM4) is intended for single-family, duplex, and multi-family dwellings at a density of four dwelling units per acre. *RM4 would permit a maximum of 40 units.*

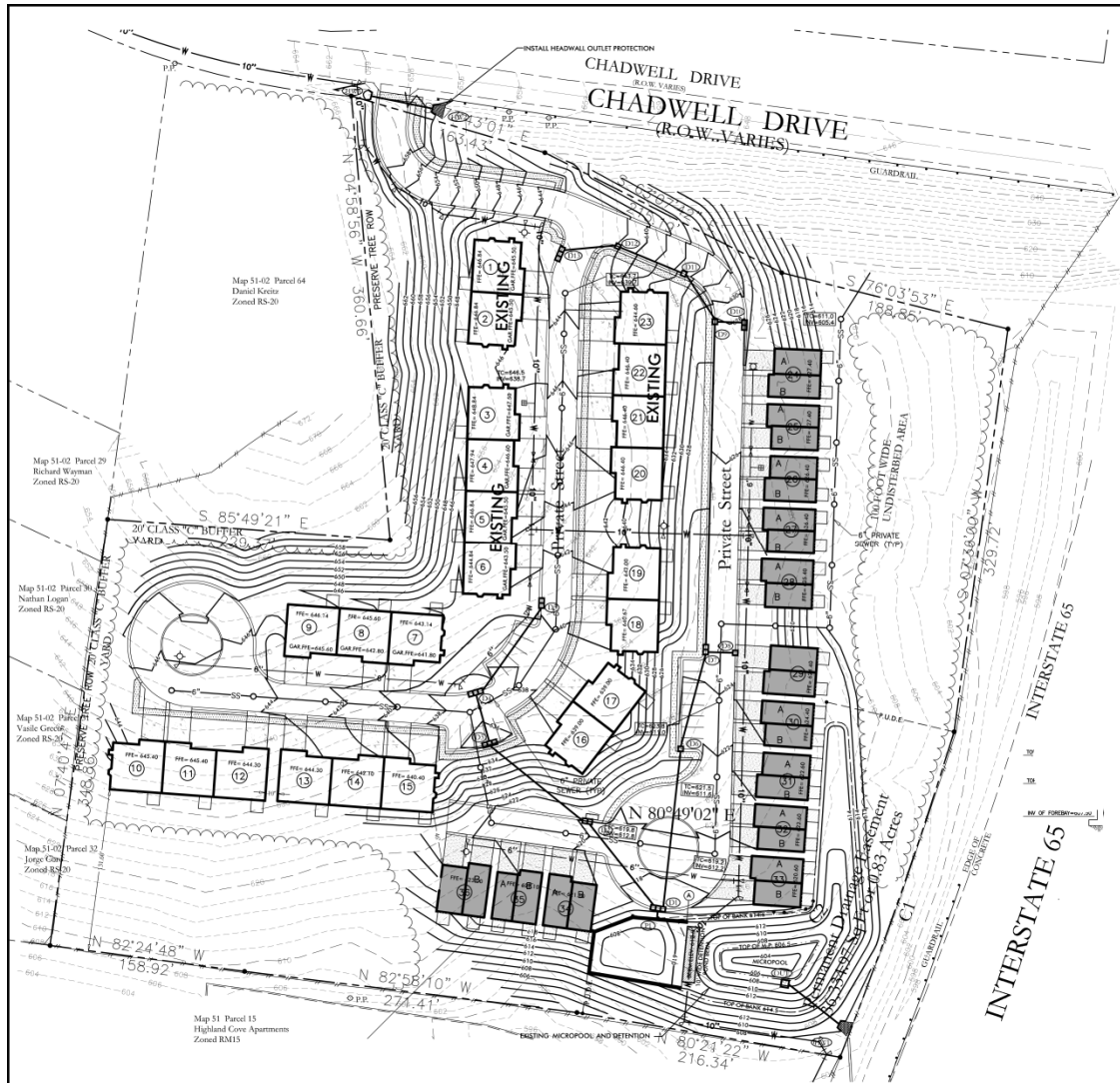
Proposed Zoning

Multi-Family Residential (RM6) is intended for single-family, duplex, and multi-family dwellings at a density of six dwelling units per acre. *RM6 would permit a maximum of 59 units.*

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.



Metro Planning Commission Meeting of 10/27/2016



Proposed Site Plan



Metro Planning Commission Meeting of 10/27/2016

CRITICAL PLANNING GOALS

N/A

PARKWOOD-UNION HILL COMMUNITY PLAN

T3 Suburban Neighborhood Maintenance (T3 NM) is intended to preserve the general character of suburban neighborhoods as characterized by their development pattern, building form, land use and associated public realm. 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, in terms of its development pattern, building form, land use, and the public realm. Where not present, enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.

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?

Yes. Depending on the location, the policy supports all types of residential development, including multi-family residential units. The policy supports development that is generally consistent with the surrounding development pattern. The proposed amendment is consistent with the character of the existing multi-family development currently built within the PUD in terms of building form and land use. It is also consistent with the general character of the neighborhood, which has several multi-family developments. The slopes on the site have been previously disturbed.

PLAN DETAILS

The site is located just west of I-65 along the south side of Chadwell Drive. The PUD was previously approved for a maximum of 36 multi-family units; ten of these units have been constructed and are occupied. The plan calls for the addition of 13 multi-family units to be added into the PUD for a total of 49 multi-family units. The additional units would be constructed within the approved footprints; the previously approved building coverage would not be increased. The applicant has indicated that the site's infrastructure is also fully constructed. The site has some slopes that have been disturbed with the prior grading and development of the site.

Site Plan

The 13 units proposed with this amendment are located within the existing development; no new acreage is to be added. Ten of the 36 units previously approved have been constructed, while the remaining previously approved 26 units have not been built. Thirteen of the previously approved units on the southwestern portion of the site that have not yet been constructed would not be affected significantly by this amendment: one row of four townhomes has been broken into two rows of two units, and another row of six townhomes has been broken into two rows of three units.



Metro Planning Commission Meeting of 10/27/2016

The significant change to the previously approved PUD plan relates to the 13 previously approved units on the southeastern portion of the site. These units are shaded on the proposed site plan. These units were previously approved as three rows of townhomes; the amendment proposes to break these rows of townhomes into duplex structures and to place two units within each of the previously approved building footprints. This would place the 13 proposed additional units within the building footprint of the previously approved 13 units for an amended total of 26 units, essentially doubling the density for this portion of the site without increasing the previously approved building coverage. The amended plan also provides improved sidewalk connectivity and widens sidewalks within the development from four feet to five feet.

ANALYSIS

Section 17.40.120.G permits the Planning Commission to approve “minor modifications” under certain conditions. However, this request cannot be considered a “minor modification” because it increases the number of units over what was approved by Council. As an amendment, this proposal will require Council approval.

The proposed PUD amendment is consistent with the T3 NM land use policy as it is expressed in this neighborhood; there are two large multi-family developments directly to the south of this PUD. The addition of thirteen units is appropriate because it is consistent with the existing multi-family development pattern within the PUD and does not increase the building coverage on the site or significantly deviate from the previously approved site plan in terms of site layout and design.

FIRE DEPARTMENT RECOMMENDATION

Approved with conditions

STORMWATER RECOMMENDATION

Approved

WATER SERVICES

Approved with conditions

- Approved as a Preliminary PUD Amendment only. Public sewer construction plans must be submitted and approved prior to Final Site Plan approval. These approved construction plans must match the Final Site Plan. The required capacity fees must also be paid prior to Final Site Plan approval.

PUBLIC WORKS RECOMMENDATION

Approved

TRAFFIC AND PARKING RECOMMENDATION

Approved



Metro Planning Commission Meeting of 10/27/2016

Maximum Uses in Existing Zoning District: **RM4**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi- Family Residential (220)	9.98	-	36 U	342	22	38

Maximum Uses in Proposed Zoning District: **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
Multi-Family Residential (220)	9.98	-	49 U	421	28	45

Traffic changes between maximum: **RM4** and **RM6**

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	+ 49U	+79	+6	+7

METRO SCHOOL BOARD REPORT

Projected student generation existing PUD district: 5 Elementary 3 Middle 3 High

Projected student generation proposed PUD district: 7 Elementary 4 Middle 5 High

The proposed addition of 13 multi-family units would generate five additional students. Students would attend Chadwell Elementary School, Gra-Mar Middle School, and Maplewood High School. There is capacity for additional students in all three schools. The information is based upon data from the school board last updated in March 2016.

AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? Although 26 of the units will be smaller and considered affordable, they will not be classified as such.
2. If so, how many and what is the percentage of the entire development? 0%
3. How will you enforce the affordability requirements? No.
4. Have any structures been demolished in the last 12 months? No.

STAFF RECOMMENDATION

Staff recommends approval with conditions and disapproval without all conditions subject to approval of the associated zone change, and disapprove if the associated zone change is not approved.

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.



Metro Planning Commission Meeting of 10/27/2016

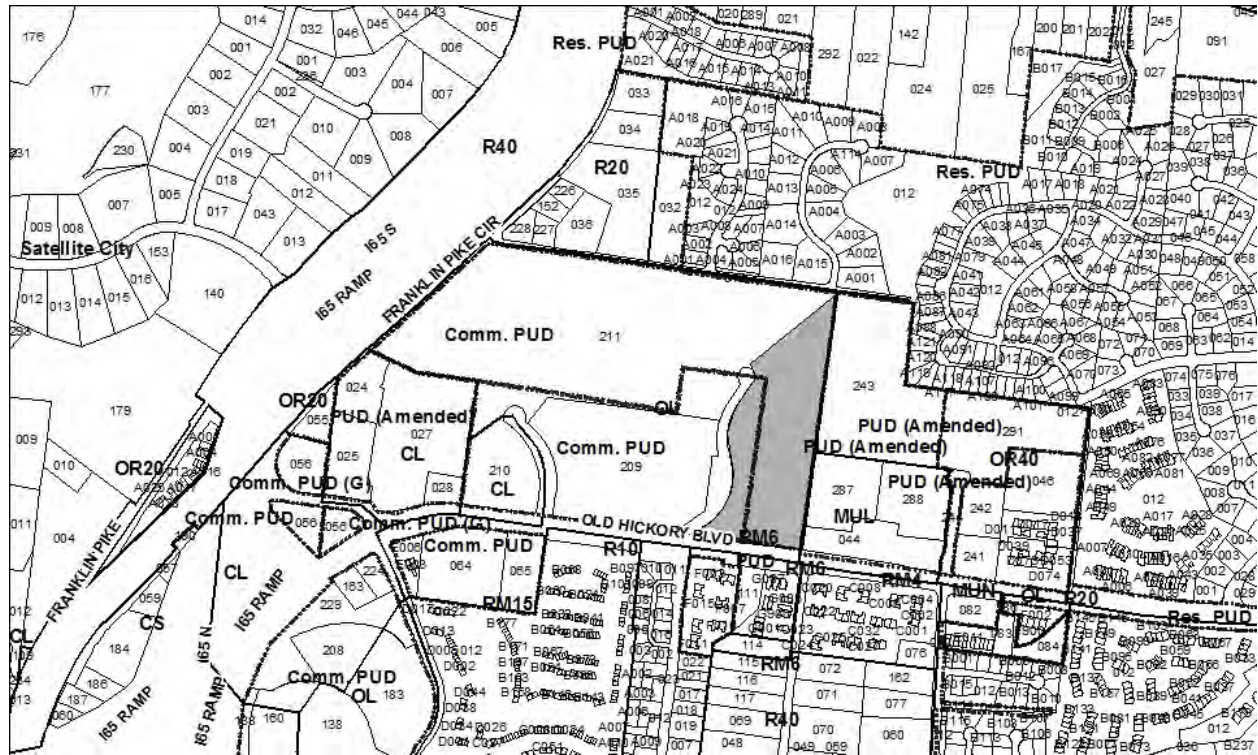
2. The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
3. If the PUD final site plan or final plat indicates that there is less acreage than what is shown on the approved 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. Sidewalk must be provided in front of units 35 and 36 to connect to the provided sidewalk.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/27/2016



85-85P-003

BRENTWOOD COMMONS (HCA)

Map 160, Part of Parcel(s) 211

12, Southeast

04 (Robert Swope)



Project No.	Planned Unit Development 85-85P-003
Project Name	Brentwood Commons (HCA)
Council District	4 - Swope
School District	8 - Pierce
Requested by	Ragan Smith & Associates, applicant; Southpoint, LLC, owner.

Deferrals This request was deferred from the February 11, 2016, the February 25, 2016, the March 10, 2016, the March 24, 2016, the April 14, 2016, and the April 28, 2016, Planning Commission meetings. The public hearing was not held.

Staff Reviewer	Swaggart
Staff Recommendation	<i>Approve with conditions.</i>

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.

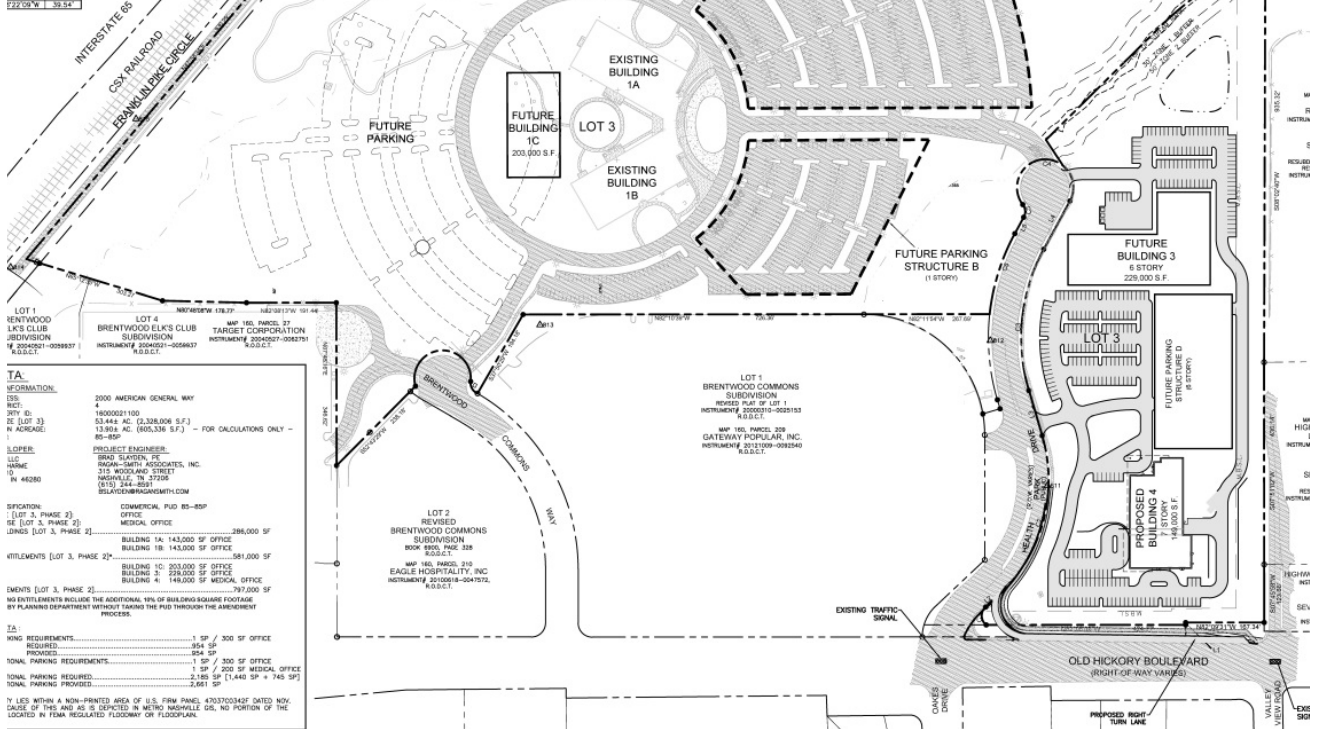


Metro Planning Commission Meeting of 10/27/2016

1+01	25.00'	28.65'	S82°31'32"W	277.17'
2+06	465.00'	183.65'	S27°14'22"W	176.52'
3+01	25.00'	31.26'	N22°00'25"W	289.79'
4+04	63.00'	211.00'	N66°07'20"E	117.88'

NDARY LINE DATA

BEARING	DISTANCE
P40°30'W	5.00'
F22°00'W	28.11'
F37°31'W	109.00'
F22°00'W	117.20'
F22°00'W	39.54'



TA INFORMATION

2000 AMERICAN GENERAL WAY
 4
 16000021100
 53.444 AC (2,328,006 S.F.)
 13.504 AC (580,336 S.F.) - FOR CALCULATIONS ONLY -
 85-85P

PROJECT ENGINEER:
 BOB BLAKEN, PE
 315 WOODLAND STREET
 NASHVILLE, TN 37208
 (615) 244-8897
 BLAKEN@BLAGANSMITH.COM

COMMERCIAL, PUD 85-85P
 OFFICE
 MEDICAL OFFICE
 BUILDING 1A: 143,000 SF OFFICE
 BUILDING 1B: 143,000 SF OFFICE
 581,000 SF
 BUILDING 1C: 203,000 SF OFFICE
 BUILDING 3: 229,000 SF OFFICE
 BUILDING 4: 149,000 SF MEDICAL OFFICE
 792,000 SF

NO ENTITLEMENTS INCLUDE THE ADDITIONAL 1% OF BUILDING SQUARE FOOTAGE
 BY PLANNING DEPARTMENT WITHOUT TAKING THE PUD THROUGH THE AGREEMENT
 PROCESS.

TA	1 SP / 300 SF OFFICE
REQD REQUIREMENTS	854 SF
PROPOSED	854 SF
TOTAL PARKING REQUIREMENTS	1 SP / 300 SF OFFICE
PROPOSED	1 SP / 200 SF MEDICAL OFFICE
TOTAL PARKING REQUIRED	2.185 SP (1,440 SP + 745 SP)
TOTAL PARKING PROVIDED	2.661 SP

7. LES WITHIN A NON-PRINTED AREA OF U.S. FIRM PANEL 430370242F DATED NOV.
 CAUSE OF THIS AND AS IS DEPICTED IN METRO NASHVILLE GIS, NO PORTION OF THE
 LOCATED IN FIRM REGULATED FLOODPLAIN OR FLOODPLAIN.

Proposed Site Plan



Metro Planning Commission Meeting of 10/27/2016

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;



Metro Planning Commission Meeting of 10/27/2016

- 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.



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- 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.



Metro Planning Commission Meeting of 10/27/2016

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.



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Metro Planning Commission Meeting of 10/27/2016



2016Z-106PR-001

Map 117-01, Parcel(s) 003-006, 009-011, 063-065, 075, 143-145, 195-197

10, Green Hills - Midtown

24 (Kathleen Murphy)



Project No. Zone Change 2016Z-106PR-001
Council Bill No. BL2016-411
Council District 24 – Murphy
School District 8 – Pierce
Requested by Councilmember Kathleen Murphy.

Deferrals This request was deferred from the September 22, 2016, Planning Commission meeting. The public hearing was held and was closed.

Staff Reviewer Swaggart
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.



Metro Planning Commission Meeting of 10/27/2016

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

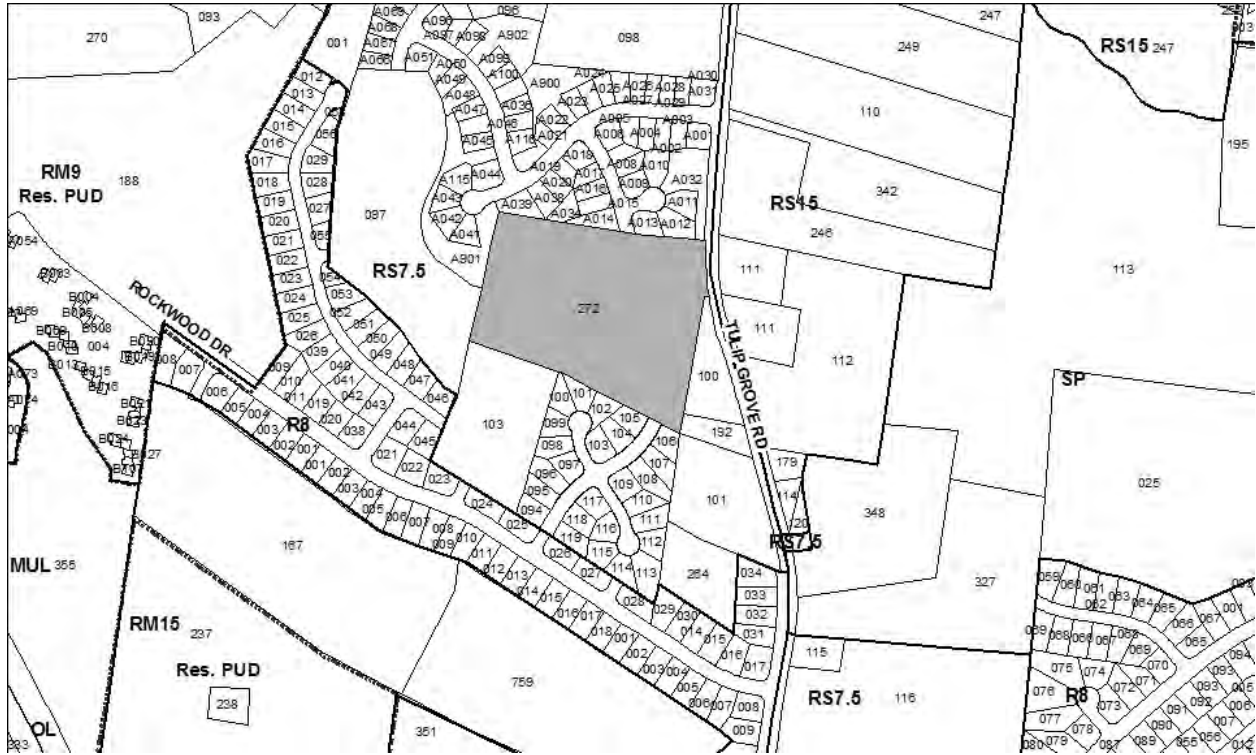
Staff recommends approval.



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Metro Planning Commission Meeting of 10/27/2016



2015SP-028-003
TULIP GROVE ADDITION
Map 086, Parcel(s) 272
14, Donelson - Hermitage
12 (Steve Glover)



Project No. Zone Change 2015SP-028-003
Project Name Tulip Grove Addition (SP Amendment)
Council District 12 – Glover
School District 4 – Shepherd
Requested by Councilmember Steve Glover, applicant, Southeastern Development Group, LLC owner.

Staff Reviewer Swaggart
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



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Approved Site Plan



Metro Planning Commission Meeting of 10/27/2016

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.



Metro Planning Commission Meeting of 10/27/2016

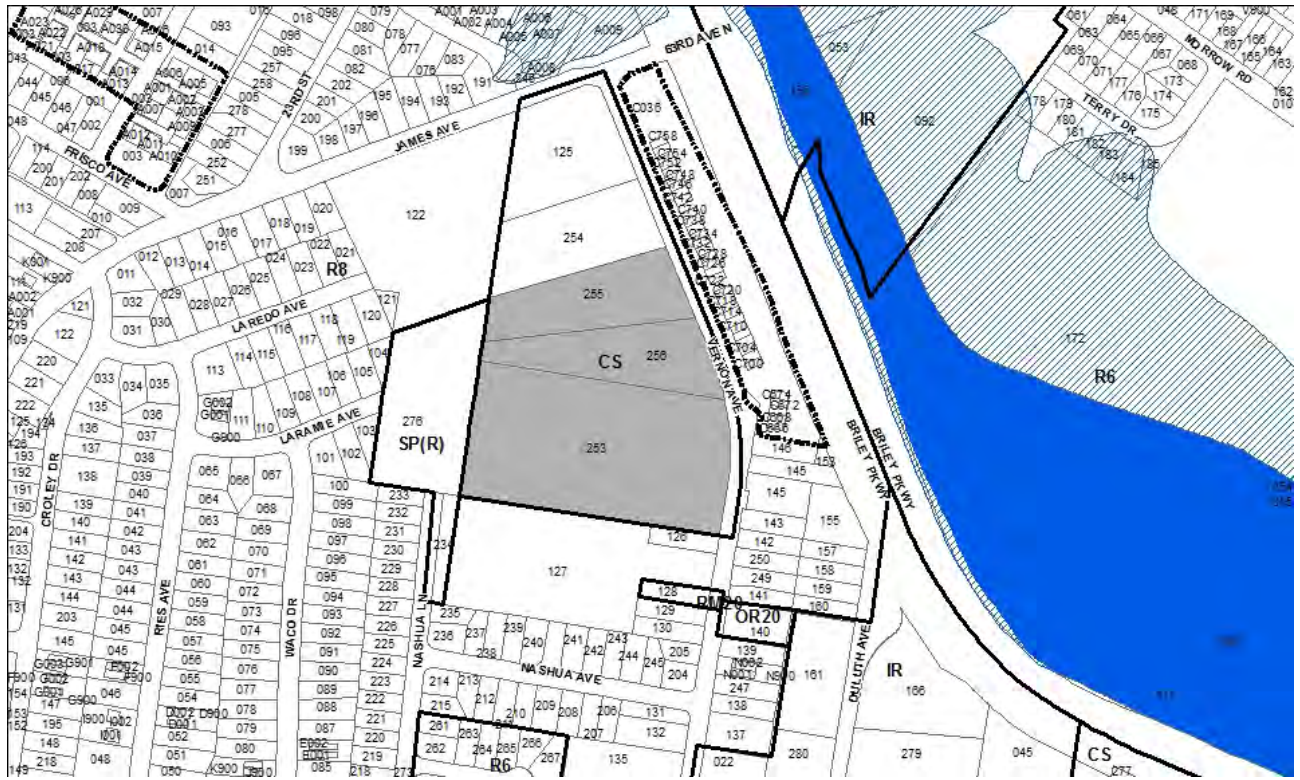
8. The private drives must be named prior to construction permitting, coordinate through Public Works.
9. A raised foundation of 18"- 36" is required for all residential structures.
10. The following design standards shall be required:
 - a. Building façades fronting a street shall provide a minimum 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.



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Metro Planning Commission Meeting of 10/27/2016



2016SP-074-001

VERNON AVE

Map 091-05, Parcel(s) 253, 255, and 256

7, West Nashville

20 (Mary Carolyn Roberts)



Project No.	Specific Plan 2016SP-074-001
Project Name	Vernon Avenue SP
Associated Case	2016CP-007-004
Council District	20 – Roberts
School District	09 – Fogge
Requested by	MiKen Development, LLC, applicant; Prewett Holdings, LLC, owner.

Deferrals This case was deferred from the September 22, 2016, Planning Commission meeting. The public hearing was not held.

Staff Reviewer Birkeland
Staff Recommendation *Approve with conditions and disapprove without all conditions.*

APPLICANT REQUEST
Zone change to permit a mixed use development.

Preliminary SP

A request to rezone from Commercial Services (CS) to Specific Plan-Mixed Use (SP-MU) zoning on property located at 677 Vernon Avenue, approximately 480 feet southeast of James Avenue, (1.96 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.

Existing Zoning

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

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 in addition to office and/or commercial uses.

CRITICAL PLANNING GOALS

- Supports Infill Development
- Provides a Range of Housing Choices
- Creates Walkable Neighborhoods

WEST 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



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- 7. THE UNITS SHALL HAVE A RESIDENTIAL DESIGN WITH MORE GLAZING AT THE HOME OCCUPATION LEVEL.
- 8. EACH HOME OCCUPATION SHALL BE ALLOWED ONE SQUARE FOOT OF NON-ILLUMINATED SIGNAGE. ALL SPECIFICATIONS AND LOCATIONS SHALL BE REQUIRED WITH THE FINAL SITE PLAN.

OWNER INFO - PHASE 1:	PRE
NAME:	BRU
ADDRESS:	PO 1
OWNER INFO - PHASE 2:	SCJ
NAME:	TMP
ADDRESS:	GH-
	695
	NAS
FEMA FIRM MAP:	ZON
ENGINEER:	JAY
COMPANY:	FULJ
ADDRESS:	250C
	SUIT
	NAS
PHONE:	615-
EMAIL:	JAY1



Proposed Site Plan



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existing or planned mass transit. The Planning Commission approved the associated community plan amendment, which amends the policy to a T4 Urban Mixed Use Neighborhood policy, at the October 13, 2016 meeting.

Consistent with Policy?

Yes. The plan is consistent with the proposed policy. The proposed policy supports a variety of housing types along with a mixture of uses. This site is located approximately 500 feet from James Avenue which is an urban collector corridor. The proposed plan provides for commercial uses, multi-family residential units, attached and detached residential units with live/work and artisan manufacturing as an option in some units.

PLAN DETAILS

The Planning Commission approved the associated community plan amendment, which amends the policy to a T4 Urban Mixed Use Neighborhood policy, at the October 13, 2016 meeting.

Site Plan

The properties located along Vernon Avenue and are currently zoned CS. The existing zoning district allows for various commercial uses. The existing uses include a mulch yard and associated commercial uses.

The proposed plan includes two phases. Phase 1 includes 4,510 square feet of commercial uses and up to 60 multi-family residential units, within two buildings. Phase 2 includes a maximum of 183 residential units. The proposed plan includes multi-family residential units, attached and detached residential unit types.

Within Phase 2, Building C allows up to six live/work units and Building D allows up to 4 live/work units. Parking will be below both building C and D. The standards that the applicant proposes are similar with the Metro Zoning Code standards for Home Occupations. The applicant has proposed to serve clients on the property between weekday hours of 8:00 AM and 5:00 PM only. This provision is not currently in the Metro Zoning Code for Home Occupations. Staff recommends that clients shall only be served between the hours of 8:00 AM and 5:00 PM, Monday – Friday. No more than one part-time or full-time employee not living within the dwelling may work at the home occupation. The home occupation shall not occupy more than twenty percent of the total floor area of the structure and in no event more than 700 square feet of floor area. The units will have a residential design and not a commercial design.

Another difference in the applicant's proposal for Home Occupation that is different from the Metro Zoning Code is the allowance for signage for the Home Occupations. The SP limits home occupation signage to a one-square foot sign without illumination, per home occupation. All proposed signage specifications and locations shall be required with the final site plan.

Vehicular access to the site is proposed in two locations along Vernon Avenue. The proposed private drives provide connections to the residential units within both phases. Sidewalks are proposed along Vernon Avenue and through the site including a pedestrian connection to the western property. Sidewalks shall be a minimum width of 5 feet with a minimum 4 foot planting



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strip, which consistent with local street standards. Parking is provided throughout the site in the form of surface parking stalls and garages.

Analysis

The SP is consistent with the site's land use policies, and it also meets several critical planning goals. Mixed use is appropriate at this site because it is close to James Avenue, a busy corridor in West Nashville. The proposed SP provides for mixed uses that will be supported by the new and existing residential in the neighborhood. Internal vehicular and pedestrian circulation is provided on site and along Vernon Avenue. The plan also provides a transition from the proposed mixed-use along Vernon Avenue to the approved residential SP to the west of the site.

FIRE MARSHAL RECOMMENDATION

Approved with conditions

- Fire Code issues will be addressed in the permit phase.

STORMWATER RECOMMENDATION

Approve

WATER SERVICES RECOMMENDATION

Approved with conditions

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

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, in effect at the time of the approval of the preliminary development plan or final development plan or building permit, as applicable. Final design may vary based on field conditions.
- Comply with the conditions of the Metro Traffic Engineer
- Prior to building permit submit a copy of the recorded cross access easement between phase 1 and phase2.
- Prior to Final SP, submit documented sight distance to verify the note on the plans that "egress has appropriate sight distance"

TRAFFIC AND PARKING RECOMMENDATION

Approve with conditions

In accordance with the findings of the TIS,

- Developer shall construct 2 project access drives to include one entering lane and one exiting lane, striped as a shared left and right turn lane.
- Developer shall provide approximately 50 feet of storage on the eastbound approaches of the project accesses. Specifically, no parking spaces should be provided within 50 feet of Vernon Avenue.



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- Developer shall provide adequate sight distance at access drives. Sight distance exhibit shall be provided in conjunction with construction documents for the proposed project per the TIS.
- Along the frontage of the project site, at least 22 feet of pavement for travel lanes shall be maintained on Vernon Avenue . Developer shall install a double yellow line Vernon Avenue, broken only at the intersections with the project accesses. Placement of double yellow line shall allow space for on- street parking on the east side of Vernon Avenue.
- Developer shall submit pavement marking plan with construction documents
- Developer shall provide parking per metro code for each phase.

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 (820)	9.92	0.6 F	259,269 SF	12615	271	1205

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
Multi-Family Residential (220)	9.92	-	270 U	1760	137	167

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)	9.92	-	4,510 SF	231	11	33

Traffic changes between maximum: CS and SP-MU

Land Use (ITE Code)	Acres	FAR/Density	Total Floor Area/Lots/Units	Daily Trips (weekday)	AM Peak Hour	PM Peak Hour
-	-	-	-	-10,624	-123	-1,005

METRO SCHOOL BOARD REPORT

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

Projected student generation proposed SP-MU district: 46 Elementary 23 Middle 24 High

The proposed SP zoning is expected to generate 93 more students than the existing CS zoning. Students would attend Cockrill Elementary School, McKissack Middle School and Pearl-Cohn High School. None of the schools have been identified as being over capacity by the Metro School Board. This information is based upon data from the school board last updated March 2016.



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AFFORDABLE AND WORKFORCE HOUSING REPORT (information provided by applicant)

1. Will this project include any affordable or workforce housing units? Unknown at this time
2. If so, how many and what is the percentage of the entire development? Unknown at this time
3. How will you enforce the affordability requirements? Unknown at this time
4. Have any structures been demolished in the last 12 months? Unknown at this time

STAFF RECOMMENDATION

The proposed plan is consistent with the T4 Urban Mixed Use policy and supports several critical planning goals; therefore staff recommends approval with conditions and disapproval without all conditions.

CONDITIONS

1. Revise purpose note as follows: The purpose of this SP is to permit a maximum of 243 residential units and a maximum of 4,510 square feet of commercial square feet.
2. Phase 1 shall be limited to up to 60 units within two, detached buildings.
3. A raised foundation of 12" - 42" shall be required for all residential uses.
4. Live/Work units located in Building C and D shall be a minimum first floor height of 14 feet. Provide sidewalk connection from Building B to parking lot.
5. Live/Work units may allow artisan manufacturing as defined by the Metro Zoning Code.
6. Building elevations consistent with the architectural standards and approved preliminary shall be submitted with the submission of the final site plan.
7. Type B buffer yard shall be installed along the entire length of the southern property line.
8. 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 RM15-A zoning district as of the date of the applicable request or application.
9. The Preliminary SP plan is the site plan and associated documents. If applicable, remove all notes and references that indicate that the site plan is illustrative, conceptual, etc.
10. The final site plan shall label all internal driveways as "Private Driveways". A note shall be added to the final site plan that the driveways shall be maintained by the Homeowner's Association.
11. The final site plan shall depict the required public sidewalks, any required grass strip or frontage zone and the location of all existing and proposed vertical obstructions within the required sidewalk and grass strip or frontage zone. Prior to the issuance of use and occupancy permits, existing vertical obstructions shall be relocated outside of the required sidewalk. Vertical obstructions are only permitted within the required grass strip or frontage zone.
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



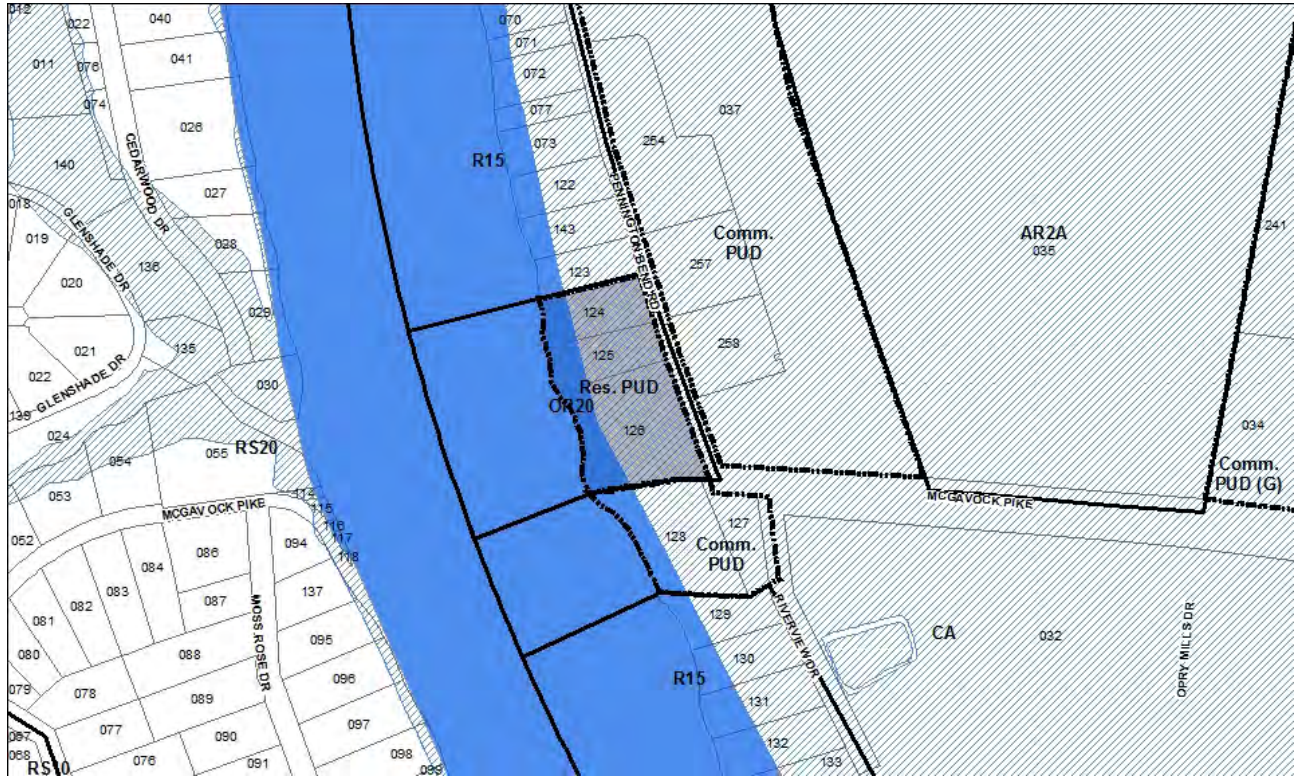
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plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

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.



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48-83P-001

PERIODIC REVIEW

Map 062-13, Parcel(s) 124-126

14, Donelson-Hermitage

15 (Jeff Syracuse)



Project No.	Planned Unit Development 48-83P-001
Project Name	(Periodic Review)
Council District	15 – Syracuse
School District	4 – Shepherd
Requested by	Councilmember Jeff Syracuse
Staff Reviewer	Swaggart
Staff Recommendation	<i>Find PUD Inactive, and recommend that Council cancel the PUD and rezone the properties to RS20.</i>

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



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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.



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- 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.



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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.



SEE NEXT PAGE



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2014UD-001-006
952 CLAYTON AVENUE
Map 118-05, Parcel(s) 130
10, Green Hills - Midtown
17 (Colby Sledge)



Project No. UDO Major Modification and Final Site Plan 2014UD-001-006
Project Name 952 Clayton Avenue
Council District 17 – Colby Sledge
School District 07 – Will Pinkston
Requested by Building Company Number 7, applicant; Robert Bernstein and Irma Paz-Bernstein, owner.

Staff Reviewer Saliki
Staff Recommendation *Defer to the November 10, 2016, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all agencies, staff recommends approval with conditions.*

APPLICANT REQUEST
Modification to the garage location/setback standard of the Clayton Avenue Urban Design Overlay and final site plan approval.

UDO Major Modification and Final Site Plan
 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 at 952 Clayton Avenue.

Existing Zoning
One and Two-Family Residential (R10) is the underlying base zoning requiring a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots. *R10 would permit a maximum of 1 lot on this property with 1 duplex unit for a total of 2 dwelling units.*

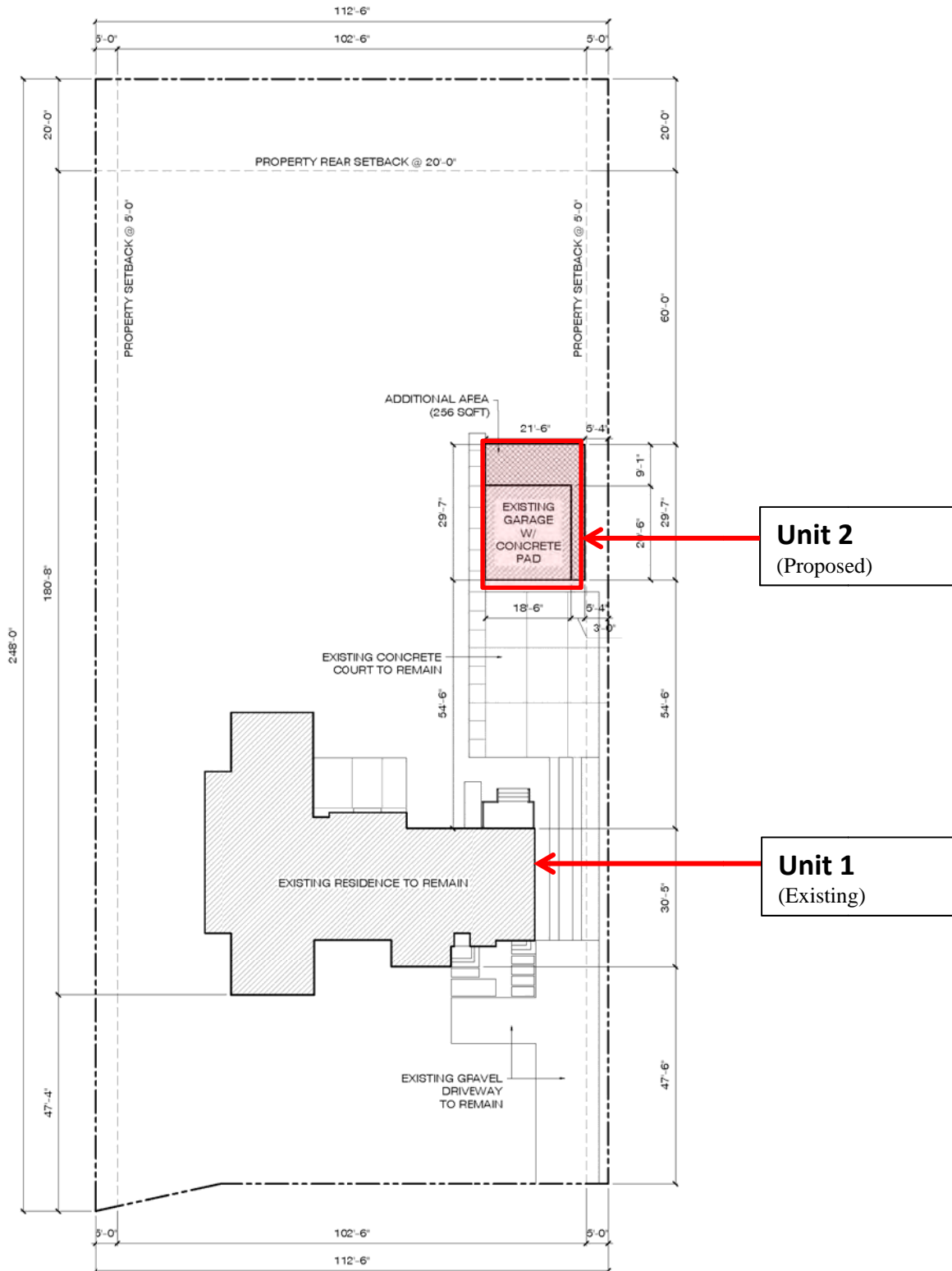
Clayton Avenue UDO: This UDO was created to require new development to reflect the scale and placement of the existing homes. The UDO is not intended to dictate style or require new construction to exactly replicate the existing homes. The standards of the UDO focus primarily on the front of the house and yard – through the standards for height, setbacks and driveways/garages.

CRITICAL PLANNING GOALS
 N/A

GREEN HILLS - MIDTOWN COMMUNITY PLAN
T4 Urban Neighborhood Maintenance (T4 NM) 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, in terms of its development pattern, building form, land use, and the public realm. Enhancements may be made to improve pedestrian, bicycle and vehicular connectivity.



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Proposed Site Plan



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Proposed Unit 2 Front Elevation



Proposed Street Elevation (Unit 1 and unit 2)

Consistent with Policy?

Yes. The proposed frontage maintains the development pattern and the building form, which are the focus of the Clayton Avenue UDO standards. The proposal maintains the residential land use of the neighborhood.

PLAN DETAILS

The property contains an existing residential dwelling (Unit 1) and is proposed for an additional dwelling (Unit 2). The dwelling units are to be located front-to-back on the lot – Unit 1 directly fronts Clayton Avenue with Unit 2 proposed in the rear of the lot, with its front façade partially facing the back of Unit 1.

Unit 2 is set back approximately 132 feet from the front property line. It reuses an existing concrete pad of 379 square feet, adding 256 square feet for a total building footprint of 635 square feet. The existing concrete pad was the location of a detached garage that has been demolished and is the proposed location of Unit 2. Unit 2 will be the second principal dwelling unit with an attached garage. The attached garage is proposed to be accessed from the front façade of Unit 2.



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MODIFICATION REQUEST DETAILS

The modification request consists of an attached garage accessed from the front façade of a principal structure (Unit 2), where attached garages are only permitted to be accessed from the side or rear of the principal structure, behind the front façade:

1) Garage Location / Setback

UDO requirement: Garages are to be attached and accessed from the side or rear of the principal structure, behind the front façade.

Modification Request: To permit an attached garage accessed from the front façade of a principal structure (Unit 2).

ANALYSIS

Unit 2 is located partially behind Unit 1 and only the east half of its front façade is visible from Clayton Avenue. Only 12% of the Unit 2 garage door is visible from the street. Because 88% of the garage door on Unit 2 is located behind Unit 1, visibility of the attached garage is greatly diminished from Clayton Avenue. Unit 2 has a front setback of approximately 132 feet from the front property line that also reduces its prominence from the street frontage. In addition, a 10 foot landscape hedge on the east property line further reduces the overall visibility of Unit 2.

The proposed site plan is consistent with the UDO's vision to reflect the scale and placement of the existing single family homes. The proposed location of Unit 2 behind the larger and existing residential dwelling (Unit 1) maintains the development pattern of the neighborhood, with the larger residential buildings fronting the street and with the smaller units and/or garages located in the rear. Therefore, the modification request is consistent with the intent of the UDO to retain the existing character of the neighborhood, in terms of its development pattern, building form, and land use.

FIRE DEPARTMENT RECOMMENDATION

Approve with Conditions

- Fire Code issues will be addressed in the permit phase.

STORMWATER RECOMMENDATION

Approve with Conditions

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

WATER SERVICES

Returned

- Awaiting payment of the required capacity fees for Final Site Plan approval.

PUBLIC WORKS RECOMMENDATION

Approve

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



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TRAFFIC AND PARKING RECOMMENDATION

Approve

STAFF RECOMMENDATION

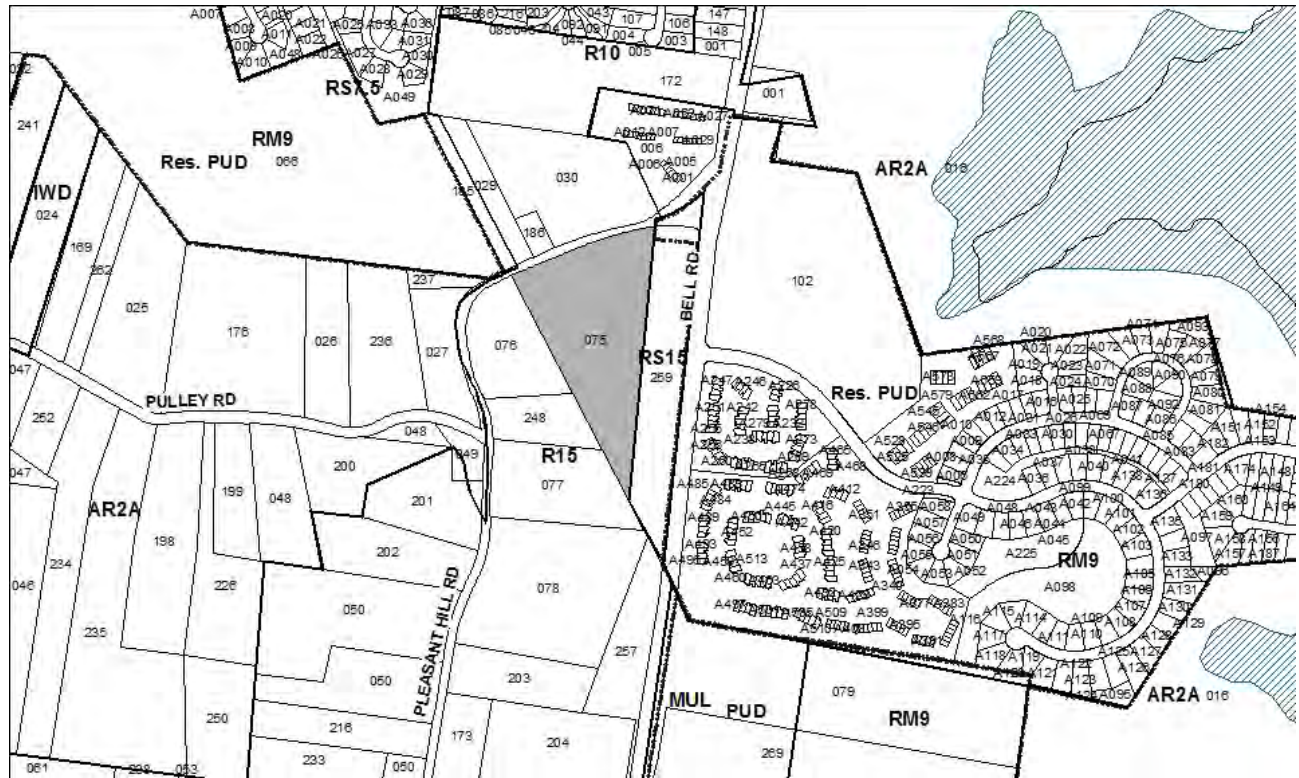
Staff recommends deferral to the November 10, 2016, Planning Commission meeting unless a recommendation of approval is received from all reviewing agencies. If a recommendation of approval is received from all agencies, staff recommends approval with conditions. The modification and site plan are consistent with the UDO's vision to reflect the scale and placement of the existing homes, and successfully maintains the existing character of the neighborhood.

CONDITIONS

1. The requirements of the Metro Fire Marshal's Office and Stormwater must be met prior to the issuance of building permits.



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2015Z-088PR-001

Map 121, Parcel(s) 075
14, Donelson-Hermitage
13 (Holly Huevo)



Project No.	Zone Change 2015Z-088PR-001
Council District	13 – Huezo
School District	7 – Pinkston
Requested by	OneTwelve, LLC, applicant and owner.
Staff Reviewer	Swaggart
Staff Recommendation	<i>Defer Indefinitely.</i>

APPLICANT REQUEST
Zone change from R15 to CS.

Zone Change

A request to rezone from One and Two-Family Residential (R15) to Commercial Services (CS) zoning for property located at 1360 Pleasant Hill Road, approximately 220 feet west of Bell Road (9.69 acres).

STAFF RECOMMENDATION

Staff recommends indefinite deferral at the request of the applicant.



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2016DTC-003-001

THE BOBBY

Map 093-02-3, Parcel(s) 146

09, Downtown

19 (Freddie O'Connell)



Project No.	DTC Overall Height Modification 2016DTC-003-001
Project Name	230 4th Avenue North
Council District	19 – O’Connell
School District	5 – Kim
Requested by	Civil Site Design Group, applicant; 230 North LLC, owner.
Staff Reviewer	Wallace
Staff Recommendation	<i>Approve with conditions.</i>

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



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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.

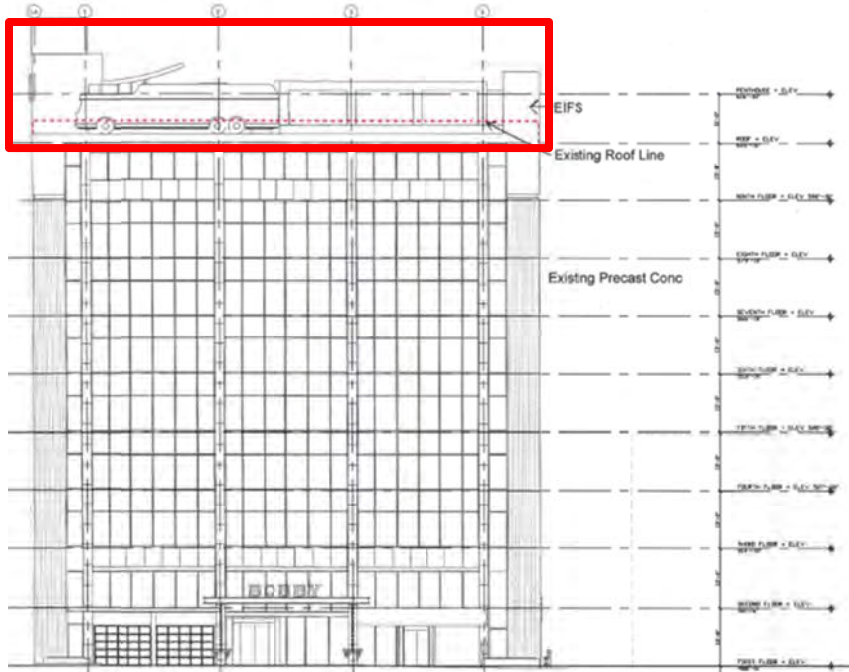
DTC Overall Height Modification Process:

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.



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4th Avenue Elevation



Banker's Alley Elevation



Metro Planning Commission Meeting of 10/27/2016

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



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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).



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2016S-003HM-001

Map 041-08, Parcel(s) 068
02, Parkwood – Union Hill
03 (Brenda Haywood)



Project No. Subdivision 2016S-003HM-001
Project Name 1227 Old Hickory Boulevard (House Move)
Council District 3– Haywood
School District 1 – Gentry
Requested by Don Toothman, applicant; Connerth Construction, LLC, owner.

Staff Reviewer Birkeland
Staff Recommendation *Defer 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.*

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;



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- (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



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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



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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

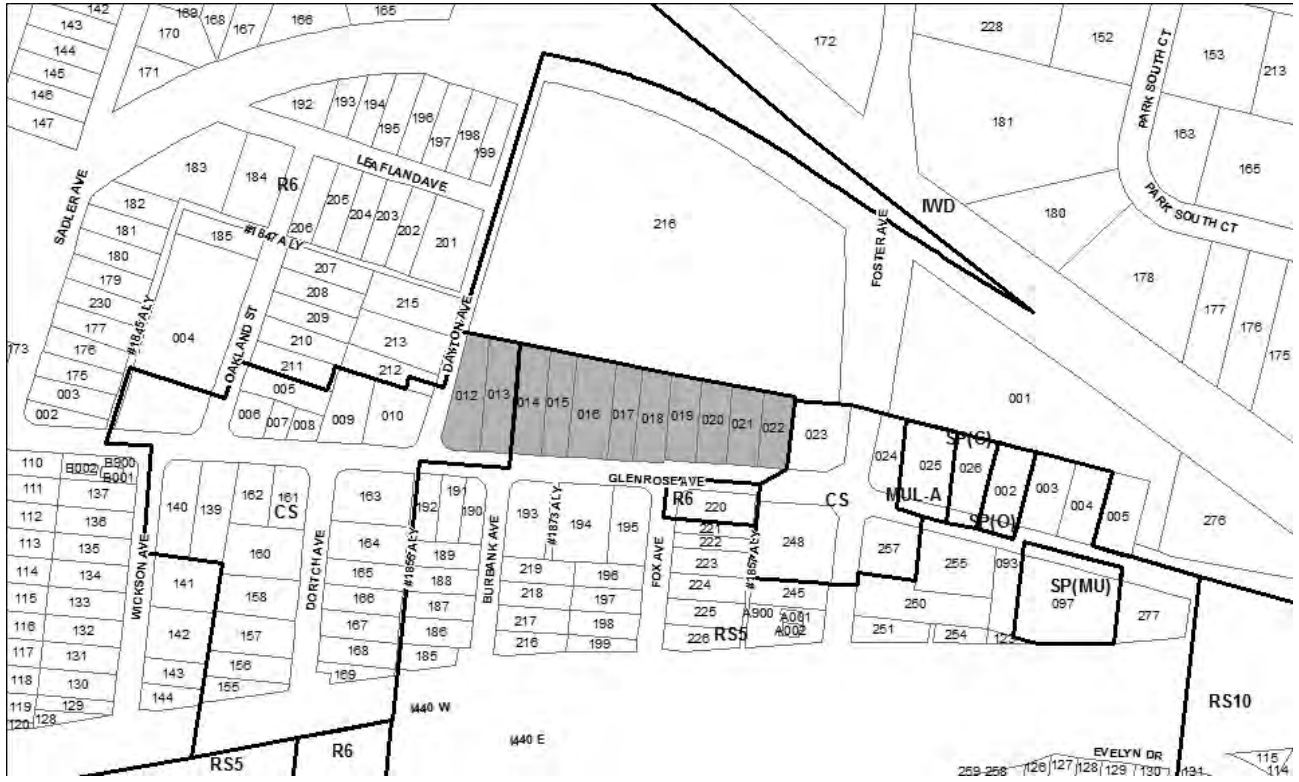
Staff recommends deferral to the November 10, 2016, Planning Commission meeting unless recommendations of approval are received from Water Services. If recommendations of approval from Water Services are received, staff recommends approval.



SEE NEXT PAGE



Metro Planning Commission Meeting of 10/27/2016



2016Z-117PR-001

Map 119-01, Parcel(s) 012-022

11, South Nashville

17 (Colby Sledge)



Project No.	Zone Change 2016Z-117PR-001
Council District	17 - Sledge
School District	07 - Pinkston
Requested by	T.W. Frierson Contractor, Inc., applicant; Designworks Investments, LLC and Gerlad M. Johnson, owners.
Staff Reviewer	Napier
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.



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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



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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, Glencliff 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.



Metro Planning Commission Meeting of 10/27/2016



2016Z-118PR-001

Map 071-14, Parcel(s) 263-264
03, Bordeaux – Whites Creek
02 (DeCosta Hastings)



Project No.	Zone Change 2016Z-118PR-001
Council District	02 - Hastings
School District	01 - Gentry
Requested by	Douglas Dickerson Design, applicant; Mathew Strader, owner.
Staff Reviewer	Napier
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



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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



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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.



Metro Planning Commission Meeting of 10/27/2016



2016Z-119PR-001

Various Maps, Various Parcel(s)
05, East Nashville
05 (Scott Davis)



Project No.	Zone Change 2016Z-119PR-001
Council Bill No.	BL2016-449
Council District	5 – S. Davis
School District	5 - Kim
Requested by	Councilmember Scott Davis, applicant; various property owners.
Staff Reviewer	Birkeland
Staff Recommendation	<i>Defer to the November 17, 2016, Planning Commission meeting</i>

APPLICANT REQUEST

Zone change from SP-R to R6-A.

Zone Change

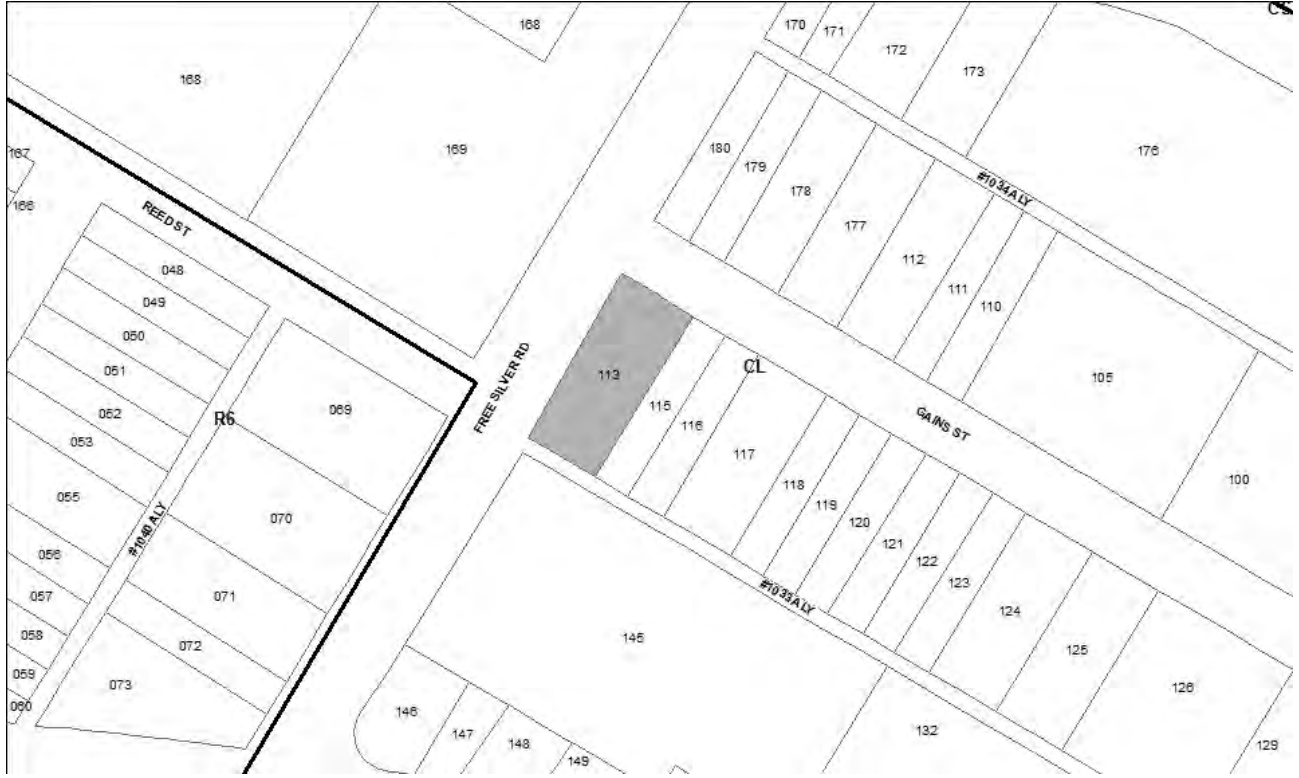
A request to rezone from Specific Plan (SP) to One and Two-Family Residential-Alternative (R6-A) zoning on properties located at 123, 125, and 127 Cleveland Street and 904, 906, 908, 908B, 910, and 912 North 2nd Street, at the northwest corner of Cleveland Street and North 2nd Street (1.13 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the November 17, 2016, Planning Commission meeting at the request of the applicant.



Metro Planning Commission Meeting of 10/27/2016



2016Z-121PR-001

Map 070-08, Parcel(s) 113
03, Bordeaux – Whites Creek
02 (DeCosta Hastings)



Project No.	Zone Change 2016Z-121PR-001
Council District	02 - Hastings
School District	01 - Gentry
Requested by	Lauryl Pate, applicant; Anne and Daniel Depriest, owners.
Staff Reviewer	Napier
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



Metro Planning Commission Meeting of 10/27/2016

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



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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)

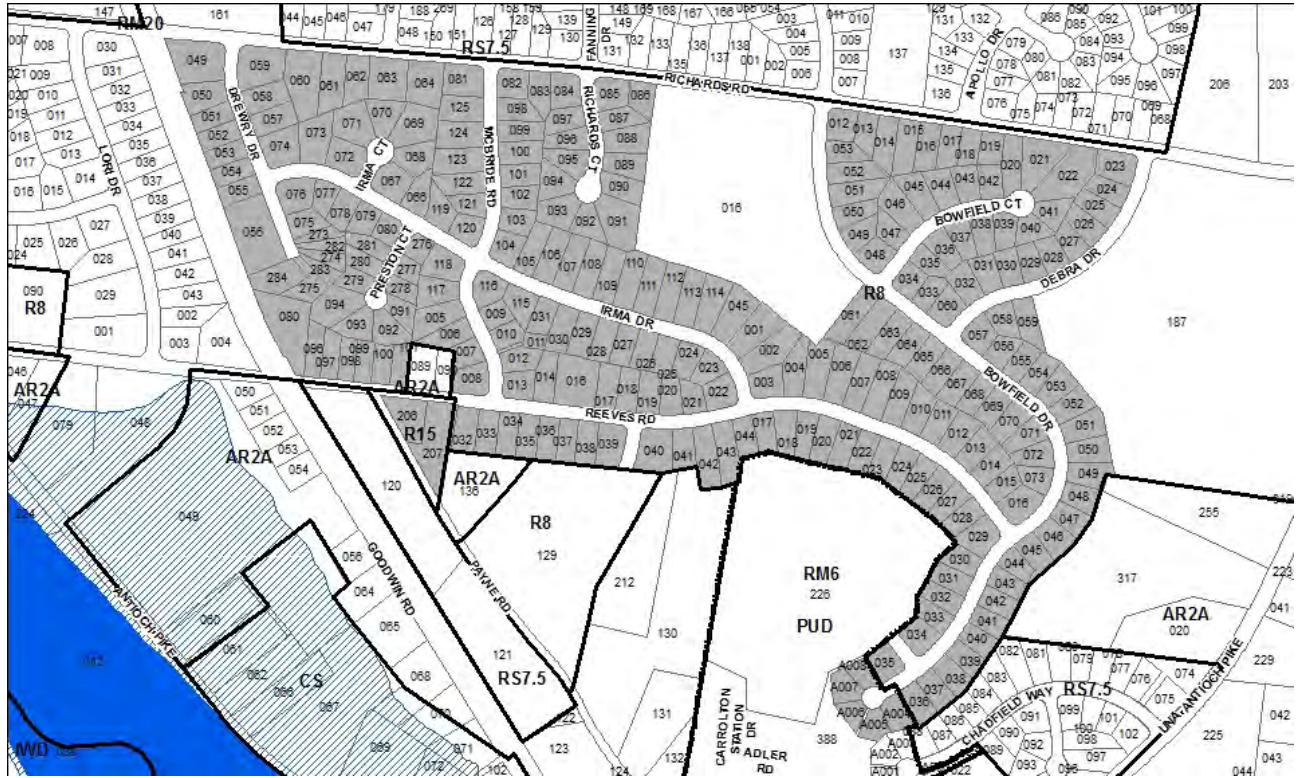
1. Will this project include any affordable or workforce housing units? Affordable housing has not been considered for the future development of this property at this time.
2. If so, how many and what is the percentage of the entire development? N/A
3. How will you enforce the affordability requirements? 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.



Metro Planning Commission Meeting of 10/27/2016



2016Z-123PR-001

Map Various, Parcel(s) Various

13, Antioch- Priest Lake

28 (Tanaka Vercher)



Project No.	Zone Change 2016Z-123PR-001
Council Bill	BL2016-450
Council District	28 - Vercher
School District	1 - Gentry
Requested by	Councilmember Tanaka Vercher, applicant; various property owners.
Staff Reviewer	Birkeland
Staff Recommendation	<i>Approve.</i>

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



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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



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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.



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2016Z-130PR-001

Map 104-14, Parcel(s) 027-028, 032-035

Map 104-14-0-P, Parcel(s) 001-004, 900

10, Green Hills - Midtown

24 (Kathleen Murphy)



Project No. Zone Change 2016Z-130PR-001
Council Bill No. BL2016-60
Council District 24 – Murphy
School District 8 – Pierce
Requested by Councilmember Kathleen Murphy.

Staff Reviewer Swaggart
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



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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

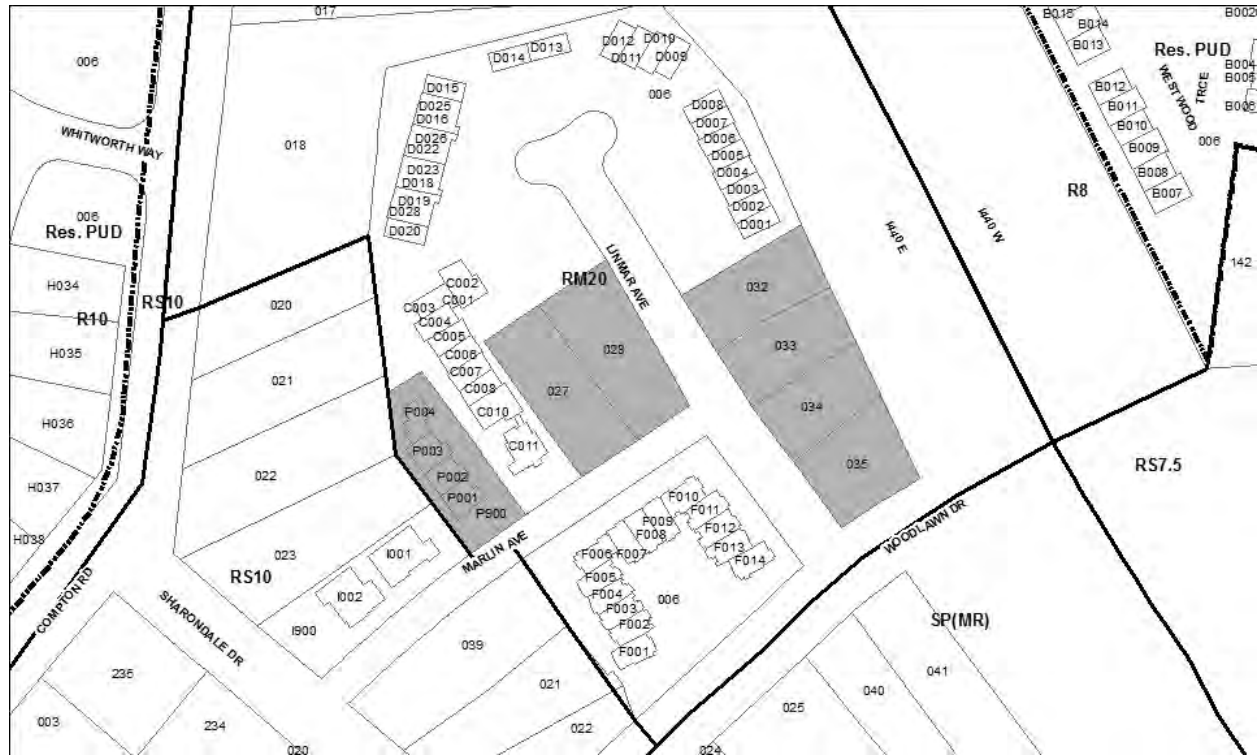
Staff recommends approval.



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2016Z-107PR-001

Map 104-14, Parcel(s) 027-028, 032-035

Map 104-14-0-P, Parcel(s) 001-004, 900

10, Green Hills - Midtown

24 (Kathleen Murphy)



Project No.	Zone Change 2016Z-107PR-001
Council Bill No.	BL2016-412
Council District	24 – Murphy
School District	8 – Pierce
Requested by	Councilmember Kathleen Murphy.

Staff Reviewer	Swaggart
Staff Recommendation	<i>Disapprove.</i>

APPLICANT REQUEST

Zone change from RM20 to R10.

Zone Change

A request to rezone from Multi-Family Residential (RM20) to One and Two-Family Residential (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).

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 (R10) requires a minimum 10,000 square foot lot and is intended for single-family dwellings and duplexes at an overall density of 4.63 dwelling units per acre including 25 percent duplex lots.

History

This item was heard by the Planning Commission on September 22, 2016. The public hearing was held and closed. The Planning Commission recommended disapproval as submitted but approval of the rezoning to R10 for the lots along Marlin Avenue. Following the September 22, 2016, Planning Commission meeting, a rehearing request was submitted from an owner of one of the lot on Marlin Avenue. The Planning Commission voted at the October 13, 2016 to rehear the case on the October 27, 2016, Planning Commission meeting.

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.



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Consistent with Policy?

Both the existing RM20 zoning district and the proposed R10 zoning district 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 properties are located in an area that is primarily multi-family. The four lots along Linmar Avenue are located between I-440 to the east and a multi-family development to the west. The three lots along Marlin Avenue are also surrounded by multi-family development. A range of zoning districts could be appropriate for these lots given the current pattern of development and location adjacent to I-440. The area is served by a street network that provides good access to the site. Access to I-440 is also available approximately half a mile to the east.

At the September 22, 2016, Planning Commission meeting, the Commission discussed the sizes of the lots proposed to be rezoned. At that time, staff indicated that, given the best available information, the lots fronting Linmar were less than 10,000 square feet and the lots fronting Marlin appeared to be over 10,000 square feet. Based on these estimates, the Planning Commission recommended disapproval of the rezoning for the lots along Linmar and approval of the rezoning of the lots along Marlin. Following the September 22, 2016, Planning Commission meeting, staff completed additional research and determined that the three lots fronting Marlin are less than 10,000 square feet. If rezoned to R10, these lots would be limited to a single-family structure each. Given the new information in regards to lot size and that development would be limited to single-family if rezoned to R10, staff recommends that the request be disapproved.

STAFF RECOMMENDATION

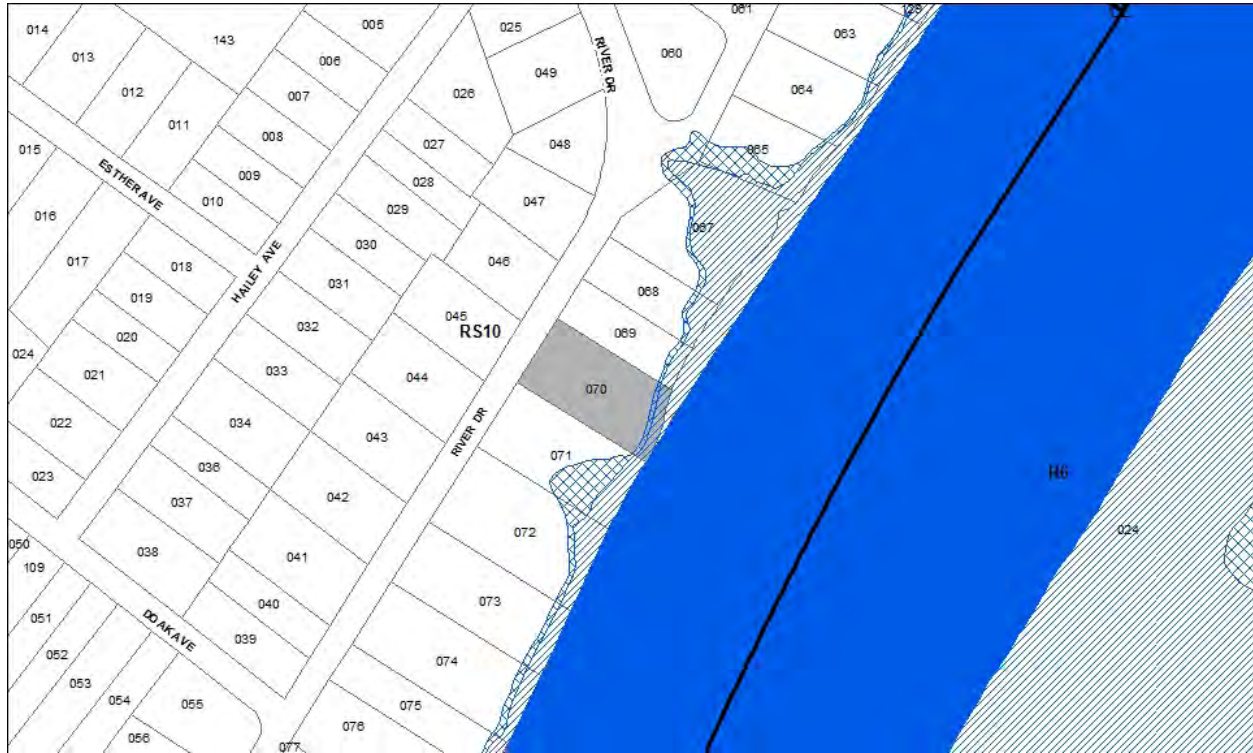
Staff recommends disapproval.



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2016SP-075-001

1822 RIVER ROAD SP

Map 081-01, Parcel(s) 070

03, Bordeaux - Whites Creek

02 (DeCosta Hastings)



Project No. 2016SP-075-001
Project Name 1822 River Drive SP
Council District 02- DeCosta Hastings
School District 01- Gentry
Requested by Dale & Associates, applicant; W. P. Stevenson, owner.

Deferrals This request was deferred from the September 22, 2016, Planning Commission meeting.

Staff Reviewer Milligan
Staff Recommendation *Defer to the November 10, 2016, Planning Commission meeting.*

APPLICANT REQUEST
Permit two residential units.

Preliminary SP

A request to rezone from Single-Family Residential (RS10) to Specific Plan- Residential (SP-R) zoning on property located at 1822 River Drive, approximately 540 feet northeast of Doak Avenue, (0.49 acres).

STAFF RECOMMENDATION

Staff recommends deferral to the November 10, 2016, Planning Commission meeting at the request of the applicant.